

42534

**THE
LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

Volume II, 1939

(16th February to 13th March, 1939)

NINTH SESSION

OF THE

**FIFTH LEGISLATIVE ASSEMBLY,
1939**



**PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.
1939**

CONTENTS.

VOLUME VII.—16th February to 13th March, 1939.

	PAGES.		PAGES.
THURSDAY, 16TH FEBRUARY, 1939—		SATURDAY, 18TH FEBRUARY, 1939— <i>contd.</i>	
Member Sworn	997	The Indian Penal Code (Amendment) Bill—Introduced	1119
Starred Questions and Answers	997—1027	The Reciprocity Bill—Introduced	1120
Unstarred Questions and Answers	1027—90	The Indian Salt (Amendment) Bill—Introduced	1120
Message from the Council of State	1029	The Child Marriage Restraint (Amendment) Bill—Motion for leave to introduce negatived	1120
The Indian Patents and Designs (Amendment) Bill—Presentation of the Report of the Select Committee	1029	The Code of Civil Procedure (Amendment) Bill—Introduced	1120—21
The Railway Budget—General Discussion	1029—77	The Usurious Loans (Amendment) Bill—Introduced	1121
SATURDAY, 18TH FEBRUARY, 1939—		The Indian States (Protection against Disaffection) Amendment Bill—Introduced	1121
Starred Questions and Answers	1079—	The Overseas Indians Reciprocity Bill—Introduced	1121
Motion for Adjournment <i>re</i> Restrictions on Indians by the Government of the Union of South Africa—Ruled out of order	1106—10	The Indian Bar Councils (Amendment) Bill—Introduced	1122
The Coal Mines (Stowing) Bill—Presentation of the Report of the Select Committee	1110	The Hindu Women's Rights to Property (Amendment) Bill—[Amendment of subsection 3 (1) and 3 (3)]—Introduced	1122
The Code of Criminal Procedure (Amendment) Bill—(Amendment of section 205)—Referred to Select Committee	1110—16	The Indian Medical Council (Amendment) Bill—Introduced	1122
The Hindu Women's Right to Divorce Bill—Postponed	1116—18	The Contempt of Courts (Amendment) Bill—Introduced	1122—23
The Abolition of Whipping Bill—Introduced	1118	The Provincial Insolvency (Amendment) Bill—Introduced	1123
The Muslim Personal Law (<i>Shariat</i>) Application (Amendment) Bill—Introduced	1119	The Presidency towns Insolvency (Amendment) Bill—Introduced	1123
The Foreigners (Amendment) Bill—Introduced	1119		
The Control of Coastal Traffic of India Bill—Introduced	1119		

WEDNESDAY, 8TH MARCH, 1939— <i>contd.</i>	PAGES.	THURSDAY, 9TH MARCH, 1939— <i>contd.</i>	PAGES.
Unstarred Question and Answer	1743	The Registration of Foreigners Bill—Referred to Select Committee	1836—80
Message from the Council of State	1743	The Coal Mines (Stowing) Bill—Discussion on the motion to consider not concluded	1860—79
Election of Members to the Standing Committee for the Labour Department	1744	FRIDAY, 10TH MARCH, 1939—	
General Discussion of the General Budget	1744—86	Starred Questions and Answers	1881—97
Statement laid on the Table re Tenders accepted by the High Commissioner for India in purchasing Stores for the Government of India	1786	Statements laid on the Table	1897
Election of Members of the Public Accounts Committee	1786—87		1901
Election of Members for the Standing Committee on Emigration	1787	The General Budget—List of Demands—	
Election of Members for the Standing Committee for the Department of Commerce	1787	Demand No. 12—Executive Council	1901—20
The Indian Soft Coke Cess Committee (Reconstitution and Incorporation) Bill—Introduced	1787	Relation between Provincial and Central Finances	1902—20
The Registration of Foreigners Bill—Introduced	1788	Death of Mr. Kabeer-ud-Din Ahmed	1920—22
The Workmen's Compensation (Amendment) Bill—Passed	1788—90	MONDAY, 13TH MARCH, 1939—	
The Cotton Ginning and Pressing Factories (Amendment) Bill—Passed	1790—92	Starred Questions and Answers	1923—45
THURSDAY, 9TH MARCH, 1939—		The General Budget—List of Demands—	
Member Sworn	1793	Demand No. 12—Executive Council—	1945—94
Starred Questions and Answers	1793—1835	Inadequate Representation of Mussalmans in Central Services other than Railways	1946—94
Unstarred Questions and Answers	1835—36	Demand No. 10—Indian Posts and Telegraphs Department (including Working Expenses)	1995—2001
		Departure from the practice of using Urdu script in Postal Forms	1995—2001

LEGISLATIVE ASSEMBLY.

Thursday, 16th February, 1939.

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

MEMBER SWORN.

Mr. Astad Dinshaw Gorwala, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

STATISTICS ON THE ECONOMIC ASPECTS OF INDIAN MINERALS.

450. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Honourable Member for Labour please state:

- whether Government have any agency for ascertaining comprehensive statistics on the economic aspects of Indian minerals;
- whether Government have any institution to impart to the people information regarding mineral economics;
- whether Government have expert intelligence with regard to the reserve and resources of minerals, except coal, in the country; and
- whether he proposes to publish a comprehensive report on the reserve and resources of minerals in the country?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). Yes.

(d) The Geological Survey of India has been doing this since 1856.

Mr. S. Satyamurti: Apart from this historical process, may I know whether in recent years Government have intensified the nature of the work of the agencies, in view of the very great importance of conserving India's mineral resources?

The Honourable Sir Muhammad Zafrullah Khan: I really do not know what the Honourable Member means by intensifying that work. The work goes on steadily and the results are published in various publications.

Mr. S. Satyamurti: In view of the fact that fresh minerals are being found in this country and fresh uses for minerals are being discovered by modern research, I want to know whether Government have got adequate machinery, first, for knowing the mineral resources of the country, secondly,

for exploring them and, thirdly, for conserving them? I want to know whether the Geological Survey does all these things, that is to say, exploring the minerals, conserving those resources and finding uses for them?

The Honourable Sir Muhammad Zafrullah Khan: Adequacy is a relative matter. The Geological Survey certainly studies these things and makes reports and suggestions. I do not know whether conservation is primarily the duty of the Geological Department.

Mr. S. Satyamurti: May I ask whether there is any machinery on behalf of the Government of India which examines the reports of the Geological Survey and plans the future of these minerals from the points of view I have mentioned?

The Honourable Sir Muhammad Zafrullah Khan: The reports, when they are submitted to the Department, are naturally examined.

Mr. Manu Subedar: Have Government seen the list of industries which will be federal as against the industries which are generally a provincial subject? If so, which items of that list cover minerals?

The Honourable Sir Muhammad Zafrullah Khan: That question does not arise out of this question.

Mr. M. Thirumala Rao: With regard to the answer to part (b) of the question, do the Geological Survey of India keep themselves in touch with the research institutions in the country like the post-graduate studies in science in various universities?

The Honourable Sir Muhammad Zafrullah Khan: I believe so.

Mr. S. Satyamurti: Have Government considered the question of these minerals from the point of view of the industrial development of this country, and is there any machinery for bringing the knowledge which is at the disposal of the Government to the notice of those who are interested in planning the industrial future of this country?

The Honourable Sir Muhammad Zafrullah Khan: These reports are published and they are available.

Mr. M. Thirumala Rao: Does the Department keep in touch with the Provincial Governments that are carrying on mineral researches at the present moment, *e.g.*, the United Provinces Government?

The Honourable Sir Muhammad Zafrullah Khan: I could not answer that without notice.

PETROLEUM FUEL OF INDIA.

451. ***Mr. S. Satyamurti** (on behalf of Seth Govind Das): Will the Honourable Member for Labour please state:

- (a) the total requirements of petroleum fuel of this country;
- (b) the total production of petroleum fuel in India;

(c) whether Government have been taking necessary steps to improve the supply of petroleum from India and finding out fresh venues for prospecting; and

(d) whether Government have devised ways and means for controlling the wastage in the oil industry in this country?

The Honourable Sir Muhammad Zafrullah Khan: (a) About 500 million gallons.

(b) 76 million gallons.

(c) This is a matter for private enterprise.

(d) There is no appreciable preventible wastage in the oil industry in India.

Mr. Manu Subedar: Is it a fact that there are oil concessions given to certain Companies which are not working fully or at all in India?

The Honourable Sir Muhammad Zafrullah Khan: I could not answer that without notice.

Mr. S. Satyamurti: With reference to the answer to clause (c) of the question, in view of the great importance of increasing the supply of petroleum inside the country, may I know whether Government propose to leave it entirely to private enterprise, or take any steps by way of pioneering in the matter of prospecting for petroleum in the areas where it can be found inside the country?

The Honourable Sir Muhammad Zafrullah Khan: At present there is no intention that the Government should undertake these projects themselves.

Mr. S. Satyamurti: In view of the fact that our requirements are 500 million gallons and we produce only 76 million gallons, will Government find out if more petroleum cannot be found in the country itself?

The Honourable Sir Muhammad Zafrullah Khan: Sir, private enterprise is so keen in this matter that Government are of opinion that if there were reasonable possibilities of finding petroleum in the country, it would be prospected for by private enterprise.

Mr. Manu Subedar: May I ask whether the requirements of India as stated by the Honourable Member in reply to part (a) of the question are having regard to the production of power alcohol in this country or without taking that into consideration at all?

The Honourable Sir Muhammad Zafrullah Khan: These are the requirements of petroleum.

Mr. S. Satyamurti: With reference to the answer to clause (d) of the question, may I know if Government have any machinery by which they have ascertained that there is no wastage in the oil industry in this country or whether it is a mere assumption in view of the private enterprise in this matter?

The Honourable Sir Muhammad Zafrullah Khan: No wastage has been brought to the notice of the Government.

INDEBTEDNESS OF INDIAN CANEFARMERS IN FIJI.

452. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands please state:

- whether his attention has been drawn to the report on agriculture in Fiji by Sir Frank Stockdale dealing with the indebtedness of Indian canefarmers in Fiji;
- whether Government have made suggestions regarding schemes to remedy the extensive indebtedness of Indians in Fiji; and
- whether he will lay on the table a copy of the report by Sir Frank Stockdale, Agricultural Adviser to the Secretary of State for the Colonies?

Sir Girja Shankar Bajpai: (a) Yes.

(b) Government will consider this question when examination of the Report which has only recently been received is completed.

(c) A copy has been placed in the Library of the House.

Mr. S. Satyamurti: When did Government receive the report of Sir Frank Stockdale, and when do they hope to be in a position to complete their examination of the report?

Sir Girja Shankar Bajpai: The report was received on the 30th of January. I have got a copy of the document with me and I have looked through it and I doubt whether there will be very much for us to say when its examination will be completed.

Mr. S. Satyamurti: Are Government in a position to do anything with regard to the excessive indebtedness of Indians in Fiji as a result of this report?

Sir Girja Shankar Bajpai: I could not anticipate the result of the careful examination of the report.

VESTING OF RECIPROCAL POWERS ON THE INDIAN MEDICAL COUNCIL WITH REGARD TO BRITISH MEDICAL QUALIFICATIONS.

†453. *Mr. T. S. Avinashilingam Chettiar: Will the Secretary for Education, Health and Lands state:

- whether Government have received any representations from the Indian Medical Council to amend the Indian Medical Council Act with a view to vesting in the Council reciprocal powers with regard to British medical qualifications;
- whether the representation has been considered by Government; and
- if so, with what results?

Sir Girja Shankar Bajpai: (a), (b) and (c). I would refer the Honourable Member to the reply already given to parts (a) and (b) of Mr. Lalchand Navalrai's starred question No. 52 on the 4th February, 1939.

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

PERSONS RECRUITED TO THE POLITICAL DEPARTMENT.

454. *Mr. Abdul Qaiyum: Will the Honourable the Leader of the House please state:

- the total number of persons recruited to the Political Department between 1924—1930;
- how many of these were Indians;
- the total number of recruits to the above Department between 1931—1938;
- how many of these were Indians;
- what is the method of recruitment, both direct and by promotion, to the above service;
- the percentages fixed for Indians and non-Indians, respectively; and
- the steps taken, or proposed to be taken, to Indianise this Department?

The Honourable Sir Nripendra Sircar: (a) 52.

(b) 17.

(c) 68.

(d) 7.

(e) The attention of the Honourable Member is invited to rules 29, 31 and 32 of the Civil Services (Classification, Control and Appeal) Rules.

(f) No fixed percentage is at present in force.

(g) Indians have been recruited regularly since the Political Department was opened to them in 1921.

Mr. Abdul Qaiyum: May I know if any percentage was at any time fixed for Indians in this Department?

The Honourable Sir Nripendra Sircar: I have not got that information. I know that at present there is no fixed percentage.

Mr. Abdul Qaiyum: In view of the fact that from 1931 to 1938 only seven Indians have been recruited in this Department as against 61 non-Indians, may I know whether Government will take up the matter immediately and recruit Indians only in future so that this disparity can be done away with?

The Honourable Sir Nripendra Sircar: I am afraid I cannot give any assurance in this matter.

Mr. S. Satyamurti: May I ask why Government depart in this Department from their normal policy of Indianising the Government Departments? I think I am right in saying that the normal policy of Government is to Indianise the Departments as much as they can. What are the reasons for making an exception in regard to this Department, where no percentage is fixed and only seven Indians have been recruited as against 61 non-Indians?

The Honourable Sir Nripendra Sircar: I do not admit that percentages have been fixed everywhere nor do I admit that any injustice has been done.

Mr. S. Satyamurti: May I ask whether the general policy of Government is not in favour of Indianising all their Departments, including the Indian Civil Service, to the extent of 50:50? I want to know what are the peculiar circumstances concerning this Department. Why do Government not propose to fix a percentage or Indianise the Department?

The Honourable Sir Nripendra Sircar: Well, Sir, I am not really aware that the percentage has been fixed for every branch of the Services. I do not admit that major premise.

Mr. Abdul Qaiyum: May I know if any fixed percentage of commissioned officers from the Indian army is recruited to this department?

The Honourable Sir Nripendra Sircar: I want notice.

Mr. Manu Subedar: May I know whether it is the proposal of the Government that the whole of the Political Department will be placed under the Crown Representative and the budget of that Department will be taken out of the purview of the Federal Legislature?

The Honourable Sir Nripendra Sircar: I submit that question does not arise.

Mr. President (The Honourable Sir Abdur Rahim): Perhaps the answer to that can be found in the Act itself.

Mr. S. Satyamurti: What is the reason why there are so many non-Indians in this Department and so few Indians?

The Honourable Sir Nripendra Sircar: One obvious answer is that this Branch has been opened out to Indians only in 1921.

Mr. S. Satyamurti: What is the percentage of recruitment year after year?

The Honourable Sir Nripendra Sircar: I have no information.

REPORT OF THE TARIFF BOARD ON SERICULTURAL INDUSTRY.

455. *Mr. S. Satyamurti: Will the Honourable Member for Commerce be pleased to state:

- (a) whether it is a fact that the Tariff Board report on protection to the sericultural industry has been received by the Government of India;
- (b) whether it is a unanimous report, or a majority and minority report; and
- (c) whether Government propose to publish this report for public criticism, and, if so, when?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (c). I would refer the Honourable Member to the reply given to Sardar Mangal Singh's starred question No. 193 on the 8th instant.

(b) There is both a majority and a minority report.

Mr. S. Satyamurti: Do Government propose to bring up their conclusions in the form of legislative proposals before this Session of the Assembly concludes?

The Honourable Sir Muhammad Zafrullah Khan: They will try to conclude the examination of the report as quickly as possible, and if it can be done they will bring the legislative proposals before the Session concludes. If it cannot be done, there is no help for it.

FIELD FOR ARCHÆOLOGICAL INQUIRIES AND EXCAVATIONS IN SOUTH INDIA.

456. *Mr. S. Satyamurti: Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether his attention has been drawn to the leading article in *The Madras Mail* of the 9th January entitled "Archæology in South India";
- (b) whether his attention has been drawn to the particular statement of Sir Leonard Woolley that South India offers a vast field for archæological inquiries and excavations, but that adequate steps are not being taken in this direction; and
- (c) whether Government propose to take adequate steps in this direction, and, if so, when?

Sir Girja Shankar Bajpai: (a) and (b). Yes.

(c) It is hoped that it will be possible to expand the Department's activities in South India when the financial situation improves.

Mr. S. Satyamurti: May I know whether Government have examined the question of the present scale of expenditure such as is sanctioned to the Department and are satisfied in view of Sir Leonard Woolley's suggestion that the expenditure set apart for South India should, at any rate within the limits of the present finances, be made larger in that Department?

Sir Girja Shankar Bajpai: The position is that the proportion of the funds allotted to South India is related to essential activities elsewhere and has stood at a certain figure for a period of years. I am not for a moment suggesting that this proportion or figure is satisfactory. We hope that Sir Leonard Woolley's recommendation may, provided financial improvements take place, help to put South India into the picture more prominently than it has been so far.

Mr. S. Satyamurti: Will Government re-examine the present allotment of expenditure in view of the remarks of Sir Leonard Woolley "that South India offers a vast field for archæological inquiries and excavations but that adequate steps are not being taken in that direction", and think of increasing the present allotment for South Indian archæological excavations?

Sir Girja Shankar Bajpai: I had a personal discussion on this subject with Sir Leonard Woolley before he left this country. His emphasis is not so much upon conservation, which takes up the bulk of the money

of the Archæological Department at the present moment, as excavation, for which there is practically no provision at present. We cannot do much for South India until we have more money for excavation.

Mr. S. Satyamurti: Has the Department pressed upon the Finance Department for increased grant for excavation work?

Sir Girja Shankar Bajpai: Yes, Sir. As against that there is always the pressure of Honourable Members opposite for continued economy.

Mr. M. Thirumala Rao: Will Government consider the advisability of opening an Archæological museum in Andhra districts where there are such famous Buddhist remains as Nagarjuna konda and Amaravati in Guntur District, very useful from archæological point of view.

Sir Girja Shankar Bajpai: I am not personally aware of the importance of these exhibits to which my Honourable friend has referred, but I will convey his suggestion to the Director General of Archæology.

CONCLUSIONS REACHED AT THE TENTH INDUSTRIES CONFERENCE.

457. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state:

(a) the conclusions reached at the Tenth Industries Conference held at Bombay on the 23rd and 24th January, 1939; and

(b) whether a report of the proceedings of the conference and its decisions will be placed before this House for consideration, and, if so, when?

The Honourable Sir Muhammad Zafrullah Khan: (a) I would invite the attention of the Honourable Member to the Press Notes issued on the 23rd and 24th January, 1939, which contain the conclusions of the Conference. Copies are available in the Library of the House.

(b) No, but the proceedings will be published and it will be open to any Member who desires to do so to table a Resolution on the subject.

Mr. S. Satyamurti: In what form will it be published? Will it be available for sale?

The Honourable Sir Muhammad Zafrullah Khan: In the form of a report. Certainly it will be available for sale.

Mr. S. Satyamurti: Will copies be placed in the Library of the House?

The Honourable Sir Muhammad Zafrullah Khan: Yes.

Mr. Manu Subedar: Will copies be made available to Members of the House?

The Honourable Sir Muhammad Zafrullah Khan: A copy will be placed in the Library of the House and it will be available to Honourable Members for consultation.

Mr. Manu Subedar: Will a copy be made available to each Member of the House?

The Honourable Sir Muhammad Zafrullah Khan: I am unable to say that.

REPORT OF THE NON-OFFICIAL ADVISERS OF THE INDO-BRITISH TRADE AGREEMENT.

458. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state:

(a) whether the Government of India have decided to publish the reports of the non-official advisers to the Government of India in respect of the negotiations for replacing the Ottawa Pact;

(b) when they propose to publish these reports; and

(c) whether a report on the conclusion or non-conclusion of an agreement to take the place of the Ottawa Pact will be made to the Assembly before the end of this Session for its opinion before the agreement is signed by the Government of India?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I would refer the Honourable Member to the answers given on the 8th instant to the supplementary questions arising out of Mr. Abdul Qaiyum's question No. 200.

(c) The Honourable Member's attention is invited to answers to parts (c) and (d) of question No. 225 and the supplementary question asked by him on the 8th instant.

Mr. S. Satyamurti: May I know whether Government stick to the position that these reports are to be published only along with the conclusions of the Government of India on this matter?

The Honourable Sir Muhammad Zafrullah Khan: Not the conclusions of the Government of India. But as I was hoping all relevant portions will be published as part of the material which will be supplied to Honourable Members to enable them to study the whole matter.

Mr. S. Satyamurti: May I take it that they will be published in time for Honourable Members who are interested in the subject to study them before this matter comes up for discussion in the House? -

The Honourable Sir Muhammad Zafrullah Khan: I gave an assurance on a previous occasion that all relevant material will be published and that in time and made available to Honourable Members to enable them to study the whole matter before it is debated in the House.

RAISING OF THE RATE OF CESS LEVIABLE ON TEA EXPORTED FROM INDIA.

459. *Mr. Akhil Chandra Datta: (a) Will the Honourable the Commerce Member please state whether the Indian Tea Market Expansion Board has recommended the rise in the rate of cess leviable on tea exported from India?

(b) If so, to what extent?

(c) Have Government come to any decisions?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes, Sir.

(b) From Rs. 1-4-0 to Rs. 1-6-0 per 100 lbs of tea exported from India.

(c) The matter is at present under consideration.

Mr. Brojendra Narayan Chaudhury: May I know whether, before coming to any decision and before sanctioning the rate of Rs. 1-6-0, Government have made thorough enquiries to satisfy themselves that the poor people's money is being expended with utmost economy?

The Honourable Sir Muhammad Zafrullah Khan: They will take into consideration every relevant factor.

Maulvi Abdur Rasheed Chaudhury: May I know whether the Tea Market Expansion Board submitted their recommendations of their own accord or whether they consulted the tea industry before submitting their recommendations?

The Honourable Sir Muhammad Zafrullah Khan: I would require notice of that question.

Mr. M. Ananthasayanam Ayyangar: May I know whether the levy of a further tea cess will not adversely effect the coffee industry in South India?

The Honourable Sir Muhammad Zafrullah Khan: I submit that question does not arise.

Maulvi Abdur Rasheed Chaudhury: Under what rule the Board submitted its recommendations?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member can study the Act and the rules for himself.

Mr. Badri Dutt Pande: Will the Honourable Member consult this Assembly before he revises the cess?

The Honourable Sir Muhammad Zafrullah Khan: I cannot give any undertaking to that effect.

Mr. M. Ananthasayanam Ayyangar: Will the Honourable Member place on the table of the House a copy of the report of the work done so far to find out the need for additional cess before Government comes to any conclusion.

The Honourable Sir Muhammad Zafrullah Khan: That does not arise.

REVIEW OF THE CASE OF SARDAR GURCHARAN SINGH, *EX*-MAHARAJA OF NABHA.

+460. *Sardar Mangal Singh: Will the Honourable the Leader of the House please state:

(a) when the case of Sardar Gurcharn Singh, the *ex*-Maharaja of Nabha, was reviewed last; and

(b) when the order of his imprisonment will continue indefinitely, or whether there is any limit to it?

The Honourable Sir Nripendra Sircar: (a) Last month.

(b) The *ex*-Maharaja is not in prison. He has been ordered to reside in Kodaikanal; no period has been specified.

LEGISLATION FOR THE RELIEF OF AGRICULTURAL INDEBTEDNESS.

+461. *Sardar Mangal Singh: Will the Education Secretary please state:

(a) which Provincial Governments have passed legislation regarding the relief of agricultural indebtedness;

(b) whether the Government of India intend to take some action in that direction for the centrally administered areas; and

(c) if the answer to part (b) be in the affirmative, when and what steps are contemplated, and whether any Bill will be brought forward during this Session?

Sir Girja Shankar Bajpai: (a) All Provincial Governments except Bombay and Sind.

(b) Yes.

(c) Legislation for the relief of agricultural indebtedness already exists in Baluchistan, Coorg and Delhi. Government have under consideration the question of introducing legislation in respect of Ajmer-Merwara, but I am unable to say whether any Bill will be brought forward during this Session of the Assembly.

PROPOSED RESTRICTIONS ON THE SALE OR HIRE OF PROPERTIES TO INDIANS IN SOUTH AFRICA.

+462. *Mr. T. S. Avinashilingam Chettiar: Will the Secretary for Education, Health and Lands state:

(a) whether they are aware of the news under the caption 'Indians in South Africa—Further restrictions foreshadowed', on page 8 of the *Hindu*, dated the 25th January, 1939;

(b) whether the Government of South Africa contemplate taking steps to prohibit sale or hire of properties to Indians within certain areas; and

(c) what action Government have taken in the matter?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). The attention of the Honourable Member is invited to the reply given by me on the 4th February, 1939, to Mr. K. Santhanam's starred question No. 64 and the supplementaries thereto.

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

RATE WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

463. *Mr. Abdul Qaiyum: Will the Honourable Member for Commerce please state:

- (a) whether rate war has again been resorted to by the shipping companies in the recent Haj season;
- (b) whether the agreement arrived at between the rival companies under the auspices of the Government of India was adhered to; if not, who violated the agreement and in what manner;
- (c) whether fares in the first week of last December came down from nearly Rs. 200 to as low as Rs. 80 and below; and
- (d) whether Government have collected the latest information on the point and what that information is?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (d). The attention of the Honourable Member is invited to the answers given by me to question No. 218 and its supplementaries on the 8th February.

Mr. Abdul Qaiyum: What is the answer to part (c)? Whether the rates came down?

The Honourable Sir Muhammad Zafrullah Khan: I have no precise information.

Mr. Abdul Qaiyum: May I ask whether the Haj Enquiry Committee recommended that the Indian Shipping Act should be so amended as to vest power in the Government to fix rates before the Haj season starts.

The Honourable Sir Muhammad Zafrullah Khan: I have already answered that question on the last occasion.

Mr. Abdul Qaiyum: Is it not a fact that if this unhealthy competition is allowed to continue unchecked there is a danger of one company going out of the field and a virtual monopoly established by the other company?

The Honourable Sir Muhammad Zafrullah Khan: That is a matter of opinion.

Mr. Manu Subedar: May I know whether Government will get into touch with the two competing companies and may I know whether there are any negotiations going on between these two companies through the good offices of the Government?

The Honourable Sir Muhammad Zafrullah Khan: If there is any negotiation going on between the two companies, I am not aware of it.

Mr. Manu Subedar: Have the good offices of the Honourable Member been requisitioned by the two companies for negotiations?

The Honourable Sir Muhammad Zafrullah Khan: Considering that the Haj season has come to an end, I think the whole matter is allowed to rest for the moment.

Mr. Abdul Qaiyum: May I know if the Port Haj Committees, Bombay and Calcutta, recommended that, before the Haj season starts, Government should fix, in consultation with shipping companies and the Haj Committees, the rates.

The Honourable Sir Muhammad Zafrullah Khan: I answered that question last time as to what the Port Haj Committees recommended.

Mr. Abdul Qaiyum: Did they ever recommend this?

The Honourable Sir Muhammad Zafrullah Khan: That does not arise.

Manvi. Abdur Rasheed Chaudhury: May I know whether Government are so powerless that they cannot stop this rate war?

Mr. President (The Honourable Sir Abdur Rahim): That cannot be allowed.

Mr. Abdul Qaiyum: What is the reaction of the Government of India to this request?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I cannot answer about reactions.

LEASES OF LANDS HELD BY INDIANS AND APPOINTMENT OF AN INDIAN AGENT IN FIJI.

464. *Mr. Abdul Qaiyum: Will the Secretary for Education, Health and Lands please state:

- (a) whether steps have been taken to allay the anxiety of Indians in Fiji about the leases of lands held by them which were about to expire;
- (b) if so, what was the action taken;
- (c) whether Government have considered the question of the appointment of an Indian Agent in Fiji; and
- (d) if so, when such an Agent is likely to be appointed?

Sir Girja Shankar Bajpai: (a) and (b). The attention of the Honourable Member is invited to the reply given by me on the 14th November, 1938 to Mr. T. S. Avinashilingam Chettiar's starred question No. 1222 and the questions asked during the present Session.

(c) and (d). As I have already informed the House, the question of the appointment of an Agent in Fiji is under consideration.

Mr. Abdul Qaiyum: May I know if the Indian community recently held a conference under the presidentship of Pandit Hirday Nath Kunzr in which there was a unanimous demand for the appointment of such an Agent?

Sir Girja Shankar Bajpai: Yes, Sir; and I have already answered question on that point in this House, during the present Session to the effect that such a resolution has been passed by the Indian community of Fiji.

Mr. Abdul Qaiyum: May I know how long the Government of India will take to come to a decision on this?

Sir Girja Shankar Bajpai: It is not a matter in which a unilateral decision can be taken. We have to depend to some extent upon the wishes of the Colonial Office.

Mr. Muhammad Azhar Ali: Will Government take advantage of Pandit Kunzru's experience and consult him on this matter of lands in Fiji?

Sir Girja Shankar Bajpai: As far as I know, on this one particular question of the appointment of Agent there is no difference of opinion between Government or Pandit Kunzru or any section of the Indian community in Fiji.

Mr. S. Satyamurti: In view of the fact that the interests of vast numbers of Indians are involved and they are keen on having this Agent as early as possible, will Government expedite this question or request His Majesty's Government to this effect?

Sir Girja Shankar Bajpai: I think I can take my Honourable friend and this House into confidence on this question to this extent that the matter has been placed before the Colonial Office within the last few weeks.

OFFICIAL DEPUTATION FROM MALAYA.

465. *Mr. Abdul Qaiyum: Will the Secretary for Education, Health and Lands please state:

- (a) whether the talks have concluded with the official Malayan Delegate, and the representatives of the Central Indian Association of Malaya;
- (b) whether any decisions have been arrived at, and the nature thereof; and
- (c) whether the said decisions will be made public?

Sir Girja Shankar Bajpai: With your permission, Sir, I will answer parts (a), (b) and (c) together. Certain proposals for a recalculation of standard wages in Malaya, partly on a fresh basis and partly with reference to changed circumstances, were made by the Government of India delegates to the Malayan delegation. The Malayan delegation were at first unwilling to consider these proposals but subsequently offered to place them before the Malayan Governments for examination, on their return to Malaya. In view of the desirability, from the Indian point of view, of exploring the possibility of settling certain other outstanding questions as well, in particular those relating to the status of Indians in the Malayan States and the provision of adequate educational facilities for Indians of all classes, advantage was taken of the presence of the delegates to discuss these questions as well. The Malayan delegates undertook to have the suggestion of the Indian representatives on these points also examined by their Government. The Malayan delegates have now left Delhi to return

to Malaya and the negotiations will be carried on by means of correspondence between the two Governments. The Government of India will shortly be addressing the Malayan Governments in a despatch which will cover all the questions raised.

Mr. Abdul Qaiyum: May I know if the Government of Madras have suggested a basic wage for Indian labour, 50 cents. for males and 40 cents. for females? What was the attitude of the Malayan delegation to this important question of basic wage?

Sir Girja Shankar Bajpai: I do not think that any Government, *e.g.*, either ourselves or the Madras Government, have committed themselves to any specific figures at this stage. We are considering the principles on which the standard wage should be calculated.

Mr. Abdul Qaiyum: May I know whether there is a Passenger Restriction Ordinance in the Malayan Federated States which is aimed particularly against the entry of Indians into that area?

Sir Girja Shankar Bajpai: I am not aware of any such Ordinance.

Mr. S. Satyamurti: May I know whether the Government of India have made it clear to the Malayan delegation with the concurrence of the Madras Government that pending a solution of these outstanding matters between this Government and the Malayan Government the *status quo ante* will continue and emigration will be permitted?

Sir Girja Shankar Bajpai: The Malayan delegates and the Malayan Government understand that until these negotiations are completed the *status quo ante* remains.

Mr. Abdul Qaiyum: Will the Honourable Member make inquiries whether such an Ordinance as the one referred to does exist in the Federated or Unfederated Malayan States which puts a check on the entry of Indians into this particular area?

Sir Girja Shankar Bajpai: I can tell my Honourable friend that our Agent is here and we have been in conference with him with regard to all matters of interest to the Indian community. There is an Ordinance which is of general application but there is no Ordinance which discriminates against Indians as such.

Mr. Abdul Qaiyum: May I know if it is a fact that efficient control of labour in this particular area is not possible as long as Malayan officials are allowed to recruit labour and to stimulate emigration? I want to know whether the Malayan officials can recruit labour and affect the flow of emigration in this country.

Sir Girja Shankar Bajpai: At the present moment, as my Honourable friend is aware, emigration is under a ban. Therefore nobody is in a position to stimulate recruitment.

ARCHÆOLOGICAL EXCAVATION OF GANGA GOVINDA'S TEMPLE.

466. *Mr. Brojendra Narayan Chaudhury: Will the Secretary for Education, Health and Lands please state:

- (a) whether he is aware that the site of village Mayapur, the birthplace of "Lord Gauranga" is in dispute and that an influential party has for some years set up a temple in a place and call it the birthplace, whereas another party led by Broja Mohan Das Babaji say that the birthplace is in another place where Dewan Ganga Govinda Singh of historic fame had built a temple and that Ganga Govinda's temple lies buried by the silt of the river;
- (b) whether he is aware that an Association named "Association for ascertaining the birthplace of Lord Gauranga" has been organised by influential Hindus, like Maharaja Srish Chandra Nandi, Srijut Narendra Nath Seth, the said Babaji and others; and
- (c) whether Government propose to consider the question of taking up this archæological excavation of Ganga Govinda's temple, in view of the statement of the landlord, that he would not permit anybody except the Archæological Department to excavate, as reported in the newspaper?

Sir Girja Shankar Bajpai: (a) and (b). Yes.

(c) Government do not consider excavation in the river bed to be feasible.

Mr. Brojendra Narayan Chaudhury: Have Government come to the conclusion that the search for the birthplace of Sree Gauranga and the location of the temple of Dewan Ganga Govinda Singh are not matters of sufficient archæological importance?

Sir Girja Shankar Bajpai: No, Sir; that does not arise from the answer I have given.

Mr. Brojendra Narayan Chaudhury: May I know the reason why Government should not undertake the excavation of the temples?

Sir Girja Shankar Bajpai: Because, as I have already informed the House, for technical reasons excavation in the river bed is considered to be impracticable.

Mr. Brojendra Narayan Chaudhury: May I know who the engineering experts were who advised that the excavation is not feasible?

Sir Girja Shankar Bajpai: The Director General of Archæology.

RECRUITMENTS TO THE MARINE SERVICE.

467. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Commerce Member please state:

- (a) whether there have been recruitments to the Marine Service this year in various branches, and whether the only place for recruitment is Bombay;

- (b) the numbers taken in different grades, the salary and prospects in different grades;
- (c) the numbers taken in the various grades, Province by Province; and
- (d) whether the appointments are made solely by competitive examination with a medical test of physical fitness?

The Honourable Sir Muhammad Zafrullah Khan: The question should have been addressed to the Defence Secretary.

CONSTITUTION OF THE ALL-INDIA CATTLE SHOW AND EXHIBITION BOARD.

†468. *Prof. N. G. Ranga: Will the Secretary for Education, Health and Lands be pleased to state:

- (a) if the new All-India Cattle Show and Exhibition Board was constituted by Government and, if so, what are its function and the sources of its funds;
- (b) who was responsible for appointing its personnel and what is its constitution;
- (c) whether any public bodies of agriculturists like the Kisan Sabhas, Zamindar Leagues, were consulted either in regard to its constitution, personnel or functions; if not, why not;
- (d) whether Provincial Governments were consulted and, if so, which of them have agreed to its being constituted and to finance it;
- (e) whether it is proposed to give special opportunities for exhibiting all the important breeds and also the Ayurvedic veterinary medicines at its Delhi Exhibition; and
- (f) whether it is one of the objects of the Board to give financial and other assistance to any exhibitions or shows organised by private agencies in the Provinces?

Sir Girja Shankar Bajpai: (a), (b) and (f). The Honourable Member is presumably referring to the All-India Cattle Show Committee. Copies of the Resolution of the Government of India constituting the Committee and the Memorandum of Association of the Committee, which furnish the information asked for, have been placed in the Library of the House.

(c) No. The Government of India did not consider it necessary to do so.

(d) All Provincial Governments, except the Government of Assam, have agreed to co-operate and the Ministers concerned are members of the Committee. They were not asked to finance the Committee.

(e) The answer to the first portion is in the affirmative. The Committee have advertised the terms upon which they accept advertisements.

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

EMPLOYMENT OF WOMEN PROHIBITED FROM WORKING IN MINES AND ACTION ON THE RECOMMENDATIONS OF THE COAL MINING COMMITTEE.

†469. *Prof. N. G. Ranga: Will the Honourable Member for Labour be pleased to state:

- (a) what steps have been taken to find employment for women who were prohibited from working in mines;
- (b) how many of them have thus been provided with other equally remunerative work;
- (c) whether, as a result of this prohibition of women from working in mines, the wages of miners have been raised and if so, to what extent and in what percentage of mines;
- (d) whether any special steps are being taken to minimise accidents in coal mines, and when Government propose to implement the recommendation of the Coal Mining Committee to insist upon compulsory stowing in coal mines;
- (e) whether Government have not already examined the technical and financial aspects of stowing, and coal mining has become a paying industry during the last three years;
- (f) what are the reasons for this delay in giving effect to this recommendation of the Mining Committee;
- (g) for how many people out of the 248 persons who were involved in the 208 total accidents in 1937-38, was compensation paid and what was its total and average amount per each person killed; and
- (h) whether, and, if so, when legislation will be undertaken to provide compensation to workers who are killed in mine accidents which are found to be due to deceased's fault?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Many of the women excluded from the underground workings of mines have been found employment on screening plants, on general surface work in coal mines and in quarries. The Government of India have made grants to the Governments of Bengal and Bihar towards schemes for the training of about 200 such women for a year in handloom weaving, basket making, etc., with a view to their setting up cottage industries in their own homes with the aid of Government.

(c) At most of the coal mines in Bengal and Bihar the rates of wages were increased by about two to three annas per tub of coal.

(d) to (f). A number of new regulations recommended by the Coal Mining Committee for the prevention of accidents have been promulgated or are in the process of being framed. A Bill on the subject of stowing was introduced in this House on the 8th February and has since been referred to a Select Committee.

(g) The information is not available.

(h) I would refer the Honourable Member to clause (b) of the proviso to sub-section (1) of section 3 of the Workmen's Compensation Act, as amended by Act XV of 1933, in which the provision he mentions has already been enacted.

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

MONOPOLY FOR THE SUPPLY OF MILK IN NEW DELHI.

†470. *Prof. N. G. Ranga: Will the Secretary for Education, Health and Lands please state:

- (a) whether it is a fact that the monopoly of milk supply to New Delhi residents has been given this year to a European concern named Mesars. Keventer's and Company and that almost all Indian *gowalas* have been ousted from the new capital area;
- (b) whether Government or the New Delhi Municipal Committee have got any representations from Service Associations protesting against the monopoly and drawing the attention of the authorities to the serious inconvenience of New Delhi residents in consequence of the decision referred to in part (a) above;
- (c) whether he is aware that *gowalas* used to bring cows and buffaloes every morning and evening to the outer compounds of their customers and supplied fresh and pure milk, milked in their presence, at eight seers a rupee;
- (d) whether it is a fact that Keventer's taking advantage of the monopoly, are now charging a rupee for six seers;
- (e) whether Government are aware that the milk supplied by Keventer's is much inferior to what the *gowalas* used to supply and that white sediments are found at the bottom of utensils;
- (f) whether Government are aware that several customers have been refused supply of milk on their pointing out to Keventer's peddlars about the accumulation of sediments referred to in part (e) above;
- (g) whether Government are aware of the serious consequences that are likely to accrue to little babies by this monopoly; and
- (h) if in any other big or small town in India such a monopoly has been given for the supply of milk to only one concern; if not, why this has been done in New Delhi?

Sir Girja Shankar Bajpai: (a), (d) and (e). The attention of the Honourable Member is invited to the reply given by me on the 4th February, 1939, to Mr. K. S. Gupta's starred question No. 76.

(b) Representations were received both by Government and the New Delhi Municipality.

(c) Government believe that the practice referred to in the first part of the question prevailed, but have no knowledge either of the quality of the milk supplied or of the price charged.

(f) No.

(g) No. On the other hand, Government are assured that under the new arrangement at least one source of supply of milk of good quality has been provided.

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

(h) Government have no information regarding other towns, and as regards New Delhi I would invite the attention of the Honourable Member to my reply to Mr. K. S. Gupta's question No. 76.

CATTLE BYRES IN NEW DELHI.

†471. *Prof. N. G. Ranga: Will the Secretary for Education, Health and Lands please state why cattle byres have proved a failure in New Delhi?

(b) Are Government aware that even after all health and sanitation restrictions in New Delhi the fly and mosquito nuisance persists?

Sir Girja Shankar Bajpai: (a) Government are not aware that the cattle byres in New Delhi have proved a failure.

(b) Government are informed that as a result of anti-malarial measures, mosquitoes have practically disappeared. The fly nuisance has also been considerably reduced owing to the closing of the old dumping grounds.

NEHRU ENQUIRY INTO THE COMPETITION FROM JAPAN TO SMALL INDUSTRIES.

472. *Mr. Manu Subedar: (a) Will the Honourable the Commerce Member please state when the Nehru enquiry into the competition from Japan to small industries was instituted and when and for what reasons it was suspended?

(b) Have Government received any representations for the completion of this enquiry?

(c) Do Government propose to have this enquiry completed before negotiations for an Indo-Japanese Trade Agreement are started?

(d) Are Government aware that in many lines there has been dumping from Japan during the last twelve months owing to the anxiety of the Japanese Government to maintain a favourable balance of trade?

The Honourable Sir Muhammad Zafrullah Khan: (a) The attention of the Honourable Member is invited to the answer to parts (c) to (f) of Professor Ranga's question No. 20 on the 4th February, 1938, and to the Commerce Department Press Communiqué, dated the 3rd November, 1937, copies of which are in the Library.

(b) Yes.

(c) Government do not intend to re-open the enquiry since the condition described in the Press Communiqué referred to in answer to (a) are still operative.

(d) The complaints of severe Japanese competition so far investigated and the balance of trade for April to December, 1938, do not show that there has been dumping of Japanese goods.

Mr. Manu Subedar: With regard to part (c) of the question, before the starting of the Indo-Japanese trade negotiations do not Government think it desirable to reach some definite conclusion as to the effect of Japanese competition on the small industries?

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

The Honourable Sir Muhammad Zafrullah Khan: If the conditions become normal again and such an inquiry becomes possible, yes.

Mr. Lalchand Navalrai: In view of the fact that all markets are overflooded with Japanese goods, which are affecting our factories here, will Government do something in this direction?

The Honourable Sir Muhammad Zafrullah Khan: That is the question that I have been answering.

Mr. M. Ananthasayanam Ayyangar: Are Government aware that nearly 20,000 handlooms have been thrown out of work in the Salem district alone on account of Japanese competition, and on that ground will Government reconsider their decision and follow up the inquiry?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir, I am not aware of the information given by the Honourable Member but the grounds for discontinuing the examination which was started are not that there is keen competition or the absence of keen competition but that conditions are such that no investigation which might lead to useful results is possible just now.

Mr. M. Ananthasayanam Ayyangar: Do those conditions prevail here in India or in Japan?

The Honourable Sir Muhammad Zafrullah Khan: In Japan.

Mr. Lalchand Navalrai: May I know what those conditions are?

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will read the press communiqué to which I have referred, he will find them stated therein.

Mr. Manu Subedar: In view of the fact that when the inquiry was originally started Government were fully satisfied that there was depression among the small industries due to Japanese competition, what has subsequently happened to make Government waver in their desire to ascertain this in the interests of the small industries?

The Honourable Sir Muhammad Zafrullah Khan: That is what the press communiqué explains.

INDUSTRIES ADVERSELY AFFECTED BY GIVING PREFERENCE TO GREAT BRITAIN.

473. *Mr. Manu Subedar: Will the Honourable the Commerce Member please state whether any small industries are being adversely affected in the proposed schedule of preferences to Britain now offered by India to the United Kingdom in the course of negotiations? If so, which?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member's attention is invited to the answers given to parts (b), (c) and (d) of Mr. Satyamurti's question No. 1123 on the 19th September, 1938.

Mr. Manu Subedar: I take it that the Government of India have made up their mind as to the terms, whatever they are: I am not inquiring about that. All I am inquiring about is which small industries are going to be affected. I recollect the question referred to and the Honourable Member did not then give the information which I am asking for today. May I have that information now?

The Honourable Sir Muhammad Zafrullah Khan: I did not give the information on that occasion but I gave the reason for my inability to give that information; and the same reason still applies.

Mr. M. Ananthasayanam Ayyangar: Was not this question as to which industries would be affected taken into consideration in arriving at a decision regarding the Indo-British trade agreement?

The Honourable Sir Muhammad Zafrullah Khan: Most certainly.

Mr. M. Ananthasayanam Ayyangar: Then what are those industries?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member cannot have the information just now.

Mr. M. Ananthasayanam Ayyangar: Will the Honourable Member lay a statement on the table as early as possible regarding the industries adversely affected by the preference?

The Honourable Sir Muhammad Zafrullah Khan: I have not admitted that there will be any industries adversely affected.

Mr. Manu Subedar: Will the Honourable Member state those reasons for the benefit of this House why he cannot give the information?

The Honourable Sir Muhammad Zafrullah Khan: Why should I state a second time what I have already stated before?

QUESTIONS ON BURMA RIOTS UNDER DISCUSSION WITH THE GOVERNMENT OF BURMA.

474. *Mr. C. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands please state:

- (a) whether there are any applications for compensation from Indians who were or are resident in Burma, as a result of the recent Burma riots; and if so, how they have been dealt with; and
- (b) the questions which are at present under discussion between the Government of Burma and the Government of India arising from the riots?

Sir Girja Shankar Bajpai: (a) Applications for compensation so far received have been passed on to the Agent of the Government of India in Burma.

(b) The question of compensation for loss of Indian lives and property in Burma and the measures to be taken to prevent such loss in future.

Mr. S. Satyamurti: Has any further progress been made with regard to the proposed appointment of an *ad hoc* committee by the Government of Burma for investigating this question of liability for compensation and payment of the same?

Sir Girja Shankar Bajpai: I answered the question, as far as I remember, only last Monday and there has been no development since.

Mr. S. Satyamurti: Have Government heard from the Government of Burma anything?

Sir Girja Shankar Bajpai: No; if I had heard anything I should have answered my Honourable friend's question.

Mr. S. Satyamurti: Is this correspondence being carried on by telegraph or only by letters?

Sir Girja Shankar Bajpai: No. The original communication was by telegram and the reminders have been by means of letters.

Mr. Manu Subedar: Has the Agent from Burma said anything on this subject?

Sir Girja Shankar Bajpai: No.

OFFICERS IN THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

475. *Mr. C. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands please state:

- (a) the total number of officers of and above the rank of Assistant Secretary in the Department of Education, Health and Lands on the 1st January, 1936 and the 1st January, 1939;
- (b) the percentage of increase in number and expenditure;
- (c) the reasons for the increase;
- (d) whether it is a fact that the Department administers subjects almost all of which have been completely transferred to Provincial Governments; and
- (e) if so, how the increase in the number of officers is explained?

Sir Girja Shankar Bajpai: (a) and (b). A statement containing the information is laid on the table.

(c) and (e). I would refer the Honourable Member to the reply given by the Honourable the Home Member on the 9th December, 1938, to part (b) of his starred question No. 2008.

(d) No.

Statement showing the number of officers of and above the rank of Assistant Secretary in the Department of Education, Health and Lands on 1st January, 1936, and 1st January 1939, and the percentage of increase in number and expenditure.

Number of officers on 1st January, 1936.	Number of officers on 1st January, 1939.	Percentage increase in number on 1st January, 1939.	Percentage increase in the expenditure on 1st January, 1939.
6	*10	66.6	50.6

* One post was terminated on the 7th January, 1939.

POSTS FILLED BY EXPERTS UNDER THE DEPARTMENT OF EDUCATION,
HEALTH AND LANDS.

476. *Mr. C. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands please state:

- the posts under the Department and its Attached Offices which are filled by experts;
- how many of them are Europeans, Englishmen and others;
- whether these Europeans are required to train up Indians; if not, why not; and
- whether adequate steps are now proposed to be taken towards this end before the termination of the contract or service as the case may be of these officers?

Sir Girja Shankar Bajpai: (a) and (b). A statement is laid on the table.

(c) Yes, in all cases where this is suitable.

(d) Does not arise.

Posts under the Department of Education, Health and Lands and its Attached Offices filled by Experts.

Posts.	No. of posts.	Filled by		Remarks.
		*Euro- peans.	Others (Indians).	
Educational Commissioner with the Government of India	1	1	..	
Director, Zoological Survey of India	1	..	1	
Assistant Superintendents, Zoological Survey of India	5	..	5	
Officer-in-Charge, Timber Testing, Forest Research Institute and College, Dehra Dun	1	..	1	
Officer-in-Charge, Seasoning, Forest Research Institute and College, Dehra Dun	1	..	1	
Officer-in-Charge, Paper Pulp, Forest Research Institute and College, Dehra Dun	1	..	1	
Wood Technologist, Forest Research Institute and College, Dehra Dun	1	..	1	
Officer-in-Charge, Minor Forest Products, Forest Research Institute and College, Dehra Dun	1	..	..	Vacant.
Officer-in-Charge, Wood Preservation, Forest Research Institute, Dehra Dun	1	..	..	Vacant.
Officer-in-Charge, Wood Workshop, Forest Research Institute and College, Dehra Dun	1	1	..	Post temporary.
Mycologist, Forest Research Institute and College, Dehra Dun	1	..	1	
Biochemist, Forest Research Institute and College, Dehra Dun	1	..	1	

*All European experts are British subjects.

Posts under the Department of Education, Health and Lands and its Attached Offices filled by Experts.

Posts.	No. of posts.	Filled by		Remarks.
		*Euro- peans.	Others (Indians).	
Silviculturist, Forest Research Institute and College, Dehra Dun	1	1	..	
Utilisation Officer, Forest Research Institute and College, Dehra Dun	1	1	..	
Forest Botanist, Forest Research Institute and College, Dehra Dun	1	1	..	
Forest Entomologist, Forest Research Institute and College, Dehra Dun	1	1	..	
Systematic Entomologist, Forest Research Institute and College, Dehra Dun	1	1	..	
Mathematical Adviser in Geodetic Branch, Survey of India	1	..	1	
Superintendent, Mathematical Instrument Office, Survey of India	1	1	..	
Assistant Superintendents, Mathematical Instrument Office, Survey of India	2	1	..	1 post vacant.
Managers, Photo-Litho Office, Survey of India	2	2	..	
Assistant Managers, Photo-Litho Office, Survey of India	3	1	1	1 post vacant.
Head Engraver, Engraving Office, Survey of India	1	1	..	
Assistant Head Engraver, Engraving Office, Survey of India	1	1	..	
Archaeological Chemist	1	..	1	
Director, Imperial Agricultural Research Institute and Imperial Agricultural Chemist	1	1	..	
Imperial Agriculturist	1	1	..	
Imperial Mycologist	1	..	1	
Imperial Entomologist	1	..	1	
Imperial Economic Botanist	1	..	1	
Second Imperial Economic Botanist	1	..	1	
Imperial Sugarcane Expert	1	..	1	
Second Cane-breeding Officer	1	..	1	
Second Entomologist (Dipterist)	1	..	1	Post is temporary.
Plant Pathologist	1	..	1	
Imperial Dairy Expert	1	..	1	
Curator, Industrial Section of the Indian Museum	1	..	1	
Director, Imperial Veterinary Research Institute	1	1	..	
Serologist	1	1	..	
Pathologist	1	..	1	
Protozoologist	1	..	1	
Officer-in-Charge, Biological Products Section	1	..	1	
Officer-in-Charge, Animal Nutrition Section	1	..	1	
Entomologist	1	..	1	
Assistant Serologist	1	..	1	
Assistant Pathologist	1	..	1	Post is temporary.
Systematic Protozoologist	1	..	1	
Officer-in-Charge, Poultry Research Section	1	1	..	

*All European experts are British subjects.

Posts under the Department of Education, Health and Lands and its Attached Offices filled by Experts.

Posts.	No. of posts.	Filled by		Remarks.
		*Euro-peans.	Others (Indians).	
Agricultural Commissioner with the Government of India	1	1	..	
Animal Husbandry Commissioner with the Government of India	1	1	..	
Agricultural Marketing Adviser to the Government of India	1	1	..	Post is temporary.
Director, Imperial Institute of Sugar Technology	1	..	1	Ditto.
Assistant Agricultural Expert	1	..	1	
Assistant Animal Husbandry Expert	1	..	1	
Professor of Sugar Technology, Imperial Institute of Sugar Technology	1	..	1†	Post is temporary.
Professor of Sugar Engineering, Imperial Institute of Sugar Technology	1	1	..	Ditto.
Assistant Professor of Sugar Technology, Imperial Institute of Sugar Technology	1	..	1	Ditto.
Assistant Professor of Sugar Engineering, Imperial Institute of Sugar Technology	1	..	1	Ditto.
Assistant Professor of Sugar Chemistry, Imperial Institute of Sugar Technology	1	..	1	Ditto.
Assistant Professor of Sugar Chemistry (Organic), Imperial Institute of Sugar Technology	1	..	1	Ditto.
Physical Chemist, Imperial Institute of Sugar Technology	1	..	1	Ditto.
Bio-Chemist, Imperial Institute of Sugar Technology	1	..	1	Ditto.
First Assistant to Sugar Technologist	1	..	1	Ditto.
Director, Central Research Institute, Kasauli	1	1	..	Ditto.
Assistant Directors, Central Research Institute, Kasauli	3	2	1	
Assistant Director, Nutrition Research, Coonoor	1	1	..	
Director, King Institute of Preventive Medicine, Guindy	1	..	1	
Director, Haffkine Institute, Bombay	1	..	1	
Director, Pasteur Institute, Shillong	1	..	1	
Assistant Directors, Haffkine Institute, Bombay	2	..	2	
Director, Pasteur Institute, Coonoor	1	1	..	
Director, Pasteur Institute, Kasauli	1	1	..	
Director, Pasteur Institute, Burma	1	..	1	
Posts under the Indian Research Fund Association	9	1	8	
Leave reserve posts under the Medical Research Department	4	2	2	
Director and Professor of Public Health Administration, All-India Institute of Hygiene and Public Health, Calcutta	1	..	1	

* All European experts are British subjects.

† Officiating temporarily.

Posts under the Department of Education, Health and Lands and its Attached Offices filled by Experts.

Posts.	No. of posts.	Filled by		Remarks.
		*Euro-peans.	Others (Indians).	
Professor of Malariology and Rural Hygiene, All-India Institute of Hygiene and Public Health	1	..	1	
Professor of Biochemistry and Nutrition, All-India Institute of Hygiene and Public Health	1	..	1	
Professor of Sanitary Engineering, All-India Institute of Hygiene and Public Health	1	..	1	
Total	101†	32	65	

Mr. C. N. Muthuranga Mudaliar: May I know whether the appointment of the Public Health Commissioner goes to a European once again, and not to an Indian?

Sir Girja Shankar Bajpai: My Honourable friend is asking me something about which I know nothing at all at the moment.

Mr. S. Satyamurti: With reference to clauses (a) and (b), will my Honourable friend oblige me and the House by stating what is the proportion of Europeans and Indians in all these appointments under his department and attached offices?

Sir Girja Shankar Bajpai: I cannot express it in terms of proportions for different departments, but I can give him the total figures. 101 is the total. Four appointments are vacant. 32 are held by Europeans and 65 by Indians.

Mr. S. Satyamurti: May I know if in all the cases where these posts are held by Europeans it is a case of seniority or survival by length of time, or it is a case of these Europeans having been selected because no suitable Indians were available for these posts?

Sir Girja Shankar Bajpai: The statement covers something like 13 departments; and my Honourable friend will appreciate the difficulty of my being able to give an answer which would cover all of them with meticulous accuracy; but generally speaking I should say that in those departments where selections are made from organised services, such as the Indian Medical Service and the Indian Forest Service, other things being equal, seniority prevails. In other departments if Europeans have been appointed it is only because suitable Indians have not been found in this country or outside.

* All European experts are British subjects.

† Includes 4 posts vacant.

Mr. S. Satyamurti: With reference to clause (c) of the question, may I know what are the cases which in the Government's judgment are not suitable for requiring Europeans to train Indians to take their places when they fall vacant?

Sir Girja Shankar Bajpai: That is rather a large question. I should say off-hand that only where we are dealing with reserved posts for a particular service it is not generally insisted that the European or the Indian, as the case may be, holding the post should train a member of a particular race.

Mr. C. N. Muthuranga Mudaliar: May I know whether the officer in charge of the Institute of Dairying is an expert in dairying?

Sir Girja Shankar Bajpai: There is no Institute of Dairying at the moment in existence.

BIFURCATION OF THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

477. *Mr. C. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands please state:

- (a) whether, as a result of the Wheeler and Maxwell Committees' recommendations, it was decided that the Department of Education, Health and Lands should be bifurcated; and
- (b) the stage at which the question now is?

Sir Girja Shankar Bajpai: This question should have been addressed to the Honourable the Home Member.

STATUS OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

478. *Mr. C. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands please state:

- (a) if the Imperial Council of Agricultural Research has been declared an office attached to the Government of India;
- (b) the financial effect of this new status; and
- (c) the present status of the Vice-Chairman of the Council, whether it continues to be that of a Secretary to the Government of India with the salary attached to that post?

Sir Girja Shankar Bajpai: (a) Yes.

(b) None.

(c) The Vice-Chairman's status is unaffected though he is no longer a Secretary to Government. His salary is that of Vice-Chairman of the Imperial Council of Agricultural Research and not of Secretary to the Government of India.

Mr. C. N. Muthuranga Mudaliar: May I know whether the Vice-Chairman of the Imperial Council of Agricultural Research is an Indian or a European?

Sir Girja Shankar Bajpai: That fact should certainly be known to my Honourable friend. The present Vice-Chairman is a European.

STARRED QUESTIONS FOR ORAL ANSWERS IN THE LEGISLATIVE ASSEMBLY.

479. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Leader of the House please state:

- (a) if Government have considered the advantages and disadvantages of the existing rule about starred questions for oral answer as against the rule in some of the Provincial Councils under which both the questions and the replies are printed and made available to members half an hour before the House meets; and
- (b) whether inquiry has been or is proposed to be made if the latter practice saves time and is conducive to pertinent and useful supplementary questions?

The Honourable Sir Nripendra Sircar: (a) I would refer the Honourable Member to my reply to Mr. Mohan Lal Saksena's starred question No. 657 asked on the 5th March, 1935, and to the report of the Select Committee, dated the 6th March, 1936, on the motion moved by Mr. C. N. Muthuranga Mudaliar for the amendment of the Standing Orders on the lines contemplated by the Honourable Member.

(b) Government are in complete agreement with the views expressed in the report to which I have referred and they do not, therefore, propose to institute any further inquiries, and I hope the Chair will allow me to add that I do not accept the insinuation made in part (b) that at the present moment the supplementaries which are asked are either impertinent or useless.

Mr. Brojendra Narayan Chaudhury: Is it because these supplementaries are in a form which is convenient to the Government Benches?

The Honourable Sir Nripendra Sircar: I have disposed of supplementaries with the greatest convenience.

HIGHER EDUCATION IN BRITISH BALUCHISTAN.

480. *Mr. Abdul Qaiyum: Will the Education Secretary please state:

- (a) whether there is a single college for higher education in British Baluchistan;
- (b) whether grant made for the building of an intermediate college at Quetta has been revoked; and
- (c) the policy of Government with respect to higher education in that Province?

Sir Girja Shankar Bajpai: (a) No.

(b) Yes.

(c) The Government of India propose to make provision for higher education in Baluchistan as soon as financial conditions permit.

Mr. Abdul Qaiyum: May I know the reason why this proposal for starting a college was turned down and the grant was revoked?

Sir Girja Shankar Bajpai: Simply for the purpose of securing economy. My Honourable friend has been informed by the Honourable the Finance Member that this year we had to effect economies of the order of Rs. 114 lakhs and all of us had to contribute something towards that sum.

Mr. Abdul Qaiyum: In view of the fact that there is not a single college for higher education in Baluchistan, may I know if it was proper economy on the part of Government to turn down this proposal?

Sir Girja Shankar Bajpai: That is a matter of opinion, I think.

Mr. Abdul Qaiyum: May I know who took the initiative in the matter of turning down this proposal, whether it was the Government of Baluchistan or the Political Department or some other department?

Sir Girja Shankar Bajpai: I am afraid I cannot say who took the initiative. I can only inform my Honourable friend of the conclusion.

Mr. Abdul Qaiyum: May I know if Government will remedy this deplorable state of affairs by starting a college for higher education immediately in Baluchistan, which does not have a single college, even after the British administration has been at work there for about 80 or 90 years?

Sir Girja Shankar Bajpai: I think I can tell my Honourable friend that we recognise the desirability, indeed the necessity of starting this institution as early as possible.

Dr. Sir Ziauddin Ahmad: In view of the fact that the Government of India are responsible for education in Baluchistan, may I ask whether the Government of India ever initiated a scheme of starting even an intermediate college there?

Sir Girja Shankar Bajpai: It was this scheme of starting an intermediate college which for financial reasons had to be postponed.

Mr. Lalchand Navalrai: May I know if the Baluchistan Government was consulted before turning down this proposition?

Sir Girja Shankar Bajpai: I have already answered that question.

APPELLATE JURISDICTION OF THE FEDERAL COURT IN CIVIL MATTERS.

481. *Mr. M. Ananthasayanam Ayyangar: (a) Will the Honourable the Leader of the House be pleased to state whether Government propose to enlarge the appellate jurisdiction of the Federal Court in civil matters so as to do away with the necessity of direct appeals to the Privy Council? If so, in what matters? If not, why not?

(b) Are Government aware of a ruling of the Federal Court that that court has no power under the Act to give special leave for any appeals for being preferred before it?

(c) Do Government propose to take any steps to have the Act suitably amended?

The Honourable Sir Nripendra Sircar: (a) I would refer the Honourable Member to the reply given by the Honourable the Home Member to parts (c) and (d) of Qazi Muhammad Ahmad Kazmi's question No. 1252 on the 7th April, 1938.

(b) Government have seen this ruling.

(c) No amendment of the Act is contemplated on this point.

Mr. Manu Subedar: Is it contemplated on several other points?

The Honourable Sir Nripendra Sircar: That does not arise. They are either under contemplation or they are not; but I am not called upon to make a statement on that.

CONSUL-GENERALS, ETC., APPOINTED BY THE GOVERNMENT OF INDIA.

†492. *Sardar Mangal Singh: Will the Honourable the Commerce Member please state:

- (a) in which countries the Government of India have appointed Consul-Generals or any other representatives; and
- (b) how many of these consular appointments are held by Indians?

The Honourable Sir Muhammad Zafrullah Khan: (a) Honourable Member's attention is invited to the reply given by me to his starred question No. 222 on the 15th August, 1938. In addition, an Indian Trade Commissioner has been appointed at Alexandria. The Government of India have also a High Commissioner for India in the United Kingdom and Agents in South Africa, Ceylon, Malaya and Burma.

(b) Of the 13 appointments which I have referred to above all except two are held by Indians.

UNSTARRED QUESTIONS AND ANSWERS.

EDUCATIONAL FACILITIES FOR THE CHILDREN OF INDIAN ESTATE LABOURERS IN CEYLON.

10. Mr. Manu Subedar: Will the Secretary for Education, Health and Lands state:

- (a) whether it is a fact that the children of Indian estate labourers in Ceylon are provided with adequate educational facilities of the same standard as the children of the rest of the population in Ceylon are provided with; and
- (b) if the answer to part (a) be in the negative, whether Government are prepared to request the Ceylon Government to bring the syllabus of education for the children of the Indian estate labourers in Ceylon into line with the syllabus of the rest of the schools in the rural areas of Ceylon?

Sir Girja Shankar Bajpai: (a) and (b). The Agent of the Government of India in Ceylon reports that the syllabus of work for estate schools has been revised and brought into line with that of ordinary assisted schools in respect of reading, writing and speech.

VILLAGE COMMUNITY ORDINANCE OF CEYLON.

11. Mr. Manu Subedar: (a) Will the Secretary for Education, Health and Lands please state whether Government are aware that His Majesty's Government have recently given their assent to the Village Community Ordinance of Ceylon as amended by the Ceylon State Council?

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

(b) Is it a fact that the village franchise under the said Ordinance is extended to Indian estate labourers?

(c) If the answer to part (b) be in the negative, will Government be pleased to state what steps they have taken to get Indian estate labourers enfranchised?

Sir Girja Shankar Bajpai: (a) to (c). The attention of the Honourable Member is invited to the reply given by me on the 4th February, 1939, to Mr. S. Satyamurti's starred question No. 73.

MATERNITY BENEFIT PROVIDED TO INDIAN ESTATE WOMEN LABOURERS IN CEYLON.

12. Mr. Manu Subedar: Will the Secretary for Education, Health and Lands please state:

(a) whether Government are aware of the fact that the maternity benefit now provided by law to Indian estate women labourers in Ceylon is quite insufficient, and that it is only in some well kept estates that midwives and maternity wards are available; and

(b) whether Government are aware that the draft Maternity Benefit Ordinance, recently published by the Government of Ceylon, proposes to give more liberal benefit to labourers outside estate areas; if so, whether Government propose to consider the desirability of representing to the Ceylon Government that the maternity benefits to the estate labourers should legally be made adequate to the Indian female labourers working on estates in Ceylon?

Sir Girja Shankar Bajpai: (a) The statement in the first part of the question is a matter of opinion; that in the latter portion is generally true.

(b) The draft Maternity Benefit Ordinance, recently published, makes no distinction between estate labourers and other labourers. Apprehensions have, however, been expressed that estate labourers may be excluded and representations on this aspect of the matter have been made to the Ceylon Government in consultation with the Government of Madras.

DISCRIMINATION AGAINST INDIAN ESTATE LABOURERS IN CEYLON IN THE MATTER OF OPTION-POLL FOR THE CLOSURE OF TAVERNS.

13. Mr. Manu Subedar: Will the Secretary for Education, Health and Lands please state whether any discrimination against Indian estate labourers in Ceylon exists in the matter of local option-poll for the closure of taverns? If so, what steps do Government propose to take in the matter?

Sir Girja Shankar Bajpai: The reply to the first part is in the negative. The second part does not arise.

EMPLOYMENT OF DISPENSERS ON INDIAN ESTATES IN CEYLON.

14. Mr. Manu Subedar: Will the Secretary for Education, Health and Lands state:

(a) whether Government are aware that 625 'Approved' dispensers employed on estates in Ceylon are unqualified;

(b) having regard to the risk of entrusting the treatment of Indian estate labourers into the hands of unqualified men, whether Government have considered the question of taking early steps to ensure that duly qualified men are employed in their place;

(c) whether it is a fact that planters wanted to employ duly qualified Indian L. M. P.'s as dispensers on their estates, but that the Ceylon Government refused to approve of their appointment; and

(d) whether it is a fact that the Government of Ceylon, as early as 1926, undertook to see that duly qualified apothecaries were employed on estates?

Sir Girja Shankar Bajpai: (a), (b) and (c). Yes.

(d) In 1926 the Ceylon Government generally accepted the suggestion of the Government of India about the establishment of estate dispensaries in charge of trained apothecaries but stated that practical difficulties, financial and otherwise, stood in the way of its immediate adoption.

MESSAGES FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, two Messages have been received from the Council of State. The first Message runs as follows:

"Sir, with reference to the provisions of sub-rule (4) of rule 36 of the Indian Legislative Rules, I am directed to inform you that the Council of State has, at its meeting held on Wednesday, the 15th February, 1939, agreed to the Bill further to amend the Indian Income-tax Act, 1922, as further amended by the Legislative Assembly at its meeting held on Monday, the 6th February, 1939."

The second Message reads as follows:

"Sir, I am directed to inform you that the Council of State, at its meeting held on the 15th February, 1939, agreed without any amendment to the Bill further to amend the Indian Merchant Shipping Act, 1923, which was passed by the Legislative Assembly at its meeting held on the 6th February, 1939."

THE INDIAN PATENTS AND DESIGNS (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I present the report of the Select Committee on the Bill further to amend the law relating to the protection of Inventions and Designs.

THE RAILWAY BUDGET—GENERAL DISCUSSION.

Mr. President (The Honourable Sir Abdur Rahim): Before the general discussion of the Railway Budget commences, I have to announce to the House that I fix 15 minutes for each speaker who will participate in the discussion. This is to enable as many Honourable Members as possible to take part in the discussion, and in special cases I shall have the discretion to extend the time limit if necessary.

1032

LEGISLATIVE ASSEMBLY.

[16TH FEB. 1939.]

[Pandit Nilakantha Das.]

rails. I asked for the composition. The composition was of a little high carbon. I suggested, 'let the Tatas be asked'. The reply came some time later that Tatas were ready to make it. It was then again practically understood that no more should be purchased from abroad. Now, we have got 178 lakhs worth of rails coming from abroad. In this year 1937-38, it is the Bombay, Baroda and Central India Railway which is mostly responsible. Practically the whole amount has been purchased by the Bombay, Baroda and Central India Railway. We are not technical men, and perhaps we shall be told that they are transparent rails or some such thing. In 1929, it was agreed that steel sleepers would not be purchased from abroad, and if Tatas, Henry William and other firms cannot supply them, then, instead of steel sleepers cast iron sleepers, which are even more useful and more durable, would be used. It was so done and year after year it was being done I believe, but now here 144 lakhs steel sleepers have been imported. It is entirely done by the Bombay, Baroda and Central India Railway. In case of rails I made a mistake. It is not the Bombay, Baroda and Central India Railway. It is Bengal and North Western Railway Rs. 172 thousand, Assam Bengal Railway Rs. 3 thousand, Bengal Nagpur Railway Rs. 1 thousand and Bombay, Baroda and Central India Railway only Rs. 2 thousand. Then wooden sleepers even Rs. 182 thousand.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got one minute more to finish.

Pandit Nilakantha Das: I am sorry I cannot go into many details and I could not take up a very big item, advance grant sanctioned for general purposes stores, which has grown into a scandal. In our Railway stores purchases, it has an interesting history. It is by means of this that our purchases are being secretly out of the view of this House diverted with enormous increase year after year to foreign country.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must conclude his speech now.

Pandit Nilakantha Das: I am concluding, Sir.

Mr. President (The Honourable Sir Abdur Rahim): No, the Honourable Member's time is up.

Pandit Nilakantha Das: I finish here, Sir, thank you.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, the present budget shows a little deterioration as compared with the budgets of the last two years. The percentage of net traffic receipts on the capital at large in 1937-38 was 4.3, it was 4.1 last year, and this year it is reduced to four per cent. The working expenses ratio has increased during the same period—53, 53.9 and 54.5, respectively. So this working ratio has increased, and it is due to an increase in the expenditure, but the change is not abnormal though it shows a little deterioration.

Today, I will only touch on those points which are not likely to be raised during the discussion on the demands for grants. First, I take 12 NOON. the question of the depreciation fund. It is called the depreciation reserve fund. It is neither a depreciation nor a reserve fund. It can more appropriately be called a bank deposit. They have arbitrarily fixed

up 1/60th of the capital at charge and they call it depreciation fund. It works out to be 12½ crores per annum. Money spent in renewals and repairs is divided into three parts. One part is debited to the account of depreciation, one part under the account of the working expenses and one part is called capital expenditure and is met by fresh borrowing. Now, to allocate the proportion of these three divisions, we require three highly paid accountants which the Railway Board provides for this work. May I ask Mr. DeSouza, who is supposed to be the encyclopedia of railways, whether any such system is adopted in any other railway in the world? May I ask whether such a big amount is kept in the depreciation fund anywhere outside India? If the Railway Board don't deposit four crores a year in this way, then they will be able to pay four crores to the general revenues in payment of their obligations. Taking the figures of the last 15 years we find that we have been regularly adding four crores to this fund and have accumulated 61 crores under this head. We deposit 12½ at an average and take out 8½ crores for renewals. Out of a deposit of 61 crores we have borrowed half the amount to meet our deficits. We borrowed it in the same manner as we borrowed from the bank. Are you going to increase this fund for an indefinite time to an indefinite amount? Is it the idea that when an earthquake shatters all these railways, you will require several hundred crores from this fund to rebuild our railways *de novo*? The idea of building up indefinite reserve is against the practice of every other country in the world. Why don't you set apart a necessary amount for renewals and repairs? Why first deposit in Depreciation Bank and then withdraw from it? Why don't you adopt a simple policy, a policy adopted by all the Railways of the world, that all expenditure which is not of paying nature and on which there will be no income should be debited to revenue account and the expenditure which is going to yield some income ought to be debited to the capital account and paid out of borrowed sum. This is a simple division which everybody can understand and you need not have an army of accounts experts to allocate the division artificially made by them. -

The next point I should like to touch is the bungle regarding the accountancy of the strategic lines. I have repeatedly demanded that this system should be kept on a sound footing and especially when we are on the eve of handing over the Railways to the Statutory Railway Authority. We should definitely decide something about it. I suggest that the administration of the strategic lines should be taken up by the railway administration. No other authority can do it and they should settle with the Government of India in the Defence Department to give them a subsidy which may be equivalent to the losses which the Railway Board may suffer. This subsidy may be fixed up by taking up the figures of the last 15 years. In fixing the amount you should allow that strategic lines bring a fair amount of traffic to the Railways. The other alternative is that the bill for deficit may be sent to the Government of India (Defence Department). At present there is a great deal of bungle about this. Whatever deficit there is, they put it to the account of the Government of India and deduct it from the one per cent. capital at charge which they are required to pay every year to the general revenues. There is something very peculiar about the accountancy of this particular fund as is revealed on page 7 of the Budget report. In calculating the losses they also calculate the interest on the money which they have borrowed from the depreciation fund to meet the deficits. This reminds me of the story of a man who had lost a rupee.

[Dr. Sir Ziauddin Ahmad.]

He said that he had lost three rupees. He explained it by saying that he lost one rupee. He had borrowed the rupee which is lost and he will have to repay one rupee to the man from whom he borrowed. To do this, you want three experts, the Director of Finance, the Director of Railway Audit and the Financial Commissioner for Railways. I ask when you debit the entire amount of the deficit incurred by the strategic lines every year, then why on earth you charge the interest on the depreciation fund.

The next thing I will refer to is the cut in salary—I find that the Finance Member is not here and I hope he will understand my point. I note that the Railway Member has made no reference to the cut. There is a big rumour that there will be a cut in the salary. Individually I had cut. If economy is needed reduce the scale of salaries. I want to tell the House that it is not only my personal opinion but the opinion of a very large number of Members that if the cut is imposed on salaries of less than Rs. 200, it will be very strongly resented not only by service but by us here also. If we have a choice between the two, we would have no cut at all, rather than have a cut on salaries below Rs. 200. Whatever may be the private understanding between an individual on this side and an individual on Treasury Benches, this much I can say that a cut on salaries below Rs. 200 will be strongly resented. My friend, the Finance Member, will calculate that if he applies the cut only to salaries above 200, his cut will apply to ten per cent. of the general expenditure on general revenues. My estimation is that 90 per cent. of the amount spent on salaries are of those who are drawing less than Rs. 200. The salary bill of persons drawing over two hundred will not exceed 10 per cent. of the total. Ten per cent. cut on higher salaries will lead to a saving of one per cent.,—and I think it will be really foolishness if not madness to dissatisfy service over a small saving of one per cent.

The next question I should like to refer to is the purchase of the railway. The Honourable the Railway Member said: 'I have endeavoured to indicate that there can be no hard and fast policy in these matters'. If he had stopped here, I would have supported him but I do not agree with him when he says: 'and that on each occasion it is for consideration whether the taking over of a railway is, from the point of view of the general taxpayer, a good financial proposition'. What happened in the case of the Bengal and North Western Railway? It was certainly a paying financial proposition in 1931. and in 1936 but we decided this question on grounds of policy. I had been very strongly in favour of State-management but we are on the eve of the establishment of a new railway authority and it is time for us to call a halt. State-management, in future, means that we are going to hand over the management to a company which will have seven directors and no shareholders. This is really a doubtful proposition. We purchase from a company which has shareholders and hand over to another company without shareholders is a problem which requires consideration. Whatever the policy in the past may have been, whatever the recommendations of the Acworth Committee may have been and whatever the speeches in this House may have been, the time has now come to call a halt. We should wait till the Statutory Railway Authority has come into existence and we visualise how it would work.

Now, I come to the system of appeals. I am not going to repeat the speeches I delivered here about five years ago when a cut was moved on the appeal system. I said without any contradiction that really speaking

no officer seriously reads the appeals. A clerk writes down a note, it goes to the superintendent, and on his note a servant is punished. When the aggrieved person files an appeal, the papers are filtered down to the same clerk who has written the note and the servant gets the invariable reply that officer sees no reason to interfere. Then it goes to the Agent who sends it back to the Divisional Superintendent and then it comes back to the same clerk. Ultimately, it goes to the Railway Board but it is really one and the same person who works and nobody takes the trouble to read the papers. This practice has repeatedly been divulged. One of the Railway Board Members in his investigation said that an Agent in one of his letters wrote down definitely that he went personally into the matter but he never did so. This is a matter which should receive consideration and I strongly advocate that in the offices of the Agents and of the Railway Board a civilian ought to be attached whose business it should be to look into the question of appeals. I think the railway officials are most incompetent.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Dr. Sir Ziauddin Ahmad: to listen to appeals, they will never listen; therefore, it is very desirable that we should have a civilian in the Railway Board and a civilian attached to the office of the Chief Manager whose business will be to look into the appeals concerned and thus justice should be done to the subordinate staff. At present I assure the Honourable the Railway Member that subordinate servants are exceedingly dissatisfied.

The next question I shall touch upon briefly is that of the rating policy. As regards that rating policy, I think what the Honourable Member said is what I would call a bogus dictum, viz., 'charge what the traffic can bear', and 'the value of the services rendered'; I know these are bogus words which can be interpreted by every person to suit his own convenience. In fact the Railway should charge the very minimum which the people can pay without transgressing the limit between profit and loss. We must have a profit, and then we should try to capture the maximum volume of traffic by reducing charges to minimum. Don't charge what traffic can bear, but leave what you can without incurring loss. One other thing is very important in the case of the rating policy. It has been repeatedly recommended by various Committees, but the Railway Board have never paid any attention to it, is that they should make no differentiation between foreign traffic and home traffic. Sir, I think every booking from one station to another station on the same line or on a different line also should be treated as through booking and not booking on different lines. My Honourable friend, Mr. DeSouza, is an authority on this question and if he will calculate it he will notice the enormous difference involved if we take up the whole traffic as through traffic.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I am glad I have got an opportunity at an early stage to speak but we cannot touch even the fringes of so many questions that are raised within the time limit. However, at the time of the different cuts I hope I will say what I have to say on different matters. Now, Sir, the picture presented by the budget is

[Mr. Lalchand Navalrai.]

not a rosy one but I would give credit to the Honourable the Railway Member for at least having got out Budget, which has a surplus of two crores. But, we know how budgets are manipulated, and we also know how a surplus budget can be made into a deficit budget and *vice versa*. I must next refer to the obligation which I owe to my Honourable friend, the Railway Member, and that is with regard to what he has provided for Sind railways. Sir, with regard to the Sind railways he has provided $\frac{3}{4}$ crores of rupees for projects, which I feel are not solely in the interests of the people but mostly in the interests of the Central Government, namely, to recover their debts from the barrage. However, I would not look at the gift horse in the mouth and I would thank him that he has made this provision though those are small mercies, but there is one thing which I must say that he should not forget. It is the great demand of the Sind people which has several times been brought to his notice. People have come in deputation to him and several other officers including the Honourable Sir Guthrie Russell and matters have been explained to them that there should be no delay in the construction of the Sind-Bombay Railway.

Now, this project has been hanging fire since a very long time and at one time there were hopes and such hopes were actually given that Bombay will be connected with Sind by a broad gauge line which will go through fertile country and also increase the income of the Railways. At one time I must say it was considered that this would be a remunerative proposition, but, latterly, for certain reasons well-known to the Honourable Member apparently the interest of the steam navigation companies came to have some influence on this question. Were it not for this shipping interest creeping in, by this time we would have seen this railway an accomplished fact. Then some turn was given to it and every time we are now told that it is not a remunerative concern. I have not got much time to go into details but I must say that the members of the Karachi Merchants Association and the Buyers' and Shipping Association, when they met the Honourable the Railway Member in deputation, last year, undertook to further investigate into the facts and figures so as to produce cut and dried estimates showing that this railway connection would be positively remunerative, and by this time they have engaged an office where experts are employed and they have actually prepared estimates a copy of which has, I hope by this time, been sent to the railway officers; I hope, therefore, that considering the importance of this railway, the demand from the people, and also the fact that on account of the barrage it is very necessary that there ought to be this direct railway, they will now construct it. Even from the passenger traffic point of view the passengers, when they go at present from Hyderabad (Sind) to Bombay, know the conditions of that slow Jodhpur Railway trains, the barren country they pass through on the way, not even getting something to eat on the way side stations. Therefore, I submit that if my Honourable friend, during his regime here, is going to complete and implement this railway, he will have very many thanks and gratitude from the people of Sind.

Sir, next I come to the question of the freights and rates. Now, on this point I need not go beyond what the Indian Merchants' Chamber, Bombay, have said recently, and I must say one thing before I read this to the Honourable Members, that it has now been established that if the freights are reduced and conveniences to passengers are given, then there is bound to be an increase in the railway income, and that is exemplified

by what happened on the occasion of the Kumbh Mela at Hardwar. Sir, there the conveniences were increased, I personally witnessed them, and I say it was a credit to the railways to have increased the conveniences and also, I think they taught a little more of civility to their subordinates there how to deal with third-class passengers and others and to provide better accommodation, respecting waiting halls, waiting rooms, and so forth. I was much gratified to see that. The result of it was that there is a rise in the income and that is due to the conveniences that have been provided and also to the reduction of freight. I, therefore, submit that no deaf ear should be turned when a decided opinion comes from the Indian Merchants' Chamber of Karachi and Bombay to reduce freights. This is what they say:

"Freight rates which were fixed before or after the War have not only been not reduced, but on the contrary, they have been increased, even when price indices of certain commodities have gone down. As an instance, I shall only give you some figures of cotton freight at different periods from Karachi."

Then, they have given various figures and I would like to give only one. In 1917, the rate from Multan to Karachi, a distance of 575 miles was Rs. 1-0-9 whereas, now it is Rs. 1-13-9. It goes on increasing from day to day. Then the report goes on to say:

"This increase hits the finances of railways as well as the cultivators in villages. Repeated representations have been made to Government to revise their freight policy in the light of new circumstances, but to no purpose. Sir Purshotamdas Thakurdas, in his recent presidential address before the East India Cotton Association voiced the same grievance of the cultivators and merchants dealing in cotton towards this aspect of freight charges—both internal and external."

I need not say anything more. I hope the Honourable Member will not give us the usual consolation that the rates all over the world have been increased and that the rates here are the lowest. That is no ground at all. If you want to make the Indian railways popular, in these days when there is so much competition not only in freights but in the passenger traffic also, then you must come forward and meet the demands of the people.

In the next place, I would like to say a few words on the burning question with regard to the subordinate staff in grade I. This question has been agitated in this House and also outside this House several times, but no help has been given to them. Even yesterday, when certain questions were put by my Honourable friend, Sardar Sant Singh, I found that the replies that were given were not encouraging. During the course of the last budget this question was also brought to the notice of the Honourable the Railway Member and the Honourable Member mentioned three grounds for not giving them promotion. In the first place, he said that their case was different from that of the clerks in the office of the Railway Clearing Accounts. We will leave that aside. The second ground that he mentioned was that even if this concession was extended to them, there will not be proportionate benefit obtained. These subordinates, whether they are in the Railways or elsewhere, are persons who are doing more work than the officers who are above them. They supply everything to them and yet they say that no benefit can be extended to them. Their work and the benefit derived cannot be calculated mathematically. These subordinates have to serve on Rs. 60 all their life and it is absolutely against human nature that these people should not be given any promotion when their case has become the hardy annual and is being brought to the notice of the officers every now and then. The third reason given was that there is a likelihood

[Mr. Lalchand Navalrai.]

of a flow to Grade No. II. In regard to that, I would like to quote what the Honourable the Railway Member said last time in his budget concessions. He said:

"It has been said that the effect of maintaining these two grades is that the clerks in the lower grade have to retire on the maximum pay of that grade. Now, my latest information is that there are sufficient vacancies occurring in the upper grade as to allow a reasonable flow from the lower to the upper."

Now, yesterday, questions were put. Unfortunately, there was a mistake in the question that my Honourable friend, Sardar Sant Singh, had put in and advantage was taken of that without having regard to the actual facts. The Honourable the Railway Member said that on that showing also 50 per cent. of flow had happened. But that is not the fact. The mistake occurred in this way. My Honourable friend, Sardar Sant Singh, had said that out of 422 grade I clerks, 280 have been blocked, and the reply was that that showed 50 per cent. promotion.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Mr. Lalchand Navalrai: I am closing, Sir. They have not been promoted but the fact is that they have not reached their maximum and only 20 persons have been promoted. At the utmost you can see that only seven per cent. have gone into the higher grade. I submit, therefore, that these are questions over which there is a great discontent. I hope you do not wish that there should be a strike among them or they should create any kind of other trouble. I hope, therefore, Government will meet their demands and consider their questions sympathetically.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Mr. President, with your permission, before I deal with the railway budget, may I be permitted to offer to the Honourable Member in charge of Communications my sincere congratulations on his appointment as the Governor-designate of Bihar and let me add that what will be Bihar's gain, will be this Assembly's loss. I am sure, I am voicing the opinion of the entire House when I say that we have never had a Member in charge of this Department who had met all our appeals and requests with such courtesy, with such tolerance and with such patience. Personally I have always received this treatment from him, and I wish publicly to thank him for it.

Let me now turn to the budget. I would describe the budget, as presented to us, as a colourless, sensationless, thrill-less and a ripple-less budget. At the same time, I would say that it is a recital and a review of the steady work done during the past year against great odds and great handicaps, but it reflects great credit on the Honourable Member in charge and his Department to show in these days a surplus of over two crores. If the railways were exempted from their interest charges of 29½ crores for a few years, what could they not do? Instead today, after paying over 29½ crores as interest charges, they are left with a balance of two crores to carry on with. It would be very interesting to know in regard to the payment of these interest charges, how the strategic railways stand in comparison with those that are non-strategic. I would like the Honourable Member to give this House his views on this matter. With my limited time, there are only a few points I can review. I must, therefore, reserve my detailed remarks during the demands for grants.

The first point to which I wish to refer is really one of supreme and vital importance to the railways in India and it concerns a matter that I have more than once brought to the notice of the Honourable Member in charge of this Department. I refer to the leave reserve of subordinates. At the outset, let me state that the condition of the leave reserve, as between the subordinate and the official, is not comparable. The railway official can reserve his steamer berth months before his leave is due and he, therefore, books his passage. On the other hand the railway subordinate rarely gets his leave, though in some railways, like the Bengal Nagpur Railway, he is encouraged to take his leave during the off season. I readily concede the difficulties with which railways are presented when subordinates apply for leave during the busy season. I can appreciate that difficulty, but there are cases, really genuine ones where leave is due or urgently needed and which is refused because there is no leave reserve. I warn the Railway Department that if this is not remedied at once on all Railways it will lead to one of the biggest railway smashies which you have ever had in the country. The subordinates, who have been greatly reduced in numbers, are called upon to do overtime work, they are slaves to their posts of duty, their emoluments and their privileges and everything else have been cut down to the barest minimum and, yet, the mileage of the railways has increased tremendously. I challenge the Railway Board to place on the table of the House any figures to disprove what I have said, viz., that your staff has been reduced though your total mileage has enormously increased and, yet, the railways are not taking serious notice of the matter. Last year, I brought this matter to the notice of this House and I was promised that action would be taken. I have here a note from the Railway Board, received yesterday, to say that action was taken, but, as the matter was so complex, no result has accrued so far. I consider this admission to be a distinct dereliction of duty on the part of the Railway Board and to be a distinct dereliction of duty on the part of the Railway Board. It makes no I openly make this charge against the Railway Board. It makes no difference to them if the railway subordinates suffer so long as they can show economy and enable the budget to be balanced. I once said that the Railway Board was cracked, I know not whether at the top or at the bottom. But none will deny that a most serious situation exists today and, yet, for a year nothing has been done to relieve the suffering of the subordinates. The men are overworked. As my Honourable friend, Mr. Lalchand Navalrai, pointed out, they cannot get proper rest. I know that of times they will not take it, because, in many cases, they get overtime and in these days of poor pay for new recruits, they are keen to seize every penny. I would ask the Honourable Member to give this his immediate attention. It seems that the Railway Board cannot get an answer from the Agents. It is truly said that big issues and little men go ill together. Here is a big issue and who are the men dealing with it? Little men no doubt—for nothing has been done so far for a year. This House demands from the Honourable the Communications Member that serious notice and immediate action should be taken on the matter and the position remedied. It is not right that these men should be slave workers, and thus expose the public to danger by inefficient work produced by muscular and nerve exhaustion due to over-work and under-rest.

Another point to which I wish to refer is the system of appeals. Much has been said about this before. I say that the appeal system in the Railway Board is absolutely bad and I can sum it up in most cases by saying that the accuser and the Judge are one and the same person. Of course there is some improvement on what existed a few years before

[Lieut.-Colonel Sir Henry Gidney.]

due to agitation in this House, but there is still much need for reform, and I would beg of the Honourable the Communications Member, in his desire to administer justice to one and all, to give his earnest attention to this vital matter.

On the question of cuts in salaries, I warned the Railway Board last year and I warn them again today that if there are any further cuts in the salaries, they will have to face the biggest Railway strike India has ever witnessed and they will be brought to their bended knees within the next 24 hours and beg the men to work.

An Honourable Member: Don't threaten us.

Lieut.-Colonel Sir Henry Gidney: You—the opposition—can say what you like. You will also be on your knees begging the men to resume work and I challenge you to try it. If it is done I will be in the fight and I know on what side I shall be found. Let me ask Honourable Members of this House why don't you cut your daily and your travelling allowances: I can only sum it up by saying, "don't cut your nose to spite your face", for you will regret it.

The next question to which I wish to refer is that of passes. This has become a hardy annual. The question of passes was brought up last year and the Honourable Member promised to look into the matter. I know he has done so and I know some amelioration has been given. But what is it? A few crumbs, Sir, I am not going to dilate on this matter. We have done it *ad nauseam*, *ad libitum*. May I ask the Honourable the Railway Member again to give his serious attention to this pressing matter? Many of the men claim it as an inherent right, inherent in the privileges that were theirs, before the 31st December, 1924, when the State took over the two Railways, the Great Indian Peninsula and the East Indian Railways. They claim that it is a right and a privilege which has been taken away from them. Whether they are right or wrong, I do not know. But might I suggest to the Honourable Member to place the matter before the Public Services Commission or before some independent Tribunal and ask them to decide whether the men have or have not been dealt with fairly. Passes have been the one attraction of railway service and this you have taken away. It is a deprivation which has created the greatest upheaval among railwaymen from the humblest to the biggest. Why should railway officials in the higher ranks who can easily afford to pay their fares be provided with passes or saloons and why do you deprive the poor subordinates of their legitimate right? Why do you ask the Assistant Station Master to travel with a sweeper or a cooly in a third class compartment? Why don't you ask the Agent of a Railway to travel in the same carriage with a guard? No! He has a saloon given for his exclusive use. Will the Honourable Member for Railways travel with his Secretary? No, he has his own luxurious saloon. Sir! Humanity is built on a particular social system one of which is self-respect. I, therefore, ask how can an Assistant Station Master, Guard, Fireman, etc., claim any respect from the man who sweeps the floor at the station when he has to travel in the same third class carriage with him. I submit that most railway subordinates will be drawing less than Rs. 76 p.m. and, therefore, they will have to travel in a third class carriage. Moreover very few of them will get Rs. 176 p.m. to entitle them to a second class pass. The Railway Board know full well that under the new scales of pay given to the men, very few of them will draw Rs. 176 which entitles them to a second class

pass and still fewer men will draw more than Rs. 76. Yet these are the two limits of pay offered to subordinates. Again I ask how can an Assistant station master travel with his sweeper or cooly or cook in the third class and yet demand respect from him when he sits in his office chair. This is not right. I would ask the Honourable Member to give this his serious attention.

Another question which has been agitating the minds of railway subordinates considerably on the N. W. R. is this. The position today is one of considerable anxiety and concern. We have the Wedgwood committee report before us and we know exactly what that committee recommended. The N. W. R. suddenly found themselves in need of eleven skilled Foremen. Before I say another word, let me tell the House there is a tendency among certain State Railways not to encourage their men to apply for posts outside their particular Railway however eminently desirable and capable these men may be. Let a subordinate make any effort to get transferred to a vacancy in any other railway and he will be told to "shut up". When he repeats his appeal, he will be firmly asked to shut up and if he persists, he will be told that he will be discharged and he can seek employment elsewhere. In short he becomes a marked man and, yet, it is the usual practice for officials to be transferred from one to any other railway to fill suitable vacancies. Why this marked difference between officials and subordinates. The Honourable Member knows that suddenly the N. W. R. have discovered that they want eleven skilled Foremen and they asked the High Commissioner for India in London to recruit these men in England. Owing to agitation in India I am told this advertisement was withdrawn. But what is the position today? I have no doubt the Railway Board will in the end say "No suitable qualified men are to be obtained in India." Do you really mean to say you cannot get skilled foremen in India? If so, what have you been doing in the training of your men on your railways? Have you been maintaining a set of fools as covenanted Foremen or retaining a set of fools as chargemen acquiring no experience and unfit for promotion to Foremen, though many of these very men have officiated as such for years? If so, it does no credit to the Railways themselves? Sir, it is high time the Railway Board got out of its head that intelligence is the perquisite of Europeans or Englishmen. Indians also possess intelligence and of no mean order; while Anglo-Indians are born mechanics and yet you advertise in England where at the present critical moment only inferior mechanics will be available.

Sir, I can only conclude by telling this House a story. There was once an Englishman who got up and said, "Ladies and Gentlemen, I am proud that I am a son of England, the finest country in the universe. I am so glad to tell you that I was born an Englishman. I am so happy to tell you that I have tried to live an Englishman and I hope I will die an Englishman". Among the audience that listened to him there was a Scotsman,—in this case let us suppose it was an Indian or an Anglo-Indian,—and his reply was, "Mon, hae ye no ambition?" All that I can say is that we have got sufficiently qualified men in this country; and I say with all respect to the Honourable Member who I know will listen to this with sympathy, that this matter cannot be shelved. He must recruit men in this country and it is absurd to say that we have not got efficient men here.

Sir, I shall refer to other points when the time comes, particularly to the question of railway unions and their recognition by Agents. I

[Lieut.-Colonel Sir Henry Gidney.]

notice that there are still many Agents who look with an unkind eye towards railway unions; I do wish it were possible for the Honourable Member to instil into the minds of all railway Agents that the time has come when they must try and make their railway unions useful adjuncts to them in their administration, the same as I am glad to notice is being successfully done today by the present Agent of Bengal Nagpur Railway. Sir, with these few remarks I resume my seat.

Dr. F. X. DeSouza (Nominated Non-Official): Sir, I shall remark at the outset that the Railway Member seems to have started his administration of railways under a very lucky star. After a series of lean years and years of deficits his very first year was a year of surplus. Then followed a second year in succession of surplus and now we have a third year where the surplus is estimated at two crores of rupees. Sir, I think it is unfortunate that the Honourable Member is now transferring his activities to where his star is still in the ascendent higher spheres but I hope his lucky star will shine in those higher spheres also. My Honourable friend, Sir Henry Gidney, said that what is the loss of the railways will be the gain of Bihar.

The next point to which I should like to draw the attention of the House is the fact that I believe for the first time an Indian has been appointed a Member, temporary though he may be, of the Railway Board. I am particularly gratified at this appointment because the Honourable Member belongs to the community to which I have the honour to represent in this House. For years past the Railway Board was regarded as the close preserve of Europeans. It was feared that the Railway Board was the guardian of certain vested interests which the Indian may not be trusted to preserve. But still, the door has been thrown open, though in a tentative fashion, and an Indian has been admitted, although in a temporary vacancy. But, Sir, let me just give a piece of what is in my mind in connection with that appointment. I will respectfully remind my Honourable friend who has just been appointed to the Board that the art of advancing in the service of Government is not always the art of advancing in the service of the public. And I will ask him to remember that whenever there is a clash of interests between the public and Government he should now approach the question from a different point of view and will consider the interests of the public more than the interests of Government. His rise has been a most phenomenal rise from the lowest rung of the ladder right up to the top, more than that of anybody else in the Government of India. He is an illustration of Napoleon's saying that every private soldier carries with him in his knapsack the Marshal's baton. He has risen to the top and it is my earnest request that he will justify his appointment to the public.

I said the budget is a surplus budget and to that extent it is a matter of great satisfaction to this House as well as to the public. But I may remind this House that however gratifying it may be as a surplus budget, the surplus seems to have been obtained more as a sort of balance-sheet of a joint stock company rather than as a public utility concern. It is true that we have a surplus budget, but is there anything in this budget to show that the interests of Indian commerce and Indian industry have been advanced?

An Honourable Member: Specially of coffee?

Dr. F. X. DeSouza: My Honourable friend reminds me of coffee. I see no reason why I should not refer to that because it is an important Indian industry. Last year I made this point that it is an important Indian industry which is passing through the gloomiest of depression, and I asked the Honourable Member to consider the question of lowering the freights so that the internal consumption of coffee in various parts of India may be increased. That suggestion, at that time, was ignored and treated with contempt. If it were really a Government which had the interests of trade and commerce at heart could they have treated my request in that cavalier fashion? I may here remind Government of what the Government of Kenya has done. Coffee in Kenya has passed through the same crisis; the industry there has suffered from as much depression as our own industry here. What is the reply of the Government of Kenya? The freight on coffee, both in passenger rates and in goods rates throughout the country from Tanganyika, throughout East Africa, has been reduced by half. That is the immediate response to the demands of the planters. What was done by the steamship companies? All the steamship companies that ply between the African ports and England also immediately reduced their freights by more than half; and yet, our Government stands in supreme callousness not caring even a tuppence about the condition of the industry. When I brought this matter up to the notice of the Agent what did he say? He said, "Yes, I quite agree with you; it is true that the position of your industry is very bad, but you must remember that we are not a philanthropic concern, we are a money-making concern. And if you can show me that by reducing the freight on coffee you will add to the traffic in such a manner as not to cause serious loss, then only we shall consider the problem". That is the attitude with which a company of shareholders approach a question of this kind but it should not be the attitude of a public utility concern like the railways on which 800 crores of the taxpayers' money has been invested. I, therefore, again urge upon the attention of the Government Member that the question of freight on agricultural produce like cotton and coffee and many other products which have fallen so low and are passing through a severe period of depression should be considered.

Again, let me illustrate my point by reference to the competition between railways and motor traffic. Wherever I go station masters are jubilant and when I ask them they say: "Railway traffic has been restored. Our work has been doubled; the goods traffic has risen enormously." And when I ask, why, they say the motor lorries have been driven off the road. They are running shuttle trains for the convenience of railway passengers and giving facilities for goods transport from long distances. That is all very well; All praise to them. But what happens to the motor lorry? It is an enormous Indian industry: lakhs of people are interested in it; it contributes to the revenues of Government in more ways than one; and yet, look at the attempts made by the Central Government as well as by the various Provincial Governments to crush and kill the motor traffic. I have the misfortune to work a motor lorry myself. Would you believe it that there are no facilities given and yet first and foremost the annual provincial tax which I have to pay for running that lorry, between Mysore and the Madras Presidency, is as much as Rs. 1,500 a year? That is the tax I pay for running that lorry. Is it not obvious that the object of the Government is to crush and kill the motor industry? During the discussion on the Motor Vehicles Bill I suggested that some facilities should be given for inter-state and inter-provincial communications, and yet

[Dr. F. X. DeSouza.]

nothing was done and every time a lorry passes between Mysore and British India terrible taxes have to be paid—Rs. 800 in British India and Rs. 700 in Mysore. Is this the way in which an industry of this kind, the motor industry in India, should be encouraged? I agree that there should be no competition between motor lorries and railways. But when communication is sought between villages and towns, and towns and larger towns, what competition can there be? Why should the agriculturist who has to ply between these places to find a market for his produce, why should he be penalised? In whose interest? In the interests of the shareholders of the railway companies. I agree their interest should be protected and their dividends paid: but why should the producer, the agriculturist be penalised? Let the general taxpayer pay the dividend. I plead for the agriculturist who in order to save the railways from competition with motor lorries is penalised by killing the motor traffic.

I should like to urge one other point before this House and it is this. The ticketless traveller is our bugbear. I believe legislation has been brought to stop this evil, but at whose expense is it enforced? At the expense of the man who pays. How? I understand a squad of what they call travelling ticket examiners have been employed to deal with this evil. They travel without a uniform or a badge. They claim the right to enter any compartment at any time of the day or night. Even though there may be ladies travelling and even though they may be dressing at the time, they insist upon entering the compartment; and if, as sometimes happens, the door is bolted from inside and they are asked to come later, they refuse to do so and they travel on the foot board

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Dr. F. X. DeSouza: It happened only the other day. What was the result? The travelling ticket examiner came and I refused him admission as the ladies in my compartment were then dressing; but he had his revenge: he accompanied me all the way—very nearly 200 miles—and then he put me through the indignity of having every bit of my luggage examined because he said it was underweighed: though the luggage had been handed over to the station master at the starting point for weighing and the station master weighed what he thought fit and left out what he thought fit, this man out of sheer spite charged me extra for eight seers on a total luggage of four maunds. This sort of persecution at the hands of travelling ticket examiners should be stopped. It is a scandal and I earnestly hope that steps will be taken accordingly.

Lastly, as regards the pass holder, although I can quite believe that pass holders have a right to ask for some sort of compensation for railway service, yet as a paying passenger I have right to claim that persons who are not accustomed to travel with their own money in the same compartment in which I travel should not be allowed to incommode paying passengers. You will remember, Sir, that subordinates are given second class passes, who, normally, would not dream of travelling in that class. I say railway servants have every right to claim a concession, but I would submit that in order to avoid first and second class passengers from the discomfort of travelling with persons of that status, either a bonus should be given to them and they should be allowed to travel with their own money or a small compartment should be reserved for them. That is all I have to say.

Mr. C. N. Muthuranga Mudaliar (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Mr. President, we may now congratulate ourselves on the small surplus of two crores and odd that promises to be made available for the Provincial Governments. With proper management the surplus could easily have been doubled. The tone of the speeches of the Honourable Members in both Houses is also conciliatory, but nice speeches cannot satisfy our hungry and famine-stricken countrymen. In no country would the railways be allowed to be administered as in India. Rs. 800 crores of the taxpayers' money is invested in this venture, and yet the administration is carried on in the interests of foreign capital and foreign employment. Take the administration of the Bengal Nagpur Railway. From 1924 up to date, it has been working at a loss and the total loss seems to be Rs. 21.10 lakhs. If we refer to page 40 of the Explanatory memorandum we see that from 1924 up to 1939-40 it is all minuses, working at a loss. Similarly, the Assam Bengal Railway and the strategic lines, all these work at a loss. If this state of affairs is allowed to continue till 1950, half of the capital invested in the Bengal Nagpur Railway will be wiped out, for the Government of India have guaranteed the interest on the capital invested in the company-managed railways. The same is the case with the Assam Bengal Railway.

The Honourable Member in his speech has said that they are purchasing the South Bihar Railway and the Hardwar-Dehra Railway 1 P.M. next year. This is good so far as it goes; but what is it compared with the Bombay, Baroda and Central India Railway, the Madras and Southern Mahratta Railway and the South Indian Railway? The Honourable Member has, in his speech, referred to questions asked on the floor of this House as to what the policy of Government was with regard to taking over of railways from company-management to state-management, as and when their contracts determine. I have endeavoured to indicate says the Member that there can be no hard and fast policy in these matters and that taking over to the State-management should be a general financial proposition. Sir, the Great Indian Peninsula Railway is under State-management and the Bombay, Baroda and Central India Railway is under company-management and it is a uniformly paying concern, while the Great Indian Peninsula Railway is not so always. Sir, I insist that the Honourable Member for Railways must give an assurance on the floor of the House that the Bombay, Baroda and Central India Railway will be taken up by the Government. The Federal Railway Authority may be foisted on us at any time, and they will, no doubt, try to benefit their cousins, the foreign companies. This is perhaps the last Budget presented to this House before the Federal Railway Authority takes charge. So, an assurance must be forthcoming that notice will be given to the Bombay, Baroda and Central India Railway authorities in time to terminate the contract and take over the management. Similarly, an assurance must be given that the Madras and Southern Mahratta and South Indian Railways would be taken over by the Government, at least in 1945. The Madras and Southern Mahratta Railway ought to have been taken over even in 1937; but the Government excused themselves on the plea that it would not be remunerative if managed alone, but that both the Madras and Southern Mahratta and the South Indian Railways must be taken over together and both worked as a single system. So they have extended the contract of the Madras and Southern Mahratta up to 1945, so that both the Railways may be taken up and worked as a single system. But both the

[Mr. C. N. Muthuranga Mudaliar.]

Madras and Southern Mahratta and the South Indian Railways could have been taken over in 1937; though the contract of the South Indian Railway extended up to 1945, it was working at a loss for a number of years, and, according to the terms of the contract, *vide* page 201, History of the Indian Railways up to 1937. This is what is stated here:

"The Railway and all its appurtenances are absolutely the property of Government, who may terminate the contract on the 31st December, 1945, or at the end of any succeeding fifth year, by giving to the company in England, not less than twelve calendar months' previous notice; also at any time on six months' notice should the company fail to observe its obligations or the undertaking be worked at a loss for not less than three half-years continuously."

Government really want to see foreign companies thrive instead the State itself managing the Railway transport services. As if this is not enough, the Government seem to have permitted the Madras and Southern Mahratta and the South Indian Railway companies to run Road transport services in collaboration with foreign private capitalist companies. It is bad enough for the company-managed Railways to run Road transport. It is worse to take in private foreign companies for the exploitation of this country. Sir, the autonomous Provincial Governments are encouraging the local bodies to run the Road transport services in order to supplement their poor finances, and many of them are coming forward to do so. The Railway Administration should not interfere in their field. I have no doubt that the Provincial Governments will not take this encroachment lying down, but would strongly protest against this inroad of foreign capitalists with the aid of the Central Government.

Sir, the next question that I would like to deal with is the constitution of the Railway Board. It always consisted of Europeans except for a short period, when Mr. P. R. Rau was one of the members. As soon as he finished his period, he was transferred to some other duty, and a junior European took his place. In reply to a question of mine, the then Railway Member said that Mr. P. R. Rau has completed his period and no suitable Indian was available. Sir, it is adding insult to injury to say that no suitable Indians are available. As a matter of fact, there are a number of Indians in the Railway service itself who are suitable and more efficient than any European that the Government can think of. Sir, I am informed that there is a vacancy or is likely to arise in the near future in the Railway Board. It is but just that an Indian must find a place in it. As a matter of fact, when Mr. P. R. Rau completed his period, he could have been given an extension for another term. Was not Sir Guthrie Russell given a similar extension? Where there is a will there is a way. Let an Indian from the Railway Service be appointed, instead of a junior European that is sought to be appointed in the vacancy caused by the retirement of the European. The setting up of the Federal Railway Authority is kept a close secret, and we do not know when it will be brought into existence. We will then be deprived of even this privilege of crying in the wilderness.

Then, Sir, in accordance with the recommendations of the Wedgwood Committee, there has been a large reduction of maintenance gangs. I understand that instructions have been issued to transfer surplus men or

discharge them. A lot of gangmen were sent home and many petty officials were also sent away. At the same time many high offices have been created and Europeans have been appointed to those places.

The Railways are said to be run on a commercial basis. Then how can the Administration run the strategic lines at a great loss? Then what about the nominal rents received from European refreshment rooms in several stations? Does it show that the Administration is running the Railways on a commercial basis? In answer to a question, a statement was laid on the table the other day, and from that statement it is clear that while Indian refreshment rooms are charged decently and even heavily, European refreshment rooms are charged even at Re. 0-1-0 per room per month. Even with poor business, the disparity is very great.

Then, Sir, in accordance with the recommendations of the Wedgwood Committee, the New York Agency Office was abolished. On the same plea, the London Offices can also be abolished. Its functions can be transferred to the Stores Purchase Department or the High Commissioner for India. Then again why should you continue the two Upper classes? Why not abolish the first class and have only one upper class?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got only two minutes more.

Mr. C. N. Muthuranga Mudaliar: Why should the rates in the Grand Trunk Express be higher than in other lines? Is it because the passengers have to sit for longer hours in the Grand Trunk Express? Then speed up the train and reduce the rates. Why not give the facilities of coupon tickets and "Go as you like" to the general public on all the lines, as is done now on a few Railways?

An answer was given some time ago regarding the number of Indians in the superior appointments in the Railways. The pace of Indianisation has been so accelerated and the powers that be have been so sincere and sympathetic in their trust that we have no Indian Agent,—perhaps one Indian Deputy Agent and two or three Divisional Superintendents on the State Railways. A vast number of appointments have been created in the transportation and commercial departments, most of which seem to be the preserve for Europeans and perhaps a few Anglo-Indians. There are no Indian Chief Engineers on Railways nor is there any Indian Signal Engineer in the Great Indian Peninsula and East Indian Railways. I believe there are a few in the North Western Railway. There are no Indians in the senior ranks of the officers, and as regards new recruitment, I find that in 1937 there were 16 Anglo-Indians recruited out of a total of 84 in the Transport and Commercial Departments. Perhaps, they have a special aptitude for commerce and transport, just as they are supposed to have a special aptitude for telegraphs and army assistant surgeonship.

So far as I am aware, there is no Indian officer on the Railway Publicity side—there was none till 1937. This is the giddy pace at which Indianisation is being carried on, and there are countrymen of ours, still foolish enough to believe that we can put faith in the Britisher's promises. It is all a huge farce. And it will become much more of a farce with the inauguration of the new Federal Railway Authority.

Besides this so-called Indianisation of the higher ranks, it would be interesting to know how far the monopoly of Anglo-Indians and Europeans in what may be called the middle ranks—lower gazetted and others—has

[Mr. C. N. Muthuranga Mudaliar.]

been broken on the State-railways, and how far the authorities still continue to get Europeans and Anglo-Indians for jobs in the mechanical, engineering, traffic and other departments, of which they have had a monopoly all along

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up. He must conclude.

(Mr. Muthuranga Mudaliar then resumed his seat.)

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, when we have got a surplus budget before us, we who have been accustomed for a long time to see deficit budgets have to congratulate the Honourable the Railway Member on introducing a second time a surplus budget. Not only that, but I desire to congratulate him on the exalted office to which he has been promoted by this morning's notification. He is a Member of this House and is going to a high place as the Governor of Bihar and he is going to leave us on the 1st April. My gratification is all the greater, because, when I started my political career for the first time as a member of the Municipal Board of Meerut, we both happened to be members of the same municipality for several years. I am very glad that a friend and colleague of mine, and he is a colleague even now, has risen so high. Though this is a happy budget, there is something in which it could have been improved, and with this end in view I will make a few observations. Though the budgeted surplus was 2,50 lakhs, he is only expecting now two crores.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after lunch.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock. Mr. S. Satyamurti (one of the panel of Chairmen) in the Chair.

Sir Muhammad Yamin Khan: Sir, I was saying that the surplus in the current year will be reduced to something like two crores five lakhs instead of two crores 50 lakhs. This, I find, is chiefly due to the rise in expenditure, and, according to the figures given by the Honourable Member in his speech, there will be a rise in expenditure of nearly a crore of rupees. That is, instead of 62 crores 50 lakhs, it is going to be something like 63 crores and 50 lakhs. This is a position that should not have been ignored at the time of framing the budget—that there should have been an expenditure of such a huge amount which comes to a crore of rupees. That position ought really to have been fully explained. Again, this year, we find that for 1939-40 it is laid down that we will have still a crore of rupees extra expenditure. I am not sure by the phrase which appears in the speech of the Honourable Member whether it will be a crore more than 63 crores and a half, or it means that it will be a crore more than last year's

to about $\frac{1}{2}$ crore less than in the current year". I would ask the Honourable Member that it should be clearly explained when he comes to reply. If he expects beyond 63.50 crores, then what are the causes, why this extra expenditure should come in? We find that we are having two real things to our advantage; one is that there has been a reduction in the interest charges of 33 lakhs, and then we find that 33 lakhs will be a rise in the receipts. This means that there will be a net gain of 66 lakhs of rupees. In spite of those two great advantages, we find that our surplus, which is expected to result, will come to something like 2.13 crores. But the position is that the goods earnings have gone up and passengers earnings have gone down by the same figure. This is not showing a happy position. It does not show that we can go on expecting the same kind of revenue which we were having in the past ten months. I think a word of caution should be said to the Railway Administration. The position may turn out to be happy, but at the same time it may not, because the signs are not really encouraging. Therefore, the Honourable Member must see that no expenditure, which is not absolutely necessary, is allowed to be incurred. I know that my friend, Mr. Staig, the Financial Commissioner, takes every precaution. Like a true Scotsman, he never allows a single penny to be spent which is not absolutely necessary. But sometimes he has got no powers. It is the powers of the Agents who can incur something like a lakh of rupees of their own free will. It requires great vigilance on the part of the Railway Finance Department not to allow any Agent to incur any expenditure without the sanction of the Railway Standing Finance Committee. In this respect, I would make a suggestion. There has been a saving of 33 lakhs of rupees in the interest charges, because the loan had been issued at a cheaper rate of interest. As the money market, at present, is very favourable, the Government should take steps to issue more loans at a cheaper rate and get the loans where they have to pay higher rates of interest replaced. In this manner they may be able to secure better profits than what they have been able to achieve in the current year or which they expect in the coming year. This may give them sufficient amount to meet the extra expenditure which they are going to incur. I think it is a good policy that the railways have been following for a long time, that whatever they have been losing on their roundabouts, they have been making up on their swings, but it was quite all right when there were no competitors in the field.

Now, the Honourable Member finds that there are competitors and he cannot make on swings all the losses which he has incurred on the roundabouts. Therefore, he must change his policy now and make no losses on the roundabouts in future because if his competitor chooses only to make the profits on the swings and he has to contract no losses on the roundabouts, then it is quite easy for the Honourable Member to make the change in the policy and that policy is that there should be no losses on one account which will not be made up by the gains on the other. That would be a right policy under the changed circumstances. From the figures given by the Honourable Member in his speech, we find that we are losing heavily and the loss is mostly due to the lorry competition. Now, the lorry owners give some kinds of facilities to the poorer passengers. If you cannot give those kinds of facilities, certainly you can never compete with them. The policy of the Railways ought to be to run long-distance trains

Mr. Chairman (Mr. S. Satyamurti): The Honourable Member has got only two minutes more.

Sir Muhammad Yamin Khan: Then if they must run shorter-distance trains, then they must be trains running between one junction and another junction, and all these trains must suit the times of the passengers who may have to go to Courts or different functions in the day. We find a long-distance passenger train running from Lahore right up to Delhi. Now, that is a useless passenger train, because it passes many stations at a very awkward hour when passengers would not like to get into that train, and the result is that the passenger finds it more convenient to get into a lorry which brings him at the proper time. Therefore, I would advocate that, between all the junctions, there should be trains which will run at times which may be more suitable and more convenient for the traffic at one side or the other, and then the return tickets issued to them for the day's journey for people like litigants and other people undertaking only one day's journey must be very cheap, which may cover the expenses of the people from their home town to the nearest railway station also. In that manner, the Railways will be able to compete, otherwise it will be very very difficult for them to compete and the losses are absolutely assured. These are the few observations I have made as I have now to close, and I hope the Honourable Member will be able to enlighten the House on the points which I have brought to his notice.

Mr. L. C. Buss (Nominated Non-Official): Mr. Chairman, the Railway Budget presented to the House by the Honourable the Communications Member on Monday last is probably the most unusual that has been placed before the House for many years. Its peculiarity lies in the fact that although ardent critics will find certain points on which to base criticism, there is really no item in it which stands out particularly as calling for explanation or remedy.

Perhaps the most striking fact contained in it is the correctness of the estimate for the year 1937-38, while, so far as the budgeting for 1938-39 is concerned, it would appear that the expectations on which the calculations for that period were based will be almost completely realised. From this it would appear that much closer attention has been given to this most vital item of budgeting in recent years. My Group, on a previous occasion, stressed the importance of this and we again take this opportunity to advocate the necessity for continuing to give this matter the greatest care and attention.

Railway traffic receipts have always been regarded as a reliable guide to the prosperity of a country and we can draw from the figures of receipts the inference that the internal trade of the country has been well maintained during a year in which the factors of security and optimism have very often been absent. The Honourable Member has informed us that the Department is devoting very considerable attention to improving the relations of the railways with the public with a view to satisfying their customers as well as to attract more business. He has pointed out that the Railways realise that they must go out to get the business and not depend on the fact that they are to a great extent a monopoly and that business will come to them. This is an attitude which we cannot but regard as evidence that they are moving with the times. On the other hand, the general public feel that it is in economy in administration that better results are most likely to be obtained. The Honourable Member, towards

the close of his speech on Monday, said that it is impossible in the course of a speech like this to cover the whole field of Railway activities in India and this is not surprising when one realises that the Indian State Railway system is one of the largest in the world coming under a single authority. It has a track mileage of over 41,000 miles and a staff of nearly 7,00,000, with a pay bill of some 35 crores of rupees per annum.

It is in a vast organisation like this that the tendency to waste and extravagance is difficult to avoid, and losses from these causes can only be mitigated by constant vigilance and the most methodical control. It is, therefore, with considerable satisfaction that we have received the assurance of the Honourable Member that efforts for economy by all concerned are in no way relaxed by reason of the fact that the actual expenditure for the year 1937-38 has been kept below the estimated figures of cost for that year. As I have stated, we are very gratified to have this assurance but we would impress on those whose duty it is to frame the policy of railway administration that in huge organisations "economy campaigns" carried out by efficient staffs specialising in this type of work are almost always profitable; and that this can best be ensured when there exists a reliable "yard measure" against which budgeting can be framed and with which costs can be compared. In this connection, we are not unmindful that the Wedgwood Committee expressed the opinion that the cost of our Railway Audit is extremely high. We understand that an examination of this is being conducted by the Auditor General and we look forward to very useful savings as a result of his work.

What the Honourable Member has told us with regard to the rate policy of the various railway administrations is of interest and we are glad to know that this policy is intended to be framed for the benefit of industry generally, though I do not think all who are engaged in industry would agree that this is the invariable result. It is unfortunate, moreover, that a representation to Railways on the matter of rates has to be made by such cumbersome and expensive procedure. In twelve years the railway rates advisory committee has dealt with comparatively few cases and the cost of these, at least to the lay mind, is enormously high. We shall have something more to say in this matter at a later stage.

As regards the third class passengers, who have been described by the Honourable the Communications Member as the best customers in the Railway, my Party notes with satisfaction that in answer to questions in the present Session Government have stated that new type carriages will replace existing carriages as and when it is financially possible to do this and that a complete overhaul of the food arrangements for third-class passengers is being undertaken. We hope that steps will be taken in both these directions at an early date, for we feel they will remove the main grievances of the railways' best customers.

On the other hand, air-conditioned carriages for first class travel are being increased, and my friends who sponsor the cause of the third-class passenger should not, I submit, deprecate this. For it is a profitable proposition and will provide funds for amenities in the direction in which they desire.

We feel that it is also a legitimate complaint that sufficient attention is not being paid by the Railway Engineering staff to improvements that have been carried out on the continent and in America designed to lower

[Mr. L. C. Buss.]

the capital cost of the railways compatible with complete safety and comfort of passengers. We cannot help feeling that if advantage were taken of modern scientific developments in railway engineering it would be found possible greatly to reduce the overhead cost of the railways and also enable the Railway Board to undertake capital expenditure with a greater likelihood of receiving an adequate return on their outlay. It is a well-established fact that every ton of rolling stock costs approximately Rs. 135 yearly—in coal alone for haulage purposes. Comparatively minor alteration in the design of carriages designed to lower their present elephantine weight would produce a very considerable saving. At the entrance to every carriage there is a handle bar on either side of the door to enable passengers to help themselves into the carriage. These bars are of considerable length and weigh seven lbs. each. A simple calculation would show the weight that is carried by all the trains running in India in the course of the year and it should not be beyond the capacity of the Engineering Department to plan a handle bar which would be perfectly adequate to the needs of the travelling public but which would be a little shorter and lighter and which would reduce the aggregate daily load by several hundreds of tons.

This is, of course, an extremely minor illustration, but there are others of far greater importance on which I have not touched because they enter the realm of technical Engineering. In brief, however, the fact remains that considerable reductions in weight could in fact be made to the rolling stock which would be a great saving in overhead costs, and I do not think that I am exaggerating when I say that the application of the very latest methods would also enable the Railway Engineering staff to start fresh capital expenditure urgently necessary for the better running of the railways but at present held up for lack of finance.

It is impossible to review the speech of the Honourable the Railway Member without reference to the disasters which have taken place during the year under review. We do not forget the past record of our railways so far as safety is concerned and while statistics may show that the loss of life which results from accidents on our railways makes a favourable comparison with the record of other countries one cannot but be appalled by disasters of the magnitude of those which have recently taken place. It would appear that some system of patrolling railway lines is almost imperative in certain districts if safety is to be secured. The cost would probably be high but it is a matter in which human life is concerned and, therefore, it would appear to be necessary that consideration be given to something of this nature which would probably demand co-operation from those responsible for law and order in the provinces concerned if the Tribunal which is to be set up should find that these disasters are the result of deliberate sabotage.

In conclusion, Sir, I should like to take this opportunity of congratulating the Honourable Member very heartily on his appointment as the Governor of Bihar in the near future and repeat the words of Sir Henry Gidney when he said that Bihar's gain will be our loss.

Mr. R. N. Basu (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I will not take up the time of the House by bestowing compliments on, or offering congratulations to, the Honourable Member for

Railways, but I think it must be a matter of some satisfaction to him that he has been able to present budgets showing a surplus for three consecutive years. He had been in this respect more lucky than his predecessor. Somebody said in the past that the Indian budget is a gamble in the rains. What is true of the general Indian budget holds good regarding the railway budget as well. If we have good monsoons, we get good crops and the result is a surplus budget. Therefore, we may not be very sure that this surplus of a little over two crores is due to these fortuitous circumstances or due to the efficient and economic management of the railways. One need not be overjoyed at this. I find that every little detail has been taken into consideration in calculating this surplus. Even the leap year has been taken into consideration. I knew that in a leap year the marriage chances of old maids were increased, but I did know that it could also have an effect on the budget of the railways in India! Be that as it may, one need not be overjoyed at this. This surplus could easily have been increased if the Government had only paid a little attention to the suggestions offered on the floor of this House and also outside this House. Therefore, in my opinion, this surplus is no index of either the efficient management or the management of railways on national lines.

Now, coming to railway affairs in general, I think, what comes uppermost in one's mind is the case of these accidents. The accidents are growing with such frequency that I think the day is not far off when we may have to take them off from the category of accidents and classify them under the heading of things occurring at regular intervals. We cannot talk lightly of these accidents. I myself have been on the scene of the occurrence of one of the accidents which took place at Bamrauli, near Allahabad, where I come from. I think the railway authorities were thankful because I was there, because in a case that was subsequently filed by the railways for spreading certain false rumour, I was cited as a witness by the railway to contradict the rumour. All the same, I must say that these accidents are most deplorable. Whether these are due to running against the signals or to sabotage or to some other cause, the result is the same. There has been loss of life, limb and property. Generally, we are told that sabotage is the cause of some of the accidents. That may be an explanation but that cannot be a justification. If a sabotage occurs at such a frequency, and that particularly in one province, I think we must find out the reason for it. After all, it is not in human nature to indulge in useless and unnecessary destruction of life and property. Why should they take away the rails and take away the life of persons with whom they had no concern? Neither am I told that the loot is very great in these railway disasters. Therefore, what is the reason of this sabotage? It must be found out. It has been suggested that there has been a drastic retrenchment in the case of those persons who used to look after the lines. Perhaps, the railway lines are not being well looked after now and a little bolt that has not been tightened in time leads to a disaster which ends in the loss of lives of so many innocent persons. The other day, Sir Abdul Halim Ghuznavi told the joke which is going the round in Calcutta. The joke is that if you travel by A I R, you see the world, but if you travel by E I R, you see the next. It is certainly a joke, but it indicates the want of confidence of the public in the safety of railway travel. If something is not done to remove this evil, I think it must have its necessary repercussions on the railway finances as well. We are already troubled with competition with motor vehicles and if we do

[Mr. R. N. Basu.]

not improve things here, we may have further competition from air or motor vehicles and other means of conveyance. We may have competition even with vehicles which move with less speed.

Now, Sir, I need not detain the House any longer because of these accidents. One accident has already been inquired into by a Judicial Committee. There has been a judicial inquiry in the case of the Bihta disaster. Another judicial inquiry has been promised by the Railway Member. I hope there will be no delay in instituting this inquiry in order to enable us to find out the cause of the disaster. The Bihar Government has already requisitioned 500 policemen. That may be a step in the right direction but that will not be the final solution of the trouble. You cannot always police the lines of which there are 41,000 miles in India. You must go to the root of it and try to remedy the causes.

Now, Sir, from the question of accidents I will take up the question of the grievances of the third class passengers. This is a hardy annual and it has been discussed on the floor of this House times without number and I must have perseverance to place their troubles and grievances before this House in my first speech before this Assembly. I think they are too well known to be recapitulated here. The third class passengers, as has been said by so many Honourable Members, are the best customers of the railway and yet, the best customers are treated with indifference which is very regrettable. They certainly pay for the piper and I think their demand is very modest. They do not want to call for the tune. They only want to listen to the tune when it is being played, and even this is denied to them. They are packed like sardines—I think I am wrong, even sardines would refuse to be packed like third class passengers. Whenever a question is put as regards the incivility of the railway officials to third class passengers no notice is taken of the same. Members on the Treasury Benches have little experience of the woes of third class passengers. Those of us who are from the people and who move amongst the people know how they are treated. I find in the speech of the Honourable Member for Railways reference to this subject of incivility and he says this is a bilateral problem. It must be found out if it is so. I have never seen any incivility on the part of third class passengers to railway servants. As a matter of fact the railway officials who are on the platform as Enquiry officers, Ticket collectors and so on do not treat the third class passengers properly. Whenever any question is put to the railway officials about the arrival or departure of trains, they do not give proper reply or, if at all, they give any reply, it is never understood by the passenger. There are other grievances which I hope Honourable Members who follow me will voice here. On this question of incivility, I want to bring to the notice of the House one point. Some time back the East Indian Railway took a right step in this matter and they started a series of lectures which were delivered by a gentleman who had experience of railway passengers and railway travelling. I think this did some good. This thing has been stopped for reasons which I do not know. I think such lectures cannot be delivered by persons who are connected with the railway. This work must be done by one who is not a railway official but one who has got experience of railway travelling specially with third class passengers. The Honourable the Railway Member has advised

us patience and I think we have exercised that virtue for a long time,—far longer than even the proverbial patience of Job. If a thing is wrong, it should be tackled at once and it should not be allowed to go on for a long time. What is the use of your spending lakhs of rupees on palatial stations like Cawnpore and Lucknow when the passengers who contribute towards it are left in such miserable condition. I think every pie that could be saved should be utilised for ameliorating the condition of third class passengers. The demand for fans for third class passengers and for waiting rooms has long been heard. I think the demand for fans has been turned down on the ground that it will cost money, about two crores. I think a budget which yields 94 crores can easily find two crores for this useful purpose. If it is not possible to provide the money in a single year, let it be spread over a number of years, say, three or four or even five years. Make a beginning somewhere.

As the time at my disposal is short, I will only refer to one point, that is pilgrim traffic. I come from Allahabad which is one of the biggest pilgrim stations. While the Honourable the Railway Member has taken credit for the arrangements made at Hardwar, I beg to join issue with him. As the House is well aware, there was an outbreak of cholera last year after Khumb mela at Hardwar. The railway could not cope with the rush of pilgrims who wanted to return to their places. Statistics have been quoted to prove one thing, that they carried 41 thousand pilgrims back in the previous Kumbh, this year 68 thousand pilgrims were handled in one single day. Considering that 12 lakhs of pilgrims assembled there, at this rate it would have taken 15 to 20 days. When there was cholera epidemic, you can imagine the loss of life amongst the pilgrims.

In conclusion I would only like to put in a strong plea for running the railways on truly national and economic lines. Let these railways be not utilised for furthering the interests of persons who are not here, let not the railways be utilised for furthering British Imperialistic interests and military strategic ends.

Maulvi Abdur Rasheed Chaudhury (Assam: Muhammadan): Sir, I carefully listened to the speech of the Honourable Member for Railways. The speech was conspicuous in one respect, namely, it avoided ways. The speech was conspicuous in one respect, namely, it avoided taking up any matter of Indian interest. First of all, I was rather a bit happy when he said that this was a prosperous year. We expected that there would be prosperity budget so far as profits of the railways were concerned. In the same breath we found that the profits accrued only to the extent of two crores, that is one-fourth per cent. An administration which produces only a profit of only one-fourth per cent. cannot be called really a good administration. It may be said that the actual profit is not merely two crores, if we take into consideration the gross earnings of the railways which are 32 crores. Then again, year after year, we find that about thirty crores are paid for interest on capital outlay. This railway administration is about seventy years old. If, in the course of seventy years, a business concern is not able to clear up its debt, an administration which keeps its debt for as long as seventy years cannot be called an efficient administration. It is a worthless administration. The more the prosperity of the year, the greater the expenditure. This is the normal feature every year so far as the railways are concerned. This year also

[Maulvi Abdur Rasheed Chaudhury.]

we find they are going to increase the expenditure by a crore. Whatever may be the prosperity of the railways everything will be absorbed in expenditure more and more and nothing will be left for the country.

So long as the railway administration was carried on efficiently, accidents of a major nature were of rare occurrence. But now of late, this credit also has gone. Major accidents, one after another, are taking place. We ask them the reason and they say sabotage. We ask them who committed the sabotage and they remain silent. We ask them what steps they have taken to stop the sabotage and they say they are making inquiries. We ask them if the culprits have been found out and they reply in the negative. This is the way they are managing the administration or rather playing with the lives of the travellers of this country. So, their only credit of having managed the railways, without any accidents, has also gone from them. Now, I find in the speech it is said that their efforts for economy continue unabated. It contradicts what actually is happening. If they had really a mind for economy they would not have gone up to this very heavy extra expenditure of one crore this year. So far as our arguments in this House are concerned, we find that the things on which we concentrate our attention and our discussions are not touched at all. Last year we debated three or four items but I find that there is no mention of those items in the speech. It is one of our complaints that the Railway Department never made any serious effort to establish factories in this country for the production of locomotives. Last year there was a heated debate on this subject and I remember my Honourable friend, Mr. Santhanam, saying that the actual requirement of locomotives in this country is nothing short of 250 engines and 250 boilers, which in itself can provide a number of factories working throughout the year. The speech is altogether silent on this point, and there is no indication that any effort will be made to meet the wishes of the House in this respect. There was again a good deal of debate last year with regard to Indianisation of the Railway Department. From facts supplied in the orange coloured and red coloured and blue coloured books we find that the figures of the percentage of non-Indians in the railway services is almost the same as it was five years ago. That is not the case with the gazetted services only but in the lower subordinate services also they are getting recruits from other countries. I searched the whole speech but I do not find any reference to this aspect of the question discussed in the House last year. Then, Sir, we discussed the question of overcrowding in third class carriages. The Railway Member has eulogised himself by mentioning that he did a good deal for the comforts of the third class passengers in the Kumbh Mela, but he did not say what steps he has taken to ameliorate the condition of third class passengers so far as the ordinary trains are concerned.

Then, Sir, we all know what degree of heat we get in summer in this country, and I think the Honourable Member will agree with me, if he travels third class, that the third class carriages are no better than furnaces. We have been crying hoarse for the supply of electric fans in third class carriages and last year most of the debate was centred round this point. But the speech is conspicuous by the absence of any reference to this most desired subject. Then, Sir, we also debated last year the rate of third class fares and there were a good many suggestions. We pointed out that ours is a very poor country and that the average earning of the country does not go beyond Rs. 60 a year and that the rate of 2.75 per mile is too

high for third class passengers. The speech is quite silent on that point also. It is a painful thing that we, in this House, try to co-operate with Government and the Railway Department and we suggest various ways and means but they brush them all aside probably thinking that all our discussions are worthless. I do not see much utility in our discussing these things here if they are considered by the authorities here as howlings.

Sir, I will say a word about the Railway Board. I believe this Board was formed in 1918; it is, therefore, 25 or 26 years that this Board has been managing the Railway Department.

Mr. Chairman (Mr. S. Satyamurti): The Honourable Member has got two minutes more to conclude his speech.

Maulvi Abdur Rasheed Chaudhury: Very well, Sir. What have the Railway Board done? I have shown that they have shown no interest in the manufacture of locomotives in this country, they have taken no interest in the minimising of overcrowding in third class carriages and they have practically done nothing in the matter of Indianisation of services. This reminds me of the saying of Disraeli that if you want to rule a country you must either be superior or you must despise them. So far as superiority goes we have proved beyond doubt that foreigners are in no way superior to us. So the only method they are following is that of despising us. That is the way they are managing the Railway Department and ruling this country, and I ask the House to form its own conclusion.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I am not using the language of convention when I congratulate the Honourable Sir Thomas Stewart on his very able administration which has resulted in a surplus Budget and the optimistic forecast which he has made for the future financial position, in spite of the uncertainty in trade conditions and the international situation as he himself stated in his speech. I do so more because some part of the money will be available to my province, Bihar, which will again be under the same able and efficient administrator, Sir Thomas Stewart, whom I again congratulate as the Governor designate of my province. I will try to make a brief comment on the other aspects of the railway administration . . .

Mr. Chairman (Mr. S. Satyamurti): The Honourable Member has agreed to speak only for ten minutes. Therefore, he will kindly keep to the time limit.

Mr. Muhammad Nauman: All right, Sir. I will try to make a brief comment on the other aspects of the railway administration, as in the general discussion we are expected to take a critical view of the situation. In spite of the best intentions and efforts of the Railway Board, we have not been able to convince ourselves that the administration has done all that is expected of them. Referring to the increase on the expense side, the Honourable Member stated that it is due to freight charges on coal and expenditure on repairs, etc. I am prepared to accept that argument; but the Honourable Member has made no mention of any particular economies which he has done in any other direction. In this connection, our previous experience has been rather unsatisfactory. By economy, sometimes, th-

[Mr. Muhammad Nauman.]

railway heads mean reductions only of the lower grades of the staff and dismissal of gangmen and coolies getting about 20 or 30 rupees a month, while the number of officers is increased. The East Indian Railway, under company-management, used to work probably with one-fourth of the number of officers who are now employed under state-management: the same top-heavy administration prevails there as in the rest of the Government of India. The sense of responsibility to the public has practically been absent from the officers. They know they can flout public opinion as a few questions or speeches in the Assembly can hardly do them any harm. That has been the attitude of the officers including the General Managers. I may be excused if I inform the House that pamphlets after pamphlets, comments after comments and statements after statements have been made on certain methods of working in the Railway divisions and yet, no cognisance has been taken either by the Railway Board or by the General Managers. I, myself, placed certain facts before the General Managers but the situation remains as it was. I do not have the time now to read out these pamphlets—I have a few with me here—but I shall do so on a future occasion.

Pandemonium has been existing in some of the divisions, but no heed was paid and even in reply to letters they do not try to satisfy the public. Recently in Howrah about 90 employees, Hindus and Muslims, have been dismissed; but when I wrote to the General Manager the reply I got was that the appointments were irregular. There is a rumour that some railway officers of the division were receiving bribes and issuing letters of appointment and a timid sort of inquiry was made. As Sir Henry Gidney very rightly said, those who are the accused are sitting as judges and deciding on their own crimes. I remember to have sent a letter to the Honourable Sir Thomas Stewart about this matter also and a copy to the General Manager of the East Indian Railway. The General Managers consider themselves above public opinion and never care to satisfy even a public demand for inquiry. However important an organisation of a labour union may be, however important its office bearers may be in the public eye, they have no status or position in the eye of the General Managers; and on one plea or another they refuse to consider any demand. They have not yet probably understood the value of labour unions or the value of co-operative working. They do not realise that their small workers—gang coolies, drivers, guards and others are really the steel frame of the structure; and that their trains cannot run unless their employees are satisfied and happy and feel that they are receiving a square deal at the hands of their officers. Sometimes the poor employees do not even receive appreciation of their work. I know of a case where the reward given was discharge. On the Eastern Bengal Railway, a crew inspector detected over a thousand cases of ticketless passengers and successfully prosecuted them and brought money to the Eastern Bengal Railway. But after a thousand such cases he made one mistake, an honest mistake certainly, probably he was not justified in prosecuting a passenger and he had to undergo litigation resulting in a loss of about four rupees to him. The railway administration did not come to his rescue, did not support him financially or otherwise; and on the top of it, when he was in debt, the railway dispensed with his services on the plea that he was in debt and was not a desirable member of staff hence. That is the attitude which officers

sometimes adopt towards their employees. Is this giving a square deal? I am reminded of the lines of a Urdu Poet who says:

*"Vay kismet aj voh bhi mujhko kahtay hain bura,
Ham hoi sub sey buray jinkay lai."*

This means: "I rather pity fate, even those for whom I worked are now trying to blame me." That man, unfortunately, made an honest mistake and prosecuted a particular passenger by mistake and got all the blame and yet he was discharged on the plea that he had contracted debts. But no one realised that what he did was in the interests of the railway administration and in due discharge of his duties.

I come now to the question of rates. The Honourable Member stated that it is the least in India, but I do not know if he has any comparative statement of other countries with regard to the average economic life of this country. I am not in a position to offer any concrete challenge, but I know this much, that sometimes African and Madagascar cow hides and skins sell cheaper in European markets in spite of the fact that they are more expensive on spot in Africa and Madagascar: one can only suppose that railway freight and shipping give them the opportunity to sell cheaper in Europe. Otherwise, why should our goods, which are cheaper in India and have no additional duty, not be in a position to compete with them, except that our freight rate between shipping ports and the port of destination is probably much higher than those in Africa? I have been repeatedly placing this fact before the Honourable Member for reduction of freight rates on hides. In my capacity as President of the Hides and Skins Merchants Association of Calcutta, I made repeated demands that some reduction should be made but nothing has been done till now. I quite realise the difficulty of the railway administration, but when the theory of "what the traffic can bear" is enunciated by the Honourable Member I think the question of valuation is a big factor and should have been fully inquired into. I may inform the House that in 1919-20 the price rate was Rs. 5 per piece per cow hide and now it is about Rs. 1-8-0 per piece.

Mr. Chairman (Mr. S. Satyamurti): The Honourable Member will kindly conclude his speech now.

Mr. Muhammad Nauman: Just a few minutes, Sir. The freight continues to be the same. Is it equitable to cripple this particular trade of hides and skins in this way? The Honourable Member says that he recognises the need of personal touch but does he know that the General Managers of Railways in Calcutta are normally not available even to big merchants there? In my capacity as Vice-President of the Muslim Chamber of Commerce and also as President of several other commercial organizations, I can assert that fact, and that complaint has been brought to my notice by several members of the various commercial organizations. I would advise the Railway Administrations to take into confidence responsible members of the Commercial Circles and try to give effect to such suggestions as they may make from time to time.

Now, Sir, I come to the question of frequent accident which have resulted in great disasters. The Honourable Member said the other day that the accidents have not been such as would tend the public mind to lose confidence. Sir, the comparison that is sought to be made with

[Mr. Muhammad Nauman.]

other modes of transport is rather fallacious in my opinion, because they do not carry even one-twentieth of the traffic which the Indian Railways carry

Mr. Chairman (Mr. S. Satyamurti): Will the Honourable Member kindly stop now?

Mr. Muhammad Nauman: Yes, I shall take only one minute.

Mr. Chairman (Mr. S. Satyamurti): Only one minute more?

Mr. Muhammad Nauman: Yes, Sir, only one minute. The Railway Administration very conveniently put forward the theory of sabotage as the cause of these accidents, but have the Railway Administrations been able to establish that theory? I say, no, and emphatically say, no. Who are the people who are interested in committing sabotage and derailment of the trains? The terrorist movement is practically dead. Now, from my own experience on the 1 Up, the engine which was derailed on the 29th near Ahsarai, at a distance of 554 miles from Calcutta, we fortunately escaped, but as the engine dragged itself out of the track for about a mile, I myself picked up a few bolts of fish plates which were broken or cut in by the four wheels of the engine. I do not claim to possess any technical knowledge, but the driver and others who were there told me that they thought that the engine was a very old and defective one and wheel axle became loose.

Mr. Chairman (Mr. S. Satyamurti): Will the Honourable Member please resume his seat?

Mr. Muhammad Nauman: With these few words, I resume my seat, Sir.

Babu Kailash Behari Lal (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadian): Sir, the Railway Budget has been discussed from many points of view, but I frankly confess that I cannot deal with the technical side of the Budget, nor can I venture to scrutinise the figures given therein. I am not even in a position to say anything about the correctness or otherwise of the figures given therein, and, therefore, I shall merely touch on some of the burning problems connected with the Railway Administration.

One of the most outstanding problems that is now engaging the attention of the public today is the recent accidents in Railways, but I will not take it up first. I propose to begin with the internal purity of the Administration of the Railways, and the point that I want to urge is that the Railway Administrations care little or nothing for the kind of administration that is carried on by their own men, and the higher authorities do not even care to look at the work from the point of view of the outside public. I do not suggest for a moment that those who criticise the administration are always in the right, but, at the same time, I would point out that the Railway Administrations should not consider that they are always right. When I touch upon this subject, I should like to say that I have had experience of such kind of things. It will perhaps be within the memory of Honourable Members of this House that I always used to dwell upon the case of one

Karugope. His case was a simple one; he was punished with dismissal for the fault of some other man who bore the same name. When that question was raised in the House, the then Member in charge of the Railways promised to look into the matter, and he actually did look into it, and came to the conclusion that the Administration had done the right thing. Of course, I confronted him with even the finding of the Law Court, because the court had decided otherwise, but even then there were arguments to support the view of the Administration, and I was silenced for the time being. However, I was not convinced, and there was such apparent injustice that nobody could be convinced

An Honourable Member: Did they refuse to accept the Court's finding even?

Babu Kailash Behari Lal: Yes. I hammered on the subject so much that in the end the then Member in charge of the Railways agreed to pass on the case to his successor and assured me that his successor would look into it from his own point of view. The result was that the poor Karugope was not only reinstated, but he was paid back all his arrears, and all this was done by this very Railway Administration. Even the questions tabled by me were disallowed, and some of those questions relating to this matter can still be found in the proceedings of the Assembly. In citing this instance, I do not propose to find fault with the Administration, but I am pointing out this instance so that they may reform themselves in the future. It is not in any spirit of antagonism or animosity that I have referred to this.

If I may be permitted to do so, I shall refer to another correspondence now going on between me and the Honourable Member in charge of Railways. I may say that I have always received the most courteous treatment at the hands of the Honourable Member, and I am very thankful to him,—I personally have no quarrel with him at all. My complaint is against the system which is adopted by the administrations. There is too much reliance placed on the subordinate railway administrations. After all, when a responsible person approaches the highest authority that authority is supposed to look into the complaint himself and look into the matter dispassionately, and he should not say that his subordinate authority has done the right thing. It is from that point of view that I refer to a certain case, although, as I have said, I have nothing to complain against the Honourable Member in charge personally. I, however, take exception to one thing when he says this either he should have a clear idea about the connection of Members with the Administration or we should be told right off that we cannot deal with such things,—he says—

"As you will no doubt appreciate, it cannot make for discipline if employees feel that redress of their individual grievances, whether justified or otherwise, can only be obtained by their having recourse to channels other than those provided for under the prescribed rules. It is because of this that I feel somewhat reluctant to communicate to you, as I should otherwise have done, sufficient of the details connected with the case to enable you to appreciate the other side of the story."

From this, I gather, that generally nobody should have recourse to the method of approaching a Member of this House for the redress of his grievances, and it is not proper to embarrass the Government through a Member of the House, but in cases where, in reality, justice has not been done and where a man does approach a Member of this House, such things should not be taken in the light in which the Honourable Member seems

[Babu Kailash Behari Lal.]

to have taken in the present instance. That is my only request to him, because, Sir, had I not a glaring example within living memory of us all,—I have already quoted that case just before,—I would not have taken the trouble to forward the present case to the Honourable Member in charge. The only thing I wrote in my letter was,—I do not want to speak anything about the merits of the case,—it may be that the person aggrieved may not be right. But that procedure according to rules should be gone through in order to convince him that justice has been done to him. I have got a copy of the rules, and the rules say that the appellate authority shall look into the case and when it rejects the appeal, reasons must be given therefor. He had appealed to the Agent and his appeal ought to have been forwarded to the Agent or, in case of the appeal being withheld, reasons for withholding the appeal ought to have been given. My point is that the rules of procedure must be observed, not that I wanted to plead the case of the man; he may have been right, he may have been wrong; justice may have been done to him, or it may not have been done to him. But what I want is that the proper procedure should be gone through and complied with. My point was that the administration must see that purity is maintained and that justice is done to the subordinates. If this is done, it will produce peace among the employees and also safety to the public, because, as has been stated by some other Honourable Members about accidents, there must be some cause for them, and what are the causes? After all, what is sabotage? You say that some disgruntled employees might have done that. But why do you keep such disgruntled and dissatisfied people under you? There must be reasons for that. One of the reasons is that it is quite possible that you have begun retrenchment from the bottom instead of from the top. I do not believe that it is within the nature of man that he would take such a drastic step as to bring about the destruction of the lives of so many of his fellow beings.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): What is the Bihar Government doing?

Babu Kailash Behari Lal: The Bihar Government might also have dealt with it. It is kept a secret book to us whenever we ask questions about it, it is not disclosed to us. Just as the Honourable the Railway Member said the other day that it is scandalous to believe that the railway administration or the railway official would set fire to save their own skins, it is equally scandalous to imagine that some people, on account of their dissatisfaction or discontentment, may take to a course which would have the effect of destroying the lives of their own countrymen, because they do not gain anything by that. But admitting for argument's sake that this may be a case of sabotage and might have been committed by dissatisfied and discontented people, if you say that human nature can stoop so low, still it is up to you to see how it can be remedied and one suggestion that I want to make is

Mr. Chairman (Mr. S. Satyamurti): The Honourable Member has got only two minutes more to finish his speech.

Babu Kailash Behari Lal: Another thing that I want to touch is about Indianisation of services in the Railway Department. I would have said many things about Indianisation, but would not say much about it now,

and I will at once come to the point as to how people of Bihar are being treated in the railway administration. I put a question about that in Simla and the Honourable the Railway Member said that the railway does not recognise the principle of provincial representation in the matter of appointments to railway service. The other day, when a question was put about the report of the Unemployment Committee and I asked a supplementary question, namely, what has the Bihar Government written, the Government refused to disclose what is contained in their communication. But for the information of the Government I may quote here the report of the Bihar Unemployment Committee itself which will throw a light as to what is the state of affairs and what is wanted in the matter. The report says:

"According to our calculation about 7,000 educated men are employed by the railways in Bihar and Orissa. With the exception of the Bengal and North Western Railway, in which, according to the statement furnished by this railway, about 70 per cent. of the posts are held by Biharis, the representation of local men is very poor. In the Eastern Bengal Railway they form only about 14 per cent. of the employees in the province, and in the East Indian Railway and the Bengal Nagpur Railway, although statistics are not available, it may safely be assumed that they are not doing any better."

Then they said:

"The railways owe a duty to the province through which they run and we consider that they should not ignore the legitimate claims of the people of the soil for the posts falling within the province. Recently the East Indian Railway have started recruiting some of their subordinate services at the divisional headquarters at Dinapore instead of at the head office in Calcutta. It is also stated that preference is given to local candidates, other things being equal. In practice, very few Biharis have been successful in securing appointments even under this new arrangement. We recommend that a representation should be made by the local Government to the Railway Board that vacancies in all the subordinate services of the railways arising within the province should be filled up exclusively by the local men, as is . . ."

Mr. Chairman (Mr. S. Satyamurti): The Honourable Member's time is up. He will kindly resume his seat.

Babu Kailash Behari Lal: I have got only two lines more to read.

Mr. Chairman (Mr. S. Satyamurti): No. The Honourable Member will kindly resume his seat.

Sardar Sant Singh (West Punjab: Sikh): Sir, I am glad that I have caught your eye at the same time as the thunder clouds are loudly speaking outside this House.

An Honourable Member: You can drown it.

Sardar Sant Singh: I will try if I get your co-operation and help.

I desire to bring to the notice of the Honourable the Communications Member a fact which has been agitating the minds of the Punjabis particularly in my part of the country for a long time, and that is the question of freights for the Lyallpur cereals from Lyallpur to Calcutta and other ports of India. Only the other day, the Government agreed to pass a Bill

[Sardar Sant Singh.]

to levy a duty on Australian wheat so that Indian wheat may not have to compete with foreign cereals.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

We find that the freights that are charged for Australian wheat from the ports of Australia to the port of Calcutta are about six annas per maund, while the freight charged for wheat from Lyallpur to Calcutta is something like Rs. 1-4-0 per maund. This prevents the distribution of wheat in other parts of India from the main markets where the wheat is grown. The other day, the same question as regards cotton was brought to the notice of the Communications Member, and the Railway Board was pleased to change their rates under certain conditions which are given at page 53 of the report of 1937-38, Volume I. Certain conditions are laid down for the grant of rebate in cases where the material is taken from the place of the market to the place where it is to be transported. I think it was mainly due to the efforts of my Honourable friend, Mr. Ramsay Scott, that we obtained this concession. May I appeal to the Communications Member that at present when the prices of wheat have gone down considerably to the prejudice of wheat growers in my part of the country, he will kindly consider the advisability of reducing the freight to the extent to which this particular commodity can bear?—I may in this connection invite his attention to the rebate of 25 per cent. of the freight rate that is granted by the North Western Railway for wheat exported to countries west of Aden and east of Singapore via Karachi. Will the Honourable Member tell us whether the grant of this rebate has improved the traffic in wheat or not. I think if the freights are reduced, it will not only benefit the agriculturist of the Punjab, but will benefit the railways also considerably.

The next point I want to take up in this connection is the need for the manufacture of locomotives in India. This has been already commented upon by my friend, Mr. Chaudhury. I want to supplement it by saying that the locomotives for the narrow gauge are now being built in the Ajmer factory. There is no reason why India which has the largest mileage under one single administration should not be able to manufacture locomotives to meet her requirements. I have not been able to appreciate the argument advanced occasionally that Germany and England are better fitted for the manufacture of locomotives than Indian workshops are. Their system of railways is neither so expensive nor under one administration as in India. I would appeal to the Railway Board to look into this question once more because of the fact that the international situation is so bad, and the time may come when we will require to be self-sufficient in the matter of the supply of locomotives in the near future.

The next point which strikes me as showing a lacuna in the speech of the Honourable the Railway Member is his silence as regards the cut in salaries. Only the other day, this House practically unanimously passed a Resolution recommending to the Governor General in Council to take steps to reduce the salaries of officials drawing over Rs. 200 in all departments of the State. I think the time has come when relief should be afforded to the general revenues for the purpose of extending the beneficent activities of the Government. In this connection, I should like the Communications Member to tell us if the rumour that is abroad that Sir Henry Gidney's proposal to increase the pay of the Anglo-Indians has been accepted or not

by the Railway Department. I am told that the Government has accepted this proposal, which will mean an additional burden and also a discrimination in favour of a particular section in the railways. The speech of Sir Henry Gidney on the point, in which he has threatened the Government that he will see that there is a strike on the railways if the cut in salaries is insisted on, gives some strength to the rumour that is abroad.

Lieut.-Colonel Sir Henry Gidney: I totally and entirely deny that statement. It is a misstatement of fact and a travesty of what is true. What I said was that statements have been made about further cuts in salaries above Rs. 200 per mensem. I said "don't start any more cut in salaries, or there will be one of the biggest strikes ever witnessed on Indian Railways." I made no threat based on any communal basis, and I am sorry my friend should have misunderstood and misquoted me.

Sardar Sant Singh: I never said that my friend said that there was going to be an increase in the pay of the Anglo-Indians.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): In order to prevent further misunderstanding, I should like to say that this query should be addressed to the Home Member and not to me. It is the Home Member who is in charge of service conditions and regulations.

Mr. M. S. Aney (Berar: Non-Muhammadan): Anyhow, I hope the Honourable Member does not object to the matter being discussed during the Railway Budget discussion.

The Honourable Sir Thomas Stewart: I have no objection to its being discussed as long as I am not made responsible for the answer.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): On a point of order. I submit that the Railway Budget contains *inter alia* provision for demands for grants for the salaries of railway officials. Whatever the Department may be which decides this question, my friend will have to stand and deliver when we attack him on the question of the conditions of service of all those railway servants whose pay is included in the Budget that he has presented.

Mr. President (The Honourable Sir Abdur Rahim): He has replied that he is not responsible.

Mr. S. Satyamurti: He may get an answer from the Department concerned, but he is the man whom we shall hang, if there is anything wrong with the Department, in this matter.

Sardar Sant Singh: Sir, at the short time at my disposal, I do not want to continue on this subject, except to draw the attention of Honourable Members to things which are contemplated behind our back.

I shall now refer to rail-road competition. An experiment was started on the Lyallpur-Jhang Road in which the road has been controlled and reserved for the N. W. Railway and a few others. From personal knowledge of the locality, what I find is that the competition has not been fair to the bus driver. Persons have been allowed on the road who have

[Sardar Sant Singh.]

nothing to do with the driving of buses. but are, as a matter of fact, practising other professions, including law. I trust that the Communications Member will kindly note this and see that the controlling of road does not mean favouritism in granting licences to those persons who do not generally or ordinarily carry on this business of driving buses on the road.

The last point to which I want to draw the attention of the Honourable Member is the inadequacy of the representation of Sikhs in the railway service. Referring to Appendix F and Appendix G, I find that there is actually a decrease in the number of Sikhs employed on salaries of Rs. 250 or above. On page 162, we find that while there were 67 Sikhs employed in the mechanical engineering branch in 1937, the number has gone down to 63 now. We find that it was about 179 in 1933, and it has gone down to about 153 in 1938. Sir, in the gazetted and superior posts, our number is almost nil. May I draw his attention to the fact that on the North Western Railway, which is the principal railway running through the Punjab where the main Sikh population resides, the percentage of our population is over fourteen, while the percentage of employment given to us on the North Western Railway even in subordinate posts is less than eleven per cent., which is much lower than our population ratio. In the superior posts, the proportion is still less. I hope the Honourable Member will kindly look into this inadequate proportion of the Sikhs in the services. In the end, I would ask one question as a matter of information from him. Sir, two years back, a new design of third-class carriage was shown to the members of the Railway Standing Finance Committee, and the promise was given that this new design would be introduced on all railways. I would like to know whether these new design third-class bogey carriages have been introduced, and, if so, what is their number, and on what railways they are working. I have done, Sir.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to offer a few observations on the general aspects of railway administration as disclosed in the Budget speeches that have been made in the two respective Houses and in the report that has been supplied to us on the working of the Railways. We have heard in the course of the day several aspects of the administration being criticised, beginning with Indianization and ending with the inadequacy of arrangement of latrines in third class carriages, but I want to review the whole thing from quite a different point of view. I formulate a proposition for my own consideration and that is that the Railways must be made self-sufficient from every point of view. They must be self-sufficient from the point of view of the men who run the railway administration, and they must be self-sufficient from the point of view of the manufacture of articles that are required for running the Railways. That being the proposition which, ultimately, will govern me in the course of my discussion, I want to see how far this has been carried out in the course of the year that is ending, or, even taking a longer period into consideration say in the course of the last few years.

As regards the question of Indianization I am not looking at it purely from the point of view of the Hindu or the Sikh community or the Christian community but I want that the necessary and requisite Indian talent to run such a big concern must be encouraged and must be, ultimately, put in charge of the whole railway system at the earliest possible opportunity.

Sir, on this occasion I do not want to go into detailed figures about Indianization but the information that has been supplied in the recent report goes to show that during the period of thirteen years, that is from the year 1925 to the year 1938 the rate of progress that has been made towards Indianization is not, in my opinion, adequate. In 1925, the percentage of Indians in the superior services was 24.31; in 1938, it has grown to 48.17. *Prima facie* it may look as an advance, but if we take into consideration the entire situation and the absolute necessity of having our own affairs under our own control, then, if this is the rate of progress, then any mathematician would put down that complete Indianization will require nearly forty years more. Now, we are not prepared for such a long period. Then, take the other aspect, namely, the necessity of being self-sufficient in the matter of manufacturing every requisite required not only for industrial expansion but principally for running the Railways. I think there has been a great lack of appreciation of the situation. Last year my esteemed friend, Mr. Santhanam, moved a cut to draw pointed attention to the Government failure to make provision for a workshop to manufacture locomotives. He gave various statistics and I do not detail them now and here so as to take the time of the House but he drew certain conclusions from the quotations and statistics which he gave in that connection and the conclusions were that the normal requirements for the Indian Railways, so far as locomotives and boilers were concerned, were 250 and 200 respectively and that it was commercially possible to have one or two such workshops in India which would manufacture these two articles in India in a cheaper manner; and even if we cannot manufacture them in a cheaper way, still, even if it costs us more, we will pay for the cost of what will be an Indian concern and an Indian workshop managed and controlled by Indians. Now I will only give an idea as to how things are, I do not say mismanaged, but managed in a spirit of drift. There is no planned thought behind this administration. When I say this I mean pointedly the workshop at Ajmer, owned by the Bombay, Baroda and Central India Railway, having to meet the contingency of having to close down and the contingency being avoided by the Assam Bengal Railway coming to help and placing an order for nine locomotives! Sir, if it were a national railway administration which showed foresight and which gave forethought and which did something of planning, such a contingency would never arise. They could have had a precise idea of the requirements in locomotives and boilers, as to the capacity of a workshop to turn out boilers and locomotives and so formulate their programme of manufacture and repair as to evolve a very fine and efficient system in the best sense of the word. Now I will only point out what has been stated by the Honourable Sir Guthrie Russell in the course of his speech in the other House:

"This obstacle has, however, now been removed by an amendment of the Act, and the Bombay, Baroda and Central India Railway have obtained an order for the construction at Ajmer during 1939-40 of nine Y B type locomotives for the Assam Bengal Railway, and it is hoped that, in future, it will be possible to keep these shops working to or near their full capacity."

Sir, that is the limited outlook of the Railway Board—as if one workshop is enough. Sir, it is not enough merely to formulate a theory for national progress for which we are all pledged, even this Government including the Honourable Member for Railways. Such a limited outlook is not the policy which should dictate the action and the thought of a country the budget of which, so far as Railways are concerned, goes into crores of rupees. I, therefore, submit that before the next Railway Budget is presented, we must have the plant for the manufacture of all the requisites necessary for

[Mr. N. V. Gadgil.]

running the railways—rolling-stock, locomotives and everything from a bolt to a boiler here and in India. That will give you an idea about my proposition, *viz.*, that there should be self-sufficiency in the matter of the manufacture of all the requisites necessary so far as the railways are concerned.

Sir, at this stage, it would not be irrelevant if I were to refer to the international situation because it has been referred to in the course of the discussion that there may be a war and the heavy industries in England may be expected to manufacture things for the destruction of human life and that; then, in that case, we may have to meet a shortage of locomotives. If such a contingency comes, well, we will stand on our own legs, but if we visualize such a contingency as the Government of India did when it presented the Bill to prevent anti-recruiting speeches, then I fail to see why that very fear should not operate in the economic and industrial fields, or there are other reasons which may not be stated on the floor of this House which impel the Government of India not to follow such a policy? Therefore, I think that before the next railway budget is presented we must have such a scheme presented and, I am sure, that even if the cost of manufacturing such locomotives is higher, no section of this House will refuse to pass that grant. Speaking for my Party, I think it has been our considered policy. Only yesterday, the Leader of our Party very picturesquely put that if an article costs 18 annas and it is manufactured in India and if a similar article, which is a foreign article, costs 15 annas, he will go in for the Swadeshi article even though it costs 18 annas. That being our attitude, I submit that we will wholeheartedly support any proposition by which we may be able to manufacture our locomotives and, in fact, all the requisites that are necessary for the railway administration in India. Then, Sir, the same criticism, namely, that there is not enough vision on the part of the railway administration, applies to other matters also. We have been told that in the first few months of the ending year, there had been a deficit in traffic returns but towards the close there was a rapid recovery and, in the end, somehow or other things became very optimistic and they are looking optimistic. You are depending upon chances believing that everything will be the best in the best of world. It may happen once, twice or thrice but never happens as a matter of system. If you want to get out of this, the best way is to see how the trends of markets have changed and how the tendencies have changed. It may be that you have got a little more in the traffic this year than you did last year, but if you compare the figures of the bulk of traffic, which was carried by the railways five years ago and which is carried today, you will find that the bulk has decreased to a very enormous extent and that is accounted for by the fact that there is in existence the competitive transport system of motor buses and motor lorries. You should not meet that competition in a cut-throat manner but it should be done in such a manner that instead of being exclusive of each other, they should be complementary to each other and should subserve to the needs of the country as a whole.

Talking about the rates and other inconveniences of the merchants, I think that enough attention is not being paid to the needs of the commercial community. Only the other day, I had the opportunity to forward a grievance of Jalgaon merchants which was to the effect that the Jalgaon railway authorities would not allow more than 200 bullock carts every day. This being the cotton season, the normal figure is nearly 500 to 600 bullock carts coming to the railway yard every day. If only 200 bullock carts are

allowed, it is a situation in which favouritism is bound to play a great part, if not nepotism, positively. But what has been the result so far as the railways are concerned? These 200 or 300 bullock carts made their trips for a day or two, but now the merchants have engaged lorries for carrying their pressed cotton from Jalgaon to Bombay. The loss will be the loss to the railway and also incidentally to us, the taxpayers. This is precisely because there had been no plan behind it and the railway authorities had not studied recent trade conditions and recent trade tendencies. Sir, I do not want to offer my criticism on small details here and there, such as third class passengers or latrines, which are also matters of equal importance but not today. But what I want to urge is that there must be some planned action. There must be some vision in the railway administration and, given that, I am sure, future years will be better. So, I do not want to say any bitter thing towards the close of the day nor do I want to let go such things which I wanted to say. With these remarks, I resume my seat.

Mr. H. M. Abdullah (West Central Punjab: Muhammadan): Sir, I congratulate the Honourable Member for Railways for presenting a surplus budget for the next year. It is also a matter of great satisfaction that the current financial year is expected to close with a surplus though not as big as it was anticipated at the time of the presentation of the budget. This succession of surplus budgets is to a great extent due to the fact that the railways are gradually becoming alive to their defects and are trying to remove them. On going through the budget speech of the Honourable Member, one finds a great change for the better. The railways have realised that they no longer enjoy the monopoly of transportation of goods and passengers in the country and that unless they radically modify their policy, there can be no hope of their becoming remunerative. If railways do not relax their efforts in this direction and act fully on the recommendations of the Wedgwood Committee and on the suggestions made by Honourable Members in this House, the railways will not prove a profitable concern and a national asset of the greatest value. If this policy of studying the needs of the travelling public and of meeting them is followed, it would result in increased earnings for railways which, in turn, will be in a position to make a greater contribution to the general revenues, thus affording financial relief to the provinces as envisaged in the Niemeyer award.

As regards the incivility and dishonesty alluded to by the Honourable the Railway Member in his speech, it is true that the problem is bilateral and not unilateral. But I would like to emphasise that the dishonesty of the staff is practised at the expense of the railway earnings. The goods clerk on getting a little gratification from a customer underweighs his luggage and charges him less. In this way lakhs of rupees are lost to the railways. This is a matter which should not be brushed aside lightly but should be looked into very seriously. I am, however, glad to note, in this connection that the railways have introduced the system of complaint books which, if properly worked, can prove useful in the eradication of this evil. Every complaint and grievance recorded in the book must be examined by a responsible officer and the member of the railway staff, if found guilty, should be dealt with accordingly. I, however, apprehend lest the complaints and suggestions entered in the book should be treated as trivial and taken no notice of. To avoid this, I would suggest that a statement of all such complaints should be compiled and printed. This

[Mr. H. M. Abdullah.]

statement should be supplied to members of the Local Advisory Committees of the Railways. It will thus be possible for the public to know what action has been taken on the various complaints and suggestions made.

Sir, another matter to which I would like to draw the attention of the House is the system of giving contracts on the railways, particularly on the North Western Railway. In this matter the North Western Railway has no definite policy. The North Western Railway administration has certain pampered darlings on whom all its favours are bestowed. One contractor who is a friend of the officers gets all the contracts and even if complaints are made against him, no notice is taken of them. Besides one man has the monopoly of many contracts year after year. One contractor who enjoys the contract for the sale of aerated waters on a certain section of the railways has also been given many other contracts, like the contract for the sale of sweetmeats and supply of labour. As a general rule no contractor should be given more than one contract as it is not possible for one man to devote individual attention to so many matters at one time. The one defect of giving a number of contracts to one person is that he keeps one contract to himself and sub-lets others to other people in violation of the rules of the contract. If any report is made against him regarding this breach no action is taken against him as he is hand in glove with railway administration. Sir, having regard to the great unemployment prevailing among the middle classes, the policy of the railway should be to distribute its favours amongst as many persons as possible and not to confine its attention to a few selected favourites. After a certain number of years, each contractor must be changed. The change will prove beneficial both to the public and the railways. The system of inviting tenders for contract is a good one provided it is worked properly. On the North Western Railway tenders, however, are invited simply to bluff the public. The railway authorities select the contractor even before inviting tenders. If the contractor is their favourite no notice is taken even of his past record and bad working. The whole system, in short, is corrupt and requires to be radically changed. I am sure that the Railway Board would look into this matter and try to remove the evil.

The Honourable Sir Thomas Stewart: Sir, in the first place, though it is not entirely relevant to the subject we have been discussing, I should like to take the opportunity of thanking those Honourable Members who have offered me congratulations today. So far as the subject of this debate is concerned, it appears to me that if an earnest student of the debates of this House,—if any such person exists,—were to study the records of this particular debate on the general consideration of the Railway Budget, he would find very great similarity from year to year.

Mr. S. Satyamurti: Because you never change or improve.

The Honourable Sir Thomas Stewart: The same type of criticisms are offered and very much the same type of replies are given. But I am not complaining about that. It is rather a comfort to me to know that the number of matters on which serious criticisms can be offered is strictly limited, and I do not complain of the monotony because I do admit it is good for us to have a yearly stimulus. For no matter how well we are

doing, I feel that we can do better and it is I think, of real value that these criticisms should come up to us again and again. Not until perfection is reached—will I be prepared to claim that they are unnecessary. Now, Sir, again I must plead my inability to deal with every particular matter that has come to notice today. But I will repeat what has been said before on the floor of the House, namely, that no suggestion is ever made in the course of the debate of which note is not made. The debates are scrutinised and note is made of everything that is said. That note is examined and analysed as to whether the criticism or the suggestion is really a good one. Consideration is given as to whether action can be taken and the result of this analysis is put up to me personally. The volume of the work which is done on this particular process is very considerable. I merely hold up this bundle to show you what the literature on the subject is like.

Mr. S. Satyamurti: All waste paper.

The Honourable Sir Thomas Stewart: No, not all. Perhaps some of it demonstrates that nothing possibly can be done.

I now turn to the budget itself. The general impression seems to be that it is a very unexciting budget, that it is colourless. Well, perhaps that is a good thing. It is the country which has no history that is the happiest one. But one or two points have been raised. My Honourable friend, Mr. Basu, whom I would like to congratulate on a very competent maiden speech, warned me that I must not take too much credit for myself, that successful budgets are as dependent on extraneous circumstances as on the cleverness and ability of those who are running the administration. That I fully admit as I have admitted it in the past. But all I would say to him is that when the evil days come, I trust that he will be equally reasonable. Mr. Gadgil accused us of rather haphazard budgeting. I think he had an idea that we shut our eyes and made a guess. But I can assure him that we do employ the processes which he suggested we did not. We do consider what has happened in the past. We do consider what are the present trade tendencies and though, in the present circumstances, it must be somewhat more of a guess than it is in normal years, we do, as far as possible, employ the processes he recommends.

My Honourable friend, Sir Muhammad Yamin Khan, asked a specific question. He asked me whether the 70 lakhs increase in working expenses was over the original budget or the revised estimate of the present year. It is over the revised estimate. I may also point out for the same Honourable Member's benefit that we are, I assure the House also, keeping very firmly in our minds the need for economy in our working expenses. But there is one economy which he recommended that I am afraid is not possible. He referred to the power at present vested in the Agents to spend up to a lakh of rupees; but that power is in regard to capital expenditure not in regard to working expenses to which the Honourable Member was referring.

My Honourable friend, Dr. Sir Ziauddin Ahmad, returned to the charge that he made last year. He could not understand why for the purpose of the depreciation fund, we chose a curious number like 1-60th and he implied there was no reason at all for that figure and that it was merely a guess. I say it is not a guess. It is an arbitrary, or rather a conventional figure. He accused us of requiring three Accountants to do our work. If

[Sir Thomas Stewart.]

he applied his own process of calculating depreciation—bearing in mind the extremely varying character of the assets that are owned by the railways,—if he applied the appropriate rate of depreciation to each of those assets, and then tried to get the total together, he would need not three Accountants but 300 Accountants. And if he really wants information about depreciation and about allocation I would refer him to a most admirable treatise on it, 'A Review of the Appropriation Accounts for 1934-35' written by Sir P. R. Rau. On pages 42 and 50 he will get some very illuminating information.

I was rather surprised when my Honourable friend, Pandit Nilakantha Das, started his speech by what was practically an accusation of moral delinquency. He said that my budget speech did not reveal but concealed; and he went on to illustrate his thesis by quoting my defence, because he turned at once to a volume of statistics in which we had set out every possible figure we had for the information of Honourable Members of the House as well as for members of the public.

Pandit Nilakantha Das: I referred to the conclusion specifically.

The Honourable Sir Thomas Stewart: I can assure the Honourable Member that the Railway Board and the Railway Administrations adhere strictly and honestly to the stores purchase policy laid down by the Government of India. That is a purchase policy which, in the view of the Government of India, is best designed to promote Indian industry so far as that can be done through the purchase of stores for Government and Government Departments. There is absolutely no deception.

Pandit Nilakantha Das: It does not promote Indian industry: I shall show it.

The Honourable Sir Thomas Stewart: The figures quoted against me are my best justification. In the course of the debate the question of the strategic lines was raised by Dr. Sir Ziauddin and by my Honourable friend, Sir Henry Gidney, whom I am glad to see back here. I may assure them that we do not like the strategic lines any better than they do; but we are loyally abiding by a convention which was entered into some many years ago, and we are prepared to accept the responsibility for them. But I would have the House believe that they are not an entire loss and that on the credit side we must reckon the amount of traffic that we carry on our ordinary lines which emanates from the territory served by the strategic lines.

Mr. F. E. James (Madras: European): Sir, may I ask the Honourable Member whether before the Railway Department is reconstituted that position will be reviewed?

The Honourable Sir Thomas Stewart: That is a hypothetical question to which I cannot now give any answer.

Sir Henry Gidney made an inquiry as to whether it was possible to give separate figures as to the earnings of these strategic lines. Those will be found on page 14 of the Explanatory Memorandum which was supplied to Honourable Members.

Certain questions have been raised regarding the treatment of the staff on the railways. Sir Henry Gidney, Mr. Lalchand Navalrai and Dr. Sir Ziauddin, have raised various issues. In the first place, as regards appeals I believe a considerable amount of misunderstanding has arisen. The ordinary rule is that an appeal lies to the officer next in rank above the officer against whose order appeal is made. In the Division, the Divisional Superintendent is the officer to whom most appeals lie. When the Divisional Superintendent has adjudicated on an appeal the order very often issues in a form signed not by the Divisional Superintendent himself but by one of his officers who signs "for the Superintendent". That does not mean that that is the order of the officer who signs but that it is, in effect, the order of the Divisional Superintendent. I believe there is a good deal of misunderstanding through subordinate officers who have been punished believing that they have been punished by an officer who was not competent to do so, or rather that their appeals have been adjudicated upon by an officer who was not competent to do so. Then reference has also been made to the question of passes, and this I think has been a somewhat stormy subject. I think there is no doubt that some time ago, and on some railway at any rate, a much too liberal system of passes existed and this was brought under objection. The question of passes and of their proper reduction was referred to the various railways and was considered by us ourselves. Varying opinions were put forward and the pass rules which are now in existence are what we, after a great deal of thought and a great deal of argument, consider to be a reasonable compromise as between the various views which we had before us. They are not merely a compromise in the sense of being an arithmetical mean, the general principle that has been employed was to endeavour to give passes on a reasonable scale and of the class that would be occupied in travelling by Government servant drawing the same, or about the same, pay. Sir Henry Gidney protested against the indignities of third class travel. I ask him, is it altogether disreputable to travel third class these days? Another question raised was that of the adequacy of the leave reserve of the various categories of railway servants on railways. Now, Sir, in spite of Sir Henry Gidney's castigations the Railway Department have not been unmindful of the necessity of maintaining adequate leave reserves so that the grant of holiday leave to railway servants should not become an empty farce. For some considerable time this has had their very serious consideration and they have made representations that were very liberal in their character. Sir Henry Gidney raised this question last year. Almost at the same time it was raised by the All-India Railwaymen's Federation. The Chief Commissioner of Railways undertook,—and he fulfilled the undertaking,—to approach all railways and ask them to examine the circumstances of their own railways, so that they might be sure that adequate leave reserve did exist. The examination has proved a long one and I do not accept Sir Henry Gidney's conclusion that this is an empty excuse and that it is being put off. That is not the case. There are many railway administrations and conditions vary from one railway to another. Within each railway there are many categories of workmen the nature of whose duties varies from one category to another. It is, I insist, a very complicated problem which has been set the railway administrations and it will be a complicated problem that will face the Railway Board when full replies have come back.

Complaint was made again that transfer of subordinate establishments from one railway to another was not permissible. If it was permissible

[Sir Thomas Stewart.]

I can well imagine the most absolute chaos arising in the separate administrations in view of the number of subordinates who would be eligible for transfer and in view of the very frequent demands that would be made. Discontent would arise if one man's request was granted and another man's refused and it would make for indiscipline and, as I said for, chaos. But to this complaint, the general proposition, a rider was attached. This was to the effect that an advertisement had appeared, out of India, for certain mechanical subordinates. Sir Henry complained very bitterly that no attempt had been to find those men in India. As a matter of fact two years ago an advertisement did issue from the North Western Railway and there was no response from any applicant who possessed the requisite ability. Now, Sir Henry asks, "Is there no man qualified in India to take up these posts"? He claims that there is. I am not a specialist mechanic and I cannot say authoritatively whether there is or not. I only know that the Wedgwood Committee gave the opinion that there were none. But I am perfectly willing to make another test and for that reason I caused to be issued a further advertisement in order that we might ascertain whether there were men of the ability that we require.

Mr. S. Satyamurti: Who will judge that ability?

The Honourable Sir Thomas Stewart: I cannot.

Mr. S. Satyamurti: Who will? Some European?

The Honourable Sir Thomas Stewart: I could not tell you that.

Lieut.-Colonel Sir Henry Gidney: Can men from all railways, State and Company-managed, apply?

The Honourable Sir Thomas Stewart: I am unable to give the Honourable Member information as to what replies have been received; but the advertisement was open to all qualified men in India. What I mean is that if a man from the South Indian Railway applied, he would be regarded not as an South Indian Railway man on transfer but as a separate applicant.

Lieut.-Colonel Sir Henry Gidney: That is most kind of you, Sir, and that is exactly my point. Allow people from any other railway to apply without restriction or fear.

The Honourable Sir Thomas Stewart: There have been a few references to road-rail competition—not very many. But one struck me,—just having finished the Motor Vehicles Bill,—as being on the verge of the comical. When I heard a plea on behalf of the poor motor lorry I wondered why we had taken all the trouble to get the Motor Vehicles Bill passed.

Mr. F. E. James: And now that you have got the Petrol Sales Act, you ought to be happy!

The Honourable Sir Thomas Stewart: A more serious matter that has relation to road-rail co-ordination is that mentioned by my Honourable friend, Mr. Gadgil. He referred to the state of confusion that had arisen in the goods yard at Jalgaon station. I have taken some trouble to investigate the matter and what has happened is this. The Central Provinces Government have put into effect a strict regulation of traffic on their roads. The Bombay Government have not put into effect such a strict regulation. The result is that between Jalgaon and Bombay there is very heavy traffic in cotton by road. From Berar—I do not know the particular places—it comes not by road but by train into Jalgaon. The shippers of cotton insist on transshipment at Jalgaon and the confusion arises in that way and not from any breakdown of the railway organisation.

In spite of what I conceived to be a convincing exposition of our rating policy in my budget speech, there have been today certain animadversions on it. Perhaps the most succinct criticism was that of Dr. Ziauddin Ahmad. His criticism was roughly this: the theory of "what the traffic can bear" can be used to suit one's own convenience: that is, one can put one's own meaning on it. I agree that that is perfectly true. Dr. Ziauddin can put his meaning on it and my Honourable colleague, Mr. DeSouza, can put his meaning on it—but if I have to take my choice as to which is the correct one, I am going to back the professional against the amateur. Certain examples have been quoted which really illustrate the point I made in my budget speech, namely, that a particularly valuable commodity is liable to be treated as an exception. Raw cotton has been mentioned. I was perfectly well aware before Mr. Lalchand Navalrai mentioned it that there had been a very insistent demand that the freight rates on cotton consigned to Bombay should be very drastically reduced. That is a proposition which I have had to consider on more than one occasion and I am perfectly certain that any such relaxation in our rates would involve us in losses which we cannot contemplate and that the person who would benefit most would be the Bombay cotton dealer. It would mean more grist to his mill, and I am also certain that it means the whole of any rebate that might be given would go to the cultivator; and even if it did, even if my hypothesis is entirely wrong, I claim that it is a proposition which in principle is also entirely wrong. What it would mean is; that we, the railways,—a department which this House insists must be a commercial department—should be asked to subsidise a particular section of the community. That I hold is, in principle, entirely wrong.

Mr. M. S. Aney: It is a national industry after all: what is wrong with it?

The Honourable Sir Thomas Stewart: Sardar Sant Singh put in a plea for wheat from the Punjab. I think he suggested that it was somewhat of a Cinderella. Well, it is a Cinderella who has not had too bad treatment in the past. We have given rebates which have enabled considerable amounts of wheat to leave Karachi—and to leave Karachi at times when it could not have done so had there been no rebate. I may also remind him that a few years ago we made a substantial reduction in our wheat rates to Calcutta for the benefit of Lyallpur.

Mr. M. S. Aney: Have the same policy for cotton.

The Honourable Sir Thomas Stewart: Dr. DeSouza complained bitterly of the treatment he had received from the Railway Manager who had refused to give concessional rates for the transport of coffee. That Manager may have been right or he may have been wrong, but, at the same time, in my opinion, Dr. DeSouza was wrong too. He based his claim on the ground that the Railways are public utility bodies and are not commercial companies. If we were public utility companies, then any profits that we make would, of course, go back into the business to be used for reduction of fares, rates and so on. But that cannot be. We have our obligations under the Convention, and we cannot afford to be, as the General Manager said, philanthropists. It would be in defiance of the views of this House were we to do as Dr. DeSouza wishes. In connection with rate policy, my friend, Sir Muhammad Yamin Khan, adopted my own figure of speech and told us about swings and roundabouts. I am not quite sure that he had got my metaphor correctly, and I would ask him to think over what he said before we discuss it further.

Mr. M. S. Aney: We also did not understand him; he was swinging round about.

The Honourable Sir Thomas Stewart: Then, Sir, in the course of discussion the question of economy has been raised, and it was Mr. Buss, who inquired what was being done by way of securing economies by reduction in the volume of the audit which was carried out in the Railways. The Wedgwood Committee held the view that the amount of audit was out of proportion. The matter is under review by the Auditor General who does not hold out any great hope that anything very substantial can be achieved; but by certain processes now being carried out, he estimates that in the next year we may have a saving of about Rs. 34,000.

Mr. S. Satyamurti: But don't save on audit; it is a bad thing.

The Honourable Sir Thomas Stewart: Mr. Nauman also asked what steps were being taken to pursue this problem of economy. I would refer him to the second statement that has been issued giving details as to the action taken on the Report of the Wedgwood Committee. He will also find on pages 8 to 10 of the latest Railway Board's Report quite an elaborate statement showing what economies have been effected, and how they have been effected, and in at least one case a real estimate of what their amount has been.

Now, Sir, I have been reluctant, even if I had the time to do so, to touch on any matter that may become the subject of a cut motion. Such matters can be more adequately discussed on a cut motion. But I have been challenged in regard to the amenities for third class passengers, and, in particular, I was asked to say what action had been taken to carry on the building programme in accordance with the model carriage that was exhibited to Honourable Members. I quote now from Sir Guthrie Russell's budget speech:

"Our carriage renewal programme for 1939-40 provides for 110 broad gauge and 137 metre gauge coaches having full, or composite third class accommodation, which will be built to improved designs."

These are being built to, approximately, the specification of the model. Well, Sir, "amenities" is a relative term. I remember nearly 25 years ago I was in charge of a large bathing fair. I was waiting at the station for a pilgrim train to come in. . . .

Mr. F. E. James: Baby fair?

The Honourable Sir Thomas Stewart: No, I said bathing fair. I was waiting at the railway station for a pilgrim train to come in, and I got into conversation with an old Sadhu who told me of the days when people came on pilgrimages on foot; then there were no trains. He told me that they left home, perhaps, three months before the fair. There might be cholera on the way or they might be killed by dacoits on the road but that if they got back home safely they had acquired merit. People, he said, now came in absolute luxury. In this case they came in a pilgrim rake. That was 25 years ago and you can imagine what it was like. If that was luxury then, compare it with what we have now. . . .

Mr. S. Satyamurti: Travel third class to Bihar and see!

The Honourable Sir Thomas Stewart: In conclusion, I would point out to Honourable Members that great administrations like the Railways are very easy targets to hit. They are very easy to criticise. I don't object at all to criticism, but do it rightly, for, after all, the Railways are your own property, and it is very bad policy to cry down your own wares.

Mr. President (The Honourable Sir Abdur Rahim): Before the House adjourns, I think I ought to announce what the arrangement is that has been arrived at with reference to the second stage of this discussion, that is to say, with reference to the motions for demands for grants. The Parties have arrived at this arrangement,—the Congress Party will move their motions on Monday, the 20th February, and also on Tuesday, the 21st February, until the luncheon interval. The Congress Nationalist Party will move their motions on Tuesday, the 21st February, after the luncheon interval, till the House rises for the day; the Muslim League Party will take up Wednesday, the 22nd February, for their cut motions; the European Group will take up their cut motions on Thursday, the 23rd February, till 3 p.m., and the unattached Members from 3 p.m. on the 23rd February till the House rises. It has also been agreed, as before, that those who move the cut motions will have the maximum time-limit of 20 minutes and the other speakers will have 15 minutes. I suppose this arrangement will suit the convenience of the House.

Several Honourable Members: Yes.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 18th February, 1939.

LEGISLATIVE ASSEMBLY.

Saturday, 18th February, 1939.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

BRITISH AND INDIAN OFFICERS IN THE INDIAN ARMY VETERINARY CORPS.

483. *Mr. Abdul Qayyum: Will the Defence Secretary please state:

- the number of officers, Indians and non-Indians, in the Indian Army Veterinary Corps (R. A. V. C.) in early 1935;
- their numbers on the 1st January, 1939;
- the scheme of Indianisation laid down on the 28th June, 1935;
- whether the same was altered on the 9th December, 1936; if so, in what material particulars; and
- whether the 1936 scheme reduced the number of posts for Indian officers, and, if so, the reasons therefor?

Mr. C. M. G. Ogilvie: (a) 64 British officers only.

(b) British	Establishment	61
	Strength	58
Indians	Establishment	16
	Strength	15

(c) I lay on the table a copy of the late Army Department letter No. 31799/1/Q-11, dated the 28th June, 1935, on the subject.

(d) Yes, on 9th December, 1936, a revised establishment was fixed as follows:

British—Royal Army Veterinary Corps—62.

Indians—Indian Army Veterinary Corps—

1936-37	15
1937-38	16
1938-39	16
1939-40	17
1940-41	19

The revised scheme also restored the old rates of pay and Viceroy's Commissioned rank to Veterinary Assistant Surgeons of the Indian Army Veterinary Corps.

(e) Yes. The 1935 scheme envisaged an establishment of 26 Indian Commissioned Officers at the end of 1940-41. From an analysis made in 1936 of the number of Indian students studying for the diploma of membership of the Royal College of Veterinary Surgeons which is the minimum

qualification for a commission in the Indian Army Veterinary Corps, it became apparent that this total would not be available. The establishment of India Commissioned Officers was, therefore, revised on the basis of the number of Indian students who were likely to be qualified during the periods I mentioned in reply to part (d) of the question.

Army Department letter No. 31899/1/Q-11, dated the 28th June, 1935, to the Quartermaster General in India.

INDIANISATION IN THE ARMY VETERINARY SERVICE IN INDIA.

The Secretary of State has sanctioned, with effect from the 15th January, 1935, the following changes in the organization of the Indian Army Veterinary Corps:

- The progressive reduction of the British cadre of Royal Army Veterinary Corps officers from 42 to 37.
- The progressive increase of the Indian Cadre up to a total of 60 Indian Commissioned officers.
- The reduction in the number of Veterinary Assistant Surgeons from 126 to 94.

2. The method of effecting gradual replacement of personnel to readjust the existing cadre is shewn in the enclosure to this letter. This is based on normal wastage.

3. The terms and conditions of service of Indian Commissioned Officers, are as follows:

- The rates of pay for the officers up to the rank of Captain are given in Army Department letter No. B-29060 (A.G.-10), dated the 22nd February, 1935, and Army Instruction (India) No. 42 of 1935.

The rates of pay for Majors and senior ranks of the Indian Army Veterinary Corps are still under consideration.

- Conditions of service in regard to

- Qualifications.
- Entrance examination
- Promotion.
- Retirement.
- Leave

are laid down in Army Department letter No. 21505-3/Q. 11, dated the 23rd October 1934, on the subject of employment of Indians as commissioned officers in the Indian Army Veterinary Corps.

4. *Veterinary Assistant Surgeons.*—From the 15th January, 1935, all Veterinary Assistant Surgeons will be enrolled and serve as warrant officers. No promotions will be made to Risaldar Major, when vacancies occur and the appointments thus lapsing will be replaced by appointments to be filled by Indian Commissioned Officers.

Jemadars will continue to receive promotion to Risaldar up to a proportion of 18 per cent. of the total establishment of Viceroy's Commissioned Officers serving.

Warrant officers serving before the 15th January, 1935, will be promoted to Jemadar after five years' service in accordance with their agreements, and will draw the new incremental pay [see sub-paragraph (c) below].

Conditions of service for Warrant Officers, Indian Army Veterinary Corps.

- Qualifications* will remain as at present laid down in Veterinary Regulations, India.

(b) *Enrolment.*—Warrant officers, Indian Army Veterinary Corps, will be enrolled for 21 years which may be extended in special cases. They will be given the option of leaving the service after 10 years' service [see sub-paragraph (d) below].

- Pay.*—The rates of pay will be:

Initial	Rs. 80—3—90
After 10 years	Rs. 90—5—115
After 15 years	Rs. 115—10—165

(d) *Gratuity.*—A gratuity of one month's emolument for each completed year of service will be payable to Warrant Officers retiring after ten years' and with less than 15 years' service.

(e) *Pension.*—The rates of pension will be published later.

(f) *Invalid pensions and gratuity.*—Invalid pensions and gratuity will be payable as laid down in paragraph 209, Pension Regulations for the Army in India.

(g) *Honorary Rank.*—The honorary rank of Risaldar will be granted to Warrant Officers retiring after 21 years' service and the honorary rank of Jemadar to those retiring after 15 years' and with less than 21 years' service.

Gradual replacement of personnel to readjust existing cadre establishments.

British Cadre.				Indian Cadre.									
British Officers.				British Officers.			Indian Commissioned Officers.			Veterinary Assistant Surgeons.			
Years.	Remaining Est- abishment.	Decrease.	Total Establish- ment.	Remaining Est- abishment.	Decrease.	Total establish- ment.	Remaining esta- bishment.	Increase.	Total establish- ment.	Remaining esta- bishment.	Increase (W. Os.)	Decrease (V. C. Os.)	Total establish- ment.
1935-36	42	..	42	22	3	19	..	10	10	126	..	3	123
1936-37	42	..	42	19	..	19	10	4	14	123	..	5	118
1937-38	42	1	41	19	..	19	14	3	17	118	..	4	114
1938-39	41	1	40	19	..	19	17	3	20	114	3	5	112
1939-40	40	..	40	19	..	19	20	3	23	112	5	8	109
1940-41	40	..	40	19	..	19	23	3	26	109	6	9	106
1941-42	40	1	39	19	..	19	26	3	29	106	2	4	104
1942-43	39	..	39	19	2	17	29	4	33	104	6	8	102
1943-44	39	..	39	17	1	16	33	4	37	102	8	11	99
1944-45	39	1	38	16	..	16	37	4	41	99	3	6	96
1945-46	38	1	37	16	..	16	41	3	44	96	4	6	94
1946-47	37	..	37	16	5	11*	44	5	49	94	9	9	94
Total increase or decrease.	..	5	..	..	11	..	..	49	..	..	46	78	..

*The remaining 11 British Officers will waste out by about 1956, being replaced by I. C. Os.

Mr. Abdul Qayyum: May I know whether the scheme of Indianisation was revised and the number of Indians whittled down as a result of the mechanisation in England when more British Officers became available for service abroad?

Mr. C. M. G. Ogilvie: No. I have given, I think, at considerable length, the reason.

Mr. Abdul Qayyum: May I know if it is not a fact that there are 24 students at present studying in the college mentioned by the Honourable Member?

Mr. C. M. G. Ogilvie: I understand that that is the case.

Mr. Abdul Qaiyum: May I know if the pay of the Indian commissioned officers is almost half the pay of the British officers with the same qualifications?

Mr. C. M. G. Ogilvie: No, certainly not.

Mr. Abdul Qaiyum: May I know if there is discrimination against Indians in the matter of mess allowance and additional and charge pay?

Mr. C. M. G. Ogilvie: There is no discrimination of any sort, but as regards allowances and so forth I shall have to require notice.

Mr. Abdul Qaiyum: What is the difference in the matter of allowances between Indians and British officers of this service?

Mr. C. M. G. Ogilvie: I should require notice of detailed questions of that sort.

Mr. Abdul Qaiyum: May I know if, as a result of mechanisation, a lesser number of officers will be required in this service?

Mr. C. M. G. Ogilvie: Naturally, as mechanisation progresses a smaller number of officers will be required.

Mr. Abdul Qaiyum: May I ask, in view of the mechanisation in India, why it is considered desirable to import officers from England?

Mr. C. M. G. Ogilvie: Because the necessary Indian officers cannot be obtained in sufficient numbers.

Mr. S. Satyamurti: Are there any measures taken by Government or in their contemplation to increase the number of qualified Indian officers?

Mr. C. M. G. Ogilvie: Certainly. The scheme which I have just described only carries us down to 1941. If then more qualified Indians become available, the numbers will undoubtedly be altered accordingly.

Mr. Abdul Qaiyum: May I know if the Honourable Member has read the speech of the Director General of the Veterinary Service in the War Office in England, the relevant portion being:

"Action has been taken in India to defer for the present any reduction of British Officers and give back to Veterinary Assistants their old conditions of rank and service and I understand the Indianisation scheme will be reconsidered."

This was made on the 12th June, 1936.

Mr. C. M. G. Ogilvie: This was again in the question which I explained in considerable detail to the Honourable Member in answer to parts (d) and (e) of his question.

Mr. Abdul Qaiyum: What is the policy of the Government in the matter of Indianisation of the service?

Mr. C. M. G. Ogilvie: The policy is to Indianise it as quickly as we can.

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

BRITISH AND INDIAN OFFICERS IN THE INDIAN ARMY VETERINARY CORPS.

484. *Mr. Abdul Qaiyum: Will the Defence Secretary please state:

- (a) whether the new R. A. V. C. officers sent out to India for the permanent Indian cadre are placed above Indians as regards seniority;
- (b) what is the difference in pay between British officers and Indian Commissioned officers in the Indian Army Veterinary Corps;
- (c) whether any reduction in the number of British veterinary officers has taken place in view of the rapid reduction of the animal strength of the Army due to mechanisation; and
- (d) whether in view of the fact that there will no longer be any British cavalry in India, the recruitment of the British element in the Veterinary Corps will cease?

Mr. C. M. G. Ogilvie: (a) No.

(b) I refer the Honourable Member to rules 7 and 187 of Pay and Allowance Regulations for the Army in India, Volume I, a copy of which is in the Library of the House.

(c) Yes.

(d) No, because:

- (i) The duties of the Army Veterinary Service in India are arranged not on a unit but a station basis.
- (ii) The duties of British officers are not confined to British cavalry, but include all horsed artillery units, all units with animals on charge, veterinary hospitals, the Army Remount Department and the Military Farms Department.
- (iii) Indian Commissioned Officers are neither sufficient in numbers nor senior enough to displace all British officers.

Mr. Abdul Qaiyum: May I know the reason why the number of Indians was whittled down?

Mr. C. M. G. Ogilvie: I have explained that very clearly in my reply to the last question asked by the Honourable Member. It is not a question of whittling down; we should have liked, if we could, to whittle up, but there were no enough Indians available.

Mr. Abdul Qaiyum: With reference to the answer to part (d) of the question, will the Honourable Member tell us whether there is any difference in the pay of Indian Commissioned Officers and British officers in this service?

Mr. C. M. G. Ogilvie: Yes, there is.

Mr. Abdul Qaiyum: What is the difference? Can he tell us the pay?

Mr. C. M. G. Ogilvie: I have referred the Honourable Member to a book which he can at any time readily procure.

Mr. Abdul Qaiyum: What is the justification for this discrimination in the matter of pay between Indians and Britishers?

Mr. C. M. G. Ogilvie: The same justification as invariably applies in the case of officers who serve in their own country and those who contract to spend their working lives or part of it outside.

Mr. Abdul Qaiyum: May I know if it is a fact that there is absolutely no British cavalry in India, and, if so, what is the justification for retaining British officers in this country?

Mr. C. M. G. Ogilvie: I have answered that question fully in reply to part (ii) of clause (d) of the question.

Mr. Abdul Qaiyum: What is the answer of the Honourable Member to my question whether there is no British cavalry in India?

Mr. C. M. G. Ogilvie: The British cavalry regiments are now in the process of being converted.

RECONSTITUTION OF THE DEPARTMENTS IN THE GOVERNMENT OF INDIA.

†485. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Home Member state:

- whether the matter of the reconstitution of the departments in the Government of India is under consideration;
- how long this has been under consideration; and
- whether Government have arrived at a conclusion in this matter?

The Honourable Mr. R. M. Maxwell: (a) No general reconstitution of Departments is under active consideration at present.

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

INDIANS IN THE RESERVE OF MILITARY OFFICERS.

†486. ***Mr. T. S. Avinashilingam Chettiar:** Will the Defence Secretary state:

- the total number of reserve of military officers to meet cases of emergency;
- how many of them are Indians; and
- whether any attempt has been made to increase the number of Indians; if so, what are the attempts?

Mr. C. M. G. Ogilvie: (a) 2,160.

(b) 623.

(c) No.

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

INVESTMENTS IN THE RUPEE DEBT IN THE FORM OF STOCK, ETC.

487. ***Mr. S. Satyamurti** (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Finance Member be pleased to state if it is a fact that advantage is not taken in large measure by the public in the matter of Rupee Debt of the first two out of the following three forms of holdings:

- Stock,
- Bearer Bonds, and
- Promissory Notes?

(b) What steps do Government propose to take in order to popularise and to get better known the two first forms?

(c) Are Government aware that many frauds have occurred in connection with the collection of interest on Promissory Notes when the documents have to be sent down to a middleman or agent for collection of interest?

(d) Are Government prepared to issue a press note or in some other manner to get the public duly informed as to the advantages of holding investments in Rupee Debt in the form of stock?

(e) Have Government any figures readily available in each of the three forms mentioned in part (a), giving the total volume and also the number of holders?

The Honourable Sir James Grigg: (a), (b) and (d). Efforts have been made by Government, from time to time, to popularise stock certificates in place of promissory notes, for example, by attaching slips calling attention to the advantages of the alternative form of security when issuing new and renewed promissory notes. From the poor response which followed from this publicity it is evident that the ordinary investor prefers to retain his security in the form of a document easily transferable without resort to the Public Debt Office but on which his own name appears. The Reserve Bank is considering whether it would be possible to give some further inducement in this direction by lowering its charges.

(c) Government have no evidence that the collection of interest on promissory notes, through agents, gives rise to frauds on the holders of such notes.

(e) No.

Mr. S. Satyamurti: When was the last attempt made by Government, to which my Honourable friend referred, to popularise stocks? My Honourable friend said, I think, two attempts.

The Honourable Sir James Grigg: I must apologise to the Honourable Member. I have got here the last attempt, but unfortunately, there is no date on it.

Mr. S. Satyamurti: Do Government keep copies of official documents without dates on them?

The Honourable Sir James Grigg: This is a Reserve Bank document.

Mr. S. Satyamurti: Do the Reserve Bank issue these documents without dates?

The Honourable Sir James Grigg: I should imagine that the reason for the absence of date in this particular case is that it was a slip attached to the promissory notes.

Mr. S. Satyamurti: May I know what are the steps which Government contemplate taking with a view to popularise this stock?

The Honourable Sir James Grigg: The Reserve Bank is considering whether it would be possible to give some further inducements in this connection by lowering its charges.

Mr. Brojendra Narayan Chaudhury: May I know what steps Government propose to take to allay the apprehensions of the public arising from the Privy Council judgment?

The Honourable Sir James Grigg: There is a question later down on the list which relates to the judgment of the Privy Council.

Mr. S. Satyamurti: With reference to clause (c) of the question, may I know whether it is a fact that many frauds have occurred?

The Honourable Sir James Grigg: Government have no evidence of any.

Mr. S. Satyamurti: Have Government received any complaints from any quarter?

The Honourable Sir James Grigg: If there were complaints, we should have some evidence.

GOVERNMENT SECURITIES MANUAL.

488. *Mr. S. Satyamurti (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Finance Member please state whether the "Government Securities Manual" published in 1921 has been out of stock for many years now? If so, from which date has it been out of stock?

(b) When do Government propose to get it reprinted and made available to the public in order that correct ideas with regard to the procedure involved in investment in Government Securities may be known to the public?

(c) Who is responsible for the omission to publish and to make this book available to the public?

(d) Is it a priced publication?

(e) Have Government changed their policy with regard to giving the fullest information to the public as to the relative advantages of the different forms of holdings of Government Paper and the procedure involved in the investments in public debt?

The Honourable Sir James Grigg: (a) to (d). The Government Securities Manual has been out of stock for some years now. Changes due to the creation of the Reserve Bank, the passing of the Government of India Act and the abolition of the Controller of the Currency's office have delayed its revision; but a revised edition is now in the press and will be available for sale in the near future.

(e) No.

Mr. S. Satyamurti: May I know how long this Manual has been out of stock?

The Honourable Sir James Grigg: Since 1930.

Mr. S. Satyamurti: May I know whether, apart from publishing this Manual, Government propose to give the fullest information to the public relating to the matters mentioned in this question?

The Honourable Sir James Grigg: The Manual does contain full information and that seems to be the best way of disseminating full information.

Mr. S. Satyamurti: When will the Manual be actually published?

The Honourable Sir James Grigg: It will be available for sale in the near future.

CONFERENCE OF INSPECTORS-GENERAL OF PRISONS OF THE PROVINCES.

489. *Mr. S. Satyamurti: Will the Honourable the Home Member be pleased to state:

(a) whether it is a fact that a conference of Inspectors-General of Prisons of all Provinces has been held, or will be held, in New Delhi;

(b) what are the details of the agenda of the conference;

(c) whether this conference has been convened, or was convened, at the request of the Provincial Governments;

(d) whether any question of policy was taken up, or will be taken up, at the conference; and

(e) what part the Government of India propose to play, or have played in the conference?

The Honourable Mr. R. M. Maxwell: (a) A Conference of Inspectors-General of Prisons was held from the 23rd to the 26th January, 1939.

(b) I place on the table of the House a copy of the agenda of the Conference.

(c) A biennial Conference of Inspectors-General of Prisons is not a new thing. Such Conferences have been held in 1923, at Delhi, in 1925, at Ootacamund, in 1927, at Calcutta, in 1929, at Lucknow and in 1934, at Delhi. It was suggested to Provincial Governments that there were advantages in continuing to give Inspectors-General of Prisons a periodical opportunity of exchanging views on matters of jail administration and the suggestion was approved by all Governments except those of Bombay, Bihar, and the Central Provinces and Berar. These three Governments doubted either the propriety or the usefulness of a conference of Inspectors-General at which the Ministers in charge of the portfolio of jails were not present. All other Provincial Governments sent their Inspectors-General to this Conference, though at the last moment the Inspector-General of Prisons in Sind was prevented from attending.

(d) I would refer the Honourable Member to the agenda. The Conference merely makes recommendations. It is for Provincial Governments to decide what policy they will adopt in pursuance of these recommendations.

(e) The Government of India was not represented at the Conference but merely acted as the co-ordinating medium for bringing together the Heads of Provincial Jail Departments. I lay on the table a copy of the remarks with which I opened the proceedings, as they may serve to explain the attitude of the Government of India towards this Conference.

Agenda for the Sixth Conference of Inspectors-General of Prisons to be held at New Delhi.

1. Classification of prisoners with special reference to treatment of "Political prisoners".
2. The treatment of prisoners in the following matters—
 - (1) Diet.
 - (2) Labour.
 - (3) Punishments.
 - (4) Privileges such as interviews, letters, supply of newspapers and books, libraries, supply of tobacco, gramophones, radio sets, outdoor games, and expenditure from private funds.
3. (a) Introduction of a parole or "ticket of leave" system to enable prisoners to visit their families.
(b) Release before completion of sentence; provisional or absolute. Method in present use and recommendations.
4. (a) Remissions.
(b) Payment to prisoners for good or extra work done. Consideration of the new system in English prisons.
5. Treatment of hunger-strikers.
6. Education of prisoners; with special reference to paid teachers and magic lantern lectures.
7. (a) Progress made in different provinces regarding treatment of young offenders.
(b) Progress made in different provinces in provision of Probation for First Offenders.
8. Necessity for concentrating released habitual criminals in special industrial institutions.
9. Establishment of more Discharged Prisoners' Aid Societies.
10. Disposal of prisoners sentenced by Court-martial and discharged from Army.
11. Discussion on jail reforms introduced in provinces including study of new Acts.
12. The relationship between Advisory Boards and the Police and Magistracy.
13. Jail industries with special reference to—
 - (a) price of jail products;
 - (b) sale of jail-made articles;
 - (c) demonstration farms and cottage industries.
14. Jail staff—
 - (a) Recruitment (including Superintendents).
 - (b) Establishment of an All-India Training College.
 - (c) Necessity for a leave reserve for all sections of the Jail staff.
15. Recognition of gallantry and meritorious service by the staffs of jails.
16. Method of calculating the maintenance charges of prisoners from other provinces.

GENTLEMEN,

This, the sixth Conference of Inspectors-General of Prisons, takes place under somewhat different auspices from its predecessors. Since the last such conference took place in 1934 the position which the Government of India occupy with regard to the administration of jails in the provinces has undergone a profound change with the inauguration of Provincial Autonomy. Under the Government of India Act, 1919, the administration of prisons was a provincial subject, subject to legislation by the Central Legislature, but the Government of India retained the power of superin-

tendence, direction and control. It was, therefore, possible to give directions to the Provincial Governments so as to unify practices in important matters of general policy and administration. This power was exercised by the Government of India frequently in connection with the important recommendations made by the Conference of Inspectors-General of Prisons in different years. Under the new constitution, the Government of India have no power in respect of jails in the provinces, except the concurrent power of legislation for the transfer of prisoners from one unit to another. The Central Government have, therefore, no functions now with regard to this conference except that of a central co-ordinating authority which has brought together the heads of Provincial Prison Departments for an exchange of ideas and experience and it is in this capacity only that I am present to open this Conference today and to welcome you on behalf of the Government of India. The Central Government have, however,* a few jails under their control in the centrally administered areas and the recommendations of this Conference will, I need scarcely say, receive careful attention from the Central Government in so far as they may be applicable to these jails.

While, however, the new Government of India Act has thus placed the provinces in a position of formal isolation from one another and from the Centre so far as the local administration of jails is concerned, it is clear that nothing in the Act was intended to prevent the interchange of information or the discussion of subjects of common interest with a view to the maintenance of such uniformity of standards and practice as local conditions and policy may permit. Indeed the fact that the Government of India no longer has power to impose uniformity even in regard to important matters makes it all the more desirable that other machinery for this purpose should be brought into existence, and from this point of view these conferences may become more rather than less important than before as a means of supplementing the formal scheme of the Act. Provincial Autonomy must naturally bring to the fore new and possibly divergent policies, new ideas of penology and new points of practical interest on which the responsible Ministers will need the best possible advice, and it will be of great advantage to them to be able to draw upon the fund of expert knowledge which a conference such as this provides. At the same time, those who, like yourselves, are individually responsible for advising Ministers on the technical and administrative sides of their proposals will no doubt feel it an advantage to be able to compare notes and to discuss perhaps novel ideal with those holding similar responsibility in other provinces. I should thus be inclined to regard the present Conference not as the sixth of the old series but as the first of a new series which I hope will continue to play an important part in the future in keeping the jail administration of India as a whole abreast of modern requirements.

I will not detain you longer now, for to judge from the length and variety of your agenda you have plenty to occupy you during the time available to you here. Your first concern will, no doubt, be to elect your own President for this Conference. The Punjab Government have been good enough to lend the services of an officer of their Jail Department to act as Secretary and we are most grateful for this assistance. Gentlemen, I wish all success to your discussions.

- *1. Ajmer-Merwara Central Jail.
2. Delhi District Jail.
3. Cellular and Associated Jails, Andamans.
4. One Jail in Coorg.

Mr. S. Satyamurti: May I know whether the Conference was presided over by my Honourable friend the Home Member and, in doing so, was he presiding over it in the capacity of the Home Member to the Government of India?

The Honourable Mr. E. M. Maxwell: I did not preside over it. One of the Inspectors-General of Prisons was chosen by the members attending the conference.

Mr. S. Satyamurti: In view of the fact that the previous conferences had been held before the 1st of April, 1937, and in view of the advent of Provincial Autonomy since that date, may I know whether Government will consider the desirability of leaving the initiative in the running of these conferences to the Provincial Governments concerned themselves taking part as merely representing the centrally administered areas?

The Honourable Mr. R. M. Maxwell: All the Provincial Governments whom we consulted agreed to send their Inspectors-General of Prisons to the Conference, except those which I have mentioned.

Mr. S. Satyamurti: In view of the fact that three Provincial Governments stood out on this very ground which I am putting to my Honourable friend, will the Government of India reconsider the position and see that either all the Provincial Governments accept this procedure or some other procedure is evolved by which all the Provincial Governments may co-operate?

The Honourable Mr. R. M. Maxwell: It depends upon what is the view of the majority of the provinces. In this case the minority of provinces took the view I have mentioned. Of course if there are a majority of provinces or any considerable number of them who are unwilling to support the conference, then naturally we should not attempt to hold it.

Mr. Badri Dutt Pande: Who represented the centrally administered areas?

The Honourable Mr. R. M. Maxwell: No one.

Mr. Lalchand Navarai: May I know, since the Conference met in Delhi, whether it was for the purpose of consultation with the Central Government and getting their views?

The Honourable Mr. R. M. Maxwell: No, Sir. As I have said, the Central Government took no part in the actual discussions, although of course the Central Government are responsible for a certain number of jails in the Chief Commissioners' Provinces and would benefit by the results of the Conference like any other province.

Mr. Abdul Qaiyum: Why did not the three provinces mentioned by the Honourable Member participate in the Conference?

The Honourable Mr. R. M. Maxwell: I have given the reasons in my reply.

Mr. S. Satyamurti: Did the Inspectors-General bring with them any instructions from their respective Governments?

The Honourable Mr. R. M. Maxwell: I do not know what is the precise nature of the instructions they had but the agenda was shown to the provinces beforehand.

CONFERENCE OF FINANCE MINISTERS.

490. *Mr. S. Satyamurti: Will the Honourable the Finance Member be pleased to state:

- (a) the reasons why an All-India conference of Finance Ministers is not being held this year;
- (b) whether Government are aware that in most Provinces there is grave anxiety for the financial future of those Provinces; and

- (c) whether the Government of India propose to examine the subject from an All-India point of view in consultation with the Finance Ministers of the Provinces, if so, when, and if not, why not?

The Honourable Sir James Grigg: (a) I would refer the Honourable Member to my reply to parts (a) to (c) of Mr. Manu Subedar's question No. 134 on the 6th February, 1939.

(b) and (c). This is a matter for Provincial Governments in the first instance.

Mr. S. Satyamurti: So far as my recollection of that answer goes, did my Honourable friend say that he felt there was no need for it?

The Honourable Sir James Grigg: I said:

"The reason for not having so far held one this year is simply that with the extra work thrown upon me personally in connection with the Income-tax Bill and the Chatfield Committee it has been physically impossible for me to find the time."

Mr. S. Satyamurti: May I know whether my Honourable friend's attention has been drawn to the various Provincial budgets and the financial problems which arise therefrom, impinging also directly and certainly indirectly on the sources of the Central revenues? In view of that, may I know whether my Honourable friend has any idea of convening or asking his successor to convene a very early conference with a view to evolving, as much as one can, a co-ordinated financial policy for the whole of India?

The Honourable Sir James Grigg: I shall certainly pass on the suggestion to my successor but I think the Honourable Member is a little too optimistic in thinking that as a result of such a conference there will be a co-ordinated policy for the whole of India.

Mr. S. Satyamurti: Have Government examined the Provincial budgets published so far? And are they or are they not convinced that there is a great need for co-ordination, by consultation—whether it is achieved or not—in regard to the difficult financial problems *inter se* between the provinces and between the provinces and the Centre? Does not my Honourable friend think that an honest attempt should be made to co-ordinate thought and action in this matter?

The Honourable Sir James Grigg: The Honourable Member is in a better position than I am to co-ordinate the financial policy of Provincial Governments.

Mr. S. Satyamurti: I recognise that; but, at the same time, will the Government of India help by taking the initiative in this matter and bringing together the Financial Ministers for consultation and co-ordination?

The Honourable Sir James Grigg: That was the sole object of the conference held last year. It is a matter of regret to me that the conference this year has had to be postponed. At any rate this is my feeling, as far as I am concerned, but I cannot go further than that.

Mr. S. Satyamurti: As regards the point raised in clause (b) of my question, may I know whether Government have considered this matter as regards the grave anxiety felt in the Provinces about their financial

future, and do the Government of India propose to take any steps in this direction with a view to allaying that anxiety?

The Honourable Sir James Grigg: I gather that there are anxieties of various kinds and I do not want to particularise them.

EXCHANGE RATIO.

491. *Mr. S. Satyamurti: Will the Honourable the Finance Member be pleased to state:

- (a) the reasons why the Government of India issued a *communiqué* declining even to examine the question of the rupee exchange ratio immediately after the Congress Working Committee passed a resolution asking for a reduction in the ratio;
- (b) when Government examined this subject last from all relevant points of view; and
- (c) what were the considerations which led them to take the view expressed in the *communiqué*?

The Honourable Sir James Grigg: (a) The immediate purpose of the *communiqué* was to prevent any possible misapprehensions as to the intentions of Government and so to forestall undesirable speculation.

(b) It is the duty of Government to watch constantly and continuously all economic factors affecting India.

(c) What they conceive to be the real interests of India, particularly those of the cultivator.

Mr. S. Satyamurti: Sir, may I know, with reference to the answers to these questions, whether Government propose to continue the present policy of treating themselves—I do not use that word in an offensive sense—as quite omniscient and not allow the relevant interests concerned at least to discuss the matter with the Government by means of a committee or a meeting and come to some decision in the best interests of India?

The Honourable Sir James Grigg: I have answered that question by implication or explicitly a dozen times in this House and all I can say is that we have no intention of changing our policy.

Mr. S. Satyamurti: May I know if Government have no intention even of examining the policy?

The Honourable Sir James Grigg: The Honourable Member is making an assertion that we have not examined the policy.

Mr. S. Satyamurti: When was the policy last examined?

The Honourable Sir James Grigg: All factors affecting economic conditions are constantly watched.

Mr. S. Satyamurti: “Constantly” is a very vague word—may I know when a formal and regular and full examination of the whole question of the rupee exchange ratio was undertaken, and with whose help he has arrived at this conclusion?

The Honourable Sir James Grigg: He may not.

Mr. S. Satyamurti: Then may I take it that Government have not examined the question but merely want to proceed with a policy of their own.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can draw his own inference. Next question.

PURCHASES MADE BY THE GOVERNMENT MEDICAL STORES DEPARTMENT.

492. *Mr. S. Satyamurti (on behalf of Mr. Manu Subedar): (a) Will the Defence Secretary please state the personnel and the expenditure of the Government Medical Stores Department?

(b) What is the value of the drugs held by this Department on any particular date during the last twelve months, for which the total is available?

(c) Is it a fact that the Army and Civil Hospitals are compelled to purchase their requirements from this Medical Stores Department and are precluded from purchasing full strength and proper material produced by the Indian spirit and pharmaceutical industry?

(d) What steps have been taken by Government to see that the requirements of the Government Medical Stores Department are purchased from indigenous sources, wherever material is produced in India?

(e) When was an inquiry made as to whether materials required are being produced in India, or not, and will Government place on the table of the House the final letter on the subject?

(f) Do Government propose to continue the maintenance of this Department, or, are they prepared to enquire whether it could not be abolished?

Mr. C. M. G. Ogilvie: (a) and (b). I place on the table a statement giving the required information.

(c) Military hospitals obtain their requirements from the Medical Stores Department if they are stocked at the Medical Store Depots. If not, they purchase their requirements direct from firms in India. As regards civil hospitals, the answer is in the negative.

(d) I refer the Honourable Member to rule 16 of Financial Regulations for the Army in India, Part I, which determines the policy of the Medical Stores Department. A copy of this publication is in the Library of the House.

(e) In 1930-31, by the Drugs Enquiry Committee. I refer the Honourable Member to its report, a copy of which is in the Library of the House.

(f) The Government of India propose to continue the maintenance of the Department.

(a) I. *Personnel of the Medical Stores Department.*

I. *M. S. Officers.*

One in charge of each Medical Store Depot 4

I. *M. D. Officers.*

(i) *Military Assistant Surgeons.*

One Depot Manager at each Depot and an Assistant Factory.

Manager at each of the Madras and Bombay Depots 6

(ii) *Military Sub-Assistant Surgeons* 5

Advisory Chemist, Madras 1

Chemist, Bombay 1

Assistant Chemists, Madras and Bombay 3

Clerical Staff 144

Other Personnel e.g., Packers, Factory hands, Compounders, Cutlers, Carpenters, Chowkidars, etc. 498

Total 662

II. The cash expenditure of the Government Medical Stores Department for 1936-37 for which figures are at present available, amounted to Rs. 33,69,286.

(b) The value of the drugs held by the Medical Stores Department on the 1st April 1938 was Rs. 5,50,704.

Mr. S. Satyamurti: With reference to the answer to clause (c) of the question, may I know if the army hospitals are precluded from purchasing full strength and proper material produced by the Indian spirit and pharmaceutical industry?

Mr. C. M. G. Ogilvie: They are not precluded, unless the articles are contained in the medical stores depots; if the articles are there, they have to take them, otherwise they buy direct from an Indian firm.

Mr. S. Satyamurti: Is quality taken into consideration?

Mr. C. M. G. Ogilvie: Most certainly.

Mr. S. Satyamurti: With reference to part (b) of the question, may I know whether Government are satisfied that the maintenance of this Department is required in the interests of the Defence Department as also in the interests of economy?

Mr. C. M. G. Ogilvie: Yes.

REPORT OF THE CHATFIELD COMMITTEE.

† 493. ***Mr. T. S. Avinashilingam Chettiar:** Will the Defence Secretary state:

- whether the Chatfield Committee have submitted their report;
- if so, what their recommendations are; and
- whether the report will be published, and whether an opportunity will be given to the Assembly to discuss the report before final orders are passed on it?

Mr. C. M. G. Ogilvie: (a) Yes.

(b) and (c). I refer the Honourable Member to the replies I gave on the 6th, 9th and 14th February, 1939, to questions on the same subject.

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

CONSTRUCTION OF THE KRA CANAL AND THE ROAD FROM YUNNAN TO ASSAM ETC.

494. ***Mr. M. Asaf Ali:** (a) Is the Defence Secretary aware that:

(i) in collaboration with the Siam Government, the Japanese Government have undertaken the construction of the Kra canal to obviate the strategic difficulties offered by the Singapore Naval Base;

(ii) the road from Yunnan to Assam is expected to be reconstructed for strategic purposes; and

(iii) the effective striking distance between the Japanese arial base in China and the North East Frontier of India has undergone alarming reduction?

(b) If the answer to any of the foregoing parts be in the affirmative, will the Defence Secretary please state what steps Government have taken to counteract this menace, and whether the Chatfield Committee went into these details?

Mr. C. M. G. Ogilvie: (a) (i) and (ii). No.

(iii) The presence of Japanese forces in China has obviously reduced the distance, but no alarm is felt on that score.

(b) The first part of the question does not arise. The reply to the second part is that the proceedings of the Chatfield Committee are confidential.

Mr. M. Asaf Ali: I did not ask the Honourable Member to disclose the proceedings of the Chatfield Committee. I simply wanted him to tell us whether the Chatfield Committee went into this question at all.

Mr. C. M. G. Ogilvie: I cannot even gratify my Honourable friend to that extent—whether they did or did not.

Mr. M. Asaf Ali: Did the Government of India take steps to present these facts before the Chatfield Committee?

Mr. C. M. G. Ogilvie: I can only repeat that the proceedings are confidential.

Mr. M. Asaf Ali: I do not want the Honourable Member to disclose anything which may be secret: all I want to be assured of is that Government have taken steps to safeguard India's interests as far as that part of the country is concerned?

Mr. C. M. G. Ogilvie: Government take steps to safeguard India's interests in all parts of the country.

Mr. S. Satyamurti: May I know whether Japan's effective striking distance from her arial base in Hainam and the North-East Frontier of India has been much reduced?

Mr. C. M. G. Ogilvie: Yes, the distance has been reduced.

Mr. S. Satyamurti: By how much?

Mr. C. M. G. Ogilvie: I suppose the actual distance must now be reduced by about five hundred miles.

Mr. S. Satyamurti: What are the steps Government propose to take to meet this new menace of Japan's effective striking distance from her new aerial base near China being so much reduced?

Mr. C. M. G. Ogilvie: I have informed the Honourable Member that no alarm is felt on that score.

Mr. Abdul Qayum: In view of the fact that the striking distance has been reduced, will Government consider or have they considered the desirability of moving the air force squadron from the North-West to the North-East Frontier?

Mr. C. M. G. Ogilvie: No.

Mr. M. Asaf Ali: With regard to the reduction of the striking distance between India and Japan, may I know if Government have stationed any air force squadrons in the North-East Frontier?

Mr. C. M. G. Ogilvie: No, they have not felt any necessity for doing so. †495*.

PRICE OF SALT IN THE BENGAL MARKET.

496. ***Mr. S. Satyamurti** (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Finance Member please state the prevailing prices of salt in the Bengal market twelve months before the Salt Protective Duty was imposed, during the period that the Salt Protective Duty was in operation, and since that period?

(b) Have Government considered whether the removal of the Salt Protective Duty is in any way responsible for the very low prices now quoted in the Bengal market?

(c) Up to what limits in the interior could salt from Sambhar and Khewra, respectively, reach by rail when prices in Bengal are Rs. 50, Rs. 45, Rs. 40, Rs. 35 and Rs. 30?

(d) Is it a fact that imported salt is now coming up much further in the interior than it used to and that the off-take from Sambhar has been affected in recent months?

The Honourable Sir James Grigg: (a) A statement showing the information available is laid on the table.

(b) Yes.

(c) Khewra salt and ordinary Sambhar salt are not in competition with the imported article in the eastern part of India. But Reshta and Pan salts of Sambhar can, owing to the low issue price and concession railway freights, compete with imported salt in Muzaffarpur and Champaran when the price in Bengal per 100 mds. is Rs. 30; they can advance to Saran, Bhagalpur, Darbhanga and Monghyr when the price is between Rs. 35 and

Rs. 40 and to Purnea, Hazaribagh, Palamau, Santhal Parganas, Burdwan, Manbhum, Singhbhum, Patna, Shahabad and Gaya when the price is between Rs. 45 and 50.

(d) So far as Government are aware the only increase is due to smaller issues of Sambhar Reshta and Pan salts owing to a change in the system of issue.

Statement showing minimum and maximum quotations of salt in rupees per 100 maunds at Calcutta. (Figures enclosed in brackets represent ex golah prices and those not enclosed ex-ship prices.)

Description of salt.	March 1930.	1934.	1935.	1936.	1937.	1938.
<i>(Indian).</i>						
Bompay Kurkutch	N.Q. (60)	42-52(45-57)	40-43(40-46)	38(40-42)	48-50(40-60)	45-52(47-54)
Karachi Fine	52(N.Q.)	40-54(42-50)	44-56(44-62)	30-49(32-53)	43-53(44-68)	39-50(32-45)
Karach Kurkutch	N.Q.	40-54(41-47)	42-56(41-52)	34-47(35-52)	44-53(44-56)	35-44(34-48)
Nadir Fine	N.Q.	41-43(42-44)	44-50(44-60)	33-43(33-45)	46-55(46-57)	29-30(23-46)
Navalakhli Kurkutch	N.Q.	38-49(40-52)	46-56(46-62)	31-43(43-49)	42-55(44-53)	47(38-42)
Okha crushed	50(N.Q.)	43-49(44)	48-50(46-49)	44(44)	N.Q.	N.Q.
Okha Fine	N.Q.	40-50(43-53)	47-49(46-62)	30-49(34-53)	44-55(43-60)	30-43(32-56)
Okha Kurkutch	N.Q.	N.Q. (44)	N.Q.	N.Q.	48(N.Q.)	N.Q. (38-46)
Tuticorin Kurkutch	N.Q.	37-46(40-49)	40-46(40-47)	33(30-45)	53(53-54)	N.Q. (50-52)
<i>(Aden).</i>						
Aden Fine	52(60)	42-50(44-52)	50-56(50-57)	33-54(36-57)	46-65(50-63)	31-50(32-47)
Aden Kutkutch	56-58(62)	44-50(47)	48-56(55)	35-54(44-48)	48-60(48-56)	35-52(41-44)
<i>(Foreign).</i>						
Cheshire Fine White	...	N.Q. (53-60)	N.Q. (51-55)	56(55-56)	N.Q.	59-60(65)
Hamburg Fine	59-73(68)	43-50(43-55)	43-52(45-60)	47-52(51-55)	50-61(52-70)	45-61(48-66)
Hamburg Vaca	59-73(75)	50-51(51)	50-55(53-60)	52-55(53-55)	54-64(53-73)	56-64(50-70)
Port Said Crushed	53-56(61)	N.Q.	N.Q.	N.Q.	N.Q.	32-46(33-31)
Ras Hafun Fine	N.Q.	33-39(35-42)	45(N.Q.)	N.Q.	N.Q.	N.Q.
Ras Hafun Kurkutch	N.Q.	38(40-46)	N.Q.	N.Q.	N.Q.	N.Q.
Djibouti Crushed	N.Q.	N.Q.	N.Q.	N.Q.	N.Q.	31-39(N.Q.)
Djibouti Kutkutch	N.Q.	N.Q.	N.Q.	N.Q.	N.Q.	39-40(45)

NOTE 1.—"N.Q." denotes no quotation.

NOTE 2.—Quotations for April, 1931 to January, 1932 and January to December, 1933, will be found in Appendices to the Reports of the Central Board of Revenue on the working of the Salt additional Import Duty Act which are available in the Library of the Indian Legislature.

Mr. S. Satyamurti: May I know whether Government propose to continue their present policy of removing this salt import duty on foreign salt, and also whether they have heard from the Government of Bengal in respect of this matter recently?

The Honourable Sir James Grigg: As regards the first point, the protection on salt has been removed and, so far as I am concerned, that is the policy. As regards the second question, I have said on many occasions that communications between Provincial Governments and the Government of India are normally regarded as confidential.

Mr. S. Satyamurti: Have the Bengal Government now made any representations to the Government of India to the effect that, if this protective duty be re-imposed, they will be able to stimulate the manufacture of salt in Bengal, because, as far as I can recollect, one of the reasons advanced by my Honourable friend was that Bengal had not made any progress in the manufacture of salt? Have the Government of India been told now on behalf of the Government of Bengal that they can manufacture salt if they are given some protection?

The Honourable Sir James Grigg: The Honourable Member had better give me notice of that question, but I do not think—speaking off-hand—that he will get a very illuminating answer.

Mr. Lalchand Navalrai: With regard to the answer to clause (d) of the question, is it not a fact that the sale of the Sambhar salt last year was seven lakhs of tons and this year it is only 8½ lakhs of tons? If so, what is the reason?

The Honourable Sir James Grigg: I think the Honourable Member is giving me information in the first part of his question and I have already given him the answer to the second part.

OFFICERS IN THE FINANCE DEPARTMENT.

497. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable the Finance Member please state:

- the total number of officers of and above the rank of Assistant Secretary in the Finance Department on the 1st January, 1936 and the 1st January, 1939;
- the percentage of increase in number and expenditure;
- the reasons for the increase;
- whether the work of the Department has increased since the introduction of Provincial Autonomy, and if so, in what respects; and
- if not, how the increase in the number of officers is justified?

The Honourable Sir James Grigg: (a) The total number was 15 on the 1st January, 1936, and 21 on the 1st January, 1939. These include officers holding temporary appointments.

(b) The increase in number is 40 per cent., and the increase in expenditure about 34 per cent.

(c), (d) and (e). The Honourable Member's attention is invited to the replies I gave in this House to the supplementaries to his starred question No. 107 on the 25th August, 1937, and Mr. T. S. Avinashilingam Chettiar's starred question No. 456 on the 10th September, 1937, and the reply to the latter's question No. 462 on the same date. The position remains the same.

Mr. S. Satyamurti: What is the permanent increase? My Honourable friend referred to two categories of figures, one permanent and the other temporary. May I know what is the permanent increase in the strength of his Department?

The Honourable Sir James Grigg: Three.

Mr. S. Satyamurti: May I know the reasons for this permanent increase?

The Honourable Sir James Grigg: One of them is the Income-tax Adviser and another is due to an increase of work in the office of the Financial Adviser to the Communications Department and the third is the addition of staff as a result of the general organisation of the Secretariat work due to Maxwell Committee.

Mr. S. Satyamurti: With reference to the last appointment, has it been justified by a specific increase of duties and, if so, will my Honourable friend give the House some indication of the increase of his duties in his Department?

The Honourable Sir James Grigg: I cannot give the Honourable Member any specific measure of the increase of work. But I can assure the House from my personal experience that the work has increased enormously.

Mr. Muhammad Azhar Ali: Do Government take care of the communal representation in filling these posts?

The Honourable Sir James Grigg: I do not think the communal rules apply to higher appointments. In fact, the only consideration in filling these posts is efficiency.

SUBSTITUTION OF THE SYSTEM OF PROVIDENT FUND FOR PENSIONS.

498. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable the Finance Member please state whether Government ever considered the question of substituting the system of provident fund for pensions in the case of their servants, and if so, when, with what result and for what reasons?

The Honourable Sir James Grigg: The information is contained in the Summary which was placed on the table on the 25th February, 1933, and to which I have already drawn the attention of the Honourable Member.

INCREASE IN EXPENDITURE CAUSED BY THE CREATION OF NEW POSTS.

499. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable the Finance Member please state:

- the increase in expenditure chargeable to central finances since the beginning of the current financial year caused by the creation of new posts;
- whether the expenditure involved is over Rs. 2 lakhs;
- how much of this or the actual increase is on account of Indian Civil Service officers; and
- how this increase is reconciled with the intention of Government to retrench expenditure?

The Honourable Sir James Grigg: The information asked for is not readily available and cannot be collected without expense and labour which would not be commensurate with the results obtained. I may, however, add that only absolutely inescapable new expenditure has been incurred. Moreover, there has been on balance a very large reduction of expenditure.

1100

LEGISLATIVE ASSEMBLY.

[18TH FEB. 1939]

Mr. S. Satyamurti: With reference to answer to clause (a) of the question, in view of the retrenchment circular issued by the Honourable the Finance Member that new posts will be sanctioned only for very special reasons and the question refers only to the period from the beginning of the current financial year, may I know what are the reasons for saying that the Honourable Member cannot give the information without disproportionate expenditure of time and money which would not be commensurate with the results obtained?

The Honourable Sir James Grigg: "New posts" is a very large order. It covers the whole of the Customs Department, the Audit and Accounts Services and everything else and it goes right down to new posts in the subordinate services.

Mr. S. Satyamurti: Is it not a matter of some importance to this House to know how many new posts have been created, since the beginning of this financial year in spite of the retrenchment and economy campaign?

The Honourable Sir James Grigg: I think the House ought to be satisfied, first, that it has the scrutiny of the estimates of the demands for grants when they are presented in detail in a fortnight's time from now and, secondly, from the assurance which I give them that there has been on balance a very large reduction of expenditure.

Mr. S. Satyamurti: May I ask whether all these posts that have been created are those which were provided for in the last year's budget, or have any new posts been created not provided for in the last year's budget? I have often noticed that entirely new posts not provided in the Budget have been created.

The Honourable Sir James Grigg: The Honourable Member has again brought forward his King Charles' head. I have reasoned with him, I have argued with him, and I have quarrelled with him on a great many occasions, and I do not propose to start again.

Mr. Muhammad Azhar Ali: Will any foreigners be taken on these new posts?

(No reply.)

REVISION OF THE NEW PENSION RULES.

500. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable the Finance Member please state whether the new pension rules have been revised, and if so, lay a copy on the table of the House?

The Honourable Sir James Grigg: I would invite the Honourable Member's attention to the reply given by me on the 6th of December, 1938, to Mr. Badri Dutt Pande's starred question No. 1832.

DISCRIMINATION IN LEAVE AND PENSION RULES OF THE SUPERIOR SERVICES UNDER THE GOVERNMENT OF INDIA.

501. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable the Finance Member please state:

- (a) to what extent and why there is discrimination in the leave and pension rules relating to the Indian and European officers of the superior services under the control of the Government of India; and

- (b) whether Government propose to consider the desirability of abolishing it at an early date?

The Honourable Sir James Grigg: (a) *Leave.* I would draw the Honourable Member's attention to the reply given by me to his starred question No. 772 on the 17th of March, 1938.

Pensions. The relevant rules are:

- (i) Rule 2(1) of the Premature Retirement Rules;
- (ii) Rule 7 of the Civil Pensions (Commutation) Rules; and
- (iii) Articles 938A and 938 of the Civil Service Regulations.

Copies of these publications are in the Library of the House.

- (b) No.

SMUGGLING ON THE SIND BORDER.

***502. *Sardar Mangal Singh:** Will the Honourable the Finance Member please state:

- (a) whether any smuggling has recently been detected on the Sindh border;
- (b) whether any loss has, thus, been caused to the Customs Department;
- (c) what steps Government have taken to prevent its recurrence in future; and
- (d) in which parts of the Indian border the Land Customs Act is in force?

The Honourable Sir James Grigg: (a) and (b). Yes.

(c) Steps are being taken to establish a Preventive Line on the Upper Sind Frontier, to strengthen the preventive and intelligence staff in the Customs House at Karachi and to introduce a system for the better patroling of the sea coasts.

- (d) The Land Customs Act extends to all the land frontiers of India.

CLEARING UP OF THE APPREHENSIONS OF HOLDERS OF GOVERNMENT SECURITIES.

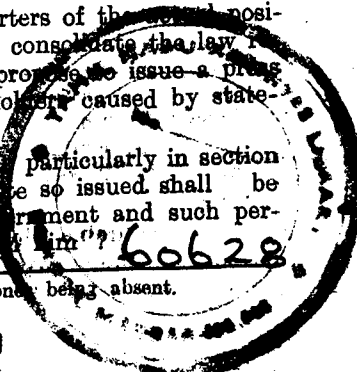
503. *Mr. S. Satyamurti (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Finance Member please state whether the attention of Government has been drawn to the judgment of the Privy Council in the suit "Secretary of State *versus* The Bank of India, Limited" and the comments thereon by correspondents in newspapers?

(b) In view of the interpretation in certain quarters of the position as provided in Act No. X of 1920—An Act to consolidate the law relating to Government Securities—do Government propose to issue a press note clearing up the apprehension to bona fide holders caused by statements in newspapers and elsewhere?

(c) Has there been any change of law since 1920 particularly in section 16 of the Act, which provide clearly that "the Note so issued shall be deemed to constitute a new contract between Government and such person and all persons deriving title thereafter through him?"

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

12,31'N39



(d) What other steps do Government propose to take in order to clear any misapprehensions, which have arisen in the minds of the public through the newspaper comments on the Privy Council judgment?

The Honourable Sir James Grigg: In view of the importance of the matter, I shall make a full statement on it. The Government of India consider that the present position as elucidated by the recent Privy Council decision affords all reasonable protection to dealers in Government securities. The position as they see it is that prior to the passing of the Indian Securities Act of 1920, and in particular section 16, a holder of a Government security was liable for any defect in the title, even though such defect was embodied in a previous promissory note which had been renewed. As such a holder was obviously unable to scrutinise such endorsements, Government considered the position inequitable and the Act was amended so as to provide that the holder of the renewed note would not be under any liability in respect of such renewed note. This was effected by breaking the nexus between the old and the new note, and constituting the latter a separate contract, in exactly the same way as when a loan of one issue is converted into a new loan. This, however, does not mean that the party who has endorsed the old note on to Government will not continue to be subject to the ordinary liability of a party who has passed on a negotiable instrument with a defective title or no title at all, and Government naturally retain the ordinary right to claim against such a party. It is quite obvious that Government could not accept a position where they would assume full liability in respect of such notes as this would open the way to extensive malpractice and collusion. If such was the law it is clear that in order to protect themselves Government would have to be indemnified in every case of renewal, and this would seriously impede business in Government promissory notes. Government consider that they have gone as far as can be expected when they are prepared to renew notes after reasonable scrutiny and investigation without insisting on indemnity, except where there is some special reason for doubt, and to take their chance that the last endorsee will be able to meet the claim of a previous holder should such claim be subsequently established.

The remedy in the hands of banks and other dealers also seems plain. They should, as in the case of other negotiable instruments, take reasonable precautions that the previous endorsee is a party of standing or one known to them, and insist in other cases, if there is any element of doubt, that the scrip should be renewed before they take it, in which case they will be fully protected so long as they take the simple precaution of satisfying themselves that the party selling them the note is the actual party in favour of whom the note was renewed.

Mr. Brojendra Narayan Chaudhury: Have Government considered the difficulty of insurance companies and others who are compelled by law to purchase Government securities that there is not in the market sufficient amount of Government securities in forms other than promissory notes which are worthless?

The Honourable Sir James Grigg: The Government have considered the position and I have just read out an answer giving the result of their consideration.

Mr. Brojendra Narayan Chaudhury: Is the Honourable Member aware that in the open market there is very little of securities in the form of stocks, most of the securities are promissory notes which are useless.

The Honourable Sir James Grigg: It is not Government's fault if the public prefer to use promissory notes rather than stock certificates.

Mr. Brojendra Narayan Chaudhury: May I ask whether Government will consider the difficulty of these investors because in the market there are not sufficient stocks to be bought.

The Honourable Sir James Grigg: I can only repeat the result of the consideration which I have just read out.

OFFICERS SELECTED TO FORM A POOL OF OFFICERS.

†504. ***Mr. K. Santhanam:** (a) Will the Honourable the Finance Member please state whether officers in the various Departments have been selected to form the pool of officers created by the recent resolution of the Government of India?

(b) How many of them are Indians and how many non-Indians?

(c) Has any proportion been fixed for the purpose?

The Honourable Sir James Grigg: (a) to (c). The attention of the Honourable Member is invited to the reply I gave to part (c) of starred question No. 236 asked by Mr. T. S. Avinashilingam Chettiar in this House on the 9th February, 1939.

ENLISTMENT OF RECRUITS FROM THE TRIBAL AREA IN THE REGULAR INDIAN ARMY.

505. ***Maulvi Abdur Rasheed Chaudhury:** (a) Will the Defence Secretary please state whether Government are considering the question of enlistment of recruits from the Tribal Area in the North-West Frontier Province in the regular Indian Army?

(b) Have Government decided the tribe or tribes from which they will have recruits?

(c) Have they already taken any recruits from any tribes, and if so, from which tribes and how many?

(d) What is the reason for selecting the particular tribe or tribes?

(e) Do Government propose to take any recruits from the Wazirs? If not, why not?

(f) What is the strength of the Tochi Scouts and what is its composition?

(g) Was there any addition in the Tochi Scouts in recent years and if so, how much?

Mr. C. M. G. Ogilvie: (a) and (b). No change in the present scheme of recruitment from the tribal area is contemplated.

(c) Yes, Afridis, Orakzais and Mahsuds whose numbers on the 1st January, 1938, were 161, 222 and 234, respectively.

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

(d) Because these tribes have been found by experience to be the most suitable for military service.

(e) No. They are not among those considered suitable.

(f) and (g). These questions should be addressed to the Foreign Secretary.

Mr. Abdul Qaiyum: In view of the fact that it is the declared policy of the Government to improve the economic condition of the tribes and in view of the fact that they are not fit for any other service, will Government consider the desirability of enlisting a large number of these tribes-men in the regular forces because according to the Honourable Member, Sir Aubrey Metcalfe, they are all British subjects?

Mr. C. M. G. Ogilvie: Government do not intend at present to extend the recruitment in the tribal areas. As to the facts which the Honourable Member stated just now in the course of his question, the first is undoubtedly correct. As regards the second I hope that in some future time civilising influences may begin to prevail among the tribes.

Mr. Abdul Qaiyum: May I know that in view of the fact that certain tribes are considered suitable for enlistment in the army, why is it that their number is so very poor—the Honourable Member said they are 161, 222 and 234. Surely they can provide thousands of soldiers to the Indian army?

Mr. C. M. G. Ogilvie: Only those are taken who are considered suitable individually as well as generally.

Mr. Abdul Qaiyum: Is the Honourable Member aware that a larger recruitment of these people will result in minimising their discontent and they will make fine soldiers in the Indian Army?

Mr. C. M. G. Ogilvie: I do not know.

Maulvi Abdur Rasheed Chaudhury: What does the Honourable Member mean by "civilising influence"?

(No answer.)

Mr. Abdul Qaiyum: Bombing them?

VACANCIES FILLED IN THE CLERICAL ESTABLISHMENT OF THE MEDICAL STORES DEPARTMENT, LAHORE CANTONMENT.

†506. ***Sardar Sant Singh:** Will the Defence Secretary be pleased to state:

- (a) the number of clerical vacancies, (i) permanent, (ii) temporary for a period above three months that were filled by direct recruitment in the clerical establishment of the Medical Stores Department, Lahore Cantonment, since January, 1934;
- (b) the number of Sikhs, Hindus, Muslims and others recruited; and

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

(c) whether it is a fact that there is no Sikh in that department; if so, why?

Mr. C. M. G. Ogilvie: (a) Two and 28 respectively.
(b) 1, 21, 8 and nil, respectively.
(c) Yes; owing to the dearth of Sikh applicants.

LEASING OUT OF THE CALCUTTA MAIDAN.

507. ***Maulvi Abdur Rasheed Chaudhury:** Will the Defence Secretary please state:

- (a) the total income derived from the leasing out of the Calcutta Maidan;
- (b) the name of Clubs to which the different portions of the Maidan has been leased out;
- (c) under what arrangements the Muhammadan Sporting, Mohan Bagan, Calcutta, and other lessees play football on the Maidan.
- (d) under what arrangement the Calcutta Turf Club utilises a portion of the Maidan; and
- (e) the total income derived by Government from the Calcutta Maidan and the total expenses of management and upkeep in the years 1933, 1934, 1935, 1936, 1937 and 1938?

The Honourable Mr. R. M. Maxwell: (a), (b), (c) and (e). The necessary information is being collected and will be laid on the table, when ready.

(d) A part of the Calcutta Maidan has been leased to the Royal Calcutta Turf Club for a period of 30 years with effect from the 1st January, 1932, on payment of an annual rent of Rs. 20,000. The detailed terms are stated in the lease, a copy of which is in the Library of the House.

Mr. S. Satyamurti: Is this lease amount fixed as a matter of concession, or is it at the market rate?

The Honourable Mr. R. M. Maxwell: I believe the rate is considered adequate in view of the conditions prevailing.

Mr. S. Satyamurti: I want to know whether this lease is at a price which Government would get if they auctioned the lease rights among various claimants for the same, or is it fixed at a concessional rate, in view of the fact that the lessee happens to be the Calcutta Turf Club?

The Honourable Mr. R. M. Maxwell: The land is to be kept as an open space, it is not to be disposed of, no buildings or permanent structures ought to be put thereon; considering these the lease amount is reasonable.

Mr. S. Satyamurti: Are Government satisfied that this is the maximum price which they can get, on the condition that the land should be kept without any buildings being allowed to spring up thereon, and if the land is given to the Calcutta University or some colleges, are Government sure that they will not get more price?

1106

LEGISLATIVE ASSEMBLY.

[18TH FEB. 1939]

The Honourable Mr. R. M. Maxwell: The matter was discussed when the lease was entered into in 1932 and I presume that at that time the Government were satisfied that it was an adequate rent considering the use that was to be put of the land.

PROFESSION TAX LEVIED BY THE MADRAS GOVERNMENT.

† 508. ***Dr. Sir Ziauddin Ahmad:** Will the Honourable the Finance Member please state whether the profession tax levied by the Madras Government is levied on persons serving in Centrally administered services?

The Honourable Sir James Grigg: The Madras Government do not levy a profession tax.

MOTION FOR ADJOURNMENT.

RESTRICTIONS ON INDIANS BY THE GOVERNMENT OF THE UNION OF SOUTH AFRICA.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has received notice of a motion for adjournment of the House for discussing the following subject:

"The proposal before the Government of the Union of South Africa to introduce legislation for the purpose of further restricting the right of Indians to acquire or occupy immovable property."

The Honourable Member does not say what the Government of India have got to do with it. Have the Government of India taken any action or not taken any action with respect to this matter which the Honourable Member wants to discuss?

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): The Government of India are the primary party concerned. They look after the interests of Indians in South Africa.

Mr. President (The Honourable Sir Abdur Rahim): Perfectly true. Is the Honourable Member holding the Government of India responsible for the proposed legislation in South Africa? Have the Government of India failed to take any steps?

Sir Syed Raza Ali: It is the primary duty of the Government of India at the present juncture to make representations either direct or through their Agent General to dissuade the Union Government from introducing legislation of this character.

Mr. President (The Honourable Sir Abdur Rahim): Have they failed to take such steps?

Sir Syed Raza Ali: That is so; it would amount to that.

Mr. President (The Honourable Sir Abdur Rahim): It ought to have been mentioned in the notice.

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

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): I object to this motion also on the ground that what my Honourable friend has referred to is not a specific matter of recent occurrence. A newspaper report of this appeared in the *Statesman* of the 17th February—through the courtesy of my Honourable friend I was shown that this morning and I imagine the adjournment motion is based upon that report. You will find, Sir, that the bulk of the report relates to a Resolution which was placed before the Minister of the Interior in Pretoria in December, 1938. Not only that. If my Honourable friend were to contend that he himself was not aware of it or that we did not have earlier publicity with regard to the receiving of this deputation in December, I would draw your attention to two facts. On the 4th February I was answering a question with regard to events in South Africa and my Honourable friend, Sir Syed Raza Ali, asked the following question:

"With reference to the reply recently given by the Honourable Mr. Stuttford, the Minister of the Interior in South Africa to the deputation of European rate payers that waited on him giving a sort of assurance about the addition to Indian disabilities in the matter of acquisition of land in the Transvaal, will Government be pleased to say if they have taken any action in the matter, and if so, what?"

Mr. President (The Honourable Sir Abdur Rahim): Does that refer to this proposal?

Sir Girja Shankar Bajpai: That is the thing. There is nothing else. There is only the Resolution which was placed before the Minister in December. And the next part of the proceedings, if I may read it out to the House, is the interview given by the Minister for the Interior, Mr. Stuttford to a Press Correspondent. This is what the Minister says:

"A Cape Town message states that interviewed regarding the proposed legislation Mr. Stuttford stated that hitherto nothing had been decided and the whole question was still in the air."

Mr. President (The Honourable Sir Abdur Rahim): The case is that there is a proposal to introduce legislation.

Sir Girja Shankar Bajpai: The Government of India have no intimation official or otherwise of any proposal to legislate beyond this Resolution which was placed before the Minister for the Interior in December, 1938. There is no other intimation or knowledge before the Government of India.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member mean that there is no proposal now for legislation?

Sir Girja Shankar Bajpai: There is none. Because, as I said, the press report, to which my Honourable friend has referred, relates to this Resolution which was placed by the Ratepayers' Association before the Minister in December, 1938.

Sir Syed Raza Ali: Sir, I submit that there is a very definite proposal before the Union Government to introduce anti-Indian legislation.

Mr. President (The Honourable Sir Abdur Rahim): Proposal by whom?

Sir Syed Raza Ali: Proposal by Government. In fact I will read to you what Mr. Stuttaford has said. He is the Minister of the Interior in South Africa and any matter relating to Indians is within his cognisance. It is he to whom representations can be made either by the people of South Africa or by us on any question relating to the position of Indians in South Africa. What took place was this. It seems a deputation waited on him some time ago and made certain proposals with regard to the terms of a certain Commission known as the Land Laws Commission being so extended that the Commission would be competent to make proposals against the acquisition of property by Indians. That was the deputation to which a reference was made by my Honourable friend. It seems that a fresh proposal has been made now which I will read out. This is a fresh proposal independently of the proposal to which the Education Secretary referred. It runs thus.

Mr. President (The Honourable Sir Abdur Rahim): What is the date of that?

Sir Syed Raza Ali: Yesterday, Sir:

"The Minister for the Interior, Mr. Stuttaford, has undertaken to introduce in Parliament in the 1940 session legislation granting authority to the Registrar of Servitude for prohibiting lease of property, sale to and occupation by Asiatics free of charge if 60 per cent. of property owners agreed to it."

Mr. President (The Honourable Sir Abdur Rahim): But the Government Member says that he has no knowledge except what has appeared in the papers.

Sir Syed Raza Ali: That betrays an amount of want of knowledge on the part of the Government of India which really is very profound, to say the least of it. If Reuter knows it and the Government of India do not, I am afraid I cannot congratulate the Government of India on their alertness.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must make out that the Government of India have not taken the necessary steps that they could take in the matter. They cannot be charged with negligence of their duties unless they had knowledge of the matter.

Sir Syed Raza Ali: As I have pointed out, there were two definite proposals. One was with regard to the terms of the Land Laws Commission being so extended as to empower the Union Government to bring forward anti-Indian legislation. To that my Honourable friend has replied. But now there is a fresh proposal.

Mr. President (The Honourable Sir Abdur Rahim): But they say they have no intimation.

Sir Syed Raza Ali: That is what I want to discuss. If they have no information they ought to be censured. It is the duty of the Government of India to know it. Otherwise, what is the use of spending such large sums of money in keeping an office there and keeping their representative there? In any case there can be no objection to this important question being discussed on the floor of the House. We came to know of it only yesterday.

Mr. President (The Honourable Sir Abdur Rahim): Having regard to the distance of South Africa from India, it is only fair that the Government of India should have information as to what is going on before they can be censured.

Sir Syed Raza Ali: Sir, I can assure you that a telegram sent from Delhi does not take more than four hours to reach Cape Town.

Mr. President (The Honourable Sir Abdur Rahim): The Government of India may want time to do that and get the information.

Sir Syed Raza Ali: If the Government of India so suggested, I would probably have no objection to the discussion taking place on Monday. Sir, this is a very important question. Events march in South Africa with very great rapidity. The Parliament is in session in Cape Town and my fear is that something may be done by Parliament this very session.

Mr. President (The Honourable Sir Abdur Rahim): At any rate the Chair cannot accept this motion today, because the Government of India have no intimation.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Sir, may I make a submission? The very fact that the Government of India have no information is, I submit, a matter for censure, because they have an Agent there at our expense, watching over our interests. This is a matter of some importance to the Indians there, and the Government of India ought to be in touch with the affairs there. If the representative of the *Statesman* can get this information, I do not see why the Government of India cannot get it. I submit that that shows culpable negligence on the part of Government.

Mr. President (The Honourable Sir Abdur Rahim): But the notice is not worded like that.

Mr. S. Satyamurti: But it means that.

Mr. President (The Honourable Sir Abdur Rahim): No; the Chair thinks it must disallow the motion as being out of order.

Mr. S. Satyamurti: Sir, may I suggest that you may postpone this till Monday?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member knows the procedure and he can put down a short notice question if he likes.

It appears so far that some statement has appeared in the papers that there is a proposal to promote certain anti-Indian legislation, and that is what is mentioned in the notice, but it is stated by the Member of Government that they have no information yet. The Chair, therefore, holds that the present motion is not in order. The Honourable Member may put down a short notice question.

Mr. S. Satyamurti: They may refuse to answer that.

Mr. President (The Honourable Sir Abdur Rahim): That is assuming all sorts of things. The Honourable Member himself has put down many short notice questions which have been answered by Government.

THE COAL MINES (STOWING) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I beg to present the report of the Select Committee on the Bill to make further provision for safety in coal mines.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 205.)

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, the Honourable the Home Member raised an objection to the proposal for Select Committee on the ground that in the case of a distinction now prevailing regarding cases where, in the first instance, the magistrate makes up his mind to issue a warrant instead of issuing a summons, it would not be prudent or desirable that he should dispense with the appearance of the accused. That is his contention. To a large extent, I agree with him. I agree with the Honourable the Home Member that at the outset it is open to the magistrate to issue a summons or to issue a warrant. And, if, in the first instance, he makes up his mind to issue a warrant and not a summons, he ought not to dispense with the appearance of the accused. That is true. Otherwise, if he intends to dispense with the appearance of the accused, that means that he does not think that the offence is serious, and that it is not a case where, in the first instance, a warrant ought to be issued. Therefore, at that stage to dispense with the appearance of the accused may not be proper. But, later on, it is open to the same magistrate on the complaint petition, that is, on the materials available to him and presented to him or laid before him by the complainant, that he finds the offence is serious and requires the issue of a warrant instead of a summons in the first instance, he may later on, after the appearance of the accused, find from further materials that it is not a fit case where the accused ought to be dragged to him from time to time, however respectable he might be or however inconvenient it might be to him to be forced to appear in Court, he may come to the conclusion that though initially, on the materials before him, he issued a warrant, there is no longer a justification for forcing the accused to come before the Court every day. In that case, the law, as it stands at present, i.e., section 205, does not empower him to allow him to appear by a Vakil. To that extent the law, as it stands, requires further modification. In cases where the magistrate comes to the conclusion on the materials available later on that the man ought to be allowed the indulgence or privilege of presenting himself or appearing by a Vakil, let it not be said that the magistrate has no power. But my Honourable friend, Sardar Sant Singh, and the Honourable the Home Member are both under the impression that it is open to the magistrate to circumvent the provision

or the absence of the provision by cancelling the warrant and issuing a summons. I do not find any authority for this procedure even though the procedure might have been adopted all along, and for what I see it is illegal. Therefore, to remedy a defect, let us not force a magistrate who wants to do some justice to resort to illegal methods by circumventing the law. Hence it is necessary that the law should be amended so as to empower magistrates to allow the accused to appear by pleaders or vakils at a later stage, even though, in the first instance, the magistrate might have issued warrant for the appearance of the accused, if he should come to the conclusion that the presence of the accused directly is no longer necessary, let him have that power. I, therefore, support the motion for reference to Select Committee.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, before I speak on this motion, I must inform the House that Sardar Sant Singh, who has moved this motion, is not present today owing to unavoidable reasons, and has asked me to apologise to the House on his behalf.

I support the motion to refer this Bill to Select Committee. Section 205 of the Criminal Procedure Code gives power to the magistrate in summons cases only, in his discretion, to give exemption to an accused person from attending Court in person and appearing by some agent: that discretion is very necessary in criminal cases. In cases where the magistrate issues a warrant in the first instance, he has got no power to issue an exemption order under section 205. Therefore, the attempt of the Honourable the Mover of this Bill is to ask the House to send it to the Select Committee for consideration. It is a very modest request. He does not want the law to be changed forthwith, but that this Bill should not be thrown away and shelved at this very early stage. It cannot be denied that there are several offences in the Indian Penal Code where, according to the Schedule, the magistrate has to issue a warrant in the first instance, e.g., I might call attention to a simple offence under section 504 which relates to insult and abuse. If a complaint is filed under section 504, the law requires that a warrant should issue in the first instance. I submit that this a lacuna in the Criminal Procedure Code that in cases of small offences, where the law requires that there should be a warrant in the first instance, why should not the discretion be given to the magistrate in suitable warrant cases also to allow the accused to appear by pleader or agent and the accused to be exempted from personal appearance?

Let us now consider both sides of the question. The first and foremost reason given by the Honourable the Home Member is that this is the third time that a similar Bill has been brought before the Assembly, and, therefore, it should be nipped in the bud as on the two previous occasions. But I submit that the very fact that after two abortive attempts the Honourable Member has again come with a motion for reference to Select Committee, where cool and calm consideration can be given to the points raised, is itself evidence of the difficulties felt by the people and one of the reasons which has compelled the Honourable Member to bring up the Bill again. We may not agree with all that is suggested in the Bill now, but the motion is only for referring the Bill to

[Mr. Lalchand Navalrai.]

The second reason given by the Honourable the Home Member is the reliance on section 204 of the Criminal Procedure Code. He says, the magistrate already has the discretion, and why should you ask for any further discretion? When a complaint is made under section 204, the magistrate has power to issue a summons or a warrant. There is no doubt of that, but it should be realised at what stage? The complaint is made at the start: the magistrate does not know that the circumstances under which exemption may be given: at that stage, a complaint is made and preliminary enquiries are conducted sometimes—mostly not and process is issued. In many cases, even a novel procedure is adopted, of which complaints have been brought before the bar associations and they have passed resolutions condemning the practice, *viz.*, that when a complaint comes before the magistrate, his *munshi* takes down the deposition required under section 200—sometimes in his own office and sometimes before the magistrate; and thus a case is made out for issue of process. A warrant is forthwith issued. At that time the magistrate does not know the circumstances of the accused—they are not before him. He, therefore, says “I have got power to issue a warrant and the law also requires it, and, therefore, I have to issue a warrant: I shall not consider anything else.” At that stage the accused person is not before him and he may not even know that a complaint has been filed against him. I, therefore, submit that the provisions of section 204 give no help in what this Bill asks for. This Bill refers to a further stage, after the process has issued. The question arises whether the person against whom a warrant has been issued should be given an opportunity not to appear in Court and wait until the time when he can be called under the latter part of section 205. It cannot, therefore, be urged as a reason that section 204 allows discretion to the magistrate.

Coming to the next point that the magistrate can change the warrant into a summons. My learned friend, Mr. Ayyangar, has rightly said that there is no legal procedure for that. I would call it a contrivance, and though it is in favour of the public, still it is merely a contrivance, a stratagem for the purpose of helping a particular man by a magistrate who has got no powers in that direction. There are many kinds of magistrates, and some, I know, are very liberal, and they cancel the warrants. But the anomaly some times is,—though, of course, that practice should be continued, after a warrant has actually been served, a man sends up his representation that he should be exempted. In such cases, some liberal minded magistrates go to that length and cancel the warrant. Whether this is right or wrong or it is according to law, one can't say, but this is what they do, but there is no provision for it at all. Why should the magistrates twist and turn the law? Why should they adopt wrong methods? Why should not such a law be amended by this Legislature? Therefore, Sir, I submit that this Bill should be committed to a Select Committee.

Another reason advanced by the Honourable the Home Member is that this is an attempt in favour of rich people, and not for the benefit of the poor. Sir, my point is this, that this amendment will help the whole public, whether rich or poor. In the first place, it will help *purdanashin* ladies, and *purdanashin* ladies you will find both among the rich as well

as the middle classes and also the poor people, and so it cannot be contended that this is an attempt to help only the rich people. Then, it is no doubt true, that it is also meant for rich people, some of whom, even according to the Civil Procedure Code, do not appear in Court, and who are given exemptions. Why should not discretion be given to the magistrates in that case also? Then, the argument about the poor men, that they are not intended by the Bill, is a fallacious one. There are several cases in which the poor people, especially, are needlessly harassed in practice. If there is any enmity or some disagreement between two parties, what do they do? They run to long distances for filing complaints. A man from Bombay goes to the Punjab and puts in a complaint, it may be a false complaint,—and a warrant is issued against the man in Bombay. Why should that man come all the way from Bombay to the Punjab? Why should not exemption be given to such a man until at least a *prima facie* case is made out. Sir, I think this is a clear case for referring the matter to a Select Committee for being considered from both points of view.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, I rise to support the motion moved by my Honourable friend, Sardar Sant Singh. I am rather surprised at the attitude taken up by the Honourable the Home Member in opposing this motion for reference to a Select Committee. I wish my friend, Sardar Sant Singh, instead of moving for reference of this very useful Bill to a Select Committee had insisted on having it considered by this House and passed as soon as possible. . .

Mr. Lalchand Navalrai: He did not do it because he lost heart after meeting with disappointment on two previous occasions.

Mr. Abdul Qaiyum: I though he had very good nerves.

Now, Sir, the present section 205 of the Criminal Procedure Code, if I may say so with all respect, sets a premium on legal hypocrisy. What happens is this. A man brings a complaint. If the complaint is referred for inquiry to another subordinate magistrate, the complainant does not hesitate to produce *ex parte* evidence which appears very strong, with the result that he can, in 95 cases out of 100, secure a warrant, because the case is made to appear so formidable that the magistrate has no option but to issue a warrant. The result is that when the other party turns up in Court, and some cross examination takes place, even the magistrate realises that he made a great mistake in issuing a warrant where a summons would have sufficed.

Now, what is the effect of the present section 205 of the Criminal Procedure Code? There is not the slightest doubt that in practice it works great hardship. In my part of India, what happens is this. People are very sensitive and people do not like that women should be hauled up in court as accused persons. Now, some unscrupulous persons who are actuated by malice and spite, at once bring complaints involving innocent women. Supposing a case of abduction takes place, what happens is this. One man is guilty of abduction, and in order to wreak vengeance, the other party impleads the sisters and other female relatives of the man as parties to the complaint with the result that warrants are issued against them and they are all hauled up. I will give another instance of a case in which

[Mr. Abdul Qaiyum.]

I myself appeared, in the third year of my practice. We have a lawyer there who is an expert in bringing complaints and he has developed this the bringing of complaints to almost a scientific art. What happened in one case was this. In a simple case of trespass, he cited about 200 or 300 persons belonging to a particular part of the village as accused persons. I was briefed for the accused, and on every date of hearing when we appeared, we found that at least one or two were sick or unavoidably detained with the result that the hearing had to be put off. This was a simple case in which 200 or 300 people had to come from a long distance, waste a whole day in Court and, just because the magistrate had issued warrants in the first instance, he could not exempt them from appearing in Court. After a number of hearings, the Magistrate got disgusted with the whole thing, and he resorted to the device, which is very often resorted to under this section, namely, he cancelled the warrants and issued summons instead and exempted all the persons from appearing in court. Then, on the very first hearing, to my great surprise, there were no witnesses in the court for the prosecution. Now, this was a case in which a large number of people had to come and appear in court from a far off village on numerous occasions and all of them had to be sent back simply because one or two among them could not be present. Surely, cases like these cause grave hardship as a result of the existence of section 205 of the Criminal Procedure Code.

Then, Sir, another very interesting device which is resorted to by complainants is this. They have a knack of bringing complaints against persons who may be residing in different parts of the country and who may have absolutely nothing to do with the offence. Supposing a man in Peshawar brings a complaint against a man who is in Calcutta, and in his absence he manages to lead evidence of a very satisfactory nature and secures a warrant for the arrest of the man in Calcutta. The result is, that the poor man has to come to Peshawar all the distance, not once, but perhaps on two or three occasions at least, and he is put to a lot of expense. He can satisfy the court that there was absolutely no necessity for issuing a warrant in the first instance. This is not all, Sir. Sometimes respectable persons, who are absolutely innocent, are hard put to it under the provisions of this very obnoxious section as it exists, with the result that they are put to the experience of being parties to a criminal case, of being made to appear in court, and of wasting very useful time by putting in their appearance in court. I think the Honourable the Home Member will realise that in practice this particular section causes untold hardship on women, on innocent and respectable persons, of all classes. Therefore, what this Bill aims at is, that instead of forcing the magistrate to resort to this legal fiction or what I would call legal hypocrisy, of cancelling a warrant and converting it into a summons and then exempting a person from appearing, why should we not vest powers in magistrates, in every case, to exercise their discretion whether it is a fit case for summoning an accused person in court. Surely, we can place so much trust in our magistrates. There are many other laws, which are at present current in this country, which give considerable discretion to magistrates and judges who have to administer them. Why should we not place trust in that particular discretion which is always extended to the magistracy and to the subordinate judges? There is absolutely no reason why we should not. After all, why not leave it to the magistrate himself? If he finds that

person need not appear in court, he can dispense with his presence, and, surely, there is nothing to prevent him from insisting that the person exempted from appearance should appear in court when sufficient evidence has been laid before the court in support of the complaint. That can always be done. So that there is absolutely no risk of the party escaping or taking undue advantage of this provision. I really think that my Honourable friend, Sardar Sant Singh, need not have moved a motion for reference to Select Committee. He should have straightaway moved for the consideration of the Bill and getting it passed into law, and thus bringing about an useful amendment of section 205 of the Criminal Procedure Code. I hope the Honourable the Home Member who is now very busy talking to his assistant, will take good care to accept this harmless proposal, namely, of reference to Select Committee of this Bill. I have great pleasure in supporting the motion for reference of the Bill to a Select Committee.

Some Honourable Members: Let the question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That the Bill further to amend the Code of Criminal Procedure, 1898, (*Amendment of Section 205*), be referred to a Select Committee consisting of the Honourable Sir Nripendra Sircar, the Honourable Mr. R. M. Maxwell, Mr. C. J. W. Lillie, Dr. F. X. DeSouza, Mr. P. J. Griffiths, Mr. Muhammad Azhar Ali, Syed Ghulam Bhik Nairang, Mr. M. Ananthasayanam Ayyangar, Mr. Sham Lal, Mr. Govind V. Desmukh, Mr. K. S. Gupta, Mr. Lalchand Navalrai and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Assembly divided:

AYES—49.

Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdur Rasheed Chandhury, Maulvi.
Ahsan, Maulvi Muhammad.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Basu, Mr. R. N.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Chaliha, Mr. Kuladhar.
Chaudhury, Mr. Brojendra Narayan.
Chetty, Mr. Sami Vencatachalam.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Gadgil, Mr. N. V.
Ghiasuddin, Mr. M.
Ghuznavi, Sir Abdul Halim.
Gupta, Mr. K. S.

Hans Raj, Raizada.
Hegde, Sri K. B. Jinara.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Lachand, Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Rao, Mr. M. Thirumala.
Saksena, Mr. Mohan Lal.
Satyamurti, Mr. S.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Subbarayan, Shrimati K. Radha Bai.
Umar Ali Shah, Mr.
Yamin Khan, Sir Muhammad.

NOES—42.

Abdul Hamid, Khan Bahadur Sir.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Aikman, Mr. A.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Bhagchand Soni, Raj Bahadur Seth.
 Boyle, Mr. J. D.
 Buss, Mr. L. C.
 Chanda, Mr. A. K.
 Dalal, Dr. R. D.
 D'Souza, Mr. Frank.
 Gorwala, Mr. A. D.
 Greer, Mr. B. R. T.
 Griffiths, Mr. P. J.
 Hardman, Mr. J. S.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Kanalluddin Ahmed, Shams-ul-Ulema.
 Kushalpal Singh, Raja Bahadur.
 Lillie, Mr. C. J. W.
 Mackeown, Mr. J. A.
 Maxwell, the Honourable Mr. R. M.

Menon, Mr. P. A.
 Menon, Mr. P. M.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Mukerji, Mr. Basanta Kumar.
 Nur Muhammad, Khan Bahadur Shaikh.
 Ogilvie, Mr. C. M. G.
 Rahman, Lieut.-Col. M. A.
 Row, Mr. K. Sanjiva.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan, Captain Sardar Sir.
 Sircar, the Honourable Sir Nripendra.
 Sivaraj, Rao Sahib N.
 Spence, Mr. G. H.
 Staig, Mr. B. M.
 Stewart, The Honourable Sir Thomas
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Thomas, Mr. J. H.
 Zafrullah Khan, the Honourable Sir Muhammad.

The motion was adopted.

THE HINDU WOMEN'S RIGHT TO DIVORCE BILL.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, before you take up the next motion which stands in the name of Dr. Deshmukh, I would draw your attention to the fact that this Bill was circulated for opinion and the Members of the House have not received those opinions at all, except one small paper containing the views of Piploda and Coorg Governments. It will be very unfair to ask Members of this House to discuss the motion without receiving those opinions. It is only after a perusal of those opinions that we will be able to judge this question better and so, I would like this motion to be postponed till the next non-official Bill day. I do not want to put any obstruction but I think it is only fair to the House that my friend should agree to this postponement.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, I beg to move:

"That the Bill to give a right to divorce to Hindu women under certain circumstances be referred to a Select Committee consisting of the Honourable Mr. R. M. Maxwell, the Honourable Sir Muhammad Zafrullah Khan, Mr. C. J. W. Lillie, Mr. A. K. Chanda, Mr. Ghulam Bhik Nairang, Maulvi Syed Murtuza Sahib Bahadur, Mr. F. E. James, Mr. Surya Kumar Som, Mr. Bhulabhai J. Desai, Mrs. K. R. Subbarayan, Sardar Jogendra Singh and the Mover, and that the number of persons whose presence shall be necessary to constitute a meeting of the Committee shall be five."

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

"That the Bill to give a right to divorce to Hindu women under certain circumstances be referred to a Select Committee consisting of the Honourable Mr. R. M. Maxwell, the Honourable Sir Muhammad Zafrullah Khan, Mr. C. J. W. Lillie, Mr. A. K. Chanda, Mr. Ghulam Bhik Nairang, Maulvi Syed Murtuza Sahib Bahadur, Mr. F. E. James, Mr. Surya Kumar Som, Mr. Bhulabhai J. Desai, Mrs. K. R. Subbarayan, Sardar Jogendra Singh and the Mover, and that the number of persons whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Babu Baijnath Bajoria: For the reasons I have already explained, I move that this motion to refer the Bill to a Select Committee be postponed till the next non-official day for Bills.

Mr. President (The Honourable Sir Abdur Rahim): What is the Honourable Member's ground?

Babu Baijnath Bajoria: The grounds are that we have not received the opinions on the Bill. We have received only one sheet, showing the opinions of Panth Piploda and Coorg.

Dr. G. V. Deshmukh: That shows that all the others are in favour.

Mr. President (The Honourable Sir Abdur Rahim): When was the Bill circulated for opinions?

Babu Baijnath Bajoria: The Bill was circulated for opinions which were to be received by the 15th February. I do not know whether the Government had time to circulate the opinions to the Members. I do not know whether they have received them at all. That the Honourable the Leader of the House will be able to say.

The Honourable Sir Nripendra Sircar (Law Member): Sir, may I explain the position of Government. I think my friend said that he was not sure whether Government had done this, that or something else. It was no business of Government. Circulation was the business of somebody else, but the position really is this. I support Mr. Bajoria. It is quite true that the opinions should have been sent by the 15th February, but the fact is that very few opinions have been received. They are coming in dribblets, and only the opinion from Coorg and one other small place has been received and circulated. The others have not been circulated. We have not got the opinions of the Provincial Governments. The opinions of two of the Provincial Governments have come in very recently. They are not before the Members of the House. They could not be printed or circulated, and they are not really in favour of Dr. Deshmukh's Bill. The other Governments have not replied yet. So, I do think that the House will not proceed with the discussion of this matter—a matter of great importance—without seeing those opinions and paying attention to them. I do not think it is reasonable to suggest that we shall go on talking the whole day and then see what can be done later on. I had a talk with Dr. Deshmukh. I quite understand his anxiety. While he is not very seriously objecting to the House being given a reasonable opportunity to consider all opinions, he is afraid that he may lose seisin of the Bill, that it may go into the general heap and what with balloting and other rules it may not come up the next day. On that, I can assure Dr. Deshmukh and the House that from the practical point of view this question of priority will not arise, because there are only three Bills which have been referred to the Select Committee and which can possibly get ahead of Dr. Deshmukh's Bill, but there is no chance of those reports being presented in time to get ahead of this Bill, so that the question is rather academic as to whether it should have priority or not. He will have that in any case. No doubt, if this matter is adjourned today, a large number of Bills will be introduced, but I may draw your attention to Standing Order 7A. Dr. Deshmukh's Bill, being a Bill which has been circulated for the purpose of eliciting opinions, will have precedence over all other Bills.

Mr. President (The Honourable Sir Abdur Rahim): The Chair is not expressing any opinion on that.

The Honourable Sir Nripendra Sircar: The opinion need not be expressed, but I am giving the facts to Dr. Deshmukh that he has no reason to lose his priority.

Dr. G. V. Deshmukh: In view of the assurance given by the Leader of the House and also the help I have received from the Government. . .

Babu Baijnath Bajoria: Undue help.

Dr. G. V. Deshmukh: They helped me in the righteous cause I lead, and I thank them for the help they gave.

Well, Sir, for these reasons, I have no objection to accepting the suggestion from my friend, Mr. Bajoria, who is at heart as good a social reformer as I am, but he wants to square up his position with the orthodox section. I have no objection to accepting the amendment of Mr. Bajoria, but I take it that I hope I will have an opportunity to put forward my views on the 11th.

Mr. President (The Honourable Sir Abdur Rahim): Very good, that is if the House accepts the motion.

The Chair will put the question under the circumstances which have been mentioned by Mr. Bajoria and the Leader of the House that the opinions have not been received, though the Bill had been circulated for that purpose. The question is:

"That the further discussion of the motion to refer the Bill to a Select Committee be postponed till the next non-official day for Bills."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would make it clear that as regards the position which the Bill occupies on the next non-official day the Chair expressed no opinion.

THE ABOLITION OF WHIPPING BILL.

Mr. M. Thirumala Rao (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill to abolish the punishment of whipping.

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

"That leave be granted to introduce a Bill to abolish the punishment of whipping."

The motion was adopted.

Mr. M. Thirumala Rao: Sir, I introduce the Bill.

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

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill to amend the Muslim Personal Law (Shariat) Application Act, 1937.

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

"That leave be granted to introduce a Bill to amend the Muslim Personal Law (Shariat) Application Act, 1937."

The motion was adopted.

Qazi Muhammad Ahmad Kazmi: Sir, I introduce the Bill.

THE FOREIGNERS (AMENDMENT) BILL.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Foreigners Act, 1864, for certain purposes (Insertion of new section 1-A).

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

"That leave be granted to introduce a Bill further to amend the Foreigners Act, 1864, for certain purposes (Insertion of new section 1-A)."

The motion was adopted.

Mr. N. V. Gadgil: Sir, I introduce the Bill.

THE CONTROL OF COASTAL TRAFFIC OF INDIA BILL.

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): Sir, I beg to move for leave to introduce a Bill to control the Coastal Traffic of India.

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

"That leave be granted to introduce a Bill to control the Coastal Traffic of India."

The motion was adopted.

Mr. Sami Vencatachelam Chetty: Sir, I introduce the Bill.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

Mr. Kuladhar Chaliha (Assam Valley: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code.

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

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

The motion was adopted.

Mr. Kuladhar Chaliha: Sir, I introduce the Bill.

THE RECIPROCITY BILL.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill to make provision in regard to entry, residence, the acquisition, holding or disposal of property, franchise, the holding of public office, or the carrying on of any occupation, trade, business or profession in British India by persons domiciled in the British Possessions on a basis of reciprocity.

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

"That leave be granted to introduce a Bill to make provision in regard to entry, residence, the acquisition, holding or disposal of property, franchise, the holding of public office, or the carrying on of any occupation, trade, business or profession in British India by persons domiciled in the British Possessions on a basis of reciprocity."

The motion was adopted.

Mr. Govind V. Deshmukh: Sir, I introduce the Bill.

THE INDIAN SALT (AMENDMENT) BILL.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Salt Act, 1882, for a certain purpose.

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

"That leave be granted to introduce a Bill further to amend the Indian Salt Act, 1882, for a certain purpose."

The motion was adopted.

Mr. Badri Dutt Pande: Sir, I introduce the Bill.

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Child Marriage Restraint Act, 1929.

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

"That leave be granted to introduce a Bill further to amend the Child Marriage Restraint Act, 1929."

The motion was negatived.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

Babu Kailash Behari Lal (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908, for certain purposes.

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

"That leave be granted to introduce a Bill further to amend the Code of Civil Procedure, 1908, for certain purposes."

The motion was adopted.

Babu Kailash Behari Lal: Sir, I introduce the Bill.

THE USURIOUS LOANS (AMENDMENT) BILL.

Mr. Kuladhar Chaliha: Sir, I move for leave to introduce a Bill to limit rates of interest and for that purpose further to amend the Usurious Loans Act, 1918.

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

"That leave be granted to introduce a Bill to limit rates of interest and for that purpose further to amend the Usurious Loans Act, 1918."

The motion was adopted.

Mr. Kuladhar Chaliha: Sir, I introduce the Bill.

THE INDIAN STATES (PROTECTION AGAINST DISAFFECTION) AMENDMENT BILL.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I move for leave to introduce a Bill to amend the Indian States (Protection against Disaffection) Act, 1922, for a certain purpose.

In this connection, I would like to make only one observation. I wish I had introduced this Bill last week before the Ludhiana Conference took place. I am introducing this Bill only a week later.

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

"That leave be granted to introduce a Bill to amend the Indian States (Protection against Disaffection) Act, 1922, for a certain purpose."

The motion was adopted.

Mr. B. Das: Sir, I introduce the Bill.

THE OVERSEAS INDIANS RECIPROCITY BILL.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill to safeguard the rights and interests of Indian Nationals abroad.

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

"That leave be granted to introduce a Bill to safeguard the rights and interests of Indian Nationals abroad."

The motion was adopted.

Mr. Mohan Lal Saksena: Sir, I introduce the Bill.

THE INDIAN BAR COUNCILS (AMENDMENT) BILL.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Indian Bar Councils Act, 1926.

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

"That leave be granted to introduce a Bill further to amend the Indian Bar Councils Act, 1926."

The motion was adopted.

Mr. Akhil Chandra Datta: Sir, I introduce the Bill.

THE HINDU WOMEN'S RIGHTS TO PROPERTY (AMENDMENT) BILL.

[AMENDMENT OF SUB-SECTIONS 3(1) AND 3(3).]

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Hindu Women's Rights to Property Act, 1937. [*Amendment of sub-sections 3(1) and 3(3).*]

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

"That leave be granted to introduce a Bill further to amend the Hindu Women's Rights to Property Act, 1937. [*Amendment of sub-sections 3 (1) and 3 (3).*]"

The motion was adopted.

Mr. Akhil Chandra Datta: Sir, I introduce the Bill.

THE INDIAN MEDICAL COUNCIL (AMENDMENT) BILL.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Indian Medical Council Act, 1933.

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

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

The motion was adopted.

Qazi Muhammad Ahmad Kazmi: Sir, I introduce the Bill.

THE CONTEMPT OF COURTS (AMENDMENT) BILL.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Contempt of Courts Act, 1926, for certain purposes.

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

"That leave be granted to introduce a Bill further to amend the Contempt of Courts Act, 1926, for certain purposes."

The motion was adopted.

Mr. Akhil Chandra Datta: Sir, I introduce the Bill.

THE PROVINCIAL INSOLVENCY (AMENDMENT) BILL.

Babu Kailash Behari Lal (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): Sir, I move for leave to introduce a Bill further to amend the Provincial Insolvency Act, 1920.

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

"That leave be granted to introduce a Bill further to amend the Provincial Insolvency Act, 1920."

The motion was adopted.

Babu Kailash Behari Lal: Sir, I introduce the Bill.

THE PRESIDENCY-TOWNS INSOLVENCY (AMENDMENT) BILL.

Babu Kailash Behari Lal: Sir, I move for leave to introduce a Bill further to amend the Presidency-towns Insolvency Act, 1909.

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

"That leave be granted to introduce a Bill further to amend the Presidency-towns Insolvency Act, 1909."

The motion was adopted.

Babu Kailash Behari Lal: Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Monday, the 20th February, 1939.

LEGISLATIVE ASSEMBLY.

Monday, 20th February, 1939.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

OPENING OF THE BROADCASTING STATION AT TRICHINOPOLY.

509. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Communications state:

- (a) whether Government have come to a conclusion over the matter of proceeding with or stopping the erection of the radio station at Trichinopoly;
- (b) whether they have received any representations from the Madras Government in this matter; and
- (c) if so, what has been the result of these representations?

The Honourable Sir Thomas Stewart: (a) and (b). Yes.

(c) Government have decided to open the Trichinopoly Station and took the views of the Madras Government into consideration in reaching this decision.

Mr. T. S. Avinashilingam Chettiar: When is this station expected to be put into working order?

The Honourable Sir Thomas Stewart: That occurs in answer to a later question, and I shall give the information later in the morning.

NEWS REGARDING A TRAIN ROBBERY PUBLISHED IN THE TRIBUNE.

510. *Mr. Abdul Qaiyum: Will the Honourable Member for Railways please state:

- (a) if he has read the news "Daring train robbery" in the Tribune of Lahore, dated the 13th January, 1939;
- (b) whether Miss Audrey Saunders was thrown out of a moving train by dacoits;
- (c) whether the train did not stop after she had pulled the communication cord;
- (d) whether these cords are tested before the departure of the train, and whether this was done in this case; and
- (e) whether Government propose to take steps to secure regular and frequent examination of such communication cords?

The Honourable Sir Thomas Stewart: (a) and (b). Yes.

(c) It is understood that the lady did not pull the communication cord. The preliminary police report states that she was prevented from doing so by one of the dacoits.

(d) No.

(e) Regular and frequent examination of communication cords is made:

Mr. Abdul Qaiyum: May I know whether it is a fact that a policeman in the next carriage actually pulled the communication cord and yet the train did not stop for half a mile?

The Honourable Sir Thomas Stewart: I have no information as regards that.

Mr. Abdul Qaiyum: May I know if this attack took place at seven o'clock in the morning?

The Honourable Sir Thomas Stewart: That is the information contained in the newspaper report.

Mr. Abdul Qaiyum: May I know if Government have satisfied themselves that in this case the communication cord was in perfect working order?

The Honourable Sir Thomas Stewart: Yes, Sir.

Mr. K. Santhanam: May I know what was the statement made by Miss Andrey Saunders herself as to whether she pulled the communication cord?

The Honourable Sir Thomas Stewart: I have not been able to get a *verbatim* statement from the lady in question, but a preliminary police report states that she was prevented from doing so by one of the dacoits and presumably that report is based on what the lady herself has said.

Shrimati K. Radha Bai Subbarayan: May I ask whether Government will examine the whole question of the safety of women passengers and take into consideration whether it would be possible to have a corridor bogey with a special conductor in charge of that carriage?

The Honourable Sir Thomas Stewart: The Honourable Member's question raises a very wide issue and if she would put down a question on the notice paper, I shall be glad to answer it.

Mr. Lalchand Navalrai: May I know if there was a scheme for the provision of communication apertures in third class carriages to provide safety for these occasions? Are those now in use?

The Honourable Sir Thomas Stewart: I am not aware that this question refers to third class carriages and amenities thereto.

Mr. Abdul Qaiyum: May I know if this lady was actually thrown out of this compartment into the bed of a river?

The Honourable Sir Thomas Stewart: I am informed that she was thrown out of the compartment, but I do not know where she landed.

JIRGA SYSTEM AND SARDARI SYSTEM IN BRITISH BALUCHISTAN.

511. ***Mr. Abdul Qaiyum:** Will the Foreign Secretary please state:

(a) what the *Jirga* system and *Sardari* system in British Baluchistan are;

(b) whether he is aware that the people are dissatisfied with both, and have urged for their abolition; and

(c) the reasons why these systems are being retained?

Sir Aubrey Metcalfe: (a) The phrases are loosely used for the administration of customary law through the Frontier Crimes Regulation and the control of the tribes through their recognised leaders.

(b) and (c). It is believed that the great majority of the people are satisfied with these methods of administration. They have certainly not urged their abolition.

Mr. Abdul Qaiyum: May I know how Government have ascertained that a great majority of the people are satisfied with this system of administration?

Sir Aubrey Metcalfe: That is the report received from the local administration and I have no doubt that the local administration are in close touch with public opinion.

Mr. Abdul Qaiyum: This is merely the opinion of the local administration and the views of the people were not ascertained.

Sir Aubrey Metcalfe: I do not know what the Honourable Member wants an answer to. He has made a statement which I think is incorrect.

Prof. N. G. Ranga: Who established this system and when was it established?

Sir Aubrey Metcalfe: The system has been in force long before the British administration was established in Baluchistan.

Mr. Abdul Qaiyum: May I know if in case of complaints by ordinary people against their Sardars, the procedure adopted by Government is that these complaints are referred back to the same persons against whom the complaints are made.

Sir Aubrey Metcalfe: That is a question of detail on which I require notice.

Prof. N. G. Ranga: Are the people there obliged to make any payments to these Sardars either legally or illegally?

Sir Aubrey Metcalfe: That, again, is a question on which I require notice.

DISTRICT BOARD AND MUNICIPALITIES IN BRITISH BALUCHISTAN.

512. *Mr. Abdul Qaiyum: Will the Foreign Secretary please state:

- (a) the number of District Boards in British Baluchistan;
- (b) the number of municipalities in British Baluchistan;
- (c) whether the system of election has been introduced in any local body; and
- (d) the programme of the Government about setting up elected local bodies in the said province?

Sir Aubrey Metcalfe: (a) and (b). There are no District Boards or Municipalities in British Baluchistan.

(c) Does not arise.

(d) It is not considered advisable to establish local elected bodies in British Baluchistan. The system is not regarded as being suitable to a country of immense distances populated by a nomadic people mainly pastoral in occupation.

Mr. Abdul Qaiyum: May I know if it is not possible to set up municipal committees at Chaman, Sipi, Quetta and Fort Sandeman?

Sir Aubrey Metcalfe: Anything is possible, but it is not advisable.

Mr. Abdul Qaiyum: What is the policy of the Government? Is it not the policy of the Government to introduce Provincial Autonomy at some stage or other in this province?

Mr. President (The Honourable Sir Abdur Rahim): That is going much further.

Mr. Abdul Qaiyum: But the Honourable Member got up to reply, Sir.

Sir Aubrey Metcalfe: When the Honourable Member talks about the province, I think he is meaning the whole of what is called Baluchistan. I may point out that British Baluchistan is only a very small portion of the province, the area is some 9,000 miles and the total number of inhabitants is 136,000. That does not give a very good groundwork for an autonomous province.

Mr. Abdul Qaiyum: May I know the reasons why after so many years have elapsed, Government have not even introduced the system of local self-government in this province to train the people for self-government?

Sir Aubrey Metcalfe: That I answered quite clearly in reply to the original question.

Prof. N. G. Ranga: In the absence of any of these local boards, who is the authority which carries on the usual civic and municipal functions?

Sir Aubrey Metcalfe: There is probably some kind of Notified Area Committee, but if the Honourable Member wants accurate information on that point, I want notice.

Mr. Abdul Qaiyum: Is it not a fact that there is a municipal committee at Quetta, which is entirely a nominated body?

Sir Aubrey Metcalfe: Yes, but Quetta is not in British Baluchistan.

Mr. Abdul Qaiyum: Whatever the region be in which Quetta is situated, I want to know why Government have not introduced an elective system in Quetta municipality so far?

Sir Aubrey Metcalfe: That goes outside the terms of the original question and I shall require notice.

Mr. Abdul Qaiyum: That was absolutely covered by my question which I had originally sent. I charge Government with deliberately not introducing local self-government in this area?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may charge the Government or do anything he likes. But the question as it is on the order paper has been answered. The question relates to British Baluchistan and the Honourable Secretary for the External Affairs Department has just now told the House that Quetta is not in British Baluchistan.

Sir Aubrey Metcalfe: That is so, Sir.

Mr. Abdul Qaiyum: May I know from the Honourable Secretary for the External Affairs Department what is the name given to that part of the country which includes Quetta so that I can frame the question according to his particular designation?

Sir Aubrey Metcalfe: That is known as a leased area.

EXECUTING BONDS OF GOOD BEHAVIOUR BY MALIKS IN VILLAGES IN BRITISH BALUCHISTAN.

513. *Mr. Abdul Qaiyum: Will the Foreign Secretary please state:

- (a) whether "Maliks" of villages in British Baluchistan where members of the "Anjumane Watan" exist, are being asked to execute bonds for the latter's good behaviour; and
- (b) how many members of this body have been arrested and convicted during the last three years; how many have been bound down to keep peace?

Sir Aubrey Metcalfe: (a) No.

(b) It is not known if any member of this organisation has been convicted for any criminal offence during the last three years, but none has been convicted for any offence committed as a member of the organisation or has been bound over to keep the peace on account of his membership.

Mr. Abdul Qaiyum: There is an organisation styled Anjumane Watan?

Sir Aubrey Metcalfe: Presumably the Honourable Member knew that when he put down the question.

Mr. Abdul Qaiyum: What is the professed aim of this organisation?

Sir Aubrey Metcalfe: That surely must be within the knowledge of the Honourable Member himself, who put down the question relating to the organisation.

Mr. Abdul Qaiyum: I should like to know what is the information of the Government regarding this question. What are the objects of this *Anjumane Watan*? What does it stand for? What does it demand from Government? I should like to know what information Government have, as I have not got much information on this point. Otherwise I would not have put down the question.

Sir Aubrey Metcalfe: If the Honourable Member wants to know details about this organisation he may put down a question on the paper and I will give him the information.

Mr. Abdul Qaiyum: Sir the question itself deals with the *Anjumane Watan*, and I want a ruling from the Chair whether or not I am entitled to ask questions with regard to a body which is specifically mentioned in my question.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member asked a particular question and he has got the answer. As regards the rest the Honourable Government Member says he has not got any information and he has asked him to give notice.

TRAIN DISASTER NEAR HAZARIBAGH ON THE EAST INDIAN RAILWAY.

514. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member for Railways please state regarding the Dehra Dun Express accident near Hazaribagh:

- (a) how long after the derailment the fire broke out, the cause of the fire, and the damage to life and property caused by the fire;
- (b) whether the Associated Press of India report, dated 13th January, 1939, from Patna, 'Police officials on the spot are understood to have found the fish plates intact', is correct; if so, how it is reconcilable with the Railway *communique* that sabotage has been established;
- (c) whether his attention has been drawn to the report given by Messrs. B. Chowdhury and C. K. Sarkar, engineers and higher class passengers of the ill-fated train, to *Ananda Basar Patrika* of 28th Paus—that in the brake van they found a fire extinguisher but it was *out of order*;
- (d) whether this is correct;
- (e) whether the same gentlemen's report that a train which was passing after the accident did not stop although it slowed down at the shouting to stop, is correct;
- (f) whether it is a fact that the guard of the Bombay Mail, which arrived later, used saws to save life and property; and
- (g) what instruments and appliances are carried by the guard to meet such emergencies; whether the Dehra Dun Express carried them?

The Honourable Sir Thomas Stewart: (a) to (e). Government have no information further to that contained in the Senior Government Inspector's report, a copy of which was distributed to Honourable Members.

(f) Yes.

(g) A list showing the articles carried by guards of passenger trains is laid on the table. The answer to the second part of the question is in the affirmative.

List of articles carried in the Brake-van.

(1) Tool Box :

Contents—

- 1 Axe.
 - 1 Canvas Bucket.
 - 1 Chisel.
 - 1 Crow Bar.
 - 1 Drift.
 - 1 Hammer.
 - 1 Saw.
 - 1 Screw Driver.
 - 1 Tommy Bar.
 - 1 Hack Saw Frame and Blade.
 - 1 Chisel (Wood).
 - 1 Pipe—Diameter 1½ inch.
- (2) Fire Extinguisher.
 - (3) First Aid Box.
 - (4) Alarm Signal Adjusting Rod.

TRAIN DISASTER NEAR HAZARIBAGH ON THE EAST INDIAN RAILWAY.

515. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Railway Member please state regarding the Dehra Dun Express accident near Hazaribagh Road:

- (a) whether the Associated Press of India news of New Delhi, dated the 13th January, 1939, 'that the Senior Government Inspector of Railways and the Bihar Police have accepted the cause of the accident as sabotage', is correct;
- (b) whether the Associated Press of India news that driver Sergeant is reported to have found the rails removed is correct;
- (c) whether the Associated Press of India news that one sheet (length?) of rail which was supposed to have been removed has been recovered and that it does show any signs of the Express passing over it, is correct;
- (d) whether the Chief Operating Superintendent, East Indian Railway, has issued any press *communique* stating that 'it has been established that the accident was due to malicious tampering with the track';
- (e) whether a case under section 126 of the Railway Act has been started against unknown persons for malicious tampering and whether a reward of Rs. 5,000 has been offered for detection of the culprits; and

- (f) whether Government contemplate further detective punitive and preventing methods similar to what the Bengal Government did since 1906 to stamp out political terrorism?

The Honourable Sir Thomas Stewart: (a) to (d). I would refer the Honourable Member to the reply just given to parts (a) to (e) of his starred question No. 514.

(e) Government have no information. The reply to the second part of the question is in the affirmative.

(f) This is a matter which concerns the Provincial Government.

Mr. Brojendra Narayan Chaudhury: Is the Honourable Member aware that the railway authorities or the Provincial Government first announced a reward of Rs. 5,000 and then increased it to Rs. 25,000?

The Honourable Sir Thomas Stewart: No, Sir; I am not aware of the announcement of a reward of Rs. 25,000.

Mr. Brojendra Narayan Chaudhury: Is the Honourable Member aware of the announcement of Rs. 5,000?

(No reply.)

REPRESENTATIONS FOR AN ENQUIRY TO ASCERTAIN THE CAUSES OF RAILWAY ACCIDENTS.

516. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Railway Member please state:

- (a) whether representations have been received from the Marwari Chamber of Commerce and the Indian Chamber of Commerce, Calcutta, or other associations or individuals urging the institution of a public inquiry to ascertain the causes of repeated accidents and recommend suitable measures for safety, and what Government propose to do in the matter; and

- (b) whether the same demand has been voiced in the Calcutta dailies, the *Patrika*, the *Hindustan Standard* and the *Ananda Bazar Patrika*?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) Government have no information.

TRAIN DISASTER NEAR HAZARIBAGH ON THE EAST INDIAN RAILWAY.

517. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Railway Member please state:

- (a) whether the Railway Inquiry on the Dehra Dun Express disaster has been completed and report submitted;

- (b) whether the inquiry was directed to the following points discussed by Mr. K. N. Chatterjee of 1, Wood Street, Calcutta, in a communication to the *Hindustan Standard* of the 16th January, 1939:

- (i) "Presuming that the wheels of a train leave marks on steel rails what tests the inquiry committee did apply to distinguish the marks left by the Bombay Mail passing at about 1-20 A.M. or preceding trains, from the marks the Dehra Dun Express might or might not have left?

- (ii) how does the Committee prove that the piece of unmarked rail did not receive an *end-on* impact from coach wheel that was sufficient to shear its bolts, etc., and lifting it out bodily without marking or distorting its upper surface to any appreciable extent?

- (iii) whether it is possible that a heavy engine at high speed could jump the gap made by the removal of a rail;

- (iv) whether it is not more impossible for the tender which is not rigidly coupled to the engine to go the gap without sideways movements and whether this is not still more impossible for the first coach;

- (v) the track must have been intact one hour before the accident when the Bombay Mail passed. The probability of track being sabotaged in an hour in cold wintry night far away from habitation and its possibility without the assistance of highly skilled group of men equipped with regular track-laying tools. The powerful searchlight of the Bombay Mail could not disclose anything unusual at this spot only an hour earlier;

- (vi) whether the theory adumbrated by Mr. Chatterjee that the cause of the fire was *hot axles* or *defective brakes*, that the fire remained at first unnoticed by sleeping passengers with windows shut, that the fire in its turn must have affected the air-brakes, causing jamming of the brakes that caused a violent skid, which was helped by the unevenness of the rail joints. This theory of sudden jamming of the brakes is supported by the statement of Mr. K. R. Khondker in the *Ananda Bazar Patrika* of the 13th January, 1939;

- (c) how the above factors have been dealt with in the Railway report;

- (d) if all or any of the above have not been considered, whether Government intend to order further inquiry touching the above points; and

- (e) whether there was immediately before the accident any strong dissatisfaction and disaffection of the railway employees in that section of the Railway?

The Honourable Sir Thomas Stewart: (a) to (e). I would refer the Honourable Member to the reply just given to his starred question No. 514 and to my speech on the adjournment motion in this House on the 3rd February, 1939.

RESULTS OF THE TALKS WITH THE AFGHAN TRADE MINISTER.

518. ***Mr. S. Satyamurti:** Will the Secretary for External Affairs be pleased to state:

- (a) the results of the talk the Afghan Trade Minister had with him; and

- (b) whether any results have been achieved, and, if so, what they are?

Sir Aubrey Metcalfe: (a) and (b). Attention of the Honourable Member is invited to the answers to parts (a) and (b) of question No. 292 asked by Mr. Abdūl Qaiyum on the 10th February, 1939.

MEETING OF THE SECRETARY OF THE EXTERNAL AFFAIRS DEPARTMENT WITH REPRESENTATIVES OF THE FRONTIER CHAMBER OF COMMERCE.

519. *Mr. S. Satyamurti: Will the Secretary for External Affairs be pleased to state:

- (a) whether recently representatives of the Frontier Chamber of Commerce met him;
- (b) whether he told the delegation that its views would be conveyed to the Afghan Government, if they were found to be in the interests of Indian traders;
- (c) whether those views have since been examined, and how many of them have been communicated to the Afghan Government;
- (d) how many of them were considered to be in the interests of Indian traders and what they were; and
- (e) whether the difficulties confronting Indian traders in Afghanistan have been considered and redressed and, if not, when they will be redressed?

Sir Aubrey Metcalfe: (a) Yes.

(b) No.

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

(e) The difficulties experienced by Indian traders in Afghanistan, and the steps to be taken to alleviate them, are under consideration.

Mr. S. Satyamurti: May I know if my Honourable friend conveyed to the delegation an expression of the action likely to be taken by the Government of India in this behalf?

Sir Aubrey Metcalfe: No decision can be come to as to any action to be taken by the Government of India with regard to the treatment of Indian traders in Afghanistan.

Mr. S. Satyamurti: I am asking about the action which the Government of India will take on the representation made by the Frontier Chamber of Commerce to this Government. I do not say that they can take any final action, but did this Government give any kind of undertaking to this deputation as regards the action they would take in this matter to get these grievances redressed?

Sir Aubrey Metcalfe: The conversations with the representatives of the Frontier Chamber of Commerce were informal, but so far as I remember, I certainly assured them that the Government of India would do what they could to secure removal of the disabilities under which they at present suffer.

Mr. S. Satyamurti: Are Government in a position to give any indication of the time when they hope to finish these talks and come to some arrangement with the Afghan Government in respect of this matter?

Sir Aubrey Metcalfe: As soon as possible; that is all I can say.

CONSULTATION OF THE GOVERNMENT OF INDIA IN RESPECT OF THE PALESTINE CONFERENCE IN LONDON.

520. *Mr. S. Satyamurti: Will the Secretary for External Affairs be pleased to state:

- (a) whether the Government of India have been consulted in respect of the proposed Palestine Conference in London; and
- (b) whether the Government of India have represented to His Majesty's Government the views of Indians with regard to the future of Palestine and, if so, what they are?

Sir Aubrey Metcalfe: (a) No.

(b) The views of Indians, as expressed in this House, in the Press and at public meetings, have been communicated to His Majesty's Government from time to time. The Honourable Member is presumably acquainted with these views and it hardly seems necessary for Government to explain them to the House.

Mr. S. Satyamurti: I am not asking my Honourable friend to give us his appreciation or my appreciation of these views. But I want to know whether the Government of India have communicated to His Majesty's Government the views of Indians, and if so what those views are which my Honourable friend has communicated.

Sir Aubrey Metcalfe: I have already explained that they conveyed the views of Indians as expressed from time to time in this House, in the Press and in public meetings.

Mr. S. Satyamurti: Are the Government of India being kept in touch with the proceedings of the Palestine Conference now going on in London?

Sir Aubrey Metcalfe: They read the press reports.

Mr. S. Satyamurti: Have they no other means of communication except what I have?

Sir Aubrey Metcalfe: No; I should think not.

Dr. Sir Ziauddin Ahmad: With reference to part (a) of the question, may I know whether the Government of India were consulted either before or after the formation of this Palestine Conference?

Sir Aubrey Metcalfe: I gave a categorical reply when I said "No".

†521*.

FORMATION OF ADVISORY COMMITTEES FOR BROADCASTING STATIONS.

522. *Mr. S. Satyamurti: Will the Honourable Member for Communications be pleased to state:

- (a) at what stage the proposal to form Advisory Committees for all Broadcasting Stations stands;

†This question was not put by the questioner.

- (b) the reasons for the delay in the formation of these Committees; and
- (c) when Government propose to set up these Committees, and with what main functions?

The Honourable Sir Thomas Stewart: (a) and (c). The attention of the Honourable Member is invited to the reply given by me on the 10th February, 1939, to part (b) of Mr. Mohan Lal Saksena's starred question No. 297. With reference to the second part of part (c), the main functions of the committees will be to advise the Controller of Broadcasting in regard to provincial requirements in the matter of programme construction, the most appropriate language medium, the proportion of service to different linguistic areas and such other matters as may be referred to them.

(b) The matter has been under correspondence with Provincial Governments for some time and the consent of the members to serve on the committees is now awaited.

Mr. S. Satyamurti: May I know when these advisory committees will be formed for Madras and Trichinopoly?

The Honourable Sir Thomas Stewart: My answer to part (b) of the question covers Madras. The question of Trichinopoly will be taken up in due course.

Shrimati K. Radha Bai Subbarayan: May I ask, Sir, if Government will make it a rule to include women on these committees because of the educational value of broadcasting?

The Honourable Sir Thomas Stewart: My recollection is that the representation of women has received consideration.

Shrimati K. Radha Bai Subbarayan: My question was whether Government will make it a rule to include women in these committees.

The Honourable Sir Thomas Stewart: It is not a question of our making a rule; we abide very much by the advice of the Provincial Governments in selecting these committees.

Sri K. B. Jinaraja Hegde: May I know whether it will include Bombay also?

The Honourable Sir Thomas Stewart: Yes, Sir, Bombay is included.

BOARDING BY CERTAIN KISANS OF THE SOUTH BIHAR PASSENGER TRAIN WITHOUT TICKETS AT GAYA.

523. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member for Railways please state:

- (a) whether on the evening of 16th January, 1939, about 500 kisans boarded the South Bihar passenger train at Gaya without tickets with the exception of their leader, Swami Sahajananda, who provided himself with a ticket, and whether the railway authorities in spite of the assistance of the Magistrate, were obliged to cancel the train, collect tickets of bona fide passengers and refund their money and to send others by bus; and

- (b) the special measures, if any, the railway authorities propose to take to prevent breakdowns like the above and those that happened at Byculla and Matunda recently?

The Honourable Sir Thomas Stewart: (a) Yes. The statement made is partly correct, but understates the numbers. It is not known whether the leader had bought a ticket.

(b) Measures to deal with situations such as had occurred are outside the scope of Railway Administrations. With reference to the second part of the question, I would refer the Honourable Member to the reply given to Mr. Abdul Qaiyum's starred question No. 175 on 7th February, 1939.

Mr. Sri Prakasa: How did these gentlemen get admission to the platform without tickets?

The Honourable Sir Thomas Stewart: I understand that they walked on to the platform.

Dr. Sir Ziauddin Ahmad: May I ask whether the Government of India have devised any method to meet such a situation which has occurred according to this question and which has, I think, occurred elsewhere also?

The Honourable Sir Thomas Stewart: No. It is not the business of the Government of India to devise methods to prevent such an occurrence.

Mr. Brojendra Narayan Chaudhury: Are there any arrangements at stations to prevent strangers from getting on to the platform and get into trains?

The Honourable Sir Thomas Stewart: There are arrangements at the stations: there are police posted at stations; but one or two constables could not possibly cope with a body of several hundreds of men.

Mr. S. Satyamurti: Are not the Government of India interested in preventing any loss of railway revenues and will they take steps to prevent these unauthorised persons entering railway premises?

The Honourable Sir Thomas Stewart: We should have to enlist the assistance of the Provincial Governments.

Prof. N. G. Ranga: Is there any method in the armoury of the Government of India by which they can prevent successfully these peasant marches at their railway stations?

The Honourable Sir Thomas Stewart: I have already suggested that it is not the business of the railway administration to maintain law and order.

Mr. T. S. Avinashilingam Chettiar: Was any action taken against anybody in this matter?

The Honourable Sir Thomas Stewart: I think I should have to refer the Honourable Member to the Provincial Government, whose responsibility it is.

Dr. Sir Ziauddin Ahmad: In view of the Niemayer Award that the profits derived from the railways will go to the Provincial revenues, may I ask the Government whether they have drawn the attention of Provincial Governments that this loss of revenue will be debited to their accounts?

The Honourable Sir Thomas Stewart: No. That would not necessarily follow.

Mr. Brojendra Narayan Ohaudhury: Is the railway looking on helplessly in the face of such attacks on them?

The Honourable Sir Thomas Stewart: I do not think that the railway authorities had any other option.

FINANCES OF THE VIZAGAPATAM PORT.

524. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Communications state:

- (a) the present condition of the finances of the port of Vizagapatam;
- (b) what is the extent of the deficit for the current year;
- (c) whether there is any set-back in the development of the trade in that port; and
- (d) when Government expect it to pay its way?

The Honourable Sir Thomas Stewart: (a), (b) and (c). Excluding interest charges on capital, the estimated deficit in the current year is Rs. 1,00,000 but mainly due to a fall in the export of manganese ore and the financing of certain capital works from revenue, it is likely to increase to about Rs. 4,99,000.

(d) Government are at present engaged in a detailed review of the finances of the port with a view to effecting economies in expenditure. If trade conditions remain normal, the port should be able to meet out of its revenues all expenditure except interest charges on capital. The trade of the port must, however, increase considerably before it is able to pay these interest charges.

Mr. T. S. Avinashilingam Chettiar: What is the amount of the interest charges on this?

The Honourable Sir Thomas Stewart: I should have to have notice of that.

Prof. N. G. Ranga: Are Government examining the value of this particular port from the strategic point of view also?

The Honourable Sir Thomas Stewart: That is a relevant consideration.

Mr. T. S. Avinashilingam Chettiar: May I point out, Sir, that I asked about the condition of finances of the port of Vizagapatam, and the Honourable Member says "Except for the interest charges, it is so much." He is bound to have this information, and if he does not have it, it is rather wrong of him.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has no information whether they have any information or not.

Mr. T. S. Avinashilingam Chettiar: Is it not up to you, Sir, to see that all questions should be answered properly?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not ask the Chair any questions.

Prof. N. G. Ranga: Have Government decided to hand over the administration of this port to the Provincial Government?

The Honourable Sir Thomas Stewart: No.

Mr. T. S. Avinashilingam Chettiar: May I ask, Sir, as regards the way in which these questions are answered, that you should direct the Government to answer questions that are put to them?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member knows very well that the Chair has got no such function at all. If the Honourable Member finds that an answer is not satisfactory, it is up to him to find out any remedy he can. The Chair has no authority in the matter.

Mr. M. Thirumala Rao: In view of the top-heavy nature of the administration of this port, have Government considered any scheme of retrenchment to bring down the charges?

The Honourable Sir Thomas Stewart: I have said that Government are at present engaged in a detailed review of the finances of the port with a view to effecting economies in expenditure.

Prof. N. G. Ranga: Will they keep this consideration in mind also, that is, retrenching the number of useless officers and offices at the top, when they carry on this particular review?

The Honourable Sir Thomas Stewart: I cannot accept the Honourable Member's statement that there are useless officers at the top.

STAFF EMPLOYED IN TRAIN CONTROL OFFICES AT HOWRAH AND SEALDAH.

525. *Mr. Akhil Chandra Datta: (a) Will the Honourable Member for Communications be pleased to state:

- (i) the different staffs employed in Train Control Offices at Howrah and Sealdah and their strength;
- (ii) the duties and responsibilities of each category of staff in each of the two offices; and
- (iii) the scale of pay of each category of staff, both old and new?

(b) In the case of categories having the same and similar duties and responsibilities on both Railways, are the staff placed on same footing as regards their scale of pay? If not, was there any special reason which necessitated the introduction of different scales of pay for same category

of staff having some and similar duties and responsibilities on the two State-managed Railways? If so, what is the reason for this differentiation?

(c) Is it a fact that the volume of work on the Eastern Bengal Railway is larger than that on the East Indian Railway?

The Honourable Sir Thomas Stewart: (a) (i) and (iii). I am placing on the table a statement giving the information required.

(ii) This will need the preparation of a special pamphlet which I do not think can be justified.

(b) There are differences in the scales of pay which have been determined by each Administration with regard to the conditions obtaining on their respective systems.

(c) It is impracticable to make a comparison of the volume of work as this would necessitate a detailed analysis of the various factors which affect the normal as well as the peak conditions of work obtaining in the two offices.

Statement showing staff employed in Train Control Offices at Howrah and Sealdah, their strength and the scales of pay of each category of staff, both old and new.

HOWRAH.

Designation of staff employed.	Strength.	Scale of pay.
Chief Controller	1	Rs. 430—20—530 (old E. I.). Rs. 400—20—500 (revised 1928). Rs. 350 (revised 1934).
Dy. Group Controllers	3	Rs. 255—20—475 (old E. I.). Rs. 310—10—350 (revised 1928). Rs. 260 (revised 1934).
Section Controllers, Grade I	12	Rs. 300—10—400 (old E. I.). Rs. 200—10—300 (revised 1928). Rs. 160 (revised 1934).
Section Controllers, Grade II	3	Rs. 85—10—155 (old E. I.). Rs. 85—10—145 (revised 1928). Rs. 140 (revised 1934).
Clerks	3	Rs. 50—5—70 (old E. I.). Rs. 55—3—70 (revised 1928). Rs. 30—3—5—60 (revised 1934).
SEALDAH.		
District Train Controller, Grade I	1	Rs. 400—20—500 (old scale). Rs. 400 (new scale).
District Train Controllers, Grade II	2	Rs. 300—10—300 (old scale). Rs. 350 (new scale).
Section Train Controllers	18	Rs. 130—10—170 (old scale). (i) Rs. 160 (new scale). (ii) Rs. 140. (iii) Rs. 100—10/2—120.
Telephone clerks	4	Rs. 30—4—70 (old scale). Rs. 30—3—45—5—60 (new scale).

Dr. Sir Ziauddin Ahmad: Is it not a fact that the East Indian Railway always shows a profit and the Eastern Bengal Railway always shows a loss?

The Honourable Sir Thomas Stewart: I submit that that question does not arise out of the answer I have given.

Dr. Sir Ziauddin Ahmad: It does arise: when they want to give special concession they say that the East Indian Railway can afford it and the Eastern Bengal Railway cannot.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can draw his own inferences.

Dr. Sir Ziauddin Ahmad: The object of the question is not that I should know, but that the public should know.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can bring that out.

LEVY OF HOUSE-TAX ON RAILWAY QUARTERS.

526. *Dr. Sir Ziauddin Ahmad: Will the Honourable the Railway Member please state whether the railway quarters situated in Railway premises are required to be charged house-tax levied by local authorities? If so, why?

The Honourable Sir Thomas Stewart: This matter is regulated by the provisions of section 135 of the Indian Railways Act, 1890 and of section 154 of the Government of India Act, 1935, to which the attention of the Honourable Member is very earnestly invited.

PURCHASE OF ANY RAILWAY BY GOVERNMENT.

527. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable Member for Railways please state whether Government have under consideration proposals for the purchase of any Railways in India in the near future; and, if so, what these Railways are and on what terms?

The Honourable Sir Thomas Stewart: I invite the attention of the Honourable Member to the information I gave on this subject in paragraph 18 of my recent budget speech. He will find further details in the memoranda submitted by the Railway Board to the Standing Finance Committee, which are reproduced on pages 1 and 2 of the Proceedings of the Standing Finance Committee for Railways, dated the 10th December, 1938, Volume XV—No. 3, a copy of which has been furnished to him.

Mr. C. N. Muthuranga Mudaliar: May I know whether the Madras and Southern Mahratta Railway and the South Indian Railway will be taken over by the State as soon as their contracts terminate?

The Honourable Sir Thomas Stewart: I am unable to make a forecast.

Mr. K. Santhanam: May I know whether Government will consult the Standing Finance Committee for Railways before they decide to renew any contract?

The Honourable Sir Thomas Stewart: I should require notice of that question.

Mr. C. N. Muthuranga Mudaliar: May I know whether the South Indian Railway has been continuously working at a loss?

The Honourable Sir Thomas Stewart: I refer the Honourable Member to the statements which have been made available to him recently.

OPERATION OF ROAD MOTOR SERVICES BY THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

528. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable Member for Railways please state :

- (a) whether Government have under consideration any proposal from the Madras and Southern Mahratta Railway asking to be permitted to participate in road motor services; or whether they are independent of any request from the Railway Administration considering this matter;
- (b) if so, the reasons why this proposal is being considered;
- (c) whether any decision has been reached, and if so, what it is; and
- (d) the areas where the railway-motor service will operate?

The Honourable Sir Thomas Stewart: (a) to (c). The attention of the Honourable Member is invited to the proceedings of the meeting of the Standing Finance Committee for Railways, held on the 10th December, 1938, a copy of which is in the Library of the House.

(d) Throughout the Madras Presidency. The first services will probably operate in the Nellore and Chittoor Districts.

Mr. K. Santhanam: May I know whether the Railway Board consulted the Provincial Government of Madras as to the manner in which this railway should take part in the road service?

The Honourable Sir Thomas Stewart: So far as I am aware, no such consultation was made.

Mr. K. Santhanam: May I know whether it will not prejudice any understanding between the Provincial Government and the railways regarding rates and fare policy if they allow the companies to run motor services without the approval of the Provincial Government?

The Honourable Sir Thomas Stewart: In view of the very wide powers which will be exercised by the Local Governments under the new Motor Vehicles Bill, I do not share the Honourable Member's apprehension.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Railway Board has laid down any lines of policy within which alone these motor transport services can be run by railway companies?

The Honourable Sir Thomas Stewart: I do not know what the Honourable Member means by laying down policy. He will remember, I dare say, that it was one of the recommendations of the Railway Enquiry Committee that railway administrations should extend their activities to the roads.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government have gone into the matter to see how much money should be invested by the company in these services?

The Honourable Sir Thomas Stewart: I think I gave the Assembly an estimate: my estimate was one lakh.

Prof. N. G. Ranga: Have the requisite licenses been obtained from the local boards?

The Honourable Sir Thomas Stewart: I am afraid I cannot answer that without notice.

Mr. C. N. Muthuranga Mudaliar: May I know whether where the local boards are taking up the running of these transport services by road, the Government will issue instructions that these companies should not compete with these local boards?

The Honourable Sir Thomas Stewart: The question of competition will be looked after by the Provincial Government.

COST OF FITTING FANS IN INTERMEDIATE AND THIRD CLASS CARRIAGES ON RAILWAYS.

529. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable Member for Railways please state :

- (a) whether Government have enquired or propose to enquire into the cost of fitting intermediate and third class carriages on Railways (i) under their management and (ii) company management, with electric fans;
- (b) the cost of working these fans over the several Railway systems during (i) all the year round and (ii) during only the hottest part of the year;
- (c) the cost of fitting fans in carriages only which are meant for long distances; and
- (d) whether in respect of part (c) Government propose to consider the question of making the passengers contribute towards the additional cost involved?

The Honourable Sir Thomas Stewart: (a) The Honourable Member is referred to the answer given in this House to starred question No. 374 asked by Mr. Mohan Lal Saksena on the 15th September, 1938.

(b) and (c). The Honourable Member is referred to the answer to starred question No. 1089 asked in this House by Mr. Satyamurti on the 16th September, 1938.

(d) The Honourable Member is referred to the answer to part (c) of starred question No. 1569 asked in this House by Mr. Satyamurti on the 29th November, 1938.

Prof. N. G. Ranga: Are we to understand then that Government do not propose to make any experiments at all in regard to the introduction of electric fans and to also find out the cost of such an experiment?

The Honourable Sir Thomas Stewart: I cannot see that any question of experiment arises. They either are installed or are not.

Mr. K. Santhanam: Why can't Government make the experiment in the same way as they are doing with air-conditioned carriages?

The Honourable Sir Thomas Stewart: That is a suggestion which I am considering.

Prof. N. G. Ranga: Have Government got accurate information in regard to the cost of the introduction of these electric fans if they decide to instal them?

The Honourable Sir Thomas Stewart: I have on several occasions given estimates of what the cost will be.

Mr. C. N. Muthuranga Mudaliar: Are Government aware that these facilities are now given in the Mysore State Railways?

The Honourable Sir Thomas Stewart: That I have heard.

PROVISION OF CYCLES TO VILLAGE POSTMEN.

530. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable Member for Communications please state :

- (a) whether Government are aware that in South India most villages are reached by the postman only twice or thrice during a week;
- (b) whether they are aware that there is great demand for the quickening of this service in the interior of the country;
- (c) whether they are aware that the postman concerned is not able to reach more villages or effect more frequent deliveries of the post, because he does his work on foot and has to trudge many miles a day; and
- (d) whether Government are prepared to consider the desirability of equipping the postman who serves villages with a cycle so as to enable him to increase the number of his visits?

The Honourable Sir Thomas Stewart: (a) and (c). Yes.

(b) I am prepared to accept the Honourable Member's statement on the point.

(d) Due to the absence in rural areas of suitable roads which could be used throughout the year, Government do not consider it practicable to provide village postmen with bicycles for delivery work.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, whether Government will consider the advisability of supplying cycles where the roads are suitable for their use throughout the year?

The Honourable Sir Thomas Stewart: Government are not aware that in such localities there are any inconveniences to the public.

Mr. K. Santhanam: May I know, Sir, whether the supply of cycles to postmen will not relieve them of a good deal of drudgery and facilitate their work wherever possible?

The Honourable Sir Thomas Stewart: No, Sir.

Prof. N. G. Ranga: Is it not a fact, Sir, that several complaints have been made that these village postmen and runners do not go to the villages allotted to them at regular times, because, they don't wish to take all the trouble and there is no one to examine or see whether they have gone to those villages or not?

The Honourable Sir Thomas Stewart: Such complaints have not been brought to my notice.

Mr. M. Thirumala Rao: Have the Government got any definite policy in regard to opening post offices in rural areas every year?

The Honourable Sir Thomas Stewart: There is a question later which deals with it.

TAKING OVER BY GOVERNMENT OF THE TELEPHONE SYSTEM IN MADRAS.

531. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable Member for Communications please state whether Government have reached any decision on the question of the acquisition of the telephone lines now operated by the Madras Telephone Company, and if so, what it is?

The Honourable Sir Thomas Stewart: No, Sir. The question is under the consideration of Government.

Mr. C. N. Muthuranga Mudaliar: May I know, Sir, for how long will the matter be under consideration and when will they come to a decision?

The Honourable Sir Thomas Stewart: I am afraid I can give no forecast.

Mr. Sri Prakasa: Have the Madras Telephone Company the same rules regarding the supply of telephones as operate in the rest of the country under the Honourable Member's Department?

The Honourable Sir Thomas Stewart: I submit that does not arise out of the answer I have given.

ENQUIRY INTO THE CAUSES OF FREQUENT ACCIDENTS ON THE EAST INDIAN RAILWAY.

532. *Sardar Mangal Singh: Will the Honourable the Railway Member please state :

- (a) whether Government contemplate appointing a Committee consisting of officials and non-officials to enquire into the causes of frequent accidents on the East Indian Railway; and
- (b) whether Government have considered the proposal of running a pilot engine before every passenger train?

The Honourable Sir Thomas Stewart: (a) No. I would refer the Honourable Member to my speech on the adjournment motion in this House on the 3rd February, 1939.

(b) I would refer the Honourable Member to the reply given to Maulana Zafar Ali Khan's supplementary question arising out of Seth Govind Das' short notice question of the 23rd August, 1938.

Mr. Mohan Lal Saksena: When do Government expect to come to a decision with regard to the appointment of this Committee?

The Honourable Sir Thomas Stewart: Very shortly, Sir, I hope.

BAN AGAINST THE CONGRESS COMMITTEES OPENING ACCOUNTS WITH THE POST OFFICES IN THE UNITED PROVINCES.

533. *Pandit Sri Krishna Dutta Paliwal: Will the Honourable Member for Communications be pleased to state :

- (a) if there is a ban against the Congress Committees' opening accounts with the local post offices in the United Provinces;
- (b) if it is a fact that the Postmaster General, Lucknow, (United Provinces), did not allow the President of the Kiraoli Congress Committee, District Agra, to open accounts in the local post office; and
- (c) the reason or reasons for this disallowance?

The Honourable Sir Thomas Stewart: (a) There is no ban against Congress Committees as such.

(b) Yes.

(c) Because the account did not come within the purview of rule 42 of Post Office Savings Bank Rules.

Prof. N. G. Ranga: Are we to understand that any of the office bearers of the Congress Committees can open a Savings Bank account in a post office?

The Honourable Sir Thomas Stewart: As individuals they can open Savings Bank accounts, certainly.

Prof. N. G. Ranga: Is it not permissible for a Congress Committee as such to open a Savings Bank account?

The Honourable Sir Thomas Stewart: No, Sir. Perhaps it may clarify matters if I read the rule in question.

"The following special conditions govern the opening of 'Public Accounts' and their transactions :

- (a) Public accounts may be opened by Secretaries, Treasurers, Managers or other responsible office bearers of the funds of any dispensary, church or other religious institution, school, orphanage, asylum, or library or any other funds of a properly constituted association for the encouragement of thrift and for the mutual benefit of its members. Race, racquet, billiard, mess and similar funds, the objects of which are of a private or personal nature, cannot be allowed 'public accounts'."

PROVISION OF POSTAL FACILITIES IN RURAL AREAS.

534. *Pandit Sri Krishna Dutta Paliwal: Will the Honourable Member for Communications be pleased to state:

- (a) the number of the rural post offices opened in the last four years, year by year;
- (b) whether the Government have got any scheme to provide post office facilities to the rural areas in the coming year; and
- (c) the number of post offices intended to be opened in each Province during the next year?

The Honourable Sir Thomas Stewart: (a) The figures for the last three years only are available. They are 290 in 1935-36, 650 in 1936-37 and 286 in 1937-38.

(b) and (c). The number of post offices to be opened in rural areas any year is not fixed in advance. As I have already stated in reply to part (c) of Mr. Mohan Lal Saksena's starred question No. 299 in this House on the 10th February, 1939, the policy of the Department is generally to provide postal facilities in rural areas where they are considered justified.

INSTITUTION OF AN ENQUIRY INTO EVERY MAJOR ACCIDENT ON RAILWAYS.

535. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the railway Member state :

- (a) whether the Central Advisory Board for Railways has recommended that Government should institute a public enquiry in every major accident on the Railways involving losses of life and property;
- (b) whether Government have considered the recommendation; and
- (c) if so, with what effect?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) and (c). The attention of the Honourable Member is drawn to the summary of the Proceedings of the Central Advisory Council for Railways held at New Delhi on the 26th February, 1938, a copy of which is in the library of the House.

Mr. T. S. Avinashilingam Chettiar: I want to know, Sir, if Government have accepted that recommendation?

The Honourable Sir Thomas Stewart: Not so far.

Prof. N. G. Ranga: Have they finished consideration of that recommendation?

The Honourable Sir Thomas Stewart: No, Sir.

MANUFACTURE OF EMBOSSED ENVELOPES BY A GANG OF MEN.

536. *Sardar Mangal Singh: Will the Honourable Member for Communications please state:

- (a) whether it is a fact that a gang of men has been found to have been carrying on the manufacture of embossed envelopes for a considerable time;

- (b) whether any loss has been caused to the revenues of the Department and, if so, what its estimate is; and
- (c) what steps have been taken to prevent a recurrence of similar offence in future?

The Honourable Sir Thomas Stewart: (a) Two persons were arrested last September on suspicion of being concerned in a conspiracy to manufacture and sell counterfeit embossed envelopes. The case is still under police investigation.

- (b) It is not possible yet to estimate the loss, if any.
- (c) There are standing instructions to the postal staff to guard against the use of counterfeit stamps and envelopes and further instructions enjoining stricter vigilance were issued in November last.

COMPLAINTS AGAINST THE ALL-INDIA RADIO.

537. *Mr. S. Satyamurti (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Communications Member please state whether Government have received complaints or representations that the All-India Radio Department is giving preference to, favouring, or encouraging the sale of the radios of the make of Messrs. Phillips?

(b) Is it the policy of Government to discriminate between dealers and manufacturers of one kind of machine with another? If not, have instructions been given by Government that all forms of preference or special advocacy should be dropped?

(c) With regard to the permission given to Messrs. Phillips for the publication of a brochure on "school broadcasts", in Bombay what was the exact position? Was the permission sought by them? Why was it not extended to other manufacturers?

(d) How did it come about that an official publication giving an account of a scheme of school broadcasts was put forward not by the All-India Radio Department, but by a private firm?

(e) Have Government taken any steps to rebut the presumption and complaint arising out of such permission that the All-India Radio wish to give preference or prominence to the Phillips radio?

(f) Are Government prepared to instruct the Controller of Broadcasting to meet groups of dealers in several important centres in India at the time of his next visit to these centres in order to elicit any complaints of preference, or undue publicity to one firm and in order to give them a reassurance in this matter?

The Honourable Sir Thomas Stewart: (a) No.

(b) No. Government do not consider it necessary to issue any instructions of the nature suggested by the Honourable Member.

(c) The permission was to publish three school broadcast talks which had been given over the microphone, at the request of Messrs. Phillips. Other manufacturers did not ask for similar permission.

(d) The Honourable Member is under a misapprehension. The All-India Radio issued an official publication giving a programme of school broadcasts.

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

Mr. S. Satyamurti: I take it, with reference to the answer to clause (b) of the question, that Government do not propose to issue instructions, because it is not the policy of Government to discriminate between dealers and manufacturers of one kind of machine and another?

The Honourable Sir Thomas Stewart: No, Sir, it is the policy of Government that there should be no discrimination.

Mr. Mohan Lal Saksena: Am I to understand, Sir, that if any other dealers had asked for permission, such permission would have been granted to them?

The Honourable Sir Thomas Stewart: Yes, Sir.

CERTAIN STAFF IN THE CIVIL AVIATION DEPARTMENT AND QUALIFIED AIR PILOTS IN INDIA.

538. *Mr. S. Satyamurti (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Communications Member please state the personnel in the Civil Aviation Department that was carrying a salary of more than Rs. 200 per month, on the 1st of April, 1937, 1st of April, 1938, and the latest date for which this information is available? How many Indians and how many non-Indians were there in such posts?

(b) What was the total number of civil aviation crafts registered in India on the dates indicated in part (a), respectively?

(c) What steps have Government taken to increase the number of qualified air pilots in this country?

(d) What was the total number of such pilots holding "A" certificate and "B" certificate, respectively, on the dates mentioned in part (a)?

The Honourable Sir Thomas Stewart: (a), (b) and (d). Three statements giving the required information are laid on the table.

(c) The Honourable Member is referred to the reply given to parts (a), (b) and (d) of Mr. T. S. Avinashilingam Chettiar's starred question No. 1845 on the 21st November, 1938.

Statement showing the number of personnel (Indians and non-Indians) in the Civil Aviation Directorate who were or are in receipt of a salary of more than Rs. 200 per mensem on the 1st April, 1937, 1st April, 1938, and 16th February, 1939.

Date.	Indians.	Non-Indians (Europeans).	Total.
1st April, 1937	36	16	52
1st April, 1938	40	13	53
16th February, 1939	44	15	59
(Latest date for which information is available).			

Statement showing the number of Aircraft holding current Indian Certificates of Registration.

Date.	No.
31-3-37	129
31-3-38	145
16-2-39	156

Statement showing the number of Pilots holding current 'A' and 'B' Licences on the dates mentioned.

Date.	Total number current.	
	'A'	'B'
31-3-37	229	57
31-3-38	223	70
31-1-39	247	86

Mr. S. Satyamurti: What is the proportion of Indians to non-Indians?

The Honourable Sir Thomas Stewart: On the 1st April, 1937, there were 36 Indians and 16 Europeans; on the 1st April, 1938, there were 40 Indians and 13 non-Indians; and on the 16th February, 1939, there were 44 Indians and 15 Europeans.

NON-PUBLICATION OF QUESTIONS PUT IN THE LEGISLATURE RELATING TO BROADCASTING IN THE INDIAN LISTENER.

539. *Mr. S. Satyamurti (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Communications Member please state how many questions and answers given during the calendar year 1938 in this House, and in the Council of State with regard to radios, were reproduced in the *Indian Listener* and what percentage they constituted of the total number of questions and answers put?

(b) Was the debate on the resolution relating to All-India Radio in this House reproduced either as a whole or as a summary?

(c) Have Government given instructions not to print questions put in the Legislature, which may be of interest to the listener?

(d) What arrangements do Government propose to make in order to give reasonable publicity to the views, as expressed in questions, of Honourable Members in the Legislature through this official publication?

The Honourable Sir Thomas Stewart: (a) None. The second part does not arise.

(b) and (c). No, Sir.

(d) None.

Mr. S. Satyamurti: Is it because they thought that readers of the *Indian Listener* were not likely to be interested in the proceedings of this House, that they decided not to publish the proceedings of this House with regard to radios?

The Honourable Sir Thomas Stewart: No, but because they believed that there were other vehicles of information which would be more expeditious.

TAKING OVER BY GOVERNMENT OF PRIVATE TELEPHONE SYSTEMS.

540. *Mr. K. Santhanam: Will the Honourable Member for Communications please state:

(a) the number of private telephone companies operating in India;

(b) the total number of their telephone connections;

(c) the total number of connections of the telephone system operated by the Postal Department of the Government of India; and

(d) whether any policy has been decided upon regarding the taking over of the private telephone systems under State management?

The Honourable Sir Thomas Stewart: (a) Three.

(b) 46,306 on 31st March, 1938.

(c) 30,348 on 31st March, 1938.

(d) I would refer the Honourable Member to the reply I gave to his starred question No. 1196 on the 10th November last. The matter is still under consideration.

TAKING OVER BY GOVERNMENT OF THE BENGAL TELEPHONE COMPANY.

541. *Mr. K. Santhanam: Will the Honourable Member for Communications please state:

(a) whether Mr. Rooney, the Manager of the Bengal Telephone Company, came to Delhi and discussed with the officials of the Government of India the question of the acquisition by the State of the privately managed telephone systems in this country;

(b) what is the number of telephone connections supplied by the above company;

(c) when the licence of this company expires; and

(d) what is the amount payable to the company for taking over the business of the company on the expiry of the licence?

The Honourable Sir Thomas Stewart: (a) Mr. Rooney came to Delhi and saw some of the officers of Government. I am not prepared to disclose the subject of discussions.

(b) 19,469 on the 31st March, 1938.

(c) I would refer the Honourable Member to the reply I gave to Mr. Manu Subedar's starred question No. 434 on 15th February, 1939.

(d) I would refer the Honourable Member to clause 8 (c) of the license, dated the 29th July, 1910, granted to the Bengal Telephone Corporation, of which a copy is in the Library of the House.

Mr. K. Santhanam: May I know what is the period of notice required for terminating the contract?

The Honourable Sir Thomas Stewart: Twelve months.

Mr. K. Santhanam: What is the earliest date on which notice could be given?

The Honourable Sir Thomas Stewart: I should say 1st January, 1942.

1152

LEGISLATIVE ASSEMBLY.

[20TH FEB. 1939.]

Mr. K. Santhanam: May I know if this House will be given an opportunity to consider the matter before a final decision is come to on the subject?

The Honourable Sir Thomas Stewart: No. I could give no such undertaking.

PROJECT FOR CONSTRUCTION OF A BRIDGE OVER THE BRAHMAPUTRA AT
PANDUGHAT RAILWAY STATION.

542. *Maulvi Abdur Rasheed Chaudhury: (a) Will the Honourable Member for Communications please state the stage at which the project of constructing a bridge over the Brahmaputra at Pandughat Railway Station is at present?

(b) Has the project been finally decided upon?

(c) If so, what kind of bridge has been decided and whether there will be provision for wheeled traffic on it?

(d) When will the construction be commenced and when will it be finished?

(e) What will be the total cost of this bridge?

The Honourable Sir Thomas Stewart: (a) and (b). The project is under the consideration of the Government of India.

(c) The first part does not arise, and the reply to the second part is that this matter is under consideration with the Assam Government.

(d) and (e). If the project is ultimately sanctioned, the construction will probably take three years. The cost is estimated at about Rs. 70 lakhs for a purely railway bridge. With the addition of a roadway this figure would be enhanced.

Maulvi Abdur Rasheed Chaudhury: What is the length and breadth of the bridge?

The Honourable Sir Thomas Stewart: I could not possibly give the dimensions of the bridge.

Mr. Kuladhar Chaliha: May I know if any contribution has been asked for from the Assam Government by the railway authorities for the bridge?

The Honourable Sir Thomas Stewart: If it is made a road bridge as well as a railway bridge, naturally the Provincial Government will have to contribute towards the cost.

Mr. Kuladhar Chaliha: May I know if any contribution was asked for for the Jumna bridge at Delhi when it was built, or for any other bridge at any other place?

The Honourable Sir Thomas Stewart: I should require notice of that.

NEGOTIATIONS FOR RENEWAL OF AGREEMENT WITH THE TATAS AND THE
INDIAN NATIONAL AIRWAYS.

543. *Maulvi Abdur Rasheed Chaudhury: Will the Honourable Member for Communications please state:

(a) the stage at which the negotiations for renewal of agreement with Tata Sons and the Indian National Airways are at present; and

(b) which of the Mail Services of the Empire Air Mail scheme will be worked out by these companies and for what remuneration?

The Honourable Sir Thomas Stewart: (a) and (b). The Honourable Member is referred to the reply given in the Council of State on the 15th September, 1938, to question No. 121 by the Honourable Raja Yuveraj Dutta Singh.

ASSISTANT STATION MASTERS AND LOCO. FOREMEN, ETC., QUALIFYING FROM
THE WALTON TRAINING SCHOOL.

544. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways please state how many men there are on the list of those who have qualified in course T-5 (Senior Assistant Station Masters) and T-13 (Loco. Foremen, Loco. Inspectors) from the Walton Training School?

(b) Is it a fact that the number of qualified men is about 100 and 28, respectively?

(c) Will the Honourable Member please state how many vacancies are expected to occur every year in each category, and in how many years these men are going to be absorbed?

(d) Are Government aware of the facts that certain men who had qualified in T-13 and T-5 at Government expense have since refused to work as such as Assistant Station Masters and F. O.'s and Loco. Inspectors? If so, why were they not consulted before being sent to school to avoid waste of Railway money?

(e) Are Government aware that the average cost of training a person for Course T-5 and T-13 is Rs. 400 and 600 respectively?

(f) Will the Honourable Member please let the House know why extra expenditure is being incurred on training more men in these courses when the number of men already qualified will take about ten years to be absorbed?

The Honourable Sir Thomas Stewart: (a)—(c). I am seeing if the information can be obtained without undue labour and will place a further reply on the table of the House in due course.

(d) A driver who had passed Course T-13 was promoted to officiate as Loco. Inspector, but was allowed to revert to his previous post for financial reasons. Drivers are now being consulted before being nominated for this Course.

Two guards who had passed Course T-5 were unwilling to work as Assistant Station Masters as their emoluments would have been appreciably reduced. One of these had been nominated for this course in accordance

with the general policy of training men and the other because his further advancement as a guard would have been restricted if he did not pass the Course.

(e) The approximate cost of training per individual is Rs. 260 for Course T-5 and Rs. 240 for Course T-13.

(f) It is necessary to have a ready supply of trained men available to take over working posts at short notice and to deal with abnormal conditions arising from time to time.

Mr. Lalchand Navalrai: Is it the policy of Government to take these people into the Walton Training School even though there are so many surplus candidates?

The Honourable Sir Thomas Stewart: I have said that it is necessary to have a surplus supply in cases of emergency.

Mr. Lalchand Navalrai: When there are so many on the list already, is it necessary to admit more people into the school every year?

The Honourable Sir Thomas Stewart: I submit it is a matter of opinion whether the supply is excessive or not.

ADVERTISEMENT FOR POSTS OF FOREMEN FOR THE NORTH WESTERN RAILWAY MECHANICAL WORKSHOPS, MOGHALPURA.

545. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether the posts of about a dozen Foremen for the Mechanical Workshops, North Western Railway, Moghalpura, were advertised in England about three months back?

(b) Was a similar advertisement published in India later for the same posts?

(c) What is the object in advertising the posts in India and inviting applications up to the 1st February, 1939, when an interview in response to the applications in England was held in England in about the third week of December 1938?

(d) Will Government state the number of men already in Upper Subordinate Mechanical Engineering Service in North Western Railway Workshops, and who have already been or are still working against the very posts advertised and are intended to be replaced by the new incumbents proposed to be recruited in response to the advertisements referred to in parts (a) and (b), above?

(e) Will Government state the objections on the grounds of which they have not filled up these posts by promotions of the men who have already worked against the posts advertised?

(f) Are Government prepared to effect the above recruitment through the Public Service Commission?

(g) Are Government prepared to consider the cases of men referred to in part (d) above for these posts? If not, why not?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) Yes, but the number of posts advertised for was ten.

(c) The object is to ascertain whether candidates possessing the requisite qualifications can be obtained in India on the same scales of pay as are being offered to candidates from the United Kingdom. Those recommended for appointment by the High Commissioner will be considered only for posts for which recruitment in India has not been found practicable.

(d) Four. The other posts are being created to meet requirements.

(e) and (g). Those already in service are not considered as having the necessary qualifications for these posts.

(f) Does not arise in view of the action taken above.

Mr. Lalchand Navalrai: Will there be any distinction between those who are recommended from England and those that are taken up here?

The Honourable Sir Thomas Stewart: I am afraid I do not understand what difference or distinction is in the mind of the Honourable Member.

Mr. Lalchand Navalrai: Distinction between European and Indian, that is what I am asking. Those that are taken or suggested from England may be Europeans and those that are taken here may be Indians. Will there be any racial distinction in taking them, or will the Europeans be given any preference?

The Honourable Sir Thomas Stewart: If the Honourable Member asks me whether there will be any discrimination on account of race, I say no.

Mr. T. S. Avinashilingam Chettiar: What is the object in advertising in England also without knowing that Indians will not be available here?

The Honourable Sir Thomas Stewart: From the information that was at our disposal it appeared highly unlikely that suitable material would be available in India.

Mr. T. S. Avinashilingam Chettiar: Were any Indian candidates available?

The Honourable Sir Thomas Stewart: I think I mentioned some time ago that we advertised two years ago and got no satisfactory response.

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

EXAMINATION OF TICKETS AND LUGGAGE OF WOMEN PASSENGERS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

546. ***Shrimati K. Radha Bai Subbarayan:** Will the Honourable Member for Railways state:

(a) if it is a fact that male railway officials are prohibited from entering compartments reserved for women for the purpose of examining tickets and luggage;

(b) if this rule applies only to trains in motion or also to trains when they are standing at a station;

- (c) if different railways have different rules in this behalf, and if so, what are the rules;
- (d) if he is aware that on the Madras and Southern Mahratta Railway, male officials enter women's compartments for this purpose, causing harassment and annoyance;
- (e) the number of women ticket collectors employed by the Madras and Southern Mahratta Railway for the purpose of examining and checking tickets and luggage of women passengers; and
- (f) the rules of the Madras and Southern Mahratta Railways regarding the examination of luggage and tickets of women passengers *en route*?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) To trains in motion, and while standing at stations.

(c) Rules are practically identical, except that the Great Indian Peninsula Railway permit entry on vestibuled trains.

(d) An instance has recently occurred and suitable action is being taken by the Railway Administration against the offender. There has not been any previous complaint of this kind.

(e) Women ticket collectors are not employed on the Madras and Southern Mahratta Railway.

(f) The rule reads:

"Travelling Ticket Examiners must not enter reserved compartments or carriages or compartments reserved for women. The checking of tickets in such cases must be done from the platform only".

This applies equally to examination of luggage.

Shrimati K. Radha Bai Subbarayan: May I know, Sir, why women ticket collectors are not employed by the M. and S. M. Railway?

The Honourable Sir Thomas Stewart: Apparently, in the opinion of the Administration, women are not suitable for that particular work.

Shrimati K. Radha Bai Subbarayan: Did Government enquire why they came to that conclusion? May I ask for an assurance from Government whether they will ask the Railway Board to examine the whole question of the safety and security of women passengers on the Railways at the earliest possible opportunity?

The Honourable Sir Thomas Stewart: I do not think there is any necessity for such an inquiry. The safety of women travelling on the railways is always a pre-occupation of the railway administrations.

Mr. Mohan Lal Saksena: Is it not a fact that women ticket collectors are employed on the E. I. Ry.?

The Honourable Sir Thomas Stewart: I could not give a categorical answer on that point.

Mr. Mohan Lal Saksena: Will the Honourable Member take it from me that they are so employed. As there have been no complaints about their work, there is no reason why they should not be employed on other railways?

The Honourable Sir Thomas Stewart: If the Honourable Member says that they are so employed, I have no desire to contradict him.

Shrimati K. Radha Bai Subbarayan: May I ask, Sir, if Government have any definite rules with regard to this matter of employing women ticket examiners on the railways?

The Honourable Sir Thomas Stewart: As regards the existence of a definite rule, I must require notice.

Mr. Sri Prakasa: Has the Honourable Member's attention been drawn to the fact that despite the rule he has referred to, men ticket collectors have entered women's compartments, much to the annoyance of the women passengers.

The Honourable Sir Thomas Stewart: In reply to part (d) of the question, I admitted that an isolated case had occurred.

Prof. N. G. Ranga: Has it been brought to the notice of the Honourable Member that, on the M. and S. M. Railway, male ticket collectors always enter women's compartments, when the trains stop at various stations?

The Honourable Sir Thomas Stewart: I know only one instance of such an occurrence.

Prof. N. G. Ranga: May I tell him that I have myself seen this on several occasions.

Mr. Sri Prakasa: May I know what action has been taken by Government in that isolated case?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to one of his colleagues who will no doubt show him the entire correspondence in this matter.

Shrimati K. Radha Bai Subbarayan: The Honourable Member called it an isolated case. Is it isolated with regard to the information of Government?

The Honourable Sir Thomas Stewart: Isolated in the sense that it is the only case of which notice has been given to me.

MAINTENANCE OF TELEPHONE LINES IN CALCUTTA BY THE GOVERNMENT TELEGRAPH DEPARTMENT.

547. *Mr. K. Santhanam: Will the Honourable Member for Communications please state:

- (a) whether the Government Telegraph Department maintains its own telephone line in the Calcutta area;

- (b) the number of its connections; and
- (c) whether the telephone connections of the Howrah station and other premises of the East Indian and other Railways in Calcutta belong to the Government branch, or the Bengal Telephone Company?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) 882 on the 15th December, 1938.

(c) The East Indian and the Bengal Nagpur Railways have taken most of their telephone connections from the Bengal Telephone Corporation's system while the Eastern Bengal Railway has taken most of its connections from the Government telephone system.

Mr. K. Santhanam: May I know why the railways should be allowed to have connections from a private company when Government themselves have got their own agency there?

The Honourable Sir Thomas Stewart: That is a matter of tradition. These railway companies have always had connection with the Bengal Telephone Company.

Mr. K. Santhanam: In view of the saving that would result, may I suggest that it is high time that this practice is altered?

The Honourable Sir Thomas Stewart: No, Sir, Government do not wish to go into competition with the Telephone Company.

Mr. K. Santhanam: Are not Government anxious to increase their own telephone revenues?

The Honourable Sir Thomas Stewart: Yes, Sir, but we are not anxious to damage the business of people who are our own licencees.

EXPULSION OF CERTAIN INDIANS FROM FRANCE.

548. *Mr. K. Santhanam: Will the Secretary for External Affairs please state:

- (a) whether the attention of Government has been drawn to the reply of Mr. R. A. Butler in the House of Commons on the 6th February, 1939, that he had received reports from the British Ambassador in Paris concerning the expulsion of three Indian subjects during the past six months;
- (b) whether the Government of India have received these replies and if so, when they received them; and
- (c) whether copies of the replies will be placed on the table of the Assembly?

Sir Aubrey Metcalfe: (a) Yes.

(b) and (c). The Government of India have only received the gist of these reports which cannot, therefore, be laid on the table. The information now received is that the expulsion orders were definite and precluded the return of the persons concerned to France until the orders are rescinded.

ENQUIRY FROM INDIVIDUAL MEMBERS OF THE POSTAL UNION BY THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

549. *Maulvi Muhammad Abdul Ghani (on behalf of Maulana Zafar Ali Khan): (a) Will the Honourable Member in charge of Communications state whether it is a fact that a few months ago the Director General of Posts and Telegraphs called for a list of members of the Directorate Provincial Branch of the Indian Posts and Telegraphs Union?

(b) Is it a fact that the list of members furnished by the General Secretary of the Indian Posts and Telegraphs Union in response thereto was verified by the Director General, Posts and Telegraphs, by an enquiry from each member individually?

(c) Will Government also kindly state whether under the rules of Recognition of Service Associations, the Director General of Posts and Telegraphs is authorised to make enquiries about Union matters from individual members?

(d) If the reply to part (c) be in the affirmative, will Government kindly quote the relevant paragraph of the rules in question?

The Honourable Sir Thomas Stewart: (a) and (b). Yes.

(c) There is nothing in the rules to prohibit such an inquiry.

(d) Does not arise.

CUT IN THE COMPENSATORY ALLOWANCES OF THE OFFICIALS OF THE POSTS AND TELEGRAPHS DEPARTMENT.

550. *Maulvi Muhammad Abdul Ghani (on behalf of Maulana Zafar Ali Khan): (a) Will the Honourable Member for Communications please state whether it is a fact that compensatory allowances granted to the officials of the Posts and Telegraphs Department have been cut to such an extent as has given rise to acute hardship?

(b) Is it a fact that compensatory allowances were fixed several years ago after a very careful consideration by Government?

(c) If the replies to the preceding parts be in the affirmative, will Government kindly state the reasons for such drastic cut at the present moment?

(d) Do Government propose to reconsider the decision relating to compensatory allowances?

The Honourable Sir Thomas Stewart: (a) They have been revised after careful consideration but I am not aware that they have led to any acute hardship.

(b) Yes.

(c) Because circumstances have changed since these compensatory allowances were fixed several years ago.

(d) No.

Prof. N. G. Ranga: When were they revised and what is the approximate saving that Government expect to derive?

The Honourable Sir Thomas Stewart: If the Honourable Member wants details of these matters, I must ask for notice.

1160

LEGISLATIVE ASSEMBLY.

[20TH FEB. 1939.]

ENQUIRY INTO THE ADEQUACY OR OTHERWISE OF THE STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

551. *Maulvi Muhammad Abdul Ghani (on behalf of Maulana Zafar Ali Khan): (a) Will the Honourable Member for Communications please state whether it is a fact that Mr. Ghulam Muhammad, now Finance Officer, Communications, was asked in 1937 to investigate into the adequacy or otherwise of the staff of the office of the Director General of Posts and Telegraphs?

(b) If the reply to part (a) be in the affirmative, will Government kindly state whether it was within the scope of his investigation to recommend the formation of a separate cadre of Accountants in the Directorate as well as in Circles?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) The question of the formation of a separate cadre of accountants in the Directorate as well as in the Circles was the subject of a separate enquiry which was conducted by Mr. Ghulam Muhammed at the same time as the enquiry referred to in part (a) of the question.

EXPENDITURE IN THE PERSIAN GULF AND MUSCAT.

552. *Mr. Manu Subedar: (a) Will the Secretary for External Affairs please state the outcome of the negotiations with His Majesty's Government regarding the burden to the Indian exchequer in the Persian Gulf and Muscat?

(b) Has a representation been made to His Majesty's Government in respect of charges payable to Nepal?

(c) Are there any financial obligations incurred by Indian revenues through the new treaty between Muscat on the one side and the United Kingdom and India on the other?

Sir Aubrey Metcalfe: (a) and (b). The Honourable Member's attention is invited to the reply given to question No. 436 asked by Mr. C. N. Muthuranga Mudaliar in the present Session.

(c) No.

FORMATION OF ADVISORY COMMITTEES FOR BROADCASTING STATIONS.

553. *Mr. Manu Subedar: (a) Will the Honourable the Communications Member please state in connection with how many broadcasting stations there are Advisory Committees now formed?

(b) In each case where there is an Advisory Committee how many meetings of such Committees have been held since the 1st April, 1938?

(c) Are any fees paid to the members of the Advisory Committee?

(d) At what interval is there a re-appointment?

(e) Have Government got any principle or policy in making selections for these Committees?

The Honourable Sir Thomas Stewart: (a) The attention of the Honourable Member is invited to the reply given by me on the 10th February, 1939, to part (b) of Mr. Mohan Lal Saksena's starred question No. 297.

(b) No meeting of the Advisory Council at Delhi has been held since 1st April, 1938.

(c) No.

(d) No term of office was fixed for the non-official members of the Advisory Council at Delhi, but Government are now considering the question of reconstituting the Council on the basis of a more restricted membership. As regards the Advisory Committees, at the other centres, it is proposed to lay down that two members should retire every two years and make room for two others.

(e) Yes. The aim of Government has been to secure as far as possible suitable representation of education, Indian classical music, Indian light music, European music and the European side of the programmes generally, and a woman member to advise on matters of special interest to women and children.

Mr. Lalchand Navalrai: With regard to clause (d), may I know why no meeting of the Advisory Council has been called since 1st April, 1938?

The Honourable Sir Thomas Stewart: Presumably there was no work to put before them.

VALIDITY OF TICKETS BETWEEN BENARES CANTONMENT AND ALLAHABAD BOTH BY THE EAST INDIAN AND BENGAL AND NORTH WESTERN RAILWAYS.

554. *Mr. Sri Prakasa: (a) Will the Honourable Member for Railways state if it is a fact that railway tickets to and from stations between Barabanki and Cawnpore are valid by both the East Indian and the Bengal and North Western Railways regardless of the railway from which it was purchased?

(b) How has this system worked? Has there been any loss to any railway in consequence?

(c) Is it a fact that a similar system does not operate between Allahabad and Benares Cantonment, though both the stations are touched by both these railways?

(d) Have the fares by both the railways between Allahabad and Benares Cantonment been equalised?

(e) Are Government prepared to consider the desirability of recommending to the railways concerned to have a similar system between Benares Cantonment and Allahabad also?

The Honourable Sir Thomas Stewart: (a) Yes. The metre gauge link between Cawnpore and Burhwal is owned by the East Indian Railway, the Bengal and North Western Railway merely exercising running powers.

(b) No representations have been received that the system has not worked satisfactorily. The answer to the second part of the question is in the negative.

(c) Yes: but, in this case, the metre gauge link belongs to the Bengal and North Western Railway.

(d) Yes.

(e) I will convey the Honourable Member's suggestion to the Railway Administrations concerned.

FITTING OF A TELEPHONE IN THE RAILWAY ENQUIRY OFFICE AT BENARES CANTONMENT.

555. *Mr. Sri Prakasa: Will the Honourable Member for Railways state:

- (a) the number of enquiry offices the East Indian Railway has at its stations;
- (b) the number that are fitted with telephones;
- (c) the principle according to which some offices are and some are not fitted with telephones;
- (d) if the Benares Cantonment enquiry office is not so fitted; and
- (e) if Government are prepared to recommend to the East Indian Railway to fit the Benares Cantonment enquiry office also with a telephone?

The Honourable Sir Thomas Stewart: (a) and (b). I would refer the Honourable Member to the information given in paragraph 3 on page 105 of the East Indian Railway Time Table & Guide, October 1938, a copy of which is in the Library of the House.

- (c) Telephones are fitted where considered necessary.
- (d) Benares Cantonment is not so fitted.
- (e) I will convey the Honourable Member's suggestion to the East Indian Railway Administration.

INCONVENIENCES AT THE AJODHYA RAILWAY STATION.

556. *Mr. Sri Prakasa: Will the Honourable Member for Railways state:

- (a) if it is a fact that at the Ajodhya railway station on the East Indian Railway, the platform is much higher than the main railway station itself;
- (b) if there is one narrow flight of steps leading from the platform to the station hall below;
- (c) if Ajodhya is not a very busy place of pilgrimage visited by tens of thousands of pilgrims every year;
- (d) if Government are aware that passengers are greatly inconvenienced by the arrangements; and
- (e) if Government are considering the desirability of recommending to the Railway Administration to improve the railway station there?

The Honourable Sir Thomas Stewart: (a), (b) and (d). Government have no information.

(c) I am prepared to take the Honourable Member's word for it.

(e) The matter is within the discretion of the Railway Administration, and it can be brought to the notice of the General Manager, East Indian Railway, either direct or through the Local Advisory Committee. I will, however, send him a copy of this question and answer.

TREATY WITH MUSCAT.

556A. *Pandit Sri Krishna Dutta Paliwal: Will the Foreign Secretary be pleased to state:

- (a) if it is a fact that a new treaty of friendship, commerce, and navigation has been signed between His Majesty in respect of the United Kingdom and India and the Sultan of Muscat replacing the treaty of 1890; and
- (b) the terms of the treaty as regards India?

Sir Aubrey Metcalfe: (a) Yes—presumably the Honourable Member refers to the old Treaty of 1891.

(b) The Treaty has only recently been concluded and it is regretted that no spare copies are available at present. A copy will be laid on the table of the House in due course.

TREATY WITH MUSCAT.

556B. *Pandit Sri Krishna Dutta Paliwal: Will the Foreign Secretary be pleased to state:

- (a) whether the Government of India were consulted as regards the treaty with Muscat;
- (b) the commercial implications of this treaty to India;
- (c) whether Government intend to lay a copy of the treaty on the table; or
- (d) whether it is a secret treaty?

Sir Aubrey Metcalfe: (a) Yes.

(b) The Honourable Member is invited to study the Treaty, which will shortly be laid on the table of the House.

- (c) Yes.
- (d) No.

THE INSURANCE (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I present the report of the Select Committee on the Bill to amend the Insurance Act, 1938.

THE RAILWAY BUDGET—LIST OF DEMANDS.

SECOND STAGE.

Mr. President (The Honourable Sir Abdur Rahim): The House will now discuss the Demands for Grants. The Chair understands that the Parties have given a list of the cut motions which they wish to move. Has that been communicated to the Member of the Government?

The Honourable Sir Thomas Stewart (Member for Railways and Communications): I have had a list.

Mr. S. Satyamurti (Madras City: Non-Muhammadian Urban): May I request the Honourable Member then to move that Demand, so that I may move my cut motion?

DEMAND No. 1.—RAILWAY BOARD.

The Honourable Sir Thomas Stewart: Sir, I move:

"That a sum not exceeding Rs. 9,40,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of the 'Railway Board'."

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

"That a sum not exceeding Rs. 9,40,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of the 'Railway Board'."

Long-range Policy regarding Railway Finance.

Mr. S. Satyamurti: Sir, I beg to move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100"—(To censure the Government for their failure to evolve and follow a long-range policy regarding Railway finance).

Sir, I take it that my Honourable friend has full notice of the purposes of this motion. Perhaps this is the last Railway Budget which may come before this House, if the claims of the "astrologers" ever bear fruition but it is possible that Federation may not come and the Federal Railway Authority may not come. However, according to the sponsors of those schemes, if and when the Federal Railway Authority begins to function, the Railway Budget will not be before this House, and, therefore, this is the ultimate or penultimate opportunity for this House to lay down its policy and ask the Government to accept the same. Sir, we are often told with regard to the Railways in this country that they are a commercial concern, but the joke of the matter is that the Railways want to have the best of both the worlds. When it comes to the question of expenditure and the impatience of audit and other control, they are a commercial Department, but when it comes to the question of salaries and privileges of their servants they are all Government servants and they must get all the concessions of Government service.

Now, this question of railway finance has a long history. The idea of separation started with the Acworth Committee, who wanted that there should be a separation from general finances of railway finances, but the Acworth Committee made one definite recommendation—which I think ought to be remembered by this House in view of later developments. That Committee said that "the Railway organisation should not become an *imperium in imperio*." They said that "the Indian Government owns the Railways and, therefore, the Indian Government must control them". But later, theories have developed and the Wedgwood Committee have coolly said that we should become debenture-holders in Indian Railways, and Indian Railways ought to become an *imperium in imperio* and they should raise their own loans in the open market; and there is also the anomalous position that my Honourable friend for Railways becomes Finance Member for Railways, but he has no control over the salaries of his own servants.

✓ Sir, the other day he told us that the Home Member ought to be consulted with regard to that matter. Nor has he any responsibility for the general finances of the country. I want the House to consider that half the revenues of this country are in the hands of a gentleman who has no responsibility for the general finances of this country. The object of this separation, to which this House agreed in 1924, was that the Railways should have the benefit of a separate Budget altogether, but Sir Basil Blackett in that speech made it perfectly clear that the Railways had the benefit of Government credit and, in so far as they are not company-managed, they do not pay income-tax and very low rates and taxes to municipal authorities. Constantly—Honourable Members will find in speeches, in reports and elsewhere—a comparison is made between the Railways of this country and the Railways of other countries, and they pat themselves on their back and say that they are doing as well, if not better than other Railways, but I want to remind Honourable Members that the State Railways pay no income-tax whatever and they pay very low rates and taxes, and this as also the low labour wage bill in this country must be taken into consideration. Sir Basil Blackett in that speech also said that there is a sound reason for asking the Railways to pay something over and above their expenses and their interest charges, and the whole idea of the separation was that the Railways should make a regular yearly contribution towards the general revenues. That has not been done, except for the first few years when they paid forty-eight crores of rupees, and the first object of this convention was that there should be a stabilized railway revenue. I do not think that has been secured. "The Railways ought to be given an incentive to economise and to work on commercial lines"—They have not economised. They constantly say so. The other objectives—"and the provision of the right conditions for maintenance of continuity in Railway policy and enabling rates and fares to be reduced the moment the opportunity arises and facilities to be increased without cost to the taxpayer." I am quoting this from the speech of Sir Basil Blackett. Sir, all these objects have been unfulfilled. Moreover, this Assembly laid down, when it agreed to the convention that after three years the convention ought to be re-examined. It was never re-examined, and, till the 1934-35 accounts came before the Public Accounts Committee, the matter was completely lost sight of; and the convention laid down very deliberately that:

"This Assembly recommends to the Governor General in Council that in order to relieve the general budget from the violent fluctuations caused by the incorporation therein of the railway estimates, and to enable railways to carry out a continuous railway policy based on the necessity of making a definite return to general revenues, on the money expended by the State on railways:

- (1) The railway finances shall be separated from the general finances of the country and the general revenues shall receive a definite annual contribution from railways which shall be the first charge on the net receipts of railways."

Now, the facts of the case are that, for the first forty years after the Railways were opened in this country, the taxpayer paid to the Railways to the tune of fifty-eight crores of rupees. From 1898 to 1924 no doubt the Railways paid one hundred and three crores as profit, but since the separation they have paid only forty-two crores and they owe us now on the whole sixty-two crores and a half,—thirty-one and a half crores to the Depreciation Fund and thirty-one crores as arrears of contribution to general revenues. Therefore, the conditions which were sought to be created by ✓

[Mr. S. Satyamurti.]

the convention have not been fulfilled, and, taking the *pluses* and *minuses* together, I claim that the general taxpayer is entitled to get now one hundred and twenty crores and a half as arrears of contribution to the Depreciation Fund and to general revenues and as compensation for the earlier losses they have paid on the whole one hundred and forty-five crores ever since their beginning, but making allowances for the contributions since the calculation has been made, the *pluses* and *minuses* practically cancel themselves out.

Now, what is the policy of the Government with regard to railway finance? They now have come to this position that the Railways should be congratulated if they are able to pay their interest charges and if they do not ask the taxpayer to bear the interest charges. Whereas, the opinions of all relevant authorities—the Acworth Committee, the Assembly when it passed the Convention, Sir Basil Blackett, the then Finance Member, Sir P. R. Rau, the then Financial Commissioner for Railways, the Auditor General, the Public Accounts Committee and the Government of India—was that railways cannot be considered solvent, unless they pay over and above their depreciation and interest charges at least five crores of revenues a year either as a contribution to the general revenues of the country, or towards amortization of capital, or towards reduction of freights and fares and more amenities to passengers. None of these things has been done and the railways today, thanks to the Wedgwood Committee and thanks to the Government of India Act, 1935, are looking forward to the time when they will escape from the control of this Legislature and become an *imperium in imperio*. They can snap their fingers at us and say: “We cannot pay anything to the general exchequer. We do not want your money. If we want money, we will raise it in the open market”. That is a dangerous precipice towards which the railways are now heading. Sir, the Honourable Member for Railways was congratulated by almost every speaker on the “surplus budget”. I deny it. It is not a surplus budget but a bankrupt’s budget. The Railway Board have refused to pay their dues. They do not pay their income-tax or adequate rates and taxes, and they have repudiated their other liabilities. In this way, they have produced a surplus budget of two crores odd. I do not think any Member of this House, who has studied the railway finance, will accept the position that it is a surplus budget. Then, Sir, they constantly claim that their freight rates are very small as compared with the freights of other countries. I have not got the time to compare the rates, but I do put it to the House that there is an ample case for freights being reduced in this country in order to develop our internal trade and our industry and commerce, especially when we have got to compete with foreign goods from other countries, where they are subsidised in various forms by the Governments of those countries.

We, in the Public Accounts Committee, recommended in 1936 that an expert should be brought out in order to produce schemes which will give at least three crores of extra revenue to the railways, apart from any trade improvement or normal improvement in railway earnings. But a Committee came out, and they came to the conclusion that the railways should no longer be looked upon as a source of contribution to the general revenues, and they should be left merely to make both ends meet. The Wedgwood Committee only made one constructive recommendation that a sum in

of five crores should be provided from revenue for amortization of capital. This they considered to be a wise and prudent course and they also wanted a reserve of 50 crores. Before I say a word expressing my ideas on this reserve fund, I want to draw the attention of the House to this volume in which the Railway Board have summarised their conclusions on the Wedgwood Committee’s report at page 17. When they come to the crucial recommendation about finance, they come to this very inspiring conclusion:

“The railway reserve funds at the end of 1937-38 amounted, however, to only 19½ crores, and the need of the railway contribution to general revenues in present circumstances precludes any decision or action in regard to these matters or to amortization of capital at present, beyond the existing basis of the annual contribution to Depreciation Fund.”

The Railway Board are bankrupt not only in money, but also in ideas. A Committee comes and makes specific recommendations and the Railway Board come to this very inspiring conclusion that they can do nothing because they have got no money, and they will not pronounce anything one way or the other, on this recommendation till things improve. It seems to me that they have not faced this problem; and, in the Railway Board report which has been circulated to all the Honourable Members, the working expenditure has not been reduced at all, it has remained practically at the same figure.

If Honourable Members will turn to page 80, they will find that the working expenses in 1934-35 were 51.6 crores and in 1937-38 also about the same and the net traffic receipts have been reduced from six per cent to 4.2 per cent. It seems to me that the Railway Board cannot congratulate themselves on having produced any economies, although the Chief Commissioner and the Railway Member constantly say that their search for economy is “relentless”, so relentless that there is no result whatever. There is another matter to which I should like to draw the attention of the House that some railways have been continuously yielding losses to the Government. There was a loss of 26½ crores on the strategic railways of the North Western Railway; there was a loss of 17½ crores in the case of the Bengal Nagpur Railway; there was a loss of six crores in the case of the Assam Bengal Railway; the Eastern Bengal Railway met with a loss of 5½ crores and the Great Indian Peninsula Railway incurred a loss of 1½ crores. I want to know whether the Railway Board follow any line of discrimination with regard to the railways which are paying and those which are not paying. I only suggest to the Railway Board that they ought not to content themselves by hoping that they will somehow pay interest charges. They must accept and carry out certain definite recommendations of this House made from time to time. They must economise in works expenditure. I see that they are constructing wagons and carriages and are buying locomotives. The Wedgwood Committee said that wagons, carriages and locomotives in this country are not being used to the maximum limit, and they were not in favour of further manufacture until their use was maximised. Yet, the Railway Board have done very little in this direction, and they go on manufacturing fresh wagons and carriages. Then, they must have a graded cut on salaries above a certain limit. They must also revise their policy of stores purchase and also their policy or non-policy of the manufacture of locomotives. All these must be radically changed, with a view to improving the railway finance. They must amalgamate the railways in this country. I do not see why the

[Mr. S. Satyurmurti.]

✓ Madras and Southern Mahratta Railway and the South Indian Railway, the Eastern Bengal and the Bengal Nagpur Railway, and the Bombay, Baroda and Central India and the Great Indian Peninsula Railways cannot be amalgamated. They must acquire them from the companies and manage them themselves. They do not produce any measures of economy whatever, and they take no steps whatever in that direction.

But, coming back to the problem of finance with which I am mainly concerned, I want to ask the Government what is their policy with regard to the contribution to the Depreciation Fund. I am of opinion that it ought to be meant only for renewals and replacements. Is there any other country in the world in which railways pay so much towards the Depreciation Fund? You are only building up a reserve fund and calling it a Depreciation Fund. I am for only renewals and replacements from the Depreciation Fund. If you want anything more, bring up your facts and figures and tell us what your assets and liabilities thereon are. But, if you continue to operate upon the Depreciation Fund, as you are doing at present, no amount of reserve can ever meet it. I think we must have a definite policy towards the Depreciation Fund. This reserve fund of 30 crores or 50 crores is merely to postpone the payments to the general revenues, and to allow the Railway Board to be a kind of authority to itself. Moreover, I want to know the principle on which you want to build up these reserve funds. If you build up a huge reserve to cover lean years, as you call it, and in order to encourage the railways to pay interest charges, you at once put down all incentive to economy and retrenchment and the railways become a self-sufficient concern. They have got a reserve from which they can pay the interest charges, and, therefore, they need not make any progress whatever in the retrenchment of their services, or in other ways of increasing revenue and reducing expenditure.

Then, as regards the amortization, I want the House to notice one thing. The reduction of the capital of railways will not relieve the general taxpayer. India has got a national debt of 1,200 crores, of which 800 crores are attributable to the railways. Unless the capital is redeemed by payment, the mere reduction of capital will transfer the charges to the general budget. I am not in favour of that. I suggest, on the other hand, that the railways ought to pay five crores every year, and this sum ought to be funded for redemption of debts or to be used for the reduction of interest on further loans raised in this country. But, merely to repudiate debts as it has been suggested or "reduce your capital", is not going to be of any financial benefit to the country. Moreover, you must reduce your rates for goods and provide more amenities to passengers. I suggest that Government should evolve and follow a long-range financial policy; but, unfortunately, Sir, there is no brain behind the Railway Board. I am saying that with all respect and in no spirit of anger or resentment against any Member of the Railway Board. What happens is this. I believe the Railway Board is a commercial concern, but it gets rid of its most competent Financial Advisor, Sir Raghavendra Rau, the moment he is able to stand up to the Agents and advise them. They have some wretched Government rule fixing tenure for some posts, and out he goes. My Honourable friend, Mr. Staig, comes. I have great respect for him. He begins to learn and I think he is learning now at our expense and by the time he has finished learning, he will be sent to some other place. Have you heard of any Board of Directors who dismiss their Financial Adviser, the moment he becomes competent and

✓ yet the Railway Board goes on doing that? There is no calm consideration. I have seen four or five Railway Members on the Treasury Benches, during these four or five years I have been in the House. Who is the man who takes a long-range view and who studies the problem? Has anything been done? You do not think about it at all. I submit, Sir, the question of relation between railway and general finance ought to be settled once and for all. I think, Sir, this railway separation convention has done no service whatever, and it has grossly failed and must go, and must be replaced by another and sounder financial convention. As for the future, as far as I can see, it is very dark. With the Federal Railway Authority in the offing, which will have its own policy and which will be able to raise its own loans, if the Wedgwood Committee recommendations are to be accepted, it seems to me that, unless this House puts its foot down and compels the Government to adopt a long-range financial policy in regard to, firstly, the depreciation fund, secondly, the liability of interest charges being borne by them from their revenues year after year, thirdly, their being compelled to pay five crores a year towards the general revenues for any one of the three purposes I mentioned. And, last, but not least, unless we compel them to carry out a relentless policy of retrenchment, unless all these means are adopted, we shall be handing over to the Federal Railway Authority a bankrupt railway concern on which we have lost a lot of money and from which we shall get nothing. I merely want to finish on this note, that this question of railway corruption must also be dealt with. It is "bilateral" but it means loss to the railways and they must, therefore, deal with it.

This motion is intended to bring to the notice of the House and to the notice of the Government their want of thought in dealing with these problems, their want of policy and to express the desire of the whole House that Government must now accept and lay down a long-range financial policy, with regard to the future of railway finances. We have been wandering about in the dark with this burden on our back and it is time the railways were made to realise that they must pay their way and also pay something definite and every year to the general revenues. Sir, I move. ✓

✓ Mr. President (The Honourable Sir Abdur Rahim): ✓ Cut motion moved. ✓

✓ That the demand under the head 'Railway Board' be reduced by Rs. 100." ✓

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan, Rural): The Honourable the Mover of this motion has pointed out that the convention on which this budget is based has broken down. The object of that convention was based on the necessity of making a definite return to the general revenues on the money expended by the State on the railways. For the last seven years, this contribution has not been paid and neither in the speech of the Honourable the Railway Member nor in that of his lieutenant, in the other House, do I see even an expression of regret that railways have not been able to pay their due contribution to the general revenues. Both of them have more or less assumed that it is not an obligation at all, that it is more or less a matter of charity to pay this general contribution. But, Sir, this was the corner stone of the convention and the convention has broken down. Therefore, it logically follows that that convention is to be replaced by another convention, which will stand.

[Mr. K. Santhanam.]

the test of time and which will not break down just as the 1924 convention has broken down. Now, Sir, before we can define the scope of the next convention, it is necessary to know why this convention has broken down and what is the present state of railway finances. If we determine these two factors, it is possible to frame a better and wiser convention. It may be that depression came down upon us and, therefore, the convention could not be worked. It is no doubt partly true. I want to point out that in spite of the depression this convention could have been successfully worked out, but for the faulty policy of the Railway Board. Soon after the convention the Railway Board thought that they were like the younger sons of a Zamindar after partition and they embarked upon a rake's progress. I find from the Railway Board's Report for 1937-38, page 26:

"...the real expenditure during these 14 years is 171 crores since stores balances have been reduced by 12 crores in the period."

As a matter of fact it is only in the first eight years that capital increased by practically the entire amount. One hundred and seventy crores were spent between 1924-25 and 1931-32 and as a result of that interest charges have permanently increased by four or five crores. But for this enormous increase and the large expenditure on the capital programme, the Railways would have withstood the depression and, in spite of the depression, would have paid the usual one per cent. fixed for contribution to the general revenues. It is almost the incredible extravagance of the Railway Board which has brought about the break down of the convention. Therefore, the first element of the new convention should be that besides the Railway Board which will assume another name as the Statutory Railway Authority, there shall be a more effective check on expenditure, and without such a check it is quite likely that another period of extravagance might take place. From that aspect, I view with alarm this depreciation fund. It will be 30 crores at the end of this year. Of course, it has been built up by very careful scrutiny of the railway expenditure in recent years. I know, as a Member of the Railway Standing Finance Committee, that during the last three years capital and replacement expenditure has been cut down to the bone and in some instances I am afraid it has been even unwisely cut down. In some railways like the Bengal and North Western Railway the rolling stock are becoming so over-aged that they will have to embark upon a programme of heavy purchase of rolling stock with the consequent increase in prices and the other consequences. In other respects also the expenditure on track renewals and other replacements are not based on any long range policy. One year they spend eight crores, another year, they spend six crores, and yet in a third they spend ten crores and so on. As a result thereof, they have to employ superfluous staff because, if you require a certain amount of staff on track renewals for three crores, obviously you will have to increase the staff, if you increase the track renewals to six crores next year. If you have got a plan for the next ten years, you can spend regularly four or five crores on track renewals. Therefore, in every railway, you find that superfluous staff is maintained unnecessarily. I will give the House one instance. In the Assam Bengal Railway, for instance, there is a Superintending Engineer and an Assistant Engineer for construction. There has been no construction work for the last three years in the Assam Bengal Railway, but they have to keep their staff in the expectation that they will have to start work. Therefore, in this way, every railway has got sinecure posts and we have to pay for all

of them. I suggest that this increase in depreciation fund which will be over thirty crores at the end of 1939-40 is a matter which is to be viewed with alarm. If it is allowed to swell further, then it seems to me that the present economy campaign will stop and another set of officials will start another rake's progress and, therefore, there will be a permanent circle, as it were, of extravagance and economy which does no good to the railways.

The second point I should like to deal with is the present state of railway finances. No doubt the Honourable Member for Railways has said that we have got two crores surplus but out of that over a crore of rupees represents interest from the depreciation fund and, certainly, it is not real surplus. In fact, if the depreciation fund had been necessary and had been spent this money would not have been there. It is only as a sort of past savings that you have got this 125 lakhs. Another point to be noticed is that the railways have not been paying any interest on the amount due to the general revenues. If they had paid this interest of course this surplus would have vanished, and, therefore, it is not a satisfactory state of affairs. Then, we have to remember that the depression which started in 1931-32 spent itself out and slowly a recovery took place and 1937-38 was the peak year of recovery. We are again on the downward grade. From the figures of the last three years you find the expenses increasing and the revenue falling and the percentage of interest receipts falling also in the railways. Therefore, we are again in another downward grade. Probably this may not be so steep as the depression between 1929 and 1932, but, at the same time, we are in a period of depression and it is a matter of concern and alarm that the working expenses, though we are in a depression period, are not decreasing but are actually increasing. Again, Sir, it is no use saying that the railways, as a whole, had a surplus of two crores. As my Honourable Deputy Leader has pointed out, there are two big railways which have been under deficit budgets for all these 14 or 15 years, from 1924-25 to 1938-39; and the budget for 1939-40 also may be expected to be a deficit budget. It should be the policy of the Railway Board to see that every railway administration should be a commercial concern. We have already lost more than 17 crores on the Bengal Nagpur Railway. The company-management of State Railways is a curious management. If they lose, the State alone loses; if there is a gain the gain goes partly to them. Out of these losses not one pie will be met from the capital contributed by the companies; everything will have to be met from the capital contributed by the State. Therefore, the company-management system is a vicious thing. If there is a loss the companies are guaranteed; they get at least 3½ per cent. interest, and so they do not lose. It is only the Indian people who will lose. If there is a gain they will get a share of the profits. Is this a reasonable system? If there is a loss they must also bear it out of their own capital. But every company is guaranteed a certain percentage on its capital. Not only that; when the companies are handed over these losses will not be taken into account and the entire par value will have to be paid; if there are profits you will have to pay an increased share. For instance, in the South Bihar Railway we had to pay a little more than the nominal value of the shares because such were the terms of the contract. In fact somehow or other these contracts have been made most disadvantageously for the people of India and the sooner they are cancelled and all the railways taken over the better will it be for the people of India.

1172

LEGISLATIVE ASSEMBLY.

[20TH FEB. 1939.]

[Mr. K. Santhanam.]

Again, Sir, the Railway Member has not recognised the chief cause of the present fall in earnings. Goods earnings have more or less come to the 1924-25 level, but passenger earnings have gone down by over six crores. This has become more or less a permanent state of affairs. Partly of course this is due to motor competition but I do not think that it is wholly responsible. It is because the railways have not recognised the lower purchasing power of the Indian masses and have not recast their rates according to that fact.

Sir, I have made some calculations from the 1937-38 report. For a thousand passengers in the Third Class there are 20 passengers in the Inter Class, six passengers in the Second Class and one in the First Class. As against that see the number of seats which the railways have provided. For a thousand seats in the Third Class they have provided a hundred seats for the Inter Class, 60 seats for the Second Class and 30 seats for the First Class. For a thousand passengers in the Third Class only one passenger goes by the First Class; while for a thousand seats in the Third Class there are 30 seats in the First Class. Of course if you calculate the traffic charges, maintenance, etc., this 30 will have to be multiplied by five or six. I think if you calculate it according to the maintenance charges, it takes as much as half the cost of maintaining third class coaches to maintain First and Second Class coaches but the revenue is only one-tenth. Is this an economic proposition? I think this matter should be scientifically studied and the Railway Member should be able to tell us how much loss he is incurring on the maintenance of First, Second and Inter Class carriages which has to be met by the fares which he collects from the poor third class passengers. If he thinks that these losses cannot be made up he had better abolish these classes and have only one class in railways. Nowadays, First class passengers travel by cars for short distances and it is only for long distances that they use these First class carriages, and, therefore, all short distance traffic has been destroyed. Sir, it is a mistake to think that the buses have taken away more than the private cars. The reduction in First class passengers is from ten lakhs in 1924-25 to five lakhs in 1937-38 while in the Second class it is from ten million to four million. The Inter class is practically the same. Therefore, Inter class traffic has not declined. The third class has declined by 2½ per cent. On the other hand I think the number of seats and the number of coaches have been increasing. Every year we have been building; in fact whenever a railway programme comes before the Standing Finance Committee, in order to enable us to sanction Third class carriages they put in a combined coach, First, Second and Third class.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only two minutes more.

Mr. K. Santhanam: I am finishing, Sir. Therefore, I say that the main principles of the Convention should be, that the contribution to the general revenues should come even before depreciation and should not be postponed or thought as an act of grace or charity but should be a first charge on the revenues. Secondly, every railway administration should be treated as an individual commercial concern. Not only should the whole thing not be combined together and made one business and all the losses pooled, but if a railway administration does not pay its way there should be a reduction

in salaries for that concern. In fact I do not see why the staff of a railway should not share in the prosperity and adversity of each railway. I do not even mind giving a bonus to the staff of those railways which yield profits; on the other hand there should be an automatic cut on railways which make losses. The administration should feel that they have to make it a paying concern, that they are a commercial concern and that the staff of a railway, like the Bengal Nagpur Railway which makes losses, should not automatically compare itself with the staff of the East Indian Railway and complain of less pay. In fact every railway servant should feel that unless he makes it paying he will suffer. So long as there is no connection of that kind between the losses of the railways and the losses to the staff, these continuing deficits on the Bengal Nagpur and the Assam Bengal Railways will continue.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. K. Santhanam: I will finish in one sentence.

Lastly, Sir, all the excess over 30 crores of the depreciation fund should go towards reduction of capital, and I think an absolute limit of 30 crores should be put to the depreciation fund so that in future the railway administration may not embark on a rake's progress. Sir, I whole-heartedly support this motion.

Mr. T. Chapman-Mortimer (Bengal: European): Sir, my Honourable friend, who moved this motion, has asked this House to condemn Government for their failure to evolve and follow a long-range policy in regard to railway finance. As I listened to my Honourable friend, Mr. Satyamurti, I could not but reflect how right was that criticism of this budget which I saw in more than one newspaper, namely, that it was a colourless railway budget; in other words, that all the railways had done jolly well, because if they had not done well, we may take it as pretty certain that the budget would not have been colourless and would have been colourful. As I listened to my Honourable friend, as I say, I felt more strongly every moment how right this was. I did not hear from him one single real charge against the railway financial administration in recent years. He confined himself largely in the beginning and spoke about it very well—he explained how very wrong this separation agreement was and how unfairly it worked. We on these benches and also people in other parts of the House have condemned this railway convention before. But it does not seem to me a reason for condemning Government on this occasion.

In the first place, I would remind this House that when one of our Members spoke in September or October, 1937, on the motion for postponing railway debts, giving them a moratorium for four years, the Government spokesman, my Honourable friend, the Finance Member, indicated that he quite agreed that the time would come when the whole question of the separation agreement would have to be re-examined. In these circumstances, it does not seem to me that this is an occasion to condemn Government on that ground. Also I failed to find anything in the speech of my Honourable friend, the Mover of this motion, in which he really distinguished as to what he meant exactly by policy, especially a long range policy. It seems to me that one can analyse policy into a

[Mr. T. Chapman-Mortimer.]

number of different things: policy, pure and simple which would include such very general matters as the separation of railway from general finance—that is one thing. Another is the general attitude of Government towards railways as laid down under the Government of India Act; and there, I think, we come to the chief burden of my friend's charge. He spent a great deal of time in talking about what he called the creation of an *imperium in imperio*. He said a great many things which I found extraordinarily difficult to appreciate at all. In the first place, it indicated very clearly that either he had not understood what is proposed in the Government of India Act in regard to railways or, if he had understood it, that he was certainly not giving that interpretation on this occasion. (Interruption.) He complained that it had been taken out of the responsibility of this House and the responsibility of the Government. He said so very definitely: if he did not, I stand corrected, and I will withdraw: but he did say so—that we had created an *imperium in imperio*. Those were his words.

As I understand the Government of India Act, it is quite clearly laid down that the Government of India and the Legislature will continue to be, as they are now, responsible for the general policy of the railways. There is no possible argument about that; and yet I was very surprised to hear my Honourable friend, the Mover of this motion, giving a different interpretation. What the Act does say is that for the ordinary administration,—day to day routine and detail,—the railways will have created for their management a new railway authority. But that railway authority itself will be under the Government of India . . .

An Honourable Member: Will there be a budget debate?

Mr. T. Chapman-Mortimer: My Honourable friend, the Railway Member, will doubtless deal with that point when he rises to speak.

Then, it is said that we have proof of this—Mr. Satyamurti's interpretation—in the Wedgwood Committee's Report. My Honourable friend said that the Wedgwood Committee had recommended that the Government should simply be in the position of debenture holders and the railways would not be expected to do more than meet their interest charges. That is perfectly true; and if he had condemned the Wedgwood Report for saying that, I should have agreed with him; but when I seek what the Government have done about the Wedgwood Committee's report, I find that *they* have not done anything of the kind: they have not accepted this recommendation, and, I am perfectly certain my Honourable friend, the Finance Member, speaking for his Department, would not accept it: nor would Government as a whole, I feel sure, accept the position recommended by the Wedgwood Committee whereby the railways would cease to contribute anything in any circumstances to general revenues. In the first place, under the whole scheme of the Government of India Act, and under the Order in Council which gave effect to the recommendations of Sir Otto Niemeyer, it is clearly laid down that the provinces can only share in the income-tax in circumstances in which income-tax revenues *plus* railway contribution will equal an amount of more than 18 crores. If that is so, surely that is the policy of the Government and in so far as my Honourable friend is speaking of policy in that sense, it seems to me that it is extremely unfair and not correct to charge the Government with having failed in their duty. He also said that the railways were

being put in a privileged position in regard to such matters as non-payment of income-tax and payment of absurdly low amounts of local rates and taxes. We all know why that provision was made: it was made because if you submit the Federal Railway Authority to income-tax, then they would not be able to make their contribution under the ordinary scheme whereby they would contribute to Central Revenues: Yet that would be one of the means whereby the Government would control railway policy and railway finance. It seems to me, therefore, illogical to say that because a provision has been made which is going to enable the Government more effectively to control railway finance, they are doing something which is tantamount to an evasion of that responsibility. The mover further went on to argue a good deal from what Sir Basil Blackett had said in regard to railway contributions, and so on. As far as I know, the Government of India today adopt the same view as the Government of India of Sir Basil Blackett's time, namely, that the railways should contribute, as far as possible, to Central Revenues. We, therefore, come to this question of the separation convention.

I do not propose to take up the time of the House on this occasion by repeating what I said on behalf of the European Group in October, 1937. Suffice it to say that at that time when we agreed to the moratorium for which the Government had asked the sanction of this House, we made it perfectly clear that in doing so we reserved our right to criticise in the future this whole question of the revision of the separation agreement when it again came up before the House. The moratorium itself will come to an end next year, and it is clear, therefore, that the time is fast approaching when the Government and, later on, this House will have to consider this very question. Are we going to go on with the old arrangement of 1924, or are we going to consider and consent to a new arrangement which will operate more fairly from the railway point of view? We all know that under the working of the old scheme, in good years the railways were inevitably forced to spend rather more than they might have done if they had not realised that failure to spend in good years meant that they would still get nothing in bad years. It is, therefore, necessary that in any agreement which is to take the place of the old agreement, provision should be made to enable railways to spread their expenditure over a number of years, if that is the desirable thing to do; enable them also to make their contribution as far as possible in bad years as well as in good years. The exact nature of the scheme which will be necessary to give effect to such a policy is not one which I propose to raise at this stage. But, I would, Sir, say this, that I think we are all in agreement with what the Government say at page 17 of their statement showing the action taken on the recommendations of the Indian Railway Enquiry Committee's Report. When I say agreement, I mean, of course, general agreement,—the actual detail is not given here, and naturally this House would reserve its right to criticise that detail as and when the time comes,—but I think we all are in agreement that the railways, in addition to having an adequate depreciation fund, should also have an adequate reserve fund which would take the place of what would be called company management an equalisation of dividend reserve. That is to say, in a bad year the railways will, we hope, in future still be able to contribute something to the Central Revenues by drawing on some reserve or other. If that is not possible, it is going to have a very serious effect, not merely on the Central Revenues, but also on the Provincial Revenues

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Oh, Oh.

Mr. T. Chapman-Mortimer: It is no good my friend saying Oh, Oh,—whether he thinks it is a fact or not, it does not matter . . .

Prof. N. G. Ranga: It is not.

Mr. S. Satyamurti: Only for the next two years . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got only two minutes more, and he ought to be allowed to continue without interruptions.

Mr. T. Chapman-Mortimer: It was further argued by those who spoke in support of this motion that Government should be condemned because they had not provided that the railways should reduce their rates in certain circumstances and so encourage industry. The same Honourable Member who made that suggestion also said that the railways must be compelled to produce substantial contributions each year to the Central Revenues. Well, it seems to me, you cannot have your cake and eat it too. You cannot, on the one hand, ask the railways to reduce the rates, and then expect them to fork out year after year from the only certain revenue which cannot be increased beyond present levels without doing serious harm to the industries concerned, and presumably my friend does not desire to discourage some of the industries, however much he may want to encourage others. It was, however, suggested by my friend, Mr. Satyamurti, that the railways should be strongly condemned and that, therefore, the Government should be condemned because they had failed to carry out one of the recommendations of the Wedgwood Committee,—the recommendation in question being the one in which it had been suggested that the wagon supply was already more than adequate and no further wagons need be constructed. I would remind my friend that it was only about 15 or 18 months ago that there was a serious shortage of wagons,—so serious that Government had very great difficulty in fulfilling the needs of the ordinary requirements of trade.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. T. Chapman-Mortimer: Sir, I oppose the motion.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I followed the speech of the Honourable Member with some interest, and I agree with him in some of the points he made, but certainly I do not agree with the wordings of the motion: I first take the points on which I do not entirely agree with the speaker. I had always been in favour of State-management,—I delivered a number of speeches from 1930 up to 1938 in favour of State-management, but as I pointed out in the course of my observations on the general discussion, the position has now changed. The State is not the same State as we

understood it then. In future, the administration will be in the hands of a company consisting of seven Directors, and no shareholders: I was reminded that there is no shareholder and the only shareholder will be the Governor General at his discretion, because it is he

The Honourable Sir James Grigg (Finance Member): He is a debenture holder, and not a shareholder.

Dr. Sir Ziauddin Ahmad: He has the power to appoint Directors. Sir, the time has now arrived when we should cry halt to this policy and we should not acquire any more Railways until we have seen the working of this new railway authority

Prof. N. G. Ranga: Till we abolish it.

Dr. Sir Ziauddin Ahmad: Then the second point I want to refer is the question of the convention of 1924. The Honourable the Mover pointed out, and I agree with him, that there is a provision in sub-clause (8) in that convention that this arrangement shall be subject to periodical revision, but it should be provisionally tried for at least three years. This is really a part of the Resolution. It is certainly open to any Honourable Member of this House to move a Resolution if they are not satisfied with the continuance of that convention. In fact, I myself thought that the time had not come to change that convention, and, therefore, I did not bring forward another motion to that effect. My friend, Mr. Satyamurti, can move either in this or in the next Session a Resolution asking the Government to substitute another convention for the convention of 1924, and, therefore, in this case, the blame does not rest entirely in the Government.

Mr. S. Satyamurti: Government must bring it up.

Dr. Sir Ziauddin Ahmad: You and I can move a Resolution; nobody can stop us from doing it.

Then, as regards the other point raised regarding the contributions to be made by the Railways to general revenues. We are not badly treated. From the year 1858 till 1900, the Government of India paid out of the general revenues 51½ million pounds, the balance by which the income fell short of guaranteed profit. The Government however recovered 44·7 million pounds during the next 19 years, and, therefore, at the time they acquired the Railways, they still had to receive a sum of 5½ million pounds, that is about 7½ crores but we find that after the separation of Railway Finance the Railways had been paying something to the general revenues, and during these years they had paid 48½ crores to the general revenues which was more than the debt which was due by the Railways to the central revenues. In addition, they have paid the bill of the general revenues with reference to strategic lines to the tune of 32 crores. So, altogether, they had paid about 80 crores to the general revenues since 1924, and, therefore, we cannot say we are badly placed.

As regards non-payment, they do not say they are not going to pay the contribution; they acknowledge their obligation, and at page 3 of this explanatory memorandum, they have clearly shown that they have to

[Dr. Sir Ziauddin Ahmad.]

pay 35.2 crores which they could not pay during the last few years. So the Railway authority are not going to wash their hands off this responsibility. They acknowledge their obligation and they agree to pay whatever is left over and I think they will honour these obligations imposed on them by the convention of 1924 till the convention is changed.

Now, with regard to the depreciation fund, this is a point which I have been raising year after year, and I laid very great stress in my speech on the general discussion that we are putting too much into the account of the depreciation fund. Following the example of other countries in this matter, you can take as much for renewals, replacements and other things as the necessities demand, but do not go on building up a depreciation fund for an unlimited time and to an unlimited amount. I think Government should seriously consider this matter, and my request to Government is that they should follow the practice of other countries of the world. You cannot say that all other countries are fools and we alone are wise people, and I think you will be able to save at least four crores every year if we change this practice of putting too much in the depreciation fund. All this amount will be practically available for general revenues and for the payment of all other obligations. I entirely endorse the point which was made by an Honourable Member that it is time that Government changed their policy of putting in huge sums in the depreciation fund.

Again, the question of amalgamation is also one which we ought to consider very carefully. As regards the question of State *versus* company management, I have already expressed my opinion, but as regards amalgamation of lines managed by the same authority the position is different, and I think there was a time when we suggested that the East Indian Railway and the Eastern Bengal Railway should be combined and that similar combinations should be made among other Railways. The Honourable Sir Muhammad Zafrullah Khan, when he was the Member for Railways, brought out some kind of tentative schemes and suggested various possibilities, but the Government had not come to any definite conclusion. This is a scheme which we ought to start now before the new Federal Railway Authority comes into existence. If we cannot do it, it will be made difficult for the Authority to take up this particular question. Mr. Santhanam raised the question about first class passengers. This is also a question which requires consideration. I said on one occasion that the railway company will gain if they tell first class passengers, please take first class fare from us and travel free in the third class. If they adopt this policy the railway will gain and the solution which was suggested—and I know that at one time it was seriously considered by the management of the Great Indian Peninsula Railway that instead of four classes there should be two classes, and those who want to travel first class can reserve the whole of the coupe and pay double second class fare. I think the point raised by Mr. Santhanam is a sound point and that must be considered. The point which I should like to emphasise very much is that the Government and the railway administration should put the whole system on a sound basis before handing it over to the new Railway Authority. This is a point with which I am quite confident that even the Railway Member would be in agreement, because, after all, if we could not do it, we cannot expect the new Railway Authority to be able to do it. So, we ought to settle definitely

these points before the new authority comes into existence. First, we should decide once for all what contribution the railways should and ought to make to the railway revenues. The second is, that we should settle definitely before handing over the railways to the new authority, whether there will be any reduction in debt. If there is a reduction of debt it really means a gift by the general taxpayer to the railway administration. This is a point in which we are vitally interested. Thirdly, we should consider the policy of the depreciation fund. Why not follow the practice of other countries? Why take the whole odium on yourself of starting a new policy in the matter, which does not exist anywhere else and sink four crores for nothing? Again, we ought to have equalisation fund. That is a thing with which nobody will disagree. It is a reasonable proposal and it was also recommended by the Wedgwood Committee—that 60 crores should be set aside for this equalisation fund. So, if we only pay back our obligation to the depreciation fund, that is to say, the 30 crores we have borrowed, then the equalisation fund 60 crores will be built up. Our obligations at present are that we pay the debt to the general revenues to the extent of 35.2 crores, and the debt to depreciation fund amounting to about 30 crores. After paying those debts the general revenue will have nothing to complain of. The depreciation fund will be changed into an equalisation fund which will be to its credit 61 crores.

The next point is the one relating to borrowing. The question of borrowing should not be left to the new authority; it should be the privilege of the Government of India alone who are really the owners of these railways. The Government of India alone should be authorised to borrow and not the new railway authority. Then, we ought to see that the railways are able to help industry and trade, because, after all, the object of these railways is not only to get more money, but also to help business. In this connection a question was raised about the reduction of rates and fares. But as this question will be raised substantially on one of the cut motions, I do not want to discuss it now in detail, but I can say this, that it does not always follow that increase income by diminishing the rates. The proposition and its reverse are not universally true. By diminishing the rates we sometimes increase the income; sometimes by diminishing the rates we diminish the income. Therefore, the question of raising or diminishing the rates is one that should be determined on the merit of each case and not as a general policy.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Dr. Sir Ziauddin Ahmad: I just remember my school days when, whenever the invigilator said, two minutes more I used to get nervous for the rest of the time.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member himself was a party to this arrangement.

Dr. Sir Ziauddin Ahmad: Not to be reminded two minutes earlier. I would rather continue and be stopped abruptly in the middle of the sentence than being told, only two minutes more, and remain nervous for the rest of the time.

Mr. President (The Honourable Sir Abdur Rahim): The Chair said two minutes more in order to give the Honourable Member time to finish his sentence.

Dr. Sir Ziauddin Ahmad: So, the important issue is the necessity of placing the finances of the railways on a sound basis with respect to the points which I have just mentioned. These are very important points and nobody can deny that the necessity exists of placing the finances of the railways on a really sound basis . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Dr. Sir Ziauddin Ahmad: I resume my seat, but I may state that, unfortunately, I do not quite agree with the form in which the motion is put down although I agree with some of the points raised by the Mover.

Mr. B. Das (Orissa Division: Non-Muhammadan): I was rather a little pained when I heard my Honourable friend, Mr. Champan-Mortimer. He seems to have forgotten the warning which his Leader, Sir Leslie Hudson, gave on the floor of the House about the mismanagement of the Indian railway finances. My Honourable friend quoted from his speech of 1937. I could do the same and tell him that on the same occasion or on another occasion I reminded my Honourable friends of the European Group that the present muddle of the railway finances was due to the appeal of the Bengal Chamber of Commerce to the Government in 1921 that they should have extravagant capital expenditure over which 150 crores were merrily spent after the Acworth Committee had reported and after the separation of Railway Finance from General Finance. An apology came when eight crores of that capital were written down on the plea of stabilisation of exchange at 1-6d. My Deputy Leader, Mr. Satyamurti, has done well to point out the lines on which the Government must investigate if they want to have a solvent railway concern. It is no use raking up the past. My Honourable friend, Sir Ziauddin Ahmad, was an ardent supporter of the Federal Railway Authority in London and also here, but today he has advocated a different policy. I find today that Dr. Sir Ziauddin Ahmad and I are at one in our suspicion of the Federal Railway Authority.

Dr. Sir Ziauddin Ahmad: I was always in favour of the Federal Railway Authority provided it is responsible to the Indian Legislature.

Mr. B. Das: Unfortunately, this does not find place in the report which was produced in London and which is incorporated in the Government of India Act. I am glad that two of the gentlemen (Sir Ziauddin and Sir Yamin Khan) who signed that report are now of opinion that we must compel the Government, if at all the Federal Railway Authority comes, to give the House supreme control over it and not only foot the bill when the Railways are incurring losses and that the Assembly must not pay quietly and blindly such losses without discussing the policy and the administration of the railways.

Sir Muhammad Yamin Khan (Agra Division: Non-Muhammadan Rural): On a point of explanation. What I said was that the Government is not going to adopt the report of the Committee which met in London and that if they accept the unanimous recommendations of the committee, then it will be a different thing altogether.

Mr. B. Das: I leave the Federal Railway Authority at that! The criticism that we are levelling today is that the Railway Board and the Railway Department should mend their manners and reduce extravagant expenditure. Since the days of restoration of salary cuts, the warnings of the Railway Retrenchment Committee were forgotten, reduction of expenditure was not followed up and old extravagance again became the practice. Since the Government of India Act was passed, there has been a tendency on the part of the General Managers including the bosses of the Railway Board to run into extravagance, knowing fully well that the Legislature will have no control over them in future and somehow the money will be found. Then there was that spirit of opposition and hostility that they should not contribute anything to the general revenues, over which my Honourable friend, Mr. Chapman-Mortimer, was pleading so much, until Sir James Grigg's bludgeon came on the Railway Board and they had to show a little surplus.

I always raised this question in the Public Accounts Committee and I raise it again. In the Explanatory Memorandum, pages 40 to 41, where the profit and loss of the different railways are given, it is shown that some of the railways, particularly the Eastern Bengal Railway, the Assam Bengal Railway, the Bengal Nagpur Railway, the Madras and Southern Mahratta Railway and the South Indian Railway are all running at a loss for the last so many years. What special measures has the Financial Commissioner applied to these railways, so that their extravagance will stop? I will take the instance of the Bengal Nagpur Railway in which I frequently travel, unless I come to this part of the country. Somehow, I find the working expenses of that railway are going up. Is there no halt? If the receipts are not going up, why should there be an abnormal increase in the expenditure of that railway? Being company-managed railways, I know they are extravagant and they don't obey the behests of the Railway Board. The other day my friend, Pandit Nilakantha Das, pointed out that they do not carry out the accepted policy of the Railway Board as regards purchase of stores and they defy the Railway Board and the Government of India, because they are company-managed.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. B. Das: Sir, before the recess I was discussing how expenditure on the company-managed Railways is mounting up and the Railway Board are incapable of exercising any control over the General Managers and as to how they can reduce expenditure on them. I cited the case of four Railways which are the most mismanaged Railways and which have done very little in spite of the criticism levelled at them on the floor of this House and in the Public Accounts Committees. Sir, I may point out that in the case of the railway administration that they almost agree with the criticism regarding financial control and accounting control that are levelled by the Members of the House or in the Public Accounts Committee. Unfortunately, there is something in the policy of administration which the House do not understand why the Railway Board cannot

[Mr. B. Das.]

apply a stricter control over the management of these inefficient Railways. Sir, I am sure that if the Financial Commissioner can compel the company-managed Railways—one or two or three which I have cited to purchase through the Indian Stores Department or the London Stores Department, and if they can regulate their purchases, then there will be lots of saving, but that has never been done. Probably, out of racial considerations or it may be other considerations which we do not know of, the company-managed Railways are permitted liberties which they should not be given. Sir, already reference has been made to the point and I think that if there is a co-ordinated policy regarding the manufacture of railway appliances and railway locomotives in India,—not on the lines as the Wedgwood Committee suggested but on lines suggested by the Raven Committee and others, there will be a saving and there will be more employment in this country. Probably then the Railways may not make adequate profits, but the indirect return to the Finance Member through the larger circulation of money and the larger employment in the country is a problem which the Railways have never tackled nor do they want to tackle it because their policy is to remove the Railways from the control of this Legislature. Sir, amalgamation is a problem which has been already referred to by my Honourable friend, Mr. Satyamurti, and that ought to be done. There will be a saving in the salaries of Agents and Deputy Agents, the different Commercial Managers, Traffic Managers, etc., but that will never be done as long as the railway bosses go on exploiting Indian resources and go on providing employment for unemployed Europeans at home, and that phase is a permanent feature on the company railways. Sir, it is true that my Honourable friend, Sir Thomas Stewart, will not think of Railways again after this Budget is over and he so thinks complacently that the budget is a surplus budget but he knows how that surplus has been secured: the low rate of interest is not due to any effort of himself or his subordinates, the members of the Railway Board; it is an accidental circumstance,—the flight of three hundred crores of rupees of gold from India has stabilised finance and has brought low rates of interest for which neither his colleague, Sir James Grigg, can take the credit nor in the least he himself or the Railway Board. Sir, what is it that we want? We want, not today only but for the last few years we have wanted it, that the Railways should have a definite policy, a policy by which this so-called national concern of India, these national assets, should be run on completely national lines and it should be run on sound financial and economic principles, and this House must lay down that policy by which the Railways are to be administered. A few minutes ago we heard the two gallant Knights from the United Provinces saying that the Federal Railway Authority incorporated in the

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has got two minutes more.

Mr. B. Das: Government of India Act is not what they designed in the dark dingy rooms of the India Office in London. That might be so. Unfortunately, the House has never raised a debate on the constitution of the Federal Railway Authority as incorporated in the Government of India Act, nor can this Government be made to bring out that Bill which was promised to be brought out on the floor of this House.

Probably it is due to the presence of the solid phalanx of opposition that we are here today. My friend, Mr. Satyamurti, does not want to tinker, as my Honourable friend, Mr. Chapman-Mortimer, suggested; the policy must be laid down by this House and then Sir Thomas Stewart's railway bosses can tinker with it. Even the General Managers are trying to just repudiate the control that my Honourable friend, Mr. Staig, has. I think some of them already have done so, for example, the two Railways, the Great Indian Peninsula and the North Western Railways, but the railway bosses do not want to have a financial adviser because the financial adviser wants them to spend money according to stricter financial principles. That stricter financial policy has never been applied in the control of railway expenditure. That is my experience during the last fifteen years.

Honourable Members: The question may now be put.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I rise to support the motion which has been moved by my Honourable friend, the Deputy Leader of the Congress Party. The motion does not raise any specific point, but it raises the entire policy pertaining to finance of the Railway Department and demands that the policy, hitherto pursued and characterised by him as shortsighted, should be abandoned. The issue raised is the necessity of pursuing a long-range policy.

Sir, in the course of the discussion of this motion, it was but natural that the main anchor-sheet of the railway policy, viz., the separation convention, should come under discussion. It has been stated, I believe rightly, that the separation convention has, through inexperience, broken down. I do not know whether the break-down of the separation convention was due to defects inherent in the convention itself or was due to some other influences which have come to bear upon it. I was one of those who were Members of this House when this convention was passed by this House, and I am very glad to find my Honourable friend, the Leader of the Muslim League Party, who is here today, is also one of those who took a very prominent part in bringing about this convention at that time and in insisting upon some of the conditions which are really of a very salutary nature. In fact, one condition in that convention, which proved a source of temptation to us to accede to the question of separation at that time, was a promise or a kind of guarantee implied in that convention of securing a certain definite contribution to the general revenues on a fixed principle. It was stated in defence of that separation convention even by the Government that the entire appropriation of revenues towards the general budget and its ups and downs in the expenditure make it a fluctuating and a disturbing factor altogether in the railway finance. Therefore, it is something better that a definite guaranteed income accrues to the general revenues, so that we can rely upon that as a possible source of income to the general revenues, and there is no serious disturbance in that method on account of the railway revenues. The convention in that way worked on for some years all right. We used to get some contribution, sometimes five crores and sometimes a little less than that. But, during the last seven years, as you all know, we are deprived of our share. Not only that, last year we passed a Resolution which amounts, in my opinion, not merely to a declaration of the moratorium but probably a prelude to the repudiation of all the debts arising on account of the provincial contributions and the Depreciation Fund.

Sir Abdul Halim Ghusnavi (*Dacca cum Mymensingh: Muhammadan Rural*): That Resolution was passed by this very House.

Mr. M. S. Aney: This House was made a party to it later on. The House agrees to everything that ultimately becomes a matter of necessity. It was not that the House gave its consent very willingly to part with 32 crores of rupees which was in arrears, but it found that there was no use asking for a thing from a Government which declares itself insolvent.

Now, I want to say this that calculations have been made on a very careful accounting of the railway budgets for a number of years from the beginning of the railway system to the year 1924. All those items have been several times summed up and several times calculations were made, and ratios and figures were based upon these calculations. How is it that these calculations and estimates which were made then have suddenly been found to be entirely incorrect after having worked the scheme for a few years? That is a question which really requires to be answered. There was one thing in that convention itself which will show that those who subscribed to that convention felt that, after all, we are all human beings liable to err and can only make calculations in a human way on the understanding that certain conditions will continue to exist for some time to come. Therefore a provision was made in that convention that at the end of three years, if necessary, it should be revised. It was not compulsory. Provisionally, the arrangement was accepted for three years meaning thereby that it was open to the Government as well as to anybody else to open the question here for revision. My Honourable friend, Mr. Satyamurti, is right when he says that no attempt was made to seriously revise the convention either at the end of three years or at any subsequent period at all. The matter drifted on. Ultimately, to our discomfiture, we find that we have to record an opinion today that the convention has broken down. The position has come to this. Some of the reasons which occur to me as important in this connection are these. When this convention was passed, one of the grounds which was urged in its support was that it would enable the railway authorities, after making this little contribution to the Government revenues, to think out of broad plans of railway construction and railway improvement which will extend over a number of years and so on. That was one of the idea in their mind, because they could then think of distributing their surplus and income over expenditure for a number of years for useful work. Therefore, they immediately took up the plans of railway construction and railway improvement in many ways. You will find that from the year 1924-25 down to a number of years there used to be a constructive programme involving a capital expenditure of something like 30 crores of rupees. For a number of years, it went on. I do not blame the railway authorities simply for that, because, let it be said to their credit, that every bit of the new constructive programme or new improvement which they wanted to make in regard to the permanent way and other things used to be put up before the Railway Standing Finance Committee for sanction.

The Honourable Sir James Grigg: Hear, hear,—and also before this House.

Mr. M. S. Aney: And this House was ultimately called upon to give its vote, because it was supposed to have been very seriously considered by the members of the Railway Standing Finance Committee and also

by the experts on whose advice the railway authorities had to act in these matters. That is the point which I want to bring to the notice of this House. Schemes of railway construction were placed before us: schemes of station buildings were placed before us: schemes of improvement of permanent ways were placed before us involving crores of rupees. It was not a question of a few lakhs here and there, because in those days a crore or two crores was considered to be a matter of no consequence at all. Considering the scope of the railway budget, the sum of a crore was considered by us to be a paltry sum. It used to be mentioned seriously that this particular project was bound to give us a yield of seven per cent. on the capital sunk. We were not responsible for making those estimates, nor was my Honourable friend, the Finance Member, who is likely to leave us very soon and whom we will miss here very much for more reasons than one. He will recognise the fact that as regards these estimates it is not possible for lay Members of the House to say whether the estimates prepared by the experts as regards expenditure on a particular line are all right or not. There, we have to go on the word of the experts.

The Honourable Sir James Grigg: May I ask the Honourable Member whether he can say from his recollection whether, in the case of the scheme regarding the Bombay station which was put up before the Railway Standing Finance Committee, it was said that it would yield an income of seven per cent?

Mr. M. S. Aney: Probably my Honourable friend is not aware that there was a good deal of correspondence going on over that matter, and I myself put up a very long note. Ultimately, the matter was postponed twice or thrice, and, later on, the expenditure was reduced and ultimately it was sanctioned. Even then we found that we had committed a mistake. However, I am not talking now of those minor details. My point is this.

The Honourable Sir James Grigg: It is a matter of a crore and a half.

Mr. M. S. Aney: Even for a small station near Trichinopoly, called Erode, a scheme of something like a crore of 75 lakhs of rupees was placed before us, and there was a regular inquiry held and the members of the Standing Finance Committee were taken by a special train to investigate that problem. I protested about it in the Committee. I then said that we were as good to examine the scheme here as we would be at Erode. I could not see that any knowledge was likely to be added to our brains, because we travelled by a special train. We are not individually competent to examine the Station Master and other gentlemen there upon the various technical aspects of the scheme for which expenditure was provided there. Anyhow, some of us thought that it would be better to have a local inspection, and so we went there. My point is this. Big schemes were placed before us and a promise was held out that they were likely to yield something like six per cent.

The Honourable Sir James Grigg: Is that true about the Erode station? Did the Railway Board put up to you the contention that it would yield seven per cent.?

Mr. M. S. Aney: I do not know whether they gave us seven per cent., but I am talking now of the general schemes put up before us.

My point is this. We now find that the schemes are now actually in work, and the capital invested is not yielding any profit at all. The point is, who is to blame? In a way, technically, all those who took part in that must share the blame. But my specific request to the Railway Member is this. That he should not remain satisfied with the mere fact that the technical responsibility is likely to be shared by everybody. He must try to find out what sort of men he has got in the so-called expert department on whose advice he is to act and on whose advice he is to call upon Members of this House now and then to pass schemes involving enormous expenditure. The piling up of crores and crores of capital debt is adding to our annual liability in the form of interest also. Whatever is likely to be got for the general revenues by way of contribution is more than taken away by the enormous addition to the interest charges which we have to incur on account of expenditure we have made in these matters on the mistaken advice of or on the incorrect data supplied to us by the experts. That is one reason which I feel of great importance. The second thing is this. These were bumper years. We were always coming here to hear the fascinating story of surpluses. Nowadays, surplus budgets become a matter of nine days wonder. Year after year, we were presented with surplus budgets, and, therefore, the idea was that in this enormous gain which the railways were making in those days out of the money paid by third class passengers, the Government were led to think by those, who had control over these matters then, that they could distribute so much money among the staff in the form of additions to salaries, and so on. In that period, the salaries were increased enormously. After the Lee Commission report, there was also an attempt made to add to the salaries of railway servants also. That has added to the annual bill of pay which they had to pay. This also will have to be taken into consideration. Therefore, there are many reasons for the breaking down of this convention for which the responsibility of this part of the House is infinitely smaller than the one that can be fastened on the shoulders of the Railway Board. Therefore, without touching the other points, and adhering to the time limit which has already been fixed to which I was also a party, I say that the censure which is implied in this token cut that is being moved is well deserved, and I, therefore, support it.

The Honourable Sir Thomas Stewart: Sir, when I saw the form of the motion which has been moved by my Honourable friend, Mr. Satyamurti, I was somewhat at a loss to understand exactly what was meant by long range policy. Indeed, after listening to the debate today, I am still at a loss. I have heard nothing today which would suggest what was a long range policy or what indeed was policy at all. I quite agree that it is probably a very difficult thing to put in words. I hope I shall not be accused of cowardice if I endeavour to show what our policy has been not so much by mere analysis as by showing what actually we have done. I would ask the House to judge not by our theories but by our practice.

The convention of 1924 came into being at a time when hopes ran high. It was a boom year. I am sure all the contributors to that convention were fully confident that the railways would be able to live up to it and, true it is, that for six years they did. Then came the trade recession and for another period of years railways failed hopelessly to comply with

the terms of the convention. This brought about a re-examination of the position of the Government of India in regard to their railway policy and that re-examination is contained in the review of the appropriation accounts for railways in India for 1934-35 which was written by Sir Raghavendra Rau. As a result of his analysis of the situation he formulated certain concrete propositions. In the first place, in order to reduce or rather to prevent over-capitalisation, he suggested certain changes in the method of allocation of expenditure. Thereafter, he went on to make the following further concrete propositions. He recommended that a provision from revenue of about one-sixth per cent. of capital should be made to cover the cost of minor improvements and additions on unremunerative works and, secondly, he recommended that the contribution to the depreciation fund should not be changed for the present. Thirdly, that when the railway revenues improved sufficiently they should be expected to provide a minimum of two-thirds per cent. of capital for amortisation. Now, Sir, I claim that these concrete proposals do represent a long range view of the railway position. The Government accepted those views, and they put up

Mr. F. E. James (Madras: European): And also the Finance Committee accepted them.

The Honourable Sir Thomas Stewart: I accept the correction. They were certainly placed before the Public Accounts Committee which included my Honourable friends, Mr. Satvamurti and Mr. B. Das. This is what the Public Accounts Committee said. After having accepted these proposals of Sir Raghavendra Rau as eminently desirable, this is what they said. Having accepted them as desirable, they were somewhat taken aback at the fact that their acceptance in full would rather widen the gap between revenue and expenditure. They say:

"This is an alarming prospect and in our view things cannot be left where they are now and we would urge that the Government of India should immediately obtain the services of an acknowledged expert in railway management to conduct an examination of the whole field and recommend steps which will secure definite improvements in railway finances to the extent of something like three crores, immediately and ultimately of such magnitude as is required to maintain full solvency on a strict accounting basis."

Mr. S. Satyamurti: Have you done that?

The Honourable Sir Thomas Stewart: From that extract, I deduce that the Public Accounts Committee regarded the adoption of Sir Raghavendra Rau's proposals as meaning that we were going on a strict accounting basis. In pursuance of that recommendation of the Public Accounts Committee, there was appointed the Railway Enquiry Committee.

Mr. S. Satyamurti: That was not our recommendation. We wanted a Railway expert, not boobies who would write to the dictation of the Chief Commissioner of Railways.

The Honourable Sir Thomas Stewart: I must regard that committee as a committee of experts. They made certain recommendations and we have been putting into effect those recommendations from time to time, and the action that has been taken has been exhibited to Honourable Members in two publications. Amongst the recommendations of the

[Sir Thomas Stewart.]

committee there were two, one in respect of the depreciation fund and one in respect of the reserve. There may be, I grant you, varying opinions as to how the depreciation fund should be calculated and how it should be constituted; but we have here the recommendations of a body of men, expert, perhaps not in theoretical accountancy but certainly experts, in the advanced working of modern railways. On an examination of our position they have said that at least 30 crores should be accumulated as the depreciation fund; and it is towards that figure that we are now approaching. We hope that that figure will be reached at the end of the forthcoming year.

Mr. S. Satyamurti: May I ask a question? Have Government accepted 3 p.m. the recommendations of the Wedgwood Committee that we should build up a depreciation fund of 30 crores?

The Honourable Sir Thomas Stewart: That is what we are working to at the present moment.

Mr. S. Satyamurti: It is not stated here.

The Honourable Sir Thomas Stewart: Let me go on. Now, Sir, I should like to point out that there is every necessity for having such a considerable depreciation fund. It is well known to every one that as measures of economy fresh purchases of locomotives and wagons were delayed some years ago. The result is that there is now coming forward a considerable replacement programme. And I would also point out with regard to the embarrassment which we managed to acquire in the boom years between 1924 and 1929,—I refer to the very large capital expenditure that was incurred in those years,—that we shall, in the near future, have to meet from our depreciation fund charges arising from the replacement needs of that programme.

Now, Sir, with regard to capital expenditure our policy is that every demand of any magnitude is the subject of the most strict scrutiny in the Railway Board before sanction is given to the carrying out of the relevant project. There has also been increased control over the lump-sum grant that is given to Agents for the carrying out of minor works. We have carried out since 1931 a very considerable measure of economy on our working. There are on page 30 of the Explanatory Memorandum comparative figures showing the changes in the working expenses from year to year. These as a matter of fact are not strictly comparable from year to year. In some years there was the cut in pay. There have also been accountancy changes, but I have had prepared a statement the figures of which are strictly comparable from year to year. Our ordinary working expenses were probably the most extravagant in 1930-31, the year in which the economy campaign started. In that year they represented 59.18 of the traffic receipts. They have been reduced to 52.19 in the present year.

Mr. S. Satyamurti: That is not in the Railway Board's report.

The Honourable Sir Thomas Stewart: I have said that I had to prepare this table on a strictly comparable basis.

Mr. S. Satyamurti: What is the basis?

The Honourable Sir Thomas Stewart: That, Sir, represents an improvement of seven per cent. since 1930. I would also refer Honourable Members to the figures set out in the Table on page 8 of the Railway Board's report which shows what have been our savings as a result of the process of job analysis. The total since 1933-34 is considerably over a crore.

Sir, I have endeavoured to show briefly that we have had a policy which has tended towards improvement, and I believe that I have established that that policy has succeeded. But I have listened with some care to see whether the Mover of the cut motion could make any further suggestions that would aid us further on the way. Incidentally, he made a complaint that no attempt has been made to revise this Railway Convention. Now, I am informed that Sir George Schuster, in 1929, did make a real effort to get the Leaders of Parties together with a view to considering a revision. In fact there was a committee appointed but the committee never met.

An Honourable Member: Whose fault was it?

The Honourable Sir Thomas Stewart: I am informed that it was due to the reluctance of the Leaders of Parties. At any rate an effort was made. I have endeavoured to note down, Sir, what are the contributions of the Opposition to the long-term policy. One suggestion is that the contribution to Central revenues should take precedence over every other charge. On that suggestion I cannot do better than quote my Honourable colleague, the Finance Member:

"Well, Sir, on that I do agree very definitely with the European Group that it would be a wise thing for the railways to accumulate reserves. There is in my mind too a certain fear lest the process of building up reserves, which is after all taking a long view of railway finances, should be abandoned for the short view of extracting the greatest possible benefit to the Central exchequer."

Another suggestion to help us on our way was that we should lower the rates and fares. I do not quite understand how that is going to facilitate the payment of surplus profits to Central revenues for further distribution to the provinces. Another suggestion was to build locomotives. I do not think that anybody has demonstrated that the building of locomotives, however worthy it might be as a national activity, is a cheap proposition; and there again I feel that the contribution made by the other side is not very helpful. We were asked to revise our stores policy. It was not suggested in what way we should do so. But the railways are following out not a policy of their own but the stores purchase policy that has been laid down by the Government of India for all its departments and that policy we have been following loyally.

After listening to the debate the conclusion I have come to is that this censure motion is not really a censure motion on the Government which is now administering the railways. It is rather a censure motion of that Government, and indeed of that Assembly that brought into being the railway separation convention, and this has been said in so many words by more than one speaker. In these circumstances I think it would be inappropriate that this House should accept such a motion, the more so because the moratorium expires on the 1st April, 1940, and it will be necessary for Government, before that time, and indeed very shortly, to apply themselves to the consideration as to whether the

[Sir Thomas Stewart.]

moratorium should be extended or whether it should not be extended or, if it is extended, on what terms. In fact the question may be so open as to make it possible to have a complete revision of the separation convention. The House will have a full opportunity of considering that at a later date and I suggest therefore that the present motion should not be supported.

Dr. Sir Ziauddin Ahmad: May I ask one question, whether these changes will be laid before the House in the shape of a Resolution and whether the Government will accept the decision of the House?

The Honourable Sir Thomas Stewart: I say that the Government of India will have to apply themselves to a consideration of what they will have to do, but certainly that must be put before the House.

Mr. S. Satyamurti: May I ask, if he will permit me, Sir, whether Government undertake here and now to place before the House before the 1st April, 1940, a considered Resolution on the future of railway finance, and will they undertake to abide by the verdict of this House?

The Honourable Sir Thomas Stewart: I can go no further than what I have said.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): May I ask one question to enable me to decide how I should vote? The question was put in double-barrelled fashion. I want to know whether the Government are going to put their proposals in regard to this convention before the expiration of this moratorium. I am not dealing here with whether they will abide by the decision of this House or not.

The Honourable Sir Thomas Stewart: Yes, Sir.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is: "That the demand under the head 'Railway Board' be reduced by Rs. 100."

The Assembly divided:

AYES—46.

Abdul Qaiyum, Mr.
Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr. M. S.
Ayyangar, Mr. M. Ananthasayanam.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Basu, Mr. R. N.
Chaliha, Mr. Kuladhar.
Chaudhury, Mr. Brojendra, Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Deshmukh, Mr. Govind V.
Gadgil, Mr. N. V.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hegde, Sri K. B. Jinaraja.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Kailash Behari Lal, Babu.

Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Saksena, Mr. Mohan Lal.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sheodass Daga, Seth.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.

NOES—65.

Abdul Ghani, Maulvi Muhammad.
Abdul Hamid, Khan Bahadur Sir.
Abdullah, Mr. H. M.
Ahsan, Maulvi Muhammad.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Azhar Ali, Mr. Muhammad.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
DeSouza, Dr. F. X.
D'Souza, Mr. Frank.
Essak Sait, Mr. H. A. Sather H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Ghiasuddin, Mr. M.
Ghuznavi, Sir Abdul Halim.
Gidney, Lieut.-Colonel Sir Henry.
Gorwala, Mr. A. D.
Greer, Mr. B. R. T.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hardman, Mr. J. S.
Ismail Khan, Haji Chaudhury Muhammad.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jinnah, Mr. M. A.
Kamaluddin Ahmed, Shams-ul-Ulema.
The motion was negatived.

Kushalpal Singh, Raja Bahadur.
Lillie, Mr. C. J. W.
Mackeown, Mr. J. A.
Maxwell, The Honourable Mr. R. M.
Menon, Mr. P. A.
Menon, Mr. P. M.
Metcalfe, Sir Aubrey.
Miller, Mr. C. C.
Mukerji, Mr. Basanta Kumar.
Murtuza Sahib Bahadur, Malvi Syed.
Nauman, Mr. Muhammad.
Nur Muhammad, Khan Bahadur Shaikh.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Raza Ali, Sir Syed.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Shahban, Mian Ghulam Kadir Muhammad.
Sher Muhammad Khan, Captain Sardar Sir.
Siddique Ali Khan, Khan Bahadur Nawab.
Sircar, The Honourable Sir Nripendra.
Sivraj, Rao Sahib N.
Spence, Mr. G. H.
Staig, Mr. B. M.
Stewart, The Honourable Sir Thomas.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Thomas, Mr. J. H.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Zafrullah Khan, The Honourable Sir Muhammad.
Ziauddin Ahmad, Dr. Sir.

Indianisation of Higher Services in Railways.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore cum North Arcot: Non-Muhammadan Rural): Sir, I beg to move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."—
(The matter of Indianisation of the higher services in Railways.)

It is indeed an irony, Sir, that there should be necessity to move a cut like this. This is India and this is the Indian Legislature, and yet every year we have to move a cut like this

Sir Abdul Halim Ghuznavi: On a point of order, Sir. The Honourable Member has to move his motion first.

Mr. Deputy President (Mr. Akhil Chandra Datta): He has already moved it.

Mr. T. S. Avinashilingam Chettiar: As I was saying, Sir, it is really a pity that year after year we have to move a cut motion for the Indianisation of the superior services in the Railways. The Honourable the Railway

1192

LEGISLATIVE ASSEMBLY.

[20TH FEB. 1939.]

[Mr. T. S. Avinashilingam Chettiar.]

Member in replying to the last cut motion said that the Railway Department ought to be judged from what they have done. I hope that this House will judge them on the facts before it with reference to what the Railways have actually done. As regards the policy of Indianisation which the Railway Administrations are following it was stated by the Honourable Member last year, and that was that recruitment for the future would be made on the basis of 75 per cent. Indians and 25 per cent. non-Indians. May I know, Sir, what is the necessity for retaining this 25 per cent. of recruitment to non-Indians every year? No doubt, that policy was formulated in 1925, but since then much water has flowed down the bridge, and further recruitment of Europeans cannot be justified on the ground that suitable Indian talent is not available. Every year, for any appointment, we are able to get a very large number of applications from fully qualified Indians and, therefore, there does not appear to be any justification for still sticking to the policy which was formulated in 1925 for the recruitment of non-Indians. I would strongly urge, that that policy should be done away with and recruitment, in future, should be confined only to Indians. May I point out to the House what has been the effect of 75 per cent. recruitment of Indians and 25 per cent. non-Indians for the last few years? In 1925 there were 75·6 per cent. Europeans, while in 1938, 14 years later, it has been reduced to 51 per cent. namely, a reduction of nearly 1½ per cent. per year in the number of Europeans in the superior services. At this rate, may I know how many years will it take for the complete Indianisation of the superior services in our Railways? Perhaps such a hope will not be materialised at all. After 13 years there has been a reduction in the European element of only 24 per cent.!

If you refer to the cost of payment to the staff, you will observe that in 1938 the gazetted officers were paid three crores four lakhs, that is nearly 153 lakhs are paid today after fourteen years of this policy of Indianisation which has been followed by this Government. Nearly 153 lakhs were paid as salaries of Europeans in 1938, and there has been no effective Indianisation at all in the true sense.

Here I would like to mention a few specific points about which this House has agitated many times before, that is I wish to refer to the question of Indianisation of the General Managers, as they are called, or Agents as they were called previously. The Honourable Member for Railways in answer to a question put by my Deputy Leader the other day laid on the table of the House a statement showing the number of Indians who ever acted for all time as Agents or Deputy Agents, according to that statement nine Indians have acted as Deputy Agents, of whom two have been styled as permanent provisional, which I am not able to understand. I refer, Sir, to page 2889 of the Proceedings of this House, dated the 10th November, 1938, from which it will be found that—'four have acted as Agents, of whom one has been permanent, and he has acted only for nine months'. That is the extent of Indianisation.

Some years ago the Standing Finance Committee for Railways were asked to sanction a new post of a Deputy Agent to the South Indian Railway. The Standing Railway Finance Committee rightly demanded that this appointment should go to an Indian, and on that distinct understanding they voted the grant, but after having secured the vote of the Standing Railway Finance Committee, the Railway Board gave the appointment of Deputy Agent not to an Indian but to a European. I should like to

read the question and the reply of the Honourable Member in this connection—I am reading it from the proceedings of this House appearing at page 819, dated the 11th September, 1936. The question put by my Deputy Leader was: "Will Government be pleased to state whether it is a fact that the post of the Deputy Agent on the South Indian Railway was sanctioned on the distinct understanding that an Indian would be appointed to the same",—and the reply of the Honourable Sir Muhammad Zafrullah Khan was: "Sanction to the creation of the post was given subject to the condition that an Indian officer should be appointed to the post if a qualified officer was available". Then they go on to say that no Indian officer, with the necessary qualification, was available. I hope even when they made the promise they made sure that no Indian officer was available. Even when posts are created with a definite promise that they will be given to Indian officers, they have not been given to Indian officers. I am told again that the Deputy Agent's place of the South Indian Railway to which this question referred is shortly falling vacant, and that senior Indian officers are being passed over, I do not know for what reason. In this connection I should like to refer to the statement made by Sir Thomas Stewart in the last Budget Session. My Honourable friend, Sir Muhammad Yamin Khan, who usually supports Government, on that day, in a bright mood, put an inconvenient question. He said about the appointment of Indian managers:

"If there are two officers, one Indian and one non-Indian, preference should be given to the Indian."

This was highest remark when the Honourable the Railway Member was making his speech. The Honourable Sir Thomas Stewart said:

"I mean nothing of the sort: I mean, Sir, that a judgment will be taken as to who is the better suited for the job. I cannot conceive of a situation arising in which the claims of two officers will be so evenly balanced, and to make any such statement would only create embarrassment for the Honourable Member and for myself in future. But my position is perfectly clear: there is no discrimination, there has been no discrimination in the past, and there will be no discrimination in the future either against Indians or against Europeans."

They always disclaim discrimination so far as words are concerned! We cannot conceive of a more impartial judge, but the only difficulty is Sir Thomas Stewart cannot get over the colour of his skin, and in most cases, things being equal, or even without being equal, the Englishman is regarded superior.

Now, I would refer to the appointment of an Indian to the Railway Board. The very day after the posting of Sir Raghavendra Rau to a different job we asked the Honourable Member and he said he will appoint an Indian—he said, the gentleman behind Sir Muhammad Zafrullah Khan will be appointed for a vacancy. He then said that when the next permanent vacancy occurs in the Railway Board the position of an Indian will be considered. In the course of last year that position did occur. There was a vacancy in the Railway Board, there was, if I remember, Mr. Highet who retired, and in his place—that was a permanent place—an Indian could have been appointed. I am also told that an Indian gentleman's name was suggested but the appointment, later on, really went to a man who was not in the service of the Railway Board, who was not in the service of the State-managed railways but a man who was in a company-managed railway was brought out and he has been put in the

[Mr. T. S. Avinashilingam Chettiar.]

position of the man who has retired. I hope these facts are correct. Government declare often that there is no racial discrimination, but every single act of theirs has tended to show that there has been racial discrimination, and if an Indian has been appointed to a place of influence in the higher services of the Railways it has been in spite of them and not because of them. They had to give some reply to this House, they had to meet public opinion, and for that reason and that reason alone, as far as I could see, they bring themselves to appoint an Indian. The two cases I have mentioned are two flagrant examples—the creation of the post of Deputy Agent in the South Indian Railway, with a specific promise given that an Indian would be appointed but no Indian has been appointed so far. The question was put in 1936 and the creation of the post must have been one or two years previously. I would like to add one word more before I sit down and it is this. I refer to page 87 of the Proceedings of the Standing Finance Committee for Railways, 16th and 17th January, 1939. It relates to the appointment of a Chief Mechanical Draughtsman on the South Indian Railway. The memorandum contained in that book has stated the facts, and in that memorandum they say that in India there is no man with the necessary qualifications. The appointment that is sought to be made is of a Chief Mechanical Draughtsman. There have been many workshops working in this country for aught I know, for more than scores of years, and one Member suggested that this proposal should not be sanctioned. I read from page 88:

“One member suggested that this proposal should not be sanctioned until a note was furnished regarding the position on other railways in respect of the availability of trained mechanical draughtsman and until all means of recruiting the draughtsman of the required qualifications in India from railways or private engineering firms were more fully explored.”

But this was not accepted. Government thought it fit to advertise then in England and get a man without even proper enquiries as to whether such suitable men were available in India. With a hundred years' service of the Indian railways, with so many years of all these workshops here if the railways have not got ready at hand trained men, even for these jobs, may I know when the time will come when Indian railways will be able to train Indian officers for themselves? I say that Government are arranging things in such a way that they want to be permanently importing certain officers from England. Otherwise, there is no reason why these people would not have been trained by this time in this country? May I also point out that these special jobs are not covered by the 25 per cent. of the recruitment which they are bound to be recruited from England? I do say apart from the figures—I do not want to go in detail into the figures of how many Indians and how many Europeans have been recruited—I do say that this policy of reserving 25 per cent. for Europeans even today is totally wrong and should be rejected, and that hereafter a cent per cent. Indianisation should be followed and an arrangement made to train Indians for all future mechanical and other services on the railways. If circumstances require that an expert should be brought out from outside, by all means, let that be done on a contract basis with a condition that he should train Indians before the period of his contract is over. But I submit that the policy which the Government have been following in the matter of Indianisation has been lacking in sincerity, in honesty, and the speed with which they ought really to go. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Cut motion moved:

“That the demand under the head ‘Railway Board’ be reduced by Rs. 100”.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Mr. Deputy President, speaking on this motion, I really find myself in some difficulty as there is a question on which, if I really give out my feelings, I am afraid I might be misunderstood. It reminds me of a Persian line.

“Marā darda-ast under dīl agar goem zabān sozad,
vagar dar dam kasham tarsam ke megze ustekhan sozad.”

“I am pained at heart, which if I reveal, I am afraid, will burn my tongue and if I keep silent, I am afraid, the bones of my body will burn to ashes.”

The position is this. I certainly appreciate the question of Indianisation and the earlier it is brought about the better, but we want an assurance that the question of Muslim partnership in this country will be recognised by the party moving it and by the Government of the day sitting on the other side. Unless that position is secured to us, unless the Muslims are given an assurance that by Indianisation is meant actually Indianisation for Muslims as well in the same proportion as Muslims inhabit this country, it is no use; we would not like to have the same experience as we had in the past unfortunately.

Mr. S. Satyamurti: There is the communal G. O. now.

Mr. Muhammad Nauman: We do realise and I think Government also realises that the race which is going on in this country between the different communities, especially between Hindus and Muslims, is coming to a stage where probably a halt will have to be called either by good will or by certain other tests; that will be a matter for the future. I think the Government should try to pacify us and make us feel that we are not thrown to the majority community tyranny. It is probably the worst kind of tyranny in any democratic constitution unless due safeguards are provided, either on the basis of good will of the people concerned, or by the sovereign power who sits above everything with special powers, with powers which the Viceroy and his advisers will have when the Federation comes. The unfortunate experience of the Muslims has been that the officers of the majority community have been behaving more ruthlessly than even the European officers have done. Pamphlets after pamphlets and comments after comments have been published by the different papers and they are sent to the authorities for their consideration. With your permission I want to read a few remarks which appeared in a pamphlet called ‘Is East Indian Railway a Hindu concern.’ This is what it says:

“Attempts made so far to overhaul the machinery of the office did not meet with success, due to the fact that the Hindu head clerk, the motive force of officers, cannot tolerate the idea of disturbing his satellites who, under his influence, have been so snugly placed in lucrative sections that they are always out of the range of any danger. Thus fortified, they conspire and manoeuvre against poor Muslims and victimise them freely.”

Papers and files are prepared in such a way that when we approach the General Manager or the authorities concerned they say that they have got a defence of 82 pages or something like that. I remember putting up this matter before Mr. Robertson, the Deputy Agent of the East Indian Railway, and he said that he had a defence of 82 pages. When we wanted a special enquiry to be conducted, the General Manager and his subordinates refused to do it. Probably they knew where mistakes had been made,

[Mr. Muhammad Nauman.]

and who the real culprits were, but wanted to maintain good name of the administration. Again referring to pamphlet, another paragraph says this:

"The Establishment office was then ramified into following sections which were like so many temples where the entry of a Muslim amounted to sacrilege, and any attempt to remove Brahmans who were the caretakers of these temples would have been baffled by Kanti Chander Roy Choudhry, the 'Lord High Priest' and the 'Head Pujari' who was ever ready to shed his own blood for keeping intact the sanctity of his sanctuary. The true picture is reflected in the following chart:

E. G. Section no Muslim, E. H. section no Muslim, E. T. Loco. no Muslim, E. T. R. S. no Muslim, E. T. Engineering no Muslim, E. Miscellaneous no Muslim, E. H. Crews, no Muslim. A Muslim was posted there on 7th May, 1934, but was removed on 15th July 1935 (after having worked for a year and three months)."

Then Sir, there are many other cases. I do not want to go into all of them, because I have not got the time but I will give certain important cases from the pamphlet that I have:

"Abdul Subhan was removed from the Divisional Store Office and attached to the Store section of the Station Superintendent, Howrah's office. As required by the directions received from the Agent, he was not replaced by another clerk. The poor fellow entreated the Divisional Superintendent, Howrah, that he may be absorbed in any of the vacancies of clerks in the office, but how was it possible in the regime of the heartless Hindus that he should get any job in the sacrosanct office and the Hindu sanctuary maintained by the Divisional Superintendent, Howrah. The poor fellow was mercilessly removed from the office after he had incurred a loss of Rs. 120."

Then, there is the case of Mr. M. Chirag. He is a graduate and a graduate of eminence. He was placed on a salary of Rs. 40 and even that the Hindu officers would not tolerate and have been trying to harass him by all means possible.

Then there is a cutting from one of the papers, the *Mazdoor* of the 30th April, which said:

"Certainly we do not believe the said alliance. And we, therefore, earnestly pray that Messrs. Kitchen and Kaul be pleased to enquire into this unholy alliance between Kanti and Messrs. Haridas Dutta, A. S. M., P. K. Sen Gupta, A. S. M., U. C. Chakherberty, Relieving A. S. M."

Mr. M. S. Aney: On a point of order. Is the Honourable Member in order in attacking certain individual officers by name. They are not here to defend themselves. I am not objecting to the general charge he is making against Hindu officers but I am objecting to his mentioning names of people who are not here to defend themselves.

Mr. Muhammad Nauman: I am reading from a cutting in the newspapers.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member can mention one or two instances to illustrate his point, but he should not go into the details of individual cases.

Mr. Muhammad Nauman: I am only giving one or two instances.

Mr. Lalchand Navalrai: On a point of order. The question before the House is the Indianization of higher services, but my Honourable friend is giving the names of individual clerks. This has nothing to do with the subject matter of the motion.

Mr. Muhammad Nauman: I am discussing the question of the Indianisation of the higher services, if the Honourable Member will have patience to follow what I am stating. I am drawing the attention of the House to the cases of clerks because they influence the higher officers. I was going to explain that. I am very reluctant to give any particular names. What I want to impress on the House is that the majority community with which we are living side by side with hopes of brotherly affection and feeling should take us into equal partnership and recognise our status as such and give us a due share in the higher services. Otherwise it will not be possible for us to give sanction to the Indianisation of the higher officers. I know this much that a European does justice between a black man and a black man, though not between a white man and a black man. When there is a dispute between Hindus and Muslims, he shows his sense of justice. I do not know whether I myself will be able to keep myself above favouritism but what I want to impress upon my Honourable friend, Sir Thomas Stewart, is this. This communal mentality has reached a limit. Pamphlets after pamphlets have been issued. I do not know whether these have been brought to his notice or not. Certainly something must have come to his notice because I discussed these matters with Sir Guthrie Russell and Mr. A. G. Clow in the last Simla Session. I contend that because the heads of sections belong to the other community, the claims of Muslims are overlooked as Hindu employees live in a state of "Sword hanging over their necks".

So far as this particular cut motion is concerned, I am certainly in favour of Indianisation. We want as many Indians as possible. In fact we want all of them to be Indians. In that case I would only request my friends and the Government that we must have our percentage in the higher services, at least 25 per cent. although our claim is for 33 per cent., and this should be made up by promotions as well. The percentage of Indians in higher services is not as yet adequate but whatever be the percentage of Indians most of the men belong to the Hindu community in the higher services, and their communal mentality has been revealed by such cases of favouritism and nepotism as are simply disgraceful for the administration.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Hindu officers have revealed their prejudiced mentalities in their working when they were holding important positions. I do not want to make any mention of names, but I hope the Honourable Member does understand what I am referring to and will probably understand the facts more fully if inquiries are made on the data I am giving on the floor of the House; and for the purpose of putting forward my points, it would be better if I would request that these two reports be laid on the table and may be included in my speech. With these few words, I resume my seat.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to support the motion moved by my esteemed friend, Mr. Avinashilingam Chettiar. I was somewhat sorry to hear the speech of my friend, Mr. Nauman. He wanted an assurance from our Party that when the time comes for distribution and it must come after one hundred per cent. acquisition

Mr. Muhammad Nauman: It comes every day!

Mr. N. V. Gadgil: that the Muslim community which he represents must have its due share. In all humility I may point out to him that if he only were to read the resolutions and various statements made by the Congress Party and the Congress Working Committee, he would find that in all matters of services, a just and due and proper proportion will be given for every minority community.

Mr. Muhammad Nauman: Is there any percentage fixed for us in the Congress resolution?

Mr. N. V. Gadgil: It says, "in proportion to the population of the minority community".

Sir Muhammad Yamin Khan: Pious hopes!

Mr. N. V. Gadgil: Sir, the question that has been raised in this motion is not the question as to what percentage should be granted to the Hindus or the Muhammadans but it has been put on the higher ground that the percentage of Indianization has not been satisfactory and the policy that was accepted in 1925 is not even carried out to the best possible advantage of the majority community, the Hindus and Muhammadans, who seem to be God-forsaken under British rule. I do not accept the policy of 1925 that the European recruitment must be twenty-five per cent. In fact I am putting my argument on higher public grounds. It is my considered opinion that the content and colour of any policy are largely determined by the outlook of the members of that particular class which runs the administration and if we refer to the statistics available in the report for 1937 and 1938 we find that the higher posts to the extent of fifty-one per cent. are held by Europeans and, naturally, the colour and contents of the policy will be determined by the outlook of the European element. I believe that it is impossible for a few people controlling the whole administration to do it and direct it in the interests of the vast masses which populate this country. It cannot escape the sub-conscious class bias and we have found it in the actual administration of the Railways. Thus, when we come to the passenger accommodation, it will be always the first-class and the second-class passengers who will be looked after more; if it is a question of refreshment rooms, it will be always the European refreshment rooms which will be looked after more; if it is a question of rates and freights, it will be the European concerns that will be looked after more. Therefore, my proposition is more amply illustrated when I say that I do not want the thing to be considered in terms of communities but I want the thing to be considered in terms of the class-conscious bias if the whole control is in the hands of a very small minority of officials, as is the case at present. I am pleading for complete Indianization because only under those circumstances the real, abiding interests of this country will be served. If you refer to the statistics you will find that in the course of the last thirteen years the percentage of Europeans has gone down to only fifty-one; and if you want complete Indianization, as I said the other day, it will require another forty years to achieve it. But there is the very peculiar circumstance which I have noticed in this report that just as the Europeans, who are one in two thousand in this country, have occupied fifty-one percentage in the higher services, another community, the Anglo-Indian community, which I should say for political purposes has been

God-fathered by the Englishman, has secured advantages much beyond what is justified by its strength or even by its ability. I am not looking at it from the racial standpoint

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): What do you know about the engine-driver?

Mr. N. V. Gadgil: Your antecedents have shown that you have never cast your lot with the Hindus and Muhammadans, but if you can assure us that it will not be so, then we will revise our opinions about it. But today, if you take every class of service in lower grade scale rising up to Rs. 250 and more, you will find that forty-three per cent. is allotted to this Anglo-Indian community, and I may point out one example how the thing works out in actual administration. There is a centre for apprenticeship at Jamalpur and every year twenty apprentices are taken. Out of these twenty apprentices from Jamalpur twelve are from the Anglo-Indian community,—and the poor Muslims get four and the poor Hindus—of course it is a crime to say anything about Hindu claims in this House—get only four

Lieut.-Colonel Sir Henry Gidney: I challenge you to prove that.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must address the Honourable Member through the Chair. He must not address him direct.

Lieut.-Colonel Sir Henry Gidney: Mr. President, I challenge the Honourable Member to prove that.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must address the Chair from his own seat.

Mr. N. V. Gadgil: Sir, that is a fact. Although in the Statistics given about the over all percentages it has been very quietly and innocently shown that they are only nine per cent., they have managed to secure that percentage only in the higher services and that is a fact which my friends will take into consideration also. I am citing all this but I say in all sincerity that I am not doing it on racial grounds but on the same ground that they are actuated by practically the same outlook which actuates the European element in the services. If, of course, they had the same national outlook which the Hindus and Muhammadans have, then I would not personally object to the whole service being entirely manned by the Anglo-Indian, but our experience during the last thirty years has been that wherever the Anglo-Indians have been, cases of incivility have persisted in very large numbers. I do not want to indict the whole community but my objection remains on the ground that the general tone and colour of the policy is determined by the outlook of the individual community. As I stated, they have not given any proof so far that the members of this community will learn to do it in the national interest, and, therefore, I object to this unheard-of weightage for a community which is less than one per cent. in the population. I say that this policy of Indianization is not even being satisfactorily worked, assuming that we accept for the present the policy of twenty-five per cent. of recruitment, I am only citing one example to show how things are so managed in promoting people from one grade to another as to frustrate the very aim for which this policy has

[Mr. N. V. Gadgil.]

been formulated. I will give an example of the drivers of the North Western Railway. For many long years promotion to higher grades was suspended and a few years after, recruitment was quietly made, and in the recruitment mostly Europeans and Anglo-Indians were recruited. I do not accept that this policy has been worked very satisfactorily as was stated by the Honourable the Railway Member in his last year's speech, replying to a similar cut motion moved by my friend, Mr. Abdul Qaiyum. I repeat that it is not being worked very satisfactorily, although, as I have stated, I do not accept the policy of 25 per cent. being reserved for the Europeans. Therefore, I submit that this cut motion which has been moved by my Honourable friend, Mr. Avinashilingam Chettiar, deserves the support both of the Hindus and the Mussalmans and also of the Anglo-Indians on the ground, if they are actuated by a sense of justice and fair-play, that if they want a particular percentage they must have it in all the grades and not take it in the best services, in the cream of the service so to say. I appeal to my Honourable friend, Sir Henry Gidney—I am not in the habit of giving out challenges—on the ground of fairplay and justice whether what his community is getting is just and fair to the proportion of their population? He must decide which way to cast his lot. If he is one of us, we will certainly consider his case, but if he is not one of us, we cannot help him. He always sits in the European Group. I have noticed this from the time I have come to this House, except on those rare occasions when he has stated something against the Government, he has always been voting with the European Group and with the Government. When I say this I want to make it perfectly clear that I have not put it on the ground of any racial consideration. I have put it on the ground that unless the representatives of the masses and of the major communities are in the direct control of this administration, the national interests and the highest interests of this country will not be served, and that is a proposition which is illustrated from the histories of other countries. In England the governing class controls the whole thing and it is incapable of thinking of any measures which will really benefit the masses in that country. That is the tragedy and we do not want to repeat it here. With these words, Sir, I support the motion moved by my friend, Mr. Avinashilingam Chettiar.

Sir Muhammad Yamin Khan: Sir, it is really very amusing that year after year we hear the same story being repeated on the floor of this House. I have been here since 1921 and ever since I have been hearing this story of the Indianisation of services. I have also observed that they not only remain racial questions but they degenerate into communal questions also. When the question of the Indianisation came before the House, naturally it was divided into sub-questions, namely, how much each community was going to get if these services were to be given to the Indians as a whole. Naturally, each community or the representatives of each community, when the demand for the Indianisation of the services came up, felt that their community must also benefit. The result of all this has been that communal feeling has been aroused on account of the injustices that have been done either to the Indians or to the different communities by the other community. This result, which was a foregone conclusion, has now come to stay. The only thing which we can see now is that before we are in a position to decide the demand

for the Indianisation of the services, this House will be well-advised to come to a settlement and to compromise, either inside the House or outside it, how to adjust those services which may be transferred to Indians. For this purpose a kind of scheme was adopted which gave a certain representation to different communities. That settlement was arrived at by certain representatives of all communities. As Honourable Members, are well aware, formerly it was laid down that 33 per cent. posts would go to the minority communities. The result of the working of this scheme was a drastic one. My Honourable friends need not blame the Anglo-Indian community or any other community for this, but they have got to blame themselves for it because they insisted at that time that the words used must be 'the minority communities'. The result was that if one job fell vacant, it went to the Anglo-Indian community because the head of the Department happened to be an Anglo-Indian and he gave it to the members of his community. We have got a proverb which says:

"Andha bate reuri, apno hi ko de."

"When a blind man wants to distribute sweets, he generally gives them to his nearest relations". Therefore, it was found that this formula was not working properly and it was causing hardship really to the biggest minority community which got the lowest percentage being the biggest minority. This caused the re-distribution of the services. We found that only eight per cent. ought to go to the Anglo-Indian community and they have agreed to this figure. This percentage was allotted to the Anglo-Indian community because they had played a great part in building the Indian railways and they had been associated with the administration of the Indian railways for a long time and it was considered that it was not proper to oust them at once. Let them adapt themselves to other professions first because, at present, they are confined only to the railway services. So, that was conceded to them. I do not mind it as long as that proportion is kept strictly within that limit. But I would like to stress the point which has been made out by my friend, Mr. Gadgil, that if different communities are given any representation, full regard must be paid to two factors. It is not that so many persons have been taken in but what salaries they draw. If one community carries eight posts of Rs. 1,000 each, it means that that community is getting Rs. 8,000. Take another community which may be holding 25 jobs but carrying a salary of Rs. 50 each. In this way, this community, although holding more jobs, will be getting only Rs. 1,250 as against Rs. 8,000 of the other community. This thing has been pricking many persons and instead of a Resolution of this nature coming before this House every year, this settlement should be arrived at outside the House. Such questions never do any good to the country as a whole. Let there be once for all a final settlement of this question in which we may decide what share should go to the Europeans and to other communities.

Mr. S. Satyamurti: No share to the Europeans!

Mr. C. N. Muthuranga Mudaliar: How much do they give to the Germans in the United Kingdom?

Sir Muhammad Yamin Khan: The Germans may not get any share in the United Kingdom. I quite agree with my Honourable friend. But if the Germans went and took up a position in the United Kingdom, we will

[Sir Muhammad Yamin Khan.]

then see how many jobs they will hold there. We should not be sentimental. We must talk of hard facts. The Englishmen are here and they will remain here as long as the attitude of my Honourable friends remain as it is now. There is nothing which can turn out the Europeans, as long as the Congress Party do not rise above these petty things. That is the chief difficulty. My Honourable friend, Mr. Gadgil, speaking on behalf of his Party said that they passed a Resolution in the Congress that the Muslims must get due regard for their services and they should get adequate proportion. These vague things will never please me. You cannot camouflage in this manner. They will never satisfy anybody. Give concrete proposals. Say that you want to give so much percentage to the minorities and be finished with it. This question will never crop up again. There will be no quarrel and no bother. Do not try to hoodwink us by these vague promises. Now, the Congress is ruling in nine provinces. Let them show, in those provinces, that they could settle this question and then there will be no communalist left in India. That consummation entirely depends upon the statesmanship of those people in whose hands lie the destiny and the control of the administration of this country.

Mr. S. Satyamurti: And your goodwill.

Sir Muhammad Yamin Khan: Goodwill will come at once. Let my Honourable friends see what happened in Gorakhpur. It was the hot bed of communalism at one time. The whole thing has vanished now. Let goodwill be shown by those who are stronger, not by people who are weaker.

An Honourable Member: Are you weak?

Sir Muhammad Yamin Khan: We are not physically weak. It is not merely a question of raising hands or walking into the lobby that proves one's physical strength or weakness but I am talking of voting strength. If there is a real solution of the problem, then neither you nor I will be the aggressor. What I submit is the Congress cannot blame the Government one way or the other. The Congress should set the example in the provinces ruled by them. The whole country is looking to the Congress, especially the minorities are looking to them for reaching a settlement on this question. Let us first of all know what they mean by Indianisation.

Mr. S. Satyamurti: Non-Europeanisation.

Sir Muhammad Yamin Khan: Then we do not agree. If they mean by Indianisation that they as well as others will share in that Indianisation, if it means that it is not only Messrs. Satyamurtis but Dr. Ziauddin also that will be benefited, then I am one with the Congress.

Mr. S. Satyamurti: I cannot occupy all the posts. It will mean Yamin Khans also.

Sir Muhammad Yamin Khan: I put it to the House that it will serve no useful purpose for an organised party like the Congress to come with a proposal of this kind. They should make it plain to the country what they mean and then they will carry the whole House with them. There will be no use of the kind of pamphlets that we just heard Mr. Nauman quote. I

was grieved to hear quotations from the pamphlet. I do not want all these things to be dragged on the floor of the House. These questions serve merely to excite people outside the House with results leading from bad to worse. What is required at the present time is statesmanship. The position is such that there can be no two different opinions on this subject. We all want Indianisation of services, we all want that Indianisation must come as quickly as possible. We all want that Indians must be given full rights to have their voice felt in the administration of their own country. No doubt these are happy ideas which every patriotic Indian has got in his mind. I say this is not the occasion to bring forward such Resolutions and press them before the House. Bring forward concrete suggestions for Indianisation in which all the communities will have their due share. With these words, I support the motion.

Mr. M. S. Aney: Sir, I had no mind to intervene in the debate but for the very interesting speech which my Honourable friend to my right has just made. Till his speech was over, I was all along under the impression that he was criticising the Congress policy. However, I hoped that good sense would ultimately prevail and that he would make up his mind to support the proposition.

Sir Muhammad Yamin Khan: That is what I did. I supported the motion.

Mr. M. S. Aney: Then I have nothing more to say except this, that he talked about many irrelevant things which he could have very well avoided. With these remarks I support the motion.

Lieut.-Col. Sir Henry Gidney: Sir, I had no intention of taking any part in the debate, but the undeserved and uncalled for remarks made against my community employed on Railways by my Honourable friend, Mr. Gadgil, has forced me to reply, not in terms of anger, not in terms of reprisals, but to tell the House what the actual position is. When my Honourable friend, Mr. Gadgil, was talking on this motion I could not follow him. The original motion was as regards Indianisation of the superior services not subordinates. Sir, my Honourable friend, Mr. Gadgil, may or he may not know what is the percentage of Anglo-Indians in the superior services. When I say Anglo-Indians I mean sons of the country, I do not mean domiciled Europeans, I deny absolutely that Anglo-Indians occupy 43 per cent. of these jobs. This is travesty of fact. There are, however, a few of the older members of my community nearing superannuation who today are serving as senior officers in the railways. During the past decade the rules controlling admission of my community into the senior and subordinate services have been so rigid that I can almost count the names of recently appointed officers—Anglo-Indians—on the tips of my fingers. I must impress on my Honourable friend, Mr. Gadgil, that he is hopelessly wrong if he thinks that the members of my community are today being favoured in regard to admission to the superior or subordinate services. We are not given anything over our communal percentage as adumbrated in Government of India (Home) Circular of July, 1934.

Mr. N. V. Gadgil: Please see this book.

Lieut.-Colonel Sir Henry Gidney: You may show me any book, blue, red or pink, for one can make statistics black into white, but I know the Honourable Member in charge of the Department will support me when I say that most of these Anglo-Indian men are senior men who are almost on the verge of their retirement and within the last decade there have been very few of my community who were promoted. Sir, I found it very difficult to follow my Honourable friend, Mr. Gadgil. My difficulty put me so much in mind of a story of an undertaker who once having made a fortune in his profession retired into the country and led the life of a country gentleman. He bought a house and a garden and settled on it. He then wanted to join the most conservative club in the country and when he was asked to name what his profession was. He wrote "I follow the medical profession", he, of course, meant he followed people from the death bed to the grave. My community and other minorities cannot follow Mr. Gadgil or the Congress policy. If we did we would find ourselves being taken from our death beds to our graves. The Congress policy was definitely laid down at the last conference i.e., they would protect the minorities so far as their education, their culture and their social standing are concerned. It makes no mention whatever of the protection of their economics. There is, therefore, no use your bluffing us by asking us to trust—or to join you. That is why the Muslims and I are afraid of—I mean, cannot trust—the Congress Party. I have my dearest friends in that Party, but I honestly tell them on the floor of the House that that is my fear. Once that fear is removed openly, honestly and squarely we are with them in all the constitutional advancement of India. But so long as that fear—that mistrust—remains, we cannot jeopardise our future or cut our nose to spite our face. And may I add as long as I represent my community in this House I will stand up for my community and work on the lines I have always taken and indicated for nearly 20 years in this Honourable House, i.e., aloofness from the Congress.

Now, Sir, there is a historical side of which my Honourable friend from Meerut, Sir Yamin Khan, reminded you. I will not recapitulate that history because the services my community has rendered to the railways in India are well-known to this House. It is unequalled, it is unparalleled. Let me ask my Honourable friends opposite, during the civil disobedience days who protected their lives and their properties when travelling on Railways? It was the Anglo-Indian Auxiliary Force men, who stood on all important Railway platforms behind sand bags and protected you. Let me take another wider aspect of the matter. You talk about giving Anglo-Indians preference on Railways. He has not got it. He is today given a paupers wage. He cannot live on the pay he is getting and he is going out, I mean the better class and genuine Anglo-Indian. May be that will please my friends on the opposite Benches to whom we are an eye-sore. Yes, Sir, he is being driven back to the land the same as your poor men are going back. May be that will please the Congress. May be it will please you to know that we have been driven from the posts and the services—Railways and Posts and Telegraphs which we created or largely helped to create and maintain. May be that will please my Congress friends. If so, you may gloat over your success, but I am not dead yet and I will fight you every inch of the way from the death-bed to the grave. May be you, in your pleasure, will be pleased to give me a generous sum of money to cut me away *en masse* and help me cultivate a plot of land in this country—my home—India. If you do I will accept it and bow my exit and build up my future on the soil of India and under Indians. Same as we are doing today at McCluskigunj. But to be told all this tosh on the floor of the House

after what we have recently witnessed in Cawnpore during the riots, is absurd. Let me briefly tell you in a few words what happened during the present Cawnpore riots. How were the telegraph and postal departments run? By these Anglo-Indians who were not afraid daily to come to their work, not by the many Indians who were afraid to leave their houses. This significant incident will show you the value of the Anglo-Indian in communal riots which are becoming of daily occurrence in India; and if such service is of no value I should like to know how these departments would have functioned. For this value alone I have a right to claim a weightage in these services and the time will come when you yourselves will value the worth of Anglo-Indians.

Mr. M. S. Aney: Every Government servant did that, not you alone.

Lieut.-Colonel Sir Henry Gidney: Sir, I refuse to give way to any interruptions, because I am stating the undeniable truth. Sir, I am told by Congress if I were to be given my percentage of employment on the population basis that these would be very few because I am only one per cent. of the total population of India. That is a hopelessly wrong basis on which to make your employment calculations and percentages. Surely, every Member of this House knows that he is talking absolute tosh when he says that for instance: The sweeper is not in active competition with the Agent of a Railway for his job and *vice versa* and; surely the *paniwala* is not in competition with the skilled foreman of a Railway workshop. You have to take the educated part of the population and then only will you get the real basis on which you can work out your percentages. You cannot take it on the total population basis except, of course, in those forms of employments which demand the vernacular language or the menial forms of labour. Sir, I challenge my Honourable friend, Mr. Gadgil, to prove that 43 per cent. of the jobs in the railways either superior or subordinate, are occupied by the Anglo-Indians. You may have one department or one section of a department in which Anglo-Indians constitute 30 or 40 or 50 per cent. of the jobs. But let me give you a counter to this: the accounts and audit department where 95 per cent. of the jobs and more are occupied by Hindus. You are very silent about that. Why? What have you got to say now? You are still remarkably silent.

An Honourable Member: You cannot do that work.

Lieut.-Colonel Sir Henry Gidney: That is absolute tosh and the Honourable Member knows it. The Anglo-Indian can do anything. If you had talked 30 years ago of Anglo-Indians mainly occupying one section of a department I would have admitted it. But today these employees are all old men on the verge of retirement and the Railway Member will support me in this statement. But the Congress will be glad to know that they will not interfere with you or stand in your way much longer. But why are you so silent about those departments where you have practically got a monopoly? Sir, I support every word of what Mr. Nauman has said about the treatment of Muslims. The Eastern Bengal Railway stands today as a living testimony of it. Read the analysis of jobs in that Railway; and you will find that in most of the upper subordinate departments there are no Muslims. Then take the South Indian Railway which is another sample. It is in charge of Rao Bahadurs and Rao Sahebs, mainly Brahmmins who do their utmost to recruit their friends. But in your communal frenzy why do

[Lieut.-Colonel Sir Henry Gidney.]

you attack a community—the Anglo-Indians—to whom you owe a deep debt of gratitude and who have come to the aid of railways in strikes and so kept them going.

Several Honourable Members: Blacklegs.

Lieut.-Colonel Sir Henry Gidney: You may call me black or pinklegs but I have not got a white Congress cap on. Whatever you may say, it is unfair to attack a community which has done such service for Railways in India and which is today being practically driven out of the service. It is not fair to them and is discreditable to the Congress Party. If you had done this 25 years ago I would have remained more or less silent, but to do it today, when we are being absolutely kicked out of the railways, is not fair. It is base ingratitude. But, Sir, we have got a certain percentage of appointments on Railways which are statutorily protected by the Houses of Parliament and which you cannot attack, thank God. But I do ask you to be generous in your criticisms and not to attack me in the way you did and for no reason. It was undeserved, uncalled for and absolutely outside the terms of the motion.

Sir, I have nothing further to say about this motion except to express my deep regret that I was drawn into it by the undeserved, uncalled for and ungenerous remarks by an Honourable Member—for whom I have great regard—my Honourable friend, Mr. Gadgil.

The Honourable Sir Thomas Stewart: Sir, I am afraid that from time to time the debate has wandered somewhat away from the subject under discussion, namely, Indianisation of the superior railway posts. The Honourable the Mover based his case on one or two incidents in which he claimed there had been discrimination against Indians. Well, we have only his personal opinion for this verdict of discrimination. He brushed aside figures; he said he had no interest in them. But I have, and I can conceive that other Honourable Members may be interested to know what the figures really are. This policy of Indianisation, which is now being followed, was set on foot as a systematic process in 1926. Before that in 1924-25 the percentage of Indians in the superior posts was 29.41; in 1937-38 the percentage had risen to 52.53. This represents in actual numbers an increase from 305 in the earlier year to 508 in 1937-38,—an increase of 66.6 per cent; and, simultaneously, the number of European officers decreased from 732 to 459. The recruitment figures are these: There are 185 officers who were recruited by direct appointment and by promotion of whom 45 were Europeans and 140 were Indians, representing percentages of 24.3 and 75.7 as against the 25 and 75 ratio at which we were aiming. In the last year, 1937-38, 21 officers were recruited of whom three were Europeans and 18 were Indians, the percentages being 14.3 and 85.7 as against 25 and 75 ratio which has been prescribed. . . .

Mr. Muhammad Nauman: On a point of information, may I know whether any regard was paid in these appointments to the question of minorities and how many of them were Muslims?

The Honourable Sir Thomas Stewart: That is my understanding, that recruitment is made in accordance with the 1934 Resolution.

Mr. Muhammad Nauman: But there is the question of promotions and not only the question of recruitment.

The Honourable Sir Thomas Stewart: No. The proportions prescribed by the 1934 Resolution are proportions of recruitment. These figures that I have given have reference to State-managed railways. The company-managed railways have been under no compulsion to follow the policy laid down by the Government of India, but they have to a very great extent fallen in with our practice at our request. On company-managed railways the percentages were as follows. In 1924-25 the percentage of Indian officers in superior posts was 17.24. It has risen in 1937-38 to 44.39. In actual numbers this represents an increase from 143 in 1925 to 356 in 1938; and, in the latest year, the ratio of Indian recruitment direct to the company-managed lines was as high as 85 per cent. These figures, I think, demonstrate that both in the state-managed lines and in the company-managed lines there has been an honest endeavour to work up to the policy that has been laid down. But it may be that that is not enough. Perhaps the Mover of the Resolution is more concerned with the plums than with the rest of the cake. He has complained about our failure to appoint Indians to higher offices. He has glossed over the fact that there is at the present moment an Indian member of the Railway Board. I did not hear him mention that an Indian Agent had been appointed to one of the railways. I may point out for his information that on the Railway Board the administrative posts are divided almost evenly as between Indians and Europeans. In the face of these facts, I do not think that we can be convicted of any failure to carry out the undertakings which we have given to Indians in regard to recruitment to the railway service.

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

“That the demand under the head ‘Railway Board’ be reduced by Rs. 100.”

The motion was adopted.

DEMAND NO. 6B—WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER.

The Honourable Sir Thomas Stewart: Sir, I move:

“That a sum not exceeding Rs. 17,72,35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of ‘Working Expenses—Maintenance and Supply of Locomotive Power’.”

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

“That a sum not exceeding Rs. 17,72,35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of ‘Working Expenses—Maintenance and Supply of Locomotive Power’.”

Manufacture of Locomotives in India.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): Sir, I move:

"That the demand under the head 'Working Expenses—Maintenance and Supply of Locomotive Power' be reduced by Rs. 100"—(To censure the Government for not starting the manufacture of locomotives in India).

The object of making this motion is to press once again upon the attention of Government the need of starting manufacture of locomotives in India. The question has been raised in this House again and again since we have come here and also before that and has been carried by all sections of the House. Last year this question was raised by my friend, Mr. Santhanam and by facts and figures he proved to the satisfaction of the House that it was possible to start locomotive manufacture in India. Then he was supported by my Leader, Mr. Bhulabhai Desai, and the then Deputy Leader of the Independent Party, Sir Cowasji Jehangir, and also by Sir Henry Gidney. Almost all the sections of the House were of the view that the time had come when steps should be taken to start manufacture of locomotives in India. In England we find that almost all the big companies nay, even the small companies, manufacture their locomotives in their own shops and it is indeed an irony of fate that in India where we have got so many railways—company and State-managed—with such a big mileage of railways, we have not a single workshop for the manufacture of locomotives for the broad gauge. We know that in Ajmer there is provision for the manufacture of metre gauge locomotives, and this year, Sir Guthrie Russell in his speech before the Council of State said:

"There has been considerable agitation that Indian Railways should build their own locomotives and thus extend a practice which has been in force at the Ajmere Shops of the Bombay, Baroda and Central India Railway for many years. The capacity of these shops is limited and they have in past years been fully occupied in building locomotives for their own railway. Last year the Bombay, Baroda and Central India Railway had to reduce their orders for locomotives, and they were faced with either the shutting down of their locomotive building shops with consequent retrenchment of staff, or the obtaining of orders from other railways for locomotives. It was then found that, under the Act of the British Parliament constituting the Bombay, Baroda and Central India Railway Company, there was a legal obstacle to the Bombay, Baroda and Central India Railway constructing locomotives for other railways. This obstacle has, however, now been removed by an amendment of the Act, and the Bombay, Baroda and Central India Railway have obtained an order for the construction at Ajmere during 1939-40 of 9 YB type locomotives for the Assam Bengal Railway, and it is hoped that, in future, it will be possible to keep these shops working to, or near their full capacity."

At least, by this statement, it is admitted that it is possible to manufacture locomotives in India at prices not higher than that at which they are available outside India. After all, we find that orders have been placed by another company for the manufacture of their locomotives with the Ajmer workshops.

Then, Sir, it may be pointed out that the Railways have been working in India for nearly 100 years, and it is really painful to see that we have not got full equipment in this country for the manufacture of materials and other requisites of Railways. We find that other countries like Japan, whose resources are not as big as ours in India, where the Railway system has not been in vogue for a longer period than in India, are able to supply

not merely their own requirements, but also to supply the requirements of other countries. For instance, in Afghanistan when the Railway system was introduced, the contract for the supply of engines and other railway materials was given to a Japanese firm. Therefore, Sir, is it not a pity that in India where we have coal, iron and steel in abundance that we are not able to manufacture locomotives for our own use? In England even small companies which, when compared to ours, can only be put in the category of third class railways, manufacture their own locomotives.

Then, Sir, other considerations apart, I put it to the Honourable Member in charge of our Railways that we have to look to the world situation as it is today. We find this question was raised as early as 1918. Since then more than 20 years have elapsed, and during this period countries have grown, and countries which did not figure amongst the industrial countries of the world are now holding a predominant position. For instance, during this period we find that Russia has equipped herself, Germany too has made equipment in all directions, Italy has not lagged behind, in fact all the Western countries are trying to make themselves self-sufficient. But in India, while it was announced by the Government itself that they had decided to make the country self-sufficient in regard to her railway requirements, we find that they are still shirking their responsibility, because they realise that if locomotives are manufactured in this country, much of the custom of Great Britain would soon disappear. Sir, I say it is a short-sighted policy, because we know that the situation in the world is very precarious. We know that the world will be faced with a war much sooner than most of us seem to imagine, and once there is a big world war and Great Britain is dragged into it, the first attempt of her enemies will be to cut off the communications between India and Great Britain. How will it be possible then for India to get whatever number of locomotives she may require, big or small, that she requires every year? Therefore, I say, that the time has come when the Government should take into their serious consideration all these factors and make a beginning in right earnest. May be, that in the beginning we may have to spend a little more money, may be that we may have to pay a little more for the locomotives than what we can purchase from outside India, but we all know that it brings a two-fold advantage to the country. On the one hand it will make the country self-sufficient, in respect of a vital need, on the other it would provide employment to thousands of persons in the country. After all, in England and other countries they are giving doles to unemployed people without work, and the tax-payer has to foot the bill. In this country the advent of the railways has taken away employment from millions of people. We all know that before the advent of the Railways millions of people were engaged in the transport industry, and although the Honourable Member for Communications proudly mentioned that there are more than six lakhs of people engaged in the Railways, he should know that they have thrown out of employment a much larger number of people than they have been able to absorb in the railways. After all, they have succeeded in employing a few Babus, a few coolies, and a few others who are hardly getting enough for their subsistence. Before the introduction of the Railways in India, we had the river navigation and other modes of road transports as well, and millions of people were employed in these various transport systems which were then in vogue. We know that a number of cities have been ruined since the introduction of the railways into this country. So, if we start but one workshop, we are told that 10,000 persons will be engaged in it. Adverting to this subject,

[Mr. Mohan Lal Saksena.]

the Honourable Member said last year that it was not a commercial proposition to start a workshop of that kind in India, but my Leader had pointed out to him that, after all, the Railways have not been a commercial proposition all the time in this country. So many railways were built soon after the so-called mutiny and those railways were not at all a commercial proposition. We also know that there are many strategic lines which are being constructed and run, and they don't pay their way. Therefore, Sir, if for making the country self-sufficient, if for making a beginning in the right direction, if for providing employment to a large number of unemployed we spend a little money over a proposition, which may not be a commercial proposition to begin with, I think it is worthwhile, and I hope that the House will once more record its vote in favour of this demand. Whether the Government will accept it or not, I feel confident that the time has come when the Government will have to reckon with the forces that are getting stronger than we in this House seem to realise. I hope Honourable Members of the Government will take all these factors into account and act before it is too late.

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

"That the demand under the head 'Working Expenses—Maintenance and Supply of Locomotive Power' be reduced by Rs 190"

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, *prima facie* there is no reason on earth why the manufacture of locomotives should not be undertaken in this country. We have got more than 5,000 broad gauge locomotives and over 2,000 metre gauge locomotives, and, taking their life into consideration including also the intensive nature of the work to which they are now put, and with a reasonable expectation of traffic in the near future, we should require to replace not less than 150 to 200 locomotives every year, excluding perhaps a few more additions. This is more than enough for a factory. But all this has never weighed with those that are in charge of our railways. First of all, there is the reason of railways being a commercial business. Whose business it is I do not know; at least it is not the business of the Indians or a business for the Indian people. At the very background of it all, we suspect that there is something else which is not given out very plainly in this House. There is the reason most probably of giving employment to people abroad. This has a very close connection again with our purchases. I have shown on another occasion how our Railway stores purchase policy has grown into a regular scandal. To help it there has been created the standing, make-believe, the huge fraud, called the Indian Stores Department. I do not want to criticise it here in detail. I have no time for it. They say, on rupee tender basis, they make their purchases, and Railways are making more and more purchases through this Indian Stores Department. But I have shown and I could still show that this Department is actually purchasing more and more non-Indian goods so far at least as railways are concerned, for I have not yet looked into other purchases. The only difference is that they are purchasing foreign articles more and more in India, i.e., from firms and middlemen in this country. It is again a fact that purchase of locomotives and some other specific articles can be diverted very well for various reasons to England, and this is why we are

told that the Indian Stores Department is purchasing and that Railway-men or others have nothing to do with it, perhaps meaning thereby that the Indian interest is safe and that the House or the country need not bother. So far as locomotives are concerned, we are told with the authority of experts that commercially locomotive manufacture will not be paying in this country.

Then, there is the compartmentability of departments. The railways are a commercial department. It cannot undertake industrial ventures. It is the Finance Department which will see to it whether some loss should or could be incurred in the beginning in an undertaking like the manufacture of locomotives on the probability that it may result in a profit in the long run, i.e., in future. This is another device to avoid the issue.

Then there are other arguments, and they are of a technical nature. I once asked whether in the Ajmer workshop which manufactures metre gauge locomotives—let me tell the House here that only about 19 or 20 locomotives give them work throughout the year—I asked whether this factory can manufacture locomotives of the broad gauge type. The Railway Board's technical expert came and his answer was, it cannot be done. We are not ourselves technical men, and we do not know whether the plant could be actually adjusted to produce broad gauge locomotives. But I was a bit surprised at the answer, and I asked the question again—I did not ask these questions here but in some other place—that it is only for India the requirement of locomotives is of the 5 feet 6 inches gauge. All over the world the gauge is 4 ft. 8 inches. If a locomotive factory for a smaller gauge cannot be adjusted to manufacture locomotives for a bigger gauge, then only for the limited number of locomotives required by India supplying firms set up a special plant. How is it then that a locomotive factory cannot be started here in India? The reply is 'no'. The reason is, there will be loss. Practically India is the only country which has 5'6" gauge. In England and other countries the gauge is 4'8". I was then told by the technical expert that a plant for manufacturing 4'8" gauge locomotives can be adjusted for 5'6" gauge locomotives. Then cannot our Ajmer factory which is for metre gauge be adjusted for the purpose? We are told 'No'. The experts say no. We must take their words as gospel truth.

Then, again, it is said that 95 per cent. of the raw materials required for the manufacture of locomotives must have to be imported from foreign countries, therefore, loss is inevitable. We must here see who is our expert, and who determines the specification, who plans the engine and all that. He is a man from England. He is trained in and accustomed to plan specification and standard of locomotives made in England, in the industry of which country he may be, moreover, interested. The man who is to advise us in these matters should be an Indian. If he is to be brought from outside at all he must be brought from a country other than England. This is closely connected with Indianisation in higher ranks, that is, in key positions. Our present experts talk of British standard specification. The articles which are found in Britain are adapted to make locomotives in Britain, and we have been made slaves to the same British standard specification, and now under the name J. R. S., i.e., Indian Railway Standard we are perhaps repeating the same thing. We are imitating B. S. S. under the title 'Indian'. We have not got our men, our technical men. We have no means to know whether really we can

[Pandit Nilakantha Das.]

manufacture locomotives in India. Our purchases are from people who are evidently interested, I do not blame any individual as such. It may be very natural for them to think of their own standard and own specifications as I have said. They may not even be first rate men to conceive of new things in new surroundings.

Now, from the purchases and other things, it seems almost evident that in spite of the fear of war in the near future, our railways and our masters here are following a short-sighted policy only for the purpose of living for the moment, giving some employment to the unemployed people in England. So, some very fundamental investigation should be at once made; an Indian expert, an Indian technical man, perhaps an Indian industrialist, who is versed in Indian commerce—if necessary there should be a committee, and some other experts, if they are not found in India—I believe they are found in India, but if they are not, they should be found out in a country which is not directly interested in selling their articles here, and they should be made to advise whether some specification could be made out of Indian materials which can make our locomotives, and they should be made to say whether 5'-6" gauge engines can be made out of a plant which is adapted for metre gauge, and they should advise whether it will be profitable or not. Even though it is not profitable, the Finance Department should be made to pay 80 lakhs or one crore which was the estimate two years ago mentioned by Sir Zafrullah Khan in this House. That money should be invested at once in a locomotive factory. The poor taxpayer in this country is investing enormously for the promotion of our industries. We are investing so much and we do not grudge investing one more crore. Even if there be loss for the time being, for the future promotion of our industries, for the sake of our prosperity in time to come we want that locomotive manufacture should be begun in this country forthwith. With these words, I support the motion.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 21st February, 1939.

LEGISLATIVE ASSEMBLY.

Tuesday, 21st February, 1939.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

PROSPECTING OF PETROL IN SIND.

557. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Honourable Member for Labour please state:

- whether it is a fact that the Sind Provincial Government have granted a licence to the Burma Oil Company for prospecting petrol over 1,060 square miles;
- whether Government Geologists ever surveyed that portion of 1,060 square miles in Sind, either before or after 1st April, 1937, and reported on the contents of oil in those areas;
- whether Government were aware that in those areas prospecting for petrol could be carried out successfully; and
- whether Government made that intelligence available to the public for undertaking the prospecting of petrol?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Government of India have no information as the development of mineral resources is a provincial concern under the Constitution.

(b), (c) and (d). In the absence of information regarding the location of the area, it is not possible to reply to these parts of the question.

PROSPECTING OF PETROL AND MINERALS IN INDIAN STATES.

558. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Honourable Member for Labour please state:

- whether Government Geologists are deputed to make their survey in Indian States also;
- whether Government Geologists surveyed the area of Khairpur State, which the Burma Oil Company have taken now on lease to prospect in petrol;
- whether the Burma Oil Company people get the intelligence of mineral survey from Government to undertake prospecting of oil and minerals where they are located; and
- whether the same privilege is extended to any Indian firm for the same purpose?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Yes.

(c) and (d). The results of surveys carried out by the Geological Survey of India are published in the publications of the Department which are available to every body.

Mr. S. Satyamurti: May I know whether Government have examined these reports to find out whether there is a prospect of large extraction of oil in the Khairpur State?

The Honourable Sir Muhammad Zafrullah Khan: I cannot answer that in reply to a supplementary question.

NEW CONSTITUTION FOR COLONIES IN THE BRITISH WEST INDIES.

559. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands please state:

- whether the Secretary of State for the Colonies and his Government have arrived at a decision regarding the Federation, under a Federal Government with full Dominion status, to be granted to the Colonies in the British West Indies;
- whether any alternative decision has been arrived at by His Majesty's Government regarding the grant of any other form of Government to the Colonies in the British West Indies with powers for Dominion status; and
- whether the interests of Indians will be amply safeguarded in the coming constitution for the Colonies in the British West Indies?

Sir Girja Shankar Bajpai: (a) and (b). Government have no information.

(c) Does not arise.

CONTROL OF SPURIOUS DRUGS IMPORTED INTO INDIA.

560. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands please state:

- the stage at which legislation for controlling the import of adulterated and spurious drugs at present is;
- whether he proposes taking expeditious steps to pass the measure through the House before the present Legislature is dissolved;
- whether he is aware of the difficulties experienced by the Indian pharmaceutical industry owing to the competition caused by the import of cheap, spurious, adulterated, under-strength and stale drugs from other countries where they are valueless, to sell in Indian markets at very low prices;
- whether the Central Drugs Control Laboratory has done anything to control the spurious drugs imported into this country since its advent in 1937; and
- what Government have done in the matter since the Drugs Enquiry Committee submitted its report of 1930 to control unhygienic drugs into this country?

Sir Girja Shankar Bajpai: (a) and (b). I invite the Honourable Member's attention to the Report of the Select Committee on the Bill to regulate the import into British India of drugs and medicines which was presented to this House on the 18th September, 1938, and to the reply given by me to Sardar Mangal Singh's starred question No. 39 on the 4th of this month.

(c) Government have no information.

(d) The function of the central laboratory is not to control drugs but to undertake the testing and analytical examination of drugs and to do research work.

(e) The recommendations of the Drugs Enquiry Committee were considered by the Government of India in consultation with Provincial Governments and as a first step towards dealing with the problem the Pharmaceutical Standardisation Laboratory was established in Calcutta in 1937 and a Bill to control the import of drugs was introduced in this House.

Mr. S. Satyamurti: May I know whether Government are taking any steps in regard to the control of the manufacture of spurious and bad drugs in this country?

Sir Girja Shankar Bajpai: In the Report of the Select Committee which I presented last September, it was pointed out that the mere regulation of import by itself is not enough and that manufacture and internal distribution must also be regulated. We cannot undertake legislation with regard to that here, without the provinces empowering us to do so specifically by Resolution. A draft Resolution has been sent to the provinces and two replies are still outstanding.

Mr. S. Satyamurti: With regard to the replies so far received, I take it that they are all in favour of legislation being undertaken?

Sir Girja Shankar Bajpai: I think the consensus of opinion is that there should be legislation at the Centre.

Mr. S. Satyamurti: Will Government expedite the matter, in view of the facts mentioned in clause (c)?

Sir Girja Shankar Bajpai: The matter is now really in the hands of the Provincial Governments. As I have already informed the House, many of them have passed the requisite Resolution and we are asking the others to expedite a similar procedure themselves.

Mr. K. Santhanam: May I know what difficulty is there to bring in the Bill and include those provinces when they send up their Resolutions?

Sir Girja Shankar Bajpai: According to section 103 of the Government of India Act (I am speaking from memory), if you want all-India legislation, you must have the express authority of all the provinces. The Provincial Governments concerned have already agreed to pass the Resolution. I think myself that there must be some local disturbance in the legislative time table which is responsible for this delay.

INSTRUMENT OF ACCESSION TO FEDERATION.

61. *Mr. S. Satyamurti: Will the Honourable the Leader of the House be pleased to state with reference to His Excellency the Viceroy's speech at the meeting of the Federation of Indian Chambers of Commerce at Calcutta last December :

- (a) at what stage the Instrument of Accession of the Princes to the Federation stands, i.e., its drafting and its being sent to the Princes;
- (b) whether the Instrument of Accession has been sent to the Princes; and
- (c) if so, when, and, if not, when it is proposed to send it?

The Honourable Sir Nripendra Sircar: (a) to (c). The attention of the Honourable Member is invited to the replies which I gave to part (a) of T. S. Avinashilingam Chettiar's starred question No. 34 and to the answers of supplementary questions on the 4th of this month.

Mr. S. Satyamurti: May I know whether it is intended to send a further Instrument of Accession, or is this the only Instrument of Accession which will be sent—general as opposed to what is called special?

The Honourable Sir Nripendra Sircar: I am afraid I cannot make a statement on that.

LIFE OF THE LEGISLATIVE ASSEMBLY.

62. *Mr. S. Satyamurti: Will the Honourable the Leader of the House be pleased to state whether any conclusion has been arrived at as regards the life of the present Indian Legislative Assembly? If so, what is it? If not, when will the decision of the Governor General in this behalf be communicated to this House?

The Honourable Sir Nripendra Sircar: I have nothing to add to my answer to Sardar Mangal Singh's starred question No. 195 asked on the 8th of January, and to the supplementary questions put by Mr. Satyamurti.

Mr. S. Satyamurti: Will Government be in a position to make some announcement on this matter on the floor of this House, before we adjourn?

The Honourable Sir Nripendra Sircar: An announcement can be made when a decision is arrived at and I cannot give any guarantee that the decision will be arrived at before we disperse.

TERMINATION OF THE PRESENT INDO-BURMA TRADE AGREEMENT.

63. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state :

- (a) whether Government propose to take action to terminate the present Indo-Burma Trade agreement three years after the separation of Burma from India, with a view to re-examining the question from all relevant points of view at the proper time;

- (b) what is the latest date before which notice of the termination of the agreement should be given; and

- (c) whether, in view of the situation in Burma the Government of India propose to give the notice required so as to enable both countries to approach the problem without any previous commitment at the proper time, and, if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). The Honourable Member's attention is invited to my speech during the debate on the Resolution moved by Choudhury Raghbir Narain Singh on the 10th instant on this subject. I have nothing more to add at present.

Mr. S. Satyamurti: May I know whether the 1st of April is the latest date before which notice of the termination of the agreement has got to be given?

The Honourable Sir Muhammad Zafrullah Khan: Either the 31st March or the 1st of April.

Mr. S. Satyamurti: May I know whether Government will make up their mind before that date to give notice of the termination of this agreement?

The Honourable Sir Muhammad Zafrullah Khan: Government will arrive at some decision one way or the other before that date.

Mr. S. Satyamurti: In arriving at their decision, will Government take into consideration the vote of the House, in favour of such notice being given?

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir.

DECLINE IN INDIA'S EXPORTS OF PIECE-GOODS TO BURMA.

564. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state :

- (a) whether there has been a decline in India exports of piece-goods to Burma, and, if so, what the latest figures are; and
- (b) whether Government have investigated the causes thereof and what the results of the investigation are?

The Honourable Sir Muhammad Zafrullah Khan: (a) The latest available figures are for December, 1938. Indian exports of cotton piece-goods to Burma during that month were 7.2 million yards as compared with 4.5 million yards during December, 1937. There has however been a fall in the total exports of these goods during the nine months—April to December, 1938, as compared with the corresponding period in 1937.

- (b) No. The latter part of the question does not arise.

FURTHER RESTRICTIONS PROPOSED ON INDIAN OWNERSHIP OF PROPERTY IN SOUTH AFRICA.

565. *Mr. Abdul Qaiyum: Will the Secretary for Education, Health and Lands please state :

- whether he has read the news about "further restrictions proposed on Indian ownership of property in South Africa" in the *Tribune* of Lahore, dated the 25th January, 1939;
- the nature and extent of the proposed restrictions; and
- the steps taken to counteract this move?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). The attention of the Honourable Member is invited to the reply given by me on the 16th of this month to Mr. T. S. Avinashilingam Chettiar's starred question No. 462.

Mr. Abdul Qaiyum: May I know if it is a fact that Mr. Stuttaford, the Minister concerned, informed a deputation of Europeans that the sale or lease of lands to Indians will be prohibited if 80 per cent. of the Europeans so desire?

Sir Girja Shankar Bajpai: I have no information beyond what I have already conveyed to the House, namely, that the Minister is reported to have made a statement to that effect sometime but I have expressed my willingness to answer at short notice a couple of questions on this subject. I have made a telegraphic inquiry from the Agent General and I hope to communicate the result to the House as soon as possible.

NATIONAL NUTRITION.

†566. *Mr. C. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands please state :

- whether at its meeting in November last at Delhi the Advisory Board of Imperial Council of Agricultural Research considered the question of national nutrition;
- the conclusions it reached; and
- how it is proposed to make it widely known to the masses of the people in the country?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). The discussions were of an exploratory nature and further investigation and discussion will be necessary before definite conclusions can be reached.

RESTRICTIONS IMPOSED ON INDIAN COMMERCIAL TRAVELLERS IN SOUTH AFRICA.

†567. *Mr. C. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands please state whether the Government of the Union of South Africa have replied to the representations of the Agent General regarding the Union's restrictions against commercial travellers from India to South Africa, and if so, whether Government are satisfied that the needful has been done?

Sir Girja Shankar Bajpai: The result of the Agent General's representations to the Union Government in this matter is awaited.

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

GRANTS TO THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

†568. *Mr. C. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands please state :

- the total grants sanctioned for the Imperial Council of Agricultural Research during 1937-38 and 1938-39;
- the schemes of research for which the Council was responsible during 1937-38 and those contemplated during 1938-39;
- the expenditure incurred on the administration of the grant during 1937-38 and budgeted for during 1938-39;
- what percentage it is of the total grant during the two years (separately); and
- whether, in view of the very high percentage, Government propose to consider the desirability of effecting further economies than those achieved as a result of the recent 'drive'?

Sir Girja Shankar Bajpai: (a) A statement, showing the grants sanctioned for the Imperial Council of Agricultural Research in 1937-38 and 1938-39, is laid on the table.

(b) The budget estimates of the Imperial Council of Agricultural Research for the year 1938-39 and revised estimates for 1937-38—copies of which have been placed in the Library of the House—furnish the information asked for.

(c) The expenditure sanctioned for the administrative staff in 1937-38 amounted to Rs. 3,44,000 and in 1938-39 to Rs. 3,50,800.

(d) The percentages for 1937-38 and 1938-39 are 28 and 33 respectively. The percentages of the total amounts spent on research are however 20 and 18.

(e) A number of the officers who are paid from the funds of the Imperial Council of Agricultural Research are not employed exclusively on administering the research schemes of the Council and the Government of India do not consider the cost of administration unduly high.

Statement showing the grants sanctioned for the Imperial Council of Agricultural Research during 1937-38 and 1938-39.

	1937-38.	1938-39.
	Rs.	Rs.
Annual grant	5,00,000	5,00,000
Grant for Sugar research	1,75,000	
Grant for Provincial Marketing Scheme	2,00,000	2,00,000
Grant from the Sugar Excise Fund	2,50,000	3,50,000
Grant for Cold Storage Scheme	1,00,000	..
Grant for Agriculture and Veterinary Survey of Coorg.	4,000	..
Grant for Sugar Marketing Survey (balance of the grant originally given to the Agricultural Marketing Adviser)		1,200
	12,29,000	10,51,200

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

GRADING AND STANDARDISATION OF TOBACCO.

†569. *Mr. C. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands please state the measures taken, or which it is proposed to take, for the grading and standardisation of tobacco in India, so that tobacco growers may be enabled to compete successfully in world markets?

Sir Girja Shankar Bajpai: The Report on the marketing of tobacco, which will be issued shortly, contains information regarding the work done and suggestions for the improvement of the industry. During 1938 over a million lbs. of cigarette tobacco have been graded, packed and marked in accordance with the rules framed under the Agricultural Produce (Grading and Marketing) Act, 1937. Experimental grading stations have been established in Bihar and the Rangpur district of Bengal. The Indian Tobacco Association, which has its headquarters in Guntur, has brought together growers, exporters and manufacturers, and with the assistance of the marketing staff has been issuing pamphlets on various problems connected with the trade. The Imperial Council of Agricultural Research have appointed an officer who will shortly be deputed to the United States of America to study the cultivation, curing and marketing of tobacco in that country.

CONTROL AND ADMINISTRATION OF THE BOSE RESEARCH INSTITUTE, CALCUTTA.

†570. *Mr. C. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands please state :

- (a) whether Government have reached any decision on the question of devising a new scheme for the control and administration of the Bose Research Institute, Calcutta; and
- (b) whether they are in a position to state, as a result of enquiries which they promised, as to who made the appointment of the present Director?

Sir Girja Shankar Bajpai: (a) Not yet.

(b) The attention of the Honourable Member is invited to the statement which I laid on the table of the House on the 3rd February, 1939, in reply to part (e) of his starred question No. 1981 asked on the 8th December, 1938.

COATS OF ARMS OF BRITISH, CENTRAL AND PROVINCIAL GOVERNMENTS.

571. *Mr. Sri Prakasa: Will the Honourable the Leader of the House state :

- (a) if there are separate Coats of Arms of the British Government, the Indian Government and the Provincial Governments of India;
- (b) what the Coats of Arms are and what do they mean or represent, and when and by whom they were prescribed and adopted;
- (c) the names of Provinces, if any, which have not yet got them, and if it is proposed to give them their own separate Coats of Arms;

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

- (d) the names of public documents, if any, on which they are invariably or ordinarily used;
- (e) the law regarding the using of these Coats of Arms by private individuals;
- (f) if there is any copyright in the use of the same; and
- (g) if there is any rule preventing an Indian national using on his private paper, or in any publication of his, the Coats of Arms of the British Government, the Indian Government or his own Province?

The Honourable Sir Nripendra Sircar: (a) The Royal Coat of Arms is the emblem that is adopted both by the British and Indian Governments but Provincial Governments have their own special Coats of Arms.

(b) and (c): All Provinces have Coats of Arms which were, after consultation with the Provincial Governments, granted by His Majesty, in exercise of the Royal Prerogative through the medium of a Royal Warrant addressed to the Principal Officers of the College of Heralds. The Arms are composed of symbols representing the distinguishing features or historical associations of the Provinces possessing them. It is not possible to describe all the Coats of Arms in answer to a question.

(d) It is impossible to compile a list of all the public documents on which the coat of arms is ordinarily or invariably exhibited, but it is usually exhibited on Government publications such as the Official Gazette and copies of statutes published under the authority of Government.

(e), (f) and (g). As already explained armorial bearings are assigned by His Majesty by Royal Warrant and private individuals have, therefore, no right to use them.

Mr. S. Satyamurti: Sir, are these provincial coats of arms in this House?

The Honourable Sir Nripendra Sircar: Sir, my friend is asking a question on a matter about which I am totally ignorant, but I am told that they are here. If, however, he next asks a supplementary question asking me to point them out to him, I shall fail.

Mr. S. Satyamurti: Sir, why is "Burma" here, in spite of the separation of Burma?

The Honourable Sir Nripendra Sircar: That is more than I can say.

Mr. S. Satyamurti: May I ask why the Dominions coats of arms are here?

The Honourable Sir Nripendra Sircar: I hope my friend will turn to his colleague, Mr. Sri Prakasa, because he is really an expert in these matters.

Mr. Sri Prakasa: May I know if the Provinces of Sind and Orissa have been provided with separate coats of arms?

The Honourable Sir Nripendra Sircar: From the answer I have given, I infer that that is the case.

Mr. Sri Prakasa: With reference to the reply to parts (e) and (f) of the question, may I know how it is that the *Statesman* is allowed to use the British coats of arms twice every day?

The Honourable Sir Nripendra Sircar: I think my Honourable friend can take action against the *Statesman* if he thinks fit.

Mr. Sri Prakasa: May I know why there is a difference in the coats of arms, as depicted in this Chamber and in the Library, of the Provinces of Bihar and Central Provinces, and why is the coat of arms of Madras not exhibited in this Chamber?

The Honourable Sir Nripendra Sircar: Well, Sir, I do not admit that the coats of arms are different as they are represented here and as they are to be found in the Library, but possibly those in the Library have been improved to give pleasure to the Members who go there. I have, however, no further information.

ADVERSE EFFECT ON INDIA'S TRADE WITH JAPAN.

572. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Commerce Member state :

- (a) whether latest account of the sea borne trade of India shows that the trade of India with Japan has suffered adversely;
- (b) the causes for the adverse movement of trade; and
- (c) whether Government have taken any steps in the matter; if so, what?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) There are many causes of which the Sino-Japanese hostilities is the most important.

(c) The Honourable Member is referred to the reply given to part (c) of his starred question No. 422 on the 24th August, 1938.

Mr. T. S. Avinashilingam Chettiar: May I know what the extent of the adverse trade balance is?

The Honourable Sir Muhammad Zafrullah Khan: As a matter of fact, both exports and imports have fallen, and the adverse balance is now smaller than it was last year.

COMPARTMENTAL SYSTEM OF EXAMINATION IN THE DELHI UNIVERSITY.

573. *Mr. Sham Lal: Will the Secretary for Education, Health and Lands be pleased to state :

- (a) the names of different examinations of the University of Delhi where arrangements for the system of compartment have already been made for plucked candidates in case of their having fulfilled requisite conditions and the names of those examinations for which these facilities do not exist;

- (b) if there are still such examinations for which there is no system of compartment in the University of Delhi; whether the same is the case with similar examinations of the University of London; and

- (c) whether any steps are intended to be taken in the matter?

Sir Girja Shankar Bajpai: (a) The compartment system has been provided for the following examinations of the University of Delhi:

- (i) Intermediate (Arts and Science).
- (ii) B.A. (Pass and Honours).
- (iii) B.Sc. (Pass).
- (iv) Preliminary, Intermediate and Final Examinations in law.

The question of applying the compartment system to the M.A. Examination does not arise, as a candidate has to take only one subject in this examination.

(b) The reply to the first part is in the negative. As regards the second part, so far as the Government of India are aware, students are, as a general rule, required to pass in all the subjects taken at an examination of the London University and to pass in all those subjects at one and the same examination, though there are certain exceptions to this rule.

- (c) In view of the answer to the second part of (b), this hardly arises.

DENIAL OF THE RIGHT OF PURCHASING LANDS BY DEPRESSED CLASSES IN RURAL AREAS OF DELHI PROVINCE.

574. *Mr. Sham Lal: Will the Secretary for Education, Health and Lands be pleased to state whether in the rural areas in the Province of Delhi, depressed classes are being denied the right of purchasing lands for housing purposes from members of statutory agriculturists?

Sir Girja Shankar Bajpai: Enquiries have been made and a reply will be furnished to the House as soon as the information is available.

TRAINING IN FIRST AID TO STUDENTS IN THE CENTRALLY ADMINISTERED AREAS.

575. *Mr. Sham Lal: Will the Secretary for Education, Health and Lands be pleased to state :

- (a) the percentage of students of high classes having had training in First Aid both in Government and non-Government schools of the centrally administered areas during the last financial year; and
- (b) if it is very low, whether any steps are proposed to be taken in the matter?

Sir Girja Shankar Bajpai: (a) About 11.5 per cent. in Ajmer-Merwara and 9 per cent. in Delhi. Information in regard to Coorg and Baluchistan is not available, but has been asked for.

(b) The Education Departments in Ajmer-Merwara and Delhi propose to issue instructions to all recognised High Schools to provide wider facilities for training in First Aid. The desirability of taking similar action in Coorg and Baluchistan also will, if necessary, be brought to the notice of the Local Administrations concerned.

ARRANGEMENT FOR FREE EXAMINATION OF TUBERCULOSIS PATIENTS IN HOSPITALS IN THE CENTRALLY ADMINISTERED AREAS.

576. *Mr. Sham Lal: Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether there are arrangements for the free microscopical examination of sputa of patients suffering, or suspected to be suffering from Tuberculosis, at any Government hospitals and dispensaries situated in the centrally administered territories on the recommendations of registered medical practitioners nearest to their places of practice; and
- (b) if not, whether Government propose to take any steps in this direction to combat this disease as a part of the anti-tuberculosis campaign?

Sir Girja Shankar Bajpai: (a) Yes; in Delhi at the Provincial Laboratory and the Tuberculosis Clinic and in Ajmer-Merwara, Coorg and Baluchistan at the larger hospitals and dispensaries.

(b) Does not arise.

RESEARCHES FOR THE UTILISATION OF THE REFUSE OF BIG CITIES.

577. *Mr. Sham Lal: Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether any research work is being attempted towards further utilization of the refuse of big cities by the Imperial Council of Agricultural Research, or other All-India Research organisations; and
- (b) if so, whether there has so far been any possibility of the generation of cheap electricity by the burning of city refuse to light up those towns and their suburbs?

Sir Girja Shankar Bajpai: (a) (i). The Imperial Council of Agricultural Research has financed a scheme for research into the preparation of synthetic manure from town refuse and waste materials. An account of this scheme will be found in the Annual Report for 1987-88, a copy of which is available in the Library of the House.

(ii) The Indian Institute of Science, Bangalore, has carried out investigations into the activated sludge method of sewage disposal. An experimental activated sludge plant has been installed at the Imperial Agricultural Research Institute, Delhi.

(b) No.

APPOINTMENT OF A SPECIAL OFFICER FOR CO-ORDINATION OF DEFENCE.

578. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state:

- (a) whether his attention has been drawn to a leading article entitled "Defence and Industry" in *The Hindu* of the 10th January;
- (b) whether it is a fact that the Government of India have appointed a special officer for co-ordination of Defence, and, if so, what are his exact activities, and whether he will function *inter alia* as a Minister for Supply; and

- (c) whether this officer will be asked to explore the possibilities of the Indian market in respect of Defence requirements, and, if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) and (c). I would refer the Honourable Member to my reply to Mr. Santhanam's question No. 120 on the 6th February last.

Mr. S. Satyamurti: May I take it that this officer is working in close co-operation with my Honourable friend's Department, with a view to utilising the resources of Indian industries?

The Honourable Sir Muhammad Zafrullah Khan: I have not said that this officer is working in "co-operation"?

Mr. T. S. Avinashilingam Chettiar: May I know under which Department the officer is working—the Defence or the Commerce Department?

The Honourable Sir Muhammad Zafrullah Khan: Neither, I believe.

Mr. T. S. Avinashilingam Chettiar: Under which Department is he working?

The Honourable Sir Muhammad Zafrullah Khan: He is not working under any particular Department, as he has to co-ordinate the activities of different Departments.

†579*.

REFUSAL TO HEAR PARTIES THROUGH LAWYERS IN APPEALS UNDER THE INDIAN TEA CONTROL ACT.

580. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Commerce please state:

- (a) whether the Central Government have refused to hear parties through lawyers in appeals under section 7(2) of the Indian Tea Control Act on the ground that these are not judicial proceedings and it is not usual for the Central Government to give a hearing to the appellants through their lawyers;
- (b) whether the Department are prepared to follow the practice of income-tax officers who usually allow parties to appear through lawyers; and
- (c) the inconvenience to Government in hearing lawyers?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) and (c). Section 7(2) of the Indian Tea Control Act, 1963, provides that appeals being made either to a High Court or to the Central Government are not judicial proceedings, and Appeals made to the Central Government are not judicial proceedings, and Government have refused to accept the ordinary *vakalat namas* in such cases, though they have not refused to allow appellants to appear personally or by representative, who may or may not be pleaders.

†This question was not put by the questioner.

CONSUMPTION OF SUGAR.

†581. *Seth Haji Sir Abdoola Haroon: Will the Honourable the Commerce Member be pleased to state whether the Government have in their possession any reliable figures of the *per capita* consumption of sugar in India? If so, will they state whether the consumption of sugar has been increasing since 1932-33 and at what rate?

The Honourable Sir Muhammad Zafrullah Khan: According to the estimates furnished by the Imperial Institute of Sugar Technology, the *per capita* consumption of sugar in India has increased from 6.3 lbs. in 1932-33 to 7.1 lbs. in 1937-38, but these estimates are liable to error, in the absence of accurate figures for both "visible" and "invisible" stocks and the production of "Khandsari" sugar. Also, the population is only known after each census which is held at intervals of ten years.

FINDING OF MARKET FOR SUGAR AND UTILISATION OF MOLASSES.

†582. *Seth Haji Sir Abdoola Haroon: Will the Honourable the Commerce Member be pleased to state:

- whether his attention has been drawn to the Indian Sugar Industry 1938 Annual by Mr. M. P. Gandhi, wherein he has suggested the possibility of establishing sugar markets, particularly, in Afghanistan, Kashmir, Nepal, etc., and if so, whether Government will explain whether they have undertaken any investigation into this possibility; and
- the total carryover of stocks of sugar in the country at the beginning of each sugarcane season for the last three years;
- whether his attention has been drawn to the Indian Sugar Industry 1939 Annual by Mr. M. P. Gandhi, wherein he has made suggestions for the utilization of molasses, the production of which is constantly increasing, in various directions, like manufacture of power alcohol, industrial alcohol, etc.; if so, whether Government have taken any action in the matter;
- the figures of export of molasses from India during the last five years and whether he yet feels that there is any possibility of outlet for molasses in that direction; and
- whether any over-production has resulted in the matter of production of sugar, and if so, whether Government propose to take any action to remedy the same?

Sir Girja Shankar Bajpai: (a) The Honourable Member is presumably referring to the Indian Sugar Industry 1937 Annual, on page 151 of which the suggestion referred to in the question is contained. As regards the latter portion, his attention is invited to the reply given to part (c) of his starred question No. 864 on the 21st March, 1938.

(b) A statement is laid on the table.

(c) Yes; the Government of India are awaiting the results of the examination of the Joint Power Alcohol Committee's report by the Governments of the United Provinces and Bihar.

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

(d) The Honourable Member is referred to page 181 of the Annual Statement of the Sea-borne Trade of British India, a copy of which is in the Library. There is no reason to believe that the exports of molasses have reached their limit.

(e) According to the information available production in 1936-37 exceeded the very rough estimate of internal consumption but there has been no such excess since.

Approximate figures showing the total carryover of stocks of Sugar at the beginning of November.

Year.	Tons.
1936	150,000
1937	211,000
1938	192,000

LOSS OF INDIAN LIFE AND PROPERTY IN MONYWA AND KANBALU IN SHWEBO DISTRICT OF BURMA.

583. *Mr. Brojendra Narayan Chaudhury: Will the Secretary for Education, Health and Lands please state:

- whether the news of loss of lives and property of Indians in Monywa and Kanbalu, Shwebo district, Burma, as given by the Rangoon correspondent under date 30th January, to the *Hindusthan Standard*, of the 5th February (Moffussil edition), 1939, is correct in every particular—loss of lives of little children, attack on Gurudwara and injury to refugees there; policy of hushing up of news condemned in Rangoon Press; shops of Kakas Moslems looted and burnt, etc., and
- whether he was in possession of these particulars about Monywa and Kanbalu riots on the day the House adjourned on account of conditions in Burma?

Sir Girja Shankar Bajpai: (a) No. I may add for the information of the Honourable Member that the riot in Monywa does not appear to have been of the magnitude stated in the press report. No lives were lost. The rumours about the riot at Kanbalu have been officially contradicted.

(b) Such information as was available about Monywa was communicated to the House.

TRAGEDY TO THE PASSENGERS AND CREW OF A CARGO STEAMER, NAMED S.S. "CAMBAY-STAR".

584. *Mr. Lalchand Navalrai: Will the Honourable the Commerce Member be pleased to state:

- whether they are aware of the recent tragedy which occurred off the shores of Bombay, 120 miles to the west, to the passengers and crew of a cargo steamer named S.S. "Cambay-star", which was plying between Karachi and South Indian ports;
- whether it is a fact that no trace has yet been found of the passengers, the crew and the remaining one life boat attached to the steamer;

(c) whether, in view of the possibility of the passengers and the crew having survived by means of the abovementioned life boat and got themselves stranded in one of the groups of the Laccadive Islands, Government are prepared to explore that possibility so as to rescue the survivors, if any; and

(d) whether Government have instituted or propose to institute any enquiry either public or departmental, into the causes which led to the tragedy and the sinking of the steamer?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Yes.

(c) The matter is receiving Government's attention.

(d) A formal investigation under section 248 of the Indian Merchant Shipping Act, 1923, is being ordered.

Mr. Lalchand Navalrai: May I know if there has been any clue of those who were drowned up to this time?

The Honourable Sir Muhammad Zafrullah Khan: Except that mentioned by the Honourable Member himself, none.

PURCHASE OF REMINGTON TYPEWRITERS BY GOVERNMENT.

585. *Bhai Parma Nand: (a) Will the Honourable Member for Commerce be pleased to state if it is a fact that Remington Typewriters are being exclusively purchased by the Government of India?

(b) Are Government aware that many commercial firms are able to get these typewriters at prices lower than what are charged to Government and that Remington Portable Typewriters can be purchased from other dealers at prices substantially lower than what are charged to Government?

(c) Are Government aware of the landed cost of Remington Typewriters and of the percentage of profit which is being made by the Company?

(d) Do Government propose to stop further payment of excessive price to the Remington Typewriter Company?

(e) Is it a fact that Government are getting all its Remington Typewriters serviced and repaired by the Remington Typewriter Company? If so, what is the total annual cost of such repairs?

(f) Are Government aware that if they were to invite tenders, they could get other firms to carry out the servicing and repairs to Remington Typewriters at much lower rates, and also that genuine parts for Remington Typewriters can be purchased from other local firms at prices very much lower than what are charged to Government?

(g) Are Government prepared to take an early opportunity of revising their present policy of making exclusive arrangements with the Remington Typewriter Company and make their purchases in the open market?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) and (c). No.

(d) Does not arise.

(e) Yes. I am not aware of the total annual expenditure on repairs as the cost of repairs is paid by each office concerned direct to the Company.

(f) These matters are under consideration.

(g) Government see no reason to alter their policy which is designed to encourage the development of the typewriter industry in India.

Mr. Abdul Qayyum: May I ask if this particular Company has a sort of monopoly in the supply of typewriters?

The Honourable Sir Muhammad Zafrullah Khan: They are accorded a preference under the Stores Purchase Rules.

Mr. Abdul Qayyum: May I ask if it would not be cheaper to call for tenders for the supply and repair of such typewriters?

The Honourable Sir Muhammad Zafrullah Khan: I do not know whether, so far as the repairs are concerned, anything more is being paid than need be paid.

Mr. W. S. Danga: Will Government try to inquire and find out whether anything more is being paid than need be paid in respect of repairs and purchases of these typewriters?

The Honourable Sir Muhammad Zafrullah Khan: That is a matter that has been dealt with under clause (f) in regard to which I have said that these matters are under consideration.

SUPERINTENDENT OF EDUCATION IN BRITISH BALUCHISTAN.

586. *Mr. Abdul Qayyum: Will the Education Secretary please state:

(a) who is the present Superintendent of Education in British Baluchistan;

(b) what is his pay per mensem;

(c) the date of the present Superintendent's appointment;

(d) whether his predecessor was an Indian; and his pay per mensem; and

(e) the reasons for appointing a European to this post?

Sir Girja Shankar Bajpai: (a) Mr. J. Leitch Wilson, M.A., an officer of the Punjab Educational Service, Class I.

(b) Rs. 1,400 per mensem in the grade of Rs. 1,150—50—1,400, plus a special pay of Rs. 150 per mensem plus Sterling Overseas pay at £30 per mensem.

(c) 3rd May, 1937.

(d) and (e). The pay of Mr. Leitch Wilson's predecessor, who was an Indian, was Rs. 800 per mensem in the grade of Rs. 200—15—500—20—600 plus a special pay of Rs. 150 a month.

I should explain that, prior to December, 1931, the post had been held by an officer of the Indian Educational Service, or one of comparable status to Mr. Wilson's. In 1931, the more economical arrangement was adopted owing to financial stringency. In 1936, the Chief Commissioner asked for a survey of educational conditions in Baluchistan with a view to reorganisation. This was entrusted to Mr. Madan Mohan Singh of the Punjab Educational Service. On examination of Mr. Singh's report, the Chief Commissioner recommended that an officer of the Indian Educational Service or equivalent Punjab Service should be deputed to the province for three or five years at a time to give effect

to Mr. Singh's proposals. Mr. Leitch Wilson, Vice-Principal, Central Training College, Lahore, who had been an Inspector of Schools in the Punjab and had acted as Educational Commissioner with the Government of India for a short time, was considered to be the most suitable for the purpose. He was accordingly appointed Superintendent of Education, Baluchistan, for three years in the first instance.

Mr. Abdul Qaiyum: I know Mr. Leitch Wilson very well, because he was my teacher, but I would like to know whether, as soon as he was appointed, fee of the higher and the middle classes was doubled in Baluchistan?

Sir Girja Shankar Bajpai: No, Sir. I think Mr. Leitch Wilson was so favourably impressed with his ex-pupils' proficiency that he thought that it would be undesirable to make such an immediate augmentation of the fee in the higher classes.

Mr. Abdul Qaiyum: May I ask if there were strikes in the schools as a result of the doubling of fees in the higher and middle classes?

Sir Girja Shankar Bajpai: I submit, Sir, that the question about the augmentation of fees and the results therefrom does not arise out of the question relating to the appointment of Mr. Wilson.

Mr. K. Santhanam: May I know the number of schools under this officer?

Sir Girja Shankar Bajpai: That, again, is a question of detail which I cannot be expected to answer arising out of this.

Mr. K. Santhanam: May I ask whether the number of schools justify the appointment of such a costly officer for their superintendence?

Sir Girja Shankar Bajpai: It was not so much the number of High Schools as the necessity of extending the primary education in the province under which it was considered desirable to appoint an officer of this status and experience.

Mr. Abdul Qaiyum: Is the Honourable Member aware that in the North-West Frontier Province the Director of Public Instruction gets Rs. 750 a month, and controls about hundred times as many schools, as Mr. Wilson?

Sir Girja Shankar Bajpai: I am afraid I cannot compare the two.

Dr. Sir Ziauddin Ahmad: Did the new officer recommend that the fee should be doubled or the Government took the initiative themselves?

Sir Girja Shankar Bajpai: No, Sir. As a matter of fact, the fee has not been doubled. I have answered a question on that subject before and if my Honourable friend will look up the answer he will find that there has been an increase of only one rupee in the higher classes and that the fees in Baluchistan today are lower than either in the North-West Frontier Province or the Punjab.

Prof. N. G. Ranga: When the contract of this particular officer, which is, I believe for two years, comes to an end, will Government consider the advisability of appointing an Indian in his place?

Sir Girja Shankar Bajpai: I cannot say now what will happen two years hence.

WARDHA SCHEME OF EDUCATION.

587. *Mr. T. S. Avinashilingam Chettiar: Will the Secretary for Education, Health and Lands state:

- whether it is true that the Central Advisory Board of Education have accepted the Wardha method of education as an improvement upon the existing system;
- whether Government have considered their report in this matter, and
- whether they propose introducing the new method of education in the centrally administered areas?

Sir Girja Shankar Bajpai: (a) The Central Advisory Board of Education has generally approved the principle of the Wardha Scheme, which is one of education through activity.

(b) and (c). In accordance with the recommendation made by the Central Advisory Board of Education, the Government of India propose to forward a copy of the report of the Board's sub-committee on the Wardha Scheme, together with a summary of the discussion on the subject at the Board's meeting held on the 3rd December, 1938, to Provincial Governments and Local Administrations for consideration and such action as they might consider necessary. It will be for the Local Administrations in the centrally administered areas to consider, in the first instance, what action, if any, should be taken in the matter within the areas under their control. Any proposals on the subject which may be made by the Local Administrations will be examined by the Government of India in due course.

Prof. N. G. Ranga: What additional steps do the Government of India propose to take to popularise this particular scheme in the manner in which it has been accepted by the Central Advisory Board of Education?

Sir Girja Shankar Bajpai: Sir, in so far as the popularising of the scheme is concerned, I submit that it is the function of the Provincial Governments.

Prof. N. G. Ranga: Will Government consider the advisability of popularising the scheme through broadcasting as well as the Information Bureau and its publications?

Sir Girja Shankar Bajpai: I submit that if there is any question about popularising this scheme through broadcasting, the question ought to be addressed to the Honourable Member for Communications.

Prof. N. G. Ranga: Will Government make available to the Members of this House copies of the proceedings of that meeting?

Sir Girja Shankar Bajpai: I shall certainly consider my Honourable friend's suggestion.

Mr. T. S. Avinashilingam Chettiar: Apart from the Provincial Governments, will the Government of India take active steps to popularise what has been accepted by the Central Advisory Board of Education in the centrally administered areas?

Sir Girja Shankar Bajpai: I have already said that we have sent copies of the schemes as approved by the Central Advisory Board of Education to the heads of the Local Administrations. As soon as we get proposals from them, we will examine them.

588. *Mr. T. S. Avinashilingam Chettiar: Sir, this question has been changed to such an extent that it is no use putting it.

+589*.

CONSIDERATION OF THE PROPOSAL FOR HAVING A HIGH COMMISSIONER IN CEYLON AND CEYLON DELEGATION TO THE INDUSTRIES CONFERENCE.

590. *Mr. Manu Subedar: (a) Will the Secretary for Education, Health and Lands please state whether Government have considered the proposal for having a High Commissioner in Ceylon of the same status as the Agent-General in South Africa in view of the numerous grievances of the Indian population in Ceylon and their very large number?

(b) Has there been any communication with the Government of Ceylon on this subject?

(c) Do these communications take place with the Government of Ceylon direct, or through the Colonial Office?

(d) Who invited the Minister for Commerce and Industries for Ceylon to the Industries Conference held at Bombay?

(e) Were there any official talks with the delegation, who came from Ceylon for that conference, on the subject of the grievances of Indians in Ceylon?

Sir Girja Shankar Bajpai: (a) Government do not consider such a change necessary.

(b) No.

(c) Does not arise.

(d) The Government of Ceylon themselves expressed a desire to send their representative to these conferences.

(e) No.

+This question was not put by the questioner.

Mr. S. Satyamurti: May I know, with reference to the answer to clause (e) of the question, why the question of the grievances of the Indians in Ceylon was not brought up at this Conference between the Ceylon Minister and the Government of India?

Sir Girja Shankar Bajpai: Because the Conference, as my Honourable friend is aware, was devoted exclusively to industrial questions.

Mr. S. Satyamurti: In view of the fact that industrial questions govern also the relations between this country and Ceylon, so far as the question of the Indian nationals is concerned, may I know if it was kept out as irrelevant, or because the Government thought that they would bring it up on a more suitable occasion?

Sir Girja Shankar Bajpai: Sir, I speak subject to anything that the Honourable the Commerce Member may have to say on the subject, but my impression is that this particular question of Indian grievances was kept out because in accordance with the information which my Honourable friend has already had from the Honourable the Commerce Member the intention is to include this in the trade negotiations when they take place.

Mr. S. Satyamurti: With reference to the answers to clauses (a) and (b) of the question, may I know if Government have considered the question of having a trade representative as such in Ceylon besides an Agent, whose main functions have been and will be the protection of the interests of Indian nationals there?

Sir Girja Shankar Bajpai: I am not aware of any such suggestion.

INDIAN TRADE COMMISSIONERS ABROAD.

591. *Mr. Manu Subedar: (a) Will the Honourable the Commerce Member please state how many Trade Commissioners there are, and in which places, and what are their pay and allowances?

(b) At how many other places have Government considered the establishment of Trade Commissioners and when?

(c) At what intervals are reports prepared by the Trade Commissioners and why are not these reports made available to Members of this House?

(d) Have the Trade Commissioners in Germany and Italy made any complaints that the treatment at the hands of local authorities in these countries is not satisfactory?

(e) What is the amount of money spent on the office of the Indian Trade Commissioner in London?

(f) Is any annual report published by him, and if so, will a copy of the same be made available to members of this House?

The Honourable Sir Muhammad Zafrullah Khan: (a) A statement is laid on the table giving the required information.

(b) No other appointment of a Trade Commissioner is at present in contemplation.

(c) The Trade Commissioners submit quarterly reports for each of the first three quarters of the year and an annual report which covers the activities during the fourth quarter. The quarterly reports are published in the *Indian Trade Journal*. Copies of the Journal and of the annual reports are available in the Library.

(d) No.

(e) The budget grant for the current financial year is Rs. 1,81,000.

(f) Yes. Copies of the annual reports are available in the Library.

Statement showing the Pay and Allowances of the Indian Government Trade Commissioners abroad.

- | | |
|--|---|
| (1) Indian Trade Commissioner, London . | Pay £1,960 per annum in the scale of £1,800—40—2,000 per annum.
Representation Allowance £200 p. a. |
| (2) Indian Government Trade Commissioner, Hamburg. | Pay £1,200 p. a. in the scale of £1,000—50—1,500 p. a.
Representation Allowance £250 p. a.
House Rent Allowance £150 p. a. |
| (3) Indian Government Trade Commissioner, Milan. | Pay £1,200 p. a. in the scale of £1,000—50—1,500 p. a.
Representation Allowance £250 p. a.
House Rent Allowance £150 p. a. |
| (4) Indian Government Trade Commissioner, New York. | Pay in the senior time-scale of the I. C. S. (Rs. 2,100 p. m.).
Representation Allowance £250 p. a.
House Rent Allowance £300 p. a.
Local Allowance £500 p. a. |
| (5) Indian Government Trade Commissioner in Japan (Osaka). | Pay Rs. 1,400 p. m. in the scale of Rs. 1,200—100—1,500 p. m.
Representation Allowance Rs. 250 p. m.
House Rent Allowance Rs. 150 p. m.
Conveyance Allowance Rs. 100 p. m. |
| (6) Indian Government Trade Commissioner, Mombasa. | Pay Rs. 730 p. m. in the scale of Rs. 700—30—1,000 p. m.
Representation Allowance Rs. 150 p. m.
Local Allowance Rs. 300 p. m.
House Rent Allowance Rs. 150 p. m. or the difference between the rent actually paid by the officer and ten per cent. of his pay, whichever is less. |
| (7) Indian Government Trade Commissioner, Alexandria. | Pay in the senior time-scale of the I. C. S. (Rs. 2,000 p. m.).
Representation Allowance Rs. 150 p. m.
Local Allowance Rs. 150 p. m.
House Rent Allowance Rs. 150 p. m. or the difference between the rent actually paid by the officer and ten per cent. of his pay, whichever is less. |

PAYMENTS TO ENGINEERS FOR CONSTRUCTING HOUSES IN NEW DELHI ACCORDING TO GOVERNMENT'S DESIGNS.

592. *Mr. Sri Prakasa: Will the Honourable Member for Labour state:

- if it is a fact that there exists a contract between the engineers who originally designed the various types of houses in New Delhi and Government to the effect that the said engineers will be paid a particular percentage of the cost on each new house when it is constructed in accordance with their designs;
- if he will lay on the table of the House a copy of this contract; and
- the amount of money given to various engineers during the last five years on account of the construction by Government of new houses in New Delhi?

The Honourable Sir Muhammad Zafrullah Khan: (a) No.

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

WAGES IN INDUSTRIES.

†593. *Mr. Akhil Chandra Datta: (a) Will the Honourable Member for Commerce state whether Government have any information as regards wages in the various industries of India and if so, why they do not make them available to the public?

(b) Are Government aware that without a proper study of the conditions of the wages in the country many labour legislations cannot be undertaken?

(c) Do they propose to amend the Factory's Act so as to enable them to get the necessary powers for obtaining information concerning wages from the employers?

The Honourable Sir Muhammad Zafrullah Khan: (a) Statistics of wages in mines, where labour conditions are centrally administered, are published annually in the report of the Chief Inspector of Mines. Various Provincial Governments have made wage-enquiries in special classes of factories. Some general information is given in the provincial Factories Reports, while, in future, a source of information will be the annual returns made under the Payment of Wages Act. The Government of India have recently addressed Provincial Governments on the desirability of standardising these returns on an all-India basis and bringing them into line with the returns made under the Factories Act.

(b) Yes.

(c) No.

ADVERTISEMENT OF PATENT MEDICINES FOR CERTAIN DISEASES.

†594. *Mr. Akhil Chandra Datta: (a) Is the Secretary for Education, Health and Lands aware:

- that many advertisements in newspapers and otherwise appear, advertising the virtues of many patent medicines for several major diseases; and

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

(ii) that in the United Kingdom it is statutorily forbidden to advertise patent medicines for certain diseases?

(b) Are Government willing to enact similar legislation in this country?

Sir Girja Shankar Bajpai: (a) (i) Yes.

(ii) So far as the Government of India are aware, only advertisements of patent medicines for venereal diseases are prohibited in the United Kingdom.

(b) Government will consider the Honourable Member's suggestion.

APPLICABILITY OF THE LABOUR LEGISLATION OF ORISSA TO THE BENGAL NAGPUR RAILWAY.

†595. ***Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable Member for Labour state whether the labour legislation passed by the Government of Orissa applies to the Bengal Nagpur Railway?

(b) If the answer to part (a) be in the affirmative, will not the labour condition be different at different places on the Bengal Nagpur Railway? If so, how do the Central Government propose to meet the case of different labour legislation on the same line passing through different Provinces?

The Honourable Sir Muhammad Zafrullah Khan: (a) So far as the Government of India are aware, no labour legislation has been passed by the Legislature of Orissa.

(b) Does not arise.

Mr. President (The Honourable Sir Abdur Rahim): Question No. 596 will not be answered orally as the Honourable Member has exhausted his quota of five questions.

Mr. O. N. Muthuranga Mudaliar: But I did not put the first five questions.

Mr. President (The Honourable Sir Abdur Rahim): That does not matter. When an Honourable Member puts down more than five questions on a particular day, Government are not prepared to answer more than the first five questions. That is the difficulty.

PROPOSAL TO CONSTITUTE MADRAS CITY INTO AN ENCLAVE UNDER A CHIEF COMMISSIONER.

†596. ***Mr. O. N. Muthuranga Mudaliar:** (a) Will the Honourable the Leader of the House please state whether it is a fact that a proposal is under the consideration of the competent authorities to constitute Madras City into an enclave under a Chief Commissioner, so as to make it serve as a capital of the Andhra and Tamil Provinces when the Andhra Province has been constituted?

(b) Are Government aware that it will not be in consonance with public opinion in the Province?

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

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

(c) Have Government received any communication to that effect either from the Madras Government or the Governor?

(d) What action do Government propose to take thereon?

The Honourable Sir Nripendra Sircar: (a) I am not aware of any such proposal.

(b) to (d). Do not arise.

MODIFICATION IN THE EXISTING REGIME IN THE CHIEF COMMISSIONERS' PROVINCES.

†597. ***Mr. O. N. Muthuranga Mudaliar:** Will the Honourable the Leader of the House please state whether Government have under consideration, or whether they propose to consider, the question of the desirability of modifying the existing regime in the Chief Commissioners' Provinces so as to bring them into line with other Provinces in India? If not, why not?

The Honourable Sir Nripendra Sircar: The policy of His Majesty's Government in regard to Chief Commissioners' provinces is laid down in the Government of India Act, 1935, and the Government of India do not propose to recommend any modification of its provisions in this respect.

SALARY OF THE PRIVATE SECRETARY TO HIS EXCELLENCY THE GOVERNOR GENERAL.

598. ***Mr. K. Santhanam:** Will the Honourable the Leader of the House please state:

(a) the usual salary for the post of Private Secretary to His Excellency the Governor General;

(b) what is the salary of the present Private Secretary; and

(c) the reasons, if any, for any variation in the salary of the present incumbent?

The Honourable Sir Nripendra Sircar: (a) In the case of a member of the Indian Civil Service, grade pay on the superior scale, together with a duty allowance of Rs. 250.

In the case of Officers other than members of the Indian Civil Service, Rs. 2,500.

(b) Rs. 3,000 per mensem.

(c) The great increase in the responsibilities and duties of the post, consequent on the addition to the Private Secretary's duties of the duties of Secretary to the Governor General (Personal).

Mr. K. Santhanam: What are the additional responsibilities which have devolved upon this gentleman in order to justify an increase in pay?

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

The Honourable Sir Nripendra Sircar: My Honourable friend will read the Government of India Act and he will find what are the additional responsibilities of the Governor General and from that he will deduce what kind of work this officer has got to do.

Mr. K. Santhanam: Are we to understand that it is the Private Secretary who bears the burden of all the additional duties imposed upon the Governor General?

The Honourable Sir Nripendra Sircar: That will be a misunderstanding. But if the Honourable Member says that the Private Secretary shares the burden, then it is right.

Mr. K. Santhanam: Is it not a fact that to take charge of these responsibilities a special Crown Department has been created and various officials on very high salaries have been placed in charge of that department?

Mr. President (The Honourable Sir Abdur Rahim): That does not arise.

Mr. T. S. Avinashilingam Chettiar: From when this appointment was made?

The Honourable Sir Nripendra Sircar: I want notice.

Mr. K. Santhanam: Is this increase in pay attached to this particular officer or to the post?

The Honourable Sir Nripendra Sircar: To the post.

Mr. Sri Prakasa: Does additional responsibility give additional capacity to eat? What is the use of increasing the salary without increasing the capacity to eat also?

The Honourable Sir Nripendra Sircar: My Honourable friend will speak for himself.

CHANGES IN THE DEPARTMENTS UNDER THE CONTROL OF HIS EXCELLENCY THE VICEEROY AND THE CROWN REPRESENTATIVE.

599. ***Mr. K. Santhanam:** Will the Honourable the Leader of the House please state:

- the changes that have been made in the last year in the constitution of departments under the direct control of His Excellency the Viceroy and the Crown Representative;
- the changes, if any, in the salaries of the Secretaries and other principal officers of those Departments; and
- the increased annual cost of the reorganisation?

The Honourable Sir Nripendra Sircar: Although this is not a matter with which the Governor General in Council is concerned, the necessary information in regard to each Department is given below:—

Secretariat of the Governor General (Public).—(a) and (b). I would invite the attention of the Honourable Member to the reply given to Mr. Mangal Singh's starred question No. 604 in the Legislative Assembly on

the 30th August last. The superior staff of the office from the 21st November, 1938, (when it was separately constituted) consists of one Secretary, one Joint Secretary, and two Under Secretaries. The pay drawn by these officers is the same as is admissible to similar officers in the Government of India Secretariat.

(c) The total annual expenditure of the new office is estimated at present to be Rs. 2,18,220. There has been a corresponding saving of Rs. 52,528 in the Home Department budget so far as the pay of officers and establishment only is concerned, and savings in other respects may also occur.

Secretariat of the Governor General (Defence Co-ordination).—(a) A separate organisation to deal with defence co-ordination was placed by the Governor General in his Secretariat with effect from the 17th December, 1938. The organisation consists of a Secretary, an Under Secretary, a Military Officer and clerical establishment. The Secretary and the Under Secretary were transferred from the Defence Department, where they were employed temporarily as Additional Secretary and Under Secretary, respectively, in connection with emergency legislation for war. The Military Officer's appointment is new.

(b) Nil in the case of the Secretary, and Under Secretary. The Military Officer will be paid at the ordinary rate applicable to his grade, i.e., Rs. 1,165.

(c) Rs. 26,000, which represents the difference between the cost of the special establishment transferred from the Defence Department and the present establishment.

Political Department.—(a) A new post of Political Adviser to His Excellency the Crown Representative has been created for two years with effect from December 1st, 1938. The temporary post of Additional Secretary, Political Department, was abolished from the same date.

(b) The pay of the Political Adviser has been fixed at Rs. 5,000 per month.

(c) Rs. 12,000 per annum.

Mr. T. S. Avinashilingam Chettiar: What is the net increase in expenditure by the creation of these new offices and departments?

The Honourable Sir Nripendra Sircar: I cannot give more information than I have done and if my Honourable friend cannot add up these items, I am helpless.

Mr. K. Santhanam: Are the changes complete or are further changes pending?

The Honourable Sir Nripendra Sircar: What will happen in the future, I can make no prediction. Nothing is pending in the sense of any immediate action to be taken.

Mr. T. S. Avinashilingam Chettiar: For the present may we take it that there is no further creation of officers under contemplation?

The Honourable Sir Nripendra Sircar: May I know what is the difference between the last question and this one?

Mr. T. S. Avinashilingam Chettiar: The difference is that they completed the organisation and no more appointments will be made, for the present?

The Honourable Sir Nripendra Sircar: That was exactly the question which was put by Mr. Santhanam to which I have given my answer.

APPLICATION OF THE INDIAN STATES (PROTECTION AGAINST DISAFFECTION) ACT.

599A. *Mr. Manu Subedar: (a) Will the Honourable the Leader of the House please state to how many States the Indian States (Protection against Disaffection) Act has been applied since it was passed and before section 5 thereof was amended?

(b) When was section 5 of the Act, which vests the power to authorise prosecutions in Provincial Governments, amended?

(c) How many prosecutions have taken place in respect of each State where the Act was applied, prior to such amendment and with what results?

The Honourable Sir Nripendra Sircar: (a) The Indian States (Protection against Disaffection) Act, 1922, does not apply to States. It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(b) Section 5 of the Act was amended by the Government of India (Adaptation of Indian Laws) Order, 1937, to take effect in its amended form from the 1st April, 1937.

(c) The Honourable Member's attention is invited to the reply to the question by Mr. Govind V. Deshmukh, No. 1965, on the 8th December, 1938, and the statement furnished to the Assembly on the 5th February, 1939, in reply to a question by Dr. B. S. Moonji, No. 233. I need only add that the prosecution of Diwan Singh Maftoon, Editor of the *Riyasat*, mentioned as pending in the statement I have referred to, resulted in his conviction.

Mr. S. Satyamurti: I will not trouble the Honourable Member about the ancient answers, but. . . .

The Honourable Sir Nripendra Sircar: Surely the answer which was given on 8th December, 1938, does not refer to old days.

Mr. S. Satyamurti: What about the answer given to Dr. Moonji? I was taking that.

The Honourable Sir Nripendra Sircar: Why not take the other?

Mr. S. Satyamurti: I choose what I want. However, with reference to part (c), may I know whether today the prosecutions under this Act are entirely in the hands of the Provincial Governments or whether the Government of India are approached by the Indian States in respect of this matter?

The Honourable Sir Nripendra Sircar: I do not know of any instance in my time.

UNSTARRED QUESTIONS AND ANSWERS

ASSISTANTS FOR THE INDIAN AGENT IN CEYLON.

15. Mr. Manu Subedar: Will the Secretary for Education, Health and Lands please state:

(a) whether the Government of India's attention has been drawn to paragraph 37 of the report of their Agent in Ceylon for 1937, in which he states that it is impossible to have a systematic inspection of estates with the help of only one Assistant;

(b) whether Government have taken steps to appoint more Assistants for the Agent in Ceylon; and

(c) what are the duties of the Assistant to the Agent?

Sir Girja Shankar Bajpai: (a) Yes.

(b) No.

(c) The Assistant inspects, on behalf of the Agent, estates employing Indian labour. He is generally in charge of the routine administration of Agent's office and, during the absence of the Agent on tour, attends to repatriation cases.

RAISING OF THE RANK OF THE INDIAN AGENT IN CEYLON.

16. Mr. Manu Subedar: Will the Secretary for Education, Health and Lands please state:

(a) whether Government have considered the question of raising the rank of the Agent in Ceylon to that of Agent-General, as in South Africa; and

(b) whether Government have considered the desirability of declaring the post of the Agent in Ceylon as permanent and of making his staff permanent and pensionable?

Sir Girja Shankar Bajpai: (a) Government do not consider such a change to be necessary.

(b) The question of permanency will be examined when the financial position of Government improves.

PROOF OF DOMICILE REQUIRED FROM INDIANS IN CEYLON.

17. Mr. Manu Subedar: (a) Will the Secretary for Education, Health and Lands please state whether it is a fact that the Government of Ceylon have circularised the registering officers to require from Indians strict proof of domicile in Ceylon and that in consequence large numbers of domiciled Indians have been removed from the Register of Voters?

(b) Are Government aware that it is extremely difficult for Indians to prove domicile to an executive officer, and that, as a result, Indians are losing their status in Ceylon?

Sir Girja Shankar Bajpai: (a) Yes. The circular explains the existing legal position. Government are not aware that large numbers of domiciled Indians have been removed from the Register of voters as a result of this circular but they have made enquiries.

(b) The present practice is that the lists prepared by Estate Superintendents are usually accepted without question. As regards the possible result of the circular referred to in part (a) of the question, the Agent of the Government of India in Ceylon is in touch with the situation and necessary steps will be taken to safeguard the legitimate interests of Indians in Ceylon.

DESTITUTE IMMIGRANTS' REGULATION ORDINANCE OF CEYLON.

18. Mr. Manu Subedar: (a) Will the Secretary for Education, Health and Lands please state whether it is a fact that an Ordinance to amend the Destitute Immigrants' Regulation Ordinance (Ceylon), 1907, is now before the Ceylon State Council?

(b) Have Government taken any steps to ensure that the amended Ordinance does not adversely affect the immigration of Indians into Ceylon?

Sir Girja Shankar Bajpai: (a) and (b). Yes.

THE RAILWAY BUDGET—LIST OF DEMANDS—*contd.*

DEMAND No. 6B—WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER—*contd.*

Manufacture of Locomotives in India—contd.

Mr. Abdul Qayyum (North-West Frontier Province: General): Sir, I rise to support the cut motion moved by my Honourable friend, Mr. Seksena, which aims at censuring the Government of India. The attitude of the Government of India in the matter of manufacturing locomotives in this country is a history of hopes held out which were dashed to pieces, and a long series of broken promises. This is not all. There are indications that the Government of India even refused to consider the matter in the manner which it deserves. Now, let me, in this connection, turn to the Government Communique of 1921 on this very subject and I will quote the most relevant parts. It runs thus:—

"In pursuance of their expressed policy of making India as far as possible independent of outside sources in the supply of materials the Government of India have had under consideration the question of the construction of locomotive engines in India and they are now in a position to give a general undertaking that tenders will be invited only in India for all the railway locomotives and locomotive boilers required by Government during twelve years commencing with the year 1923."

This was the hope and the promise which was held out and the past years have clearly indicated the manner in which it has been fulfilled or sought to be fulfilled by the Government of India. In this connection, Sir, the report of the Tariff Board is also very relevant. Government tried

to draw certain conclusions from that report, but I think in this very report there is a recommendation,—that they considered it desirable that this industry should be set up. I will read two or three sentences from this report which are as follows:—

"We consider it desirable and natural ground that the industry should be established in India and we believe that this could eventually be done provided a substantial assurance was given by Government in the earlier years of the existence of a sufficient market for locomotives in India as an indispensable preliminary condition, and at present this condition is not satisfied."

I will show by quoting relevant figures that even according to the scale in which boilers and locomotives have been purchased by Government, there is sufficient demand in India, for setting up a locomotive factory which would meet the requirements of the Indian railways. A Resolution on this subject was carried in this House in September, 1935. In the year 1937 a cut motion, on the same subject, was carried. But the Government remained adamant. They refused to move in the matter, and advanced all sorts of reasons which are devoid of any foundation and substance. I stated at the very outset of my speech that Government refused to consider the matter in a proper manner, and in this connection I will only quote two replies to supplementary questions on this very subject which were asked by my friend, Mr. Chettiar. He asked:

"May I know, Sir, if the manufacture of metre gauge locomotives has been profitable?"

Mr. P. R. Rau replied:—

"The Bombay, Baroda and Central India Railway think that on the whole they have been able to manufacture the locomotives as cheap, if not cheaper than the locomotives from abroad."

The next question and answer are very important:

"Mr. T. S. Avinashilingam Chettiar: Will not the manufacture of broad gauge locomotives be as profitable if manufactured in India?"

Mr. P. R. Rau: The whole point is that we are not conducting an investigation."

This means that the Government of India have not conducted a proper investigation into this matter. If they had done so the results would have been quite different. This unfortunate position is due to the fact that those who are responsible for guiding the policy of the railways in India, those who are at the helm of affairs in the railway administration of India, are devoid of all sentiments of sympathy for the aspiration of Indians in the matter of economic self-sufficiency. They have divided loyalties, and they longingly look back to the country from where they have come, and on the strength of whose arms they have been able to find jobs which otherwise they could not possibly retain for a single minute. They are devoid of that "Buy Indian" mentality which should be present in the officers of any free and self-governing country. It has been said that the railways are guided by purely commercial considerations in this matter, but we know that this is certainly not true. You have built railways for strategic and military purposes, over which you did not hesitate to waste crores and crores of our money, year after year; and if you turn to the Khyber Railway in the North-West Frontier Province it is an example of a colossal waste of Indian money which is of absolutely no use to India. Of course, Government can always advance some specious

[Mr. Abdul Qaiyum.]

plea, and the Foreign and the Defence Secretaries are there to support them. But it has been a colossal waste of Indian money. Now, when we turn to the policy of this Government, may I ask a question? If you are really actuated by feelings of affection for the Indian tax-payer, why do you not remove the British part of the army in India and save thereby seven crores of the Indian tax-payer's money each year? If you are really actuated by love of the Indian peasant and tax-payer, why do you not stop this annual drain of wealth which you are pouring into the wilds of Waziristan? Therefore, it is not fit and proper for Government to say that their policy is dictated purely by commercial considerations, and that no other considerations ever enter into it.

The demand for the setting up of locomotive factories for manufacturing engines for the Indian railways is based on the well-known policy of national self-sufficiency in key industries. This will create employment for a large number of people who are now starving in this country. Where is the harm in that? We, as the representatives of the Indian tax-payers, demand that you should spend our money on this venture, and if you lose a little, nobody is going to censure you for it. You spend crores year after year, without even consulting us, and in defiance of our wishes, and yet you continue to occupy the Benches where we find you today. But the tax-payers demand that Indian money should be spent in setting up locomotive factories, so that India may become self-sufficient in the matter of this very important key industry. There is no reason why Government should not meet this demand of the people. The point was made out by successive Members in charge of Railways and Communication, that there is not enough demand in India for locomotives. It was discussed at considerable length by the Honourable Sir Muhammad Zafrullah Khan and, subsequently, the same arguments were repeated by Sir Thomas Stewart. But the facts are absolutely different. There is no doubt that from the year 1925 to 1931 Government purchased far more locomotives and boilers than were really necessary, with the result that in the succeeding slump years they had to considerably scale down their demand for such things. If a rational policy had been pursued, there would have been a steady demand for locomotives to keep the factory going. Sir Muhammad Zafrullah Khan, in his speech, in the year 1935 stated,—I will read out only one sentence from his statement which is very relevant. He said:

"An experiment can be started on the basis of a demand of from 50 to 60 locomotives a year—the scope of which could subsequently be expanded, if the demand increased. But even that limited demand could not be guaranteed by the railways."

But the facts are otherwise. The facts clearly show that there is a greater demand for locomotives than are really necessary for starting a factory. The Railway Member, at that time, stated that a demand of from 50 to 60 would be quite enough to start a factory. Now, if we turn to the latest report of the Standing Finance Committee for Railways we find this:

"The estimated provision for locomotives includes in round figures a sum of Rs. 40 lakhs on account of 180 boilers to be purchased to replace old boilers."

This is not all.

"In addition to the above expenditure on boilers, it is proposed to spend Rs. 20.68 lakhs for the purchase of 61 Broad Gauge and 2 Metre Gauge boilers as spares, i.e., on additional account, to facilitate quicker outturn of engines from shops."

In 1939-40 you will require 218 boilers. Now, if we were to turn to the report of the Railway Board for 1937-38, we find that in Chapter VI. (Rolling Stock and Materials), the very first sentence runs thus:

"During the year the following rolling stock, including arrears brought forward from previous years, was ordered for broad and metre gauge railways:

Broad Gauge 34: Metre Gauge 38."

That comes to 72. So it seems that there is, even in this time of depression—when railways are not really paying their way, a demand which is much more than is really required to start a factory in India for the manufacture of locomotives. I have been informed—and I speak subject to correction—that during the last war the railway workshops in India were manufacturing boilers for the Indian railways in India, and I have also been informed that a demand for 80 to 90 boilers would be quite enough to start a well-equipped factory for the manufacture of boilers in this country. Now, what is the reason why the Government do not move in the matter? The British railways with a far less mileage than ours not only supply the demand in their own country, but export engines to all parts of the world. The real reason is that the Government of India do not believe in the doctrine of economic self-sufficiency for India, and the Government of India would not do anything in the matter of locomotive manufacture in India, if it is likely to curtail the exports of the same from Great Britain. Even till very recently, there was a legal bar to the manufacture of metre gauge locomotives by the Bombay, Baroda and Central India Railway workshops at Ajmer: fortunately that restriction has now been removed. If it is possible for the present workshops at Ajmer to manufacture metre gauge engines, there is absolutely no reason why broad gauge engines cannot be manufactured in this country. But, before this can be done, the Government of India will have either to change their mentality or to get out of office. There is a demand by the tax-payers in this country. You squander our money on objects which we simply detest; but when we want you to set up a factory intended to teach the higher arts of manufacture to our people, and which will create employment for them, you simply say 'No' and not only that, you simply refuse to even consider the matter.

Mr. President (The Honourable Sir Abdul Rahim): The Honourable Member has two minutes more.

Mr. Abdul Qaiyum: Sir, I shall close my speech. I have, therefore, great pleasure in supporting the censure motion against the Government of India.

Mr. Muhammad Nauman (Patna and Ghota Nagpur cum Orissa; Muhammadan): Sir, I do not think I need go into the details of this motion in strong terms. We all know that the feeling of the people and of representatives in this House has been in favour of establishing a fully equipped factory for the manufacture of locomotives in India. Within the fifteen minutes at my disposal I shall confine myself to mentioning the authorities which have been quoted in this Assembly some time back in support of this. A Resolution was moved and carried in this House in the Simla Session of 1935. Again, a similar motion was carried in 1937 to the same effect, as has been mentioned by Mr. Abdul Qaiyum. Considerable stress was laid on the question of the economic position of this country

[Mr. Muhammad Nauman.]

and of the railways. The Government sometimes argued that it would not be in the economic interests of this country to establish factories for producing engines and boilers. But, I find that the report which has been quoted in one of the speeches on that Resolution from the Tariff Board definitely says that it is in the interests of the country and the Government should take up the matter. I will read only a few lines: the Tariff Board said:

"The industry is very valuable from the national point of view. Apart from its importance as affecting the question of national defence, it is an industry which gives ample opportunities for the purpose of training Indians in mechanical engineering, and if India is to make itself independent as far as possible in the supply of its railway requirements, it is essential that it should possess a well-established locomotive industry."

With regard to the supply of labour also, it is favourably situated, for it cannot be regarded as an industry in which all labour has to be specially trained. There are many engineering works, railway workshops and factories where labour of the kind required in this industry is available at reasonable cost and in sufficient quantity.

With regard to raw materials, it is estimated that about 50 per cent. of the quantity of raw materials required in the manufacture of locomotives can be obtained in India either from the Tata Iron and Steel Company or from other local works engaged in the manufacture of steel products, especially castings."

From these opinions of the members of Tariff Board we are in a position to say that this is a valuable industry which should have been started on a very big scale. India has the advantage of having unskilled labour far cheaper than in any other country, and we can produce articles, therefore, cheaper than elsewhere. Mr. Abdul Qaiyum, who has just spoken before me, has given the history beginning from 1921 and I need not repeat it—how Government made promises which they have not fulfilled to the entire satisfaction of the people of this country. I do not say that no efforts were made. Efforts have been made to show that Government were alive to the situation and were trying to do as much as circumstances perhaps permitted them, but I cannot understand why and how from 1921 to 1938 no improvement has been made of any substantial nature, though we have been pressing the matter again and again all the time. I would ask the Government whether they do at all realise that the establishment of such an industry is essential even in the interests of the defence of this country. All nations in the world are trying to make themselves self-contained and it is curious that our country should depend on foreign countries for supply of our requirements. The idea probably is that they may give some more employment to people of other countries—England or any other. From the economic point of view why our Railways, the so called national asset valued at 750 crores, should only encourage industries of foreign countries is rather a mystery.

Another point which I would like to mention is this: that for want of a properly equipped factory, the railways are not in a position to rebuild or overhaul their old engines: it has been suggested in some quarters that this lack of overhauling has been responsible for the few accidents which have occurred recently. Although the Government have come out with a story of sabotage, we have not had very convincing evidence in support of their theory but I do not know if they have inquired into the possibilities of defective engines. I think the reason is they have not got good engineers of the type required for a fully equipped factory in this country, to either rebuild their engines or examine them as thoroughly as fully equipped factories can. We have been repeatedly asking this Government to start

these factories on a big scale. We want to have an industry established on the same lines as they have in Canada and Australia. I think in those Dominions most of the lines are electrified, and, probably, they require less number of engines than we require in this country—I am not in a position to make any statement with figures on that—but the Honourable Member will probably tell us what difference there is between Australia or Canada and ourselves. I think they do not require as many engines and locomotives as we require. In spite of that they have got big factories and better workshops and more equipment and arrangements than we have here. The question of finance cannot be a very great hindrance because Government can always raise loans: they have raised loans on different occasions for railways; and if we can put up with 750 crores of loans we can put up with another 50 crores as well if it is really required that the Government should raise that money here or in any other countries. So, I would impress upon this House the fact that it is the crying need of this country, it is the strong feeling of the people of this country, and we, as representatives of the people, have reiterated this demand from time to time, that the Government should, for the defence of this country and also for relieving unemployment, take this matter in hand seriously and establish factories on an extensive scale and stop the import of any engines or locomotives from foreign countries.

Some Honourable Members: The question may now be put.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, the Honourable the Mover of this cut motion, 12 Noon. in his opening speech, remarked that this was a matter that had been debated at great length on more than one occasion on the floor of this House. He, therefore, announced his intention of not going over and over again the various arguments which had been used in the past and I propose to follow him in his moderation. I am the more justified, I think, Sir, in that he did not press the issue, which, to me, is the most important one, namely, whether or not the manufacture of locomotives in this country would be a commercial proposition. Neither he nor indeed any of the speakers who followed him endeavoured to press this point. The real argument behind this motion is that it would be in the national interest that such an industry should be established. Reference was made to past history in 1921, and it was urged that the Government of India had broken the promises which were then made. That I am not prepared to admit. As the result of the Resolution of 1921, there was an attempt made to set up a Locomotive Manufacturing Plant in India,—the Peninsular Locomotive Works,—and the project failed completely. There was no obligation, thereafter, on the Government of India to purchase locomotives from an organisation that was no longer effective. What are the various arguments which have been adduced to prove that it is essential to set up a locomotive industry in this country? One argument was that other countries do the same, and reference was made to the practice subsisting amongst the large railway organisations in the United Kingdom.

Now, Sir, last year in speaking on a corresponding motion, I pointed out that the London and North Western Railway, now the L. M. S., did not make their own locomotives to any considerable extent. Most of their locomotives were bought from firms which specialised in the manufacture of locomotives. In re-inforcement of that statement, I may mention

{Sir Thomas Stewart:] another piece of information which has come to my notice. At their works, which are probably one of the largest and the most advanced engineering workshops in the world, the L. M. S. employ something like 10,000 operatives, of whom I am informed only about 500 are engaged in the erection of locomotives.

Again, there has been quoted against me the fact that there has been a reduction of locomotive construction in the Ajmer workshops. Now, Sir, this is a very feeble argument, because the locomotive erecting shop in Ajmer is a comparatively small part of a very extensive workshop, and being such, the amount of overhead that it carries on account of general administration and supervision must be relatively small. No argument drawn from the Ajmer experience can avail those who wish to set up a completely separate big scale locomotive industry.

Another argument has been that it is essential in modern world conditions, with the international situation what it is, that India should be self-sufficient. More than one speaker endeavoured to make my blood run cold by asking what would happen in the event of a war? Well, I do not think that anything very different would happen if we had in existence at the present time a large scale locomotive industry, for the very simple reason that a very great proportion of the material necessary for the erection of locomotives must be imported. I cannot conceive that it would be of any very great benefit to erect locomotive bodies without being able to supply their wheels and axles.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): What is the material that will be needed?

The Honourable Sir Thomas Stewart: Wheels and axles, for example, boiler plates, boiler tubes,—you cannot get any of these in India.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): That is according to British specification.

The Honourable Sir Thomas Stewart: The Honourable Pandit, I think, is in some error as to what is the real meaning of British specification. It does not necessarily mean that the goods are of British manufacture,—it simply means that they are of a standard of quality and strength that accords with the standards laid down by British manufacturers.

Pandit Nilakantha Das: Is there one specification and one kind of raw materials for all kinds of locomotives in the world?

The Honourable Sir Thomas Stewart: A fourth argument that has been put forward is that the institution of such a manufacturing industry would go a very considerable distance towards meeting the unemployment problem. Now, those who have put forward that suggestion are forgetting one very essential factor, namely, that in order to relieve unemployment, you must have a constant flow of work coming into your workshops, and that we cannot guarantee. The purchases of locomotives have, perhaps by accident, followed no uniform renewal programme, and it is unlikely that there would be a uniform flow of work to a factory for a very very long

period of time. Honourable Members may remember that last year I made a forecast of what was likely to happen in 1955 where the number of replacements wanted was something, I think, in the nature of 23 or 25.

Mr. Mohan Lal Saksena: What was the basis of that?

The Honourable Sir Thomas Stewart: An estimate of the probable life of locomotives now in existence and now working.

Sir, it is insisted that we should be a Commercial Department and work on commercial lines. So long as that is so, I must maintain the attitude I took up last year. I cannot accept the new fiscal theory of buying 15 annas worth for 18 annas. That was a theory which I repudiated last year, and it is one which was repudiated a few weeks ago by my Honourable colleague, the Finance Member. For these reasons, I cannot acquiesce in this cut motion.

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

"That the demand under the head 'Working expenses—Maintenance and Supply of Locomotive Power' be reduced by Rs. 100."

The motion was adopted.

DEMAND No. 1—RAILWAY BOARD.

Amenities of Third Class Passengers.

Mr. M. Thirumala Rao (East Godavari West Godavari cum Kistna: Non-Muhammadan Rural): Sir, I move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100" (To discuss the failure of Government in providing adequately for the amenities of third class passengers).

The Honourable the Communications Member, while replying to the general discussion on his budget, said that he had been hearing the same stereotyped speeches and making the same stereotyped replies. Perhaps, he can congratulate himself on his translation to the gubernatorial gadi of Bihar which relieves him of this monotony, but I have to be here to voice forth the pitiable wailings of the third class passenger who is responsible for the largest amount of the financial returns to the railways and who is the most neglected victim of the railway administration. Like the famous story of Sita's sorrow, this tale of woe of the third class passenger is unrelieved and unavailing. The discomforts that are visited upon the third class passenger do not make any distinction between Hindus and Muslims. The mosquitoes and the bugs that infest the compartments are absolutely impartial and more impartial than even the British Government in bestowing their attentions upon Muslims, Hindus, and every other community that are destined to travel in India.

Mr. Muhammad Nauman: Are they members of the Congress?

Mr. M. Thirumala Rao: Not only members but Ministers and even Mahatma Gandhi travel third class.

Mr. Muhammad Nauman: I put a different question altogether. You said they were doing justice. Are those bugs and mosquitoes members of the Congress? If they were so, they would not be doing justice.

Mr. M. Thirumala Rao: I just want to refer to some of the figures that have been elaborately compiled at such a huge cost by the Railway Board for our enlightenment. If you see the figures, you will find that the number of passengers that have travelled during 1937-38 in first class is 3,97,100, 2nd class 42,72,300, inter class 1,13,23,500 and third class, 50,53,46,800, and the earnings got by the Railway Board are, first class Rs. 79,16,000, second class Rs. 1,44,40,000, inter class Rs. 1,22,17,000, and third class Rs. 27,62,69,000. Comparing these figures, you will find that the third class passenger contributes 33 times more than the first class passenger, 20 times more than the second class passenger, and 24 times more than the inter class passenger. If you take the accommodation provided for these different classes of passengers, you will find one first class seat is allowed for every ten first class passengers, one second class seat for every 71 second class passengers, one inter-class seat for every 141 passengers, and one third class seat for every 484 passengers. If you go into all these figures, you will realise how much the third class passenger is exploited for the comfort of the upper classes, how much he is looked down upon for the comfort of the high paid officials.

At page 10 of Volume I of the Railway Board's Report for 1937-38, an interesting compilation has been given to show on what particular business the third class passengers travel on the railways. In that the litigants contribute the largest share to the third class passenger traffic; that is, 31 per cent. of the third class passengers that travel in the trains are litigants. When I go into these figures, I find that this British Government is a huge corporation that has started several departments in order to encourage and help one from the other. The system of justice centralised in a few central places has compelled far off villagers to go to the towns for the sake of litigation, and once a man gets enmeshed in litigation, his whole life time is taken up before he has come to the end of it. He has constantly to go about and that helps the railways to take as much money as possible from the poor people. 31 per cent. of the travelling third class public are from the litigants. Then there is an optional class which comes to 29 per cent. By optional I take it, it includes tourists, pleasure seekers and also pilgrims. In this land, which has not yet been completely denationalised, people still believe in religion and they travel long distances to fulfil their religious vows. Therefore, 29 per cent. represents optional travel which is not obligatory, but, still, it is performed on account of the sentiments of the people. Traders form about 20 per cent. of the travelling public. When you look at these figures, it is but right that you should expect better service from the railways.

If you come to the statistics referring to the goods earnings, I want to impress upon Government that the third class passenger is responsible not only for the large passenger traffic earnings, but also for a decent portion of the goods traffic earnings. The primary producer in the country

is a third class passenger. The agriculturist who is the primary producer forms 75 per cent. of the population of this country, and he is a third class passenger. From cotton you have got Rs. 288 lakhs in 1937-38, from coal for the public Rs. 824 lakhs, wheat Rs. 267 lakhs, rice Rs. 330 lakhs, kerosene oil Rs. 159 lakhs, oilseeds Rs. 304 lakhs, sugar Rs. 211 lakhs. If you take all these figures into consideration, you will find that it is the third class passenger, the man who lives in the village, who toils day in and day out in the fields and produces the raw material, that is responsible for a large amount of the income from goods earnings; I want the Railway Board to remember him, to be grateful to him and provide a few more amenities for his travel. As the House knows, the purchasing power of the third class passenger increases directly with the increase in trade and when the man has exported a little more produce and when the balance of trade is in favour of India by a few more crores of rupees, he spends a little more money on pilgrimages and religious excursions. Therefore, it will do well for the Railway Board and the railway management to provide ample amenities for the third class passenger so that he is encouraged to travel more and see a good part of this country. Many of these poor people have not got any geographical idea of this country. Many of them are denied the pleasure of knowing how beautiful and glorious this country is and unless the railways in India provide cheap and comfortable travel to these people, there is no chance for the agriculturist to come out of his native home.

Then, with regard to the question of electric fans, that has been raised many times on the floor of this House and the same reply has been given from the Government Benches. This is a tropical country and every one knows that unless you have hundreds of pounds of ice in your compartment, unless you have air-conditioned coaches you are not able to stir out into the heated plains of this country. Don't you think that the third class passenger is also of the same human stock as yourself? Don't you think that the rise in the temperature to 118 degrees will cause him the same discomfort that it causes those who consider themselves Heaven-born? Then why don't you provide electric fans during summer. The Nizam's State Railway and the Mysore Railways have been providing electric fans. Do a question put during the Simla Session of the Assembly, Mr. Clow, who was in the place of the present Member, said, that they gathered information from four different railways and that it would cost 20 lakhs of rupees to instal fans and about four lakhs would be the recurring expenditure. When you are getting 27 crores from the third class passenger, cannot you spend 20 lakhs on electric fans? Can't you spend one rupee for 100 rupees you are getting from the poor man? You don't do it because this is not your country and you are not responsible to anybody. You have no sympathy for the poor man who uses the railways most and you are callous with regard to his comforts. The Mysore and the Nizam's Railways, whatever their faults otherwise, know the sufferings of the third class passengers and I am told that they have installed these fans on their long distance trains.

With regard to sleeping accommodation, you imagine that the third class passenger does not require any sleep. Many a time he has no accommodation even to stretch his legs, what to say of sleeping. I have seen several times that when the third class passenger manages to get some sleep, the ticket collector comes up to him and wakes him up. If he does not wake

[Mr. M. Thirumala Rao.]

up quickly, he makes a huge sound with his iron ticket punch and if he does not wake up even then he beats him with his iron punch and tells him: 'This carriage is not intended for you to sleep. You sit up' and he wakes him up in the middle of the night. I have made some calculation about this.

On page 10 of Volume I, of the Railway Board's Report you have said that people travelling a distance of 300 miles and over constitute only 14 per cent. of the total population that travel in third class. That means, taking the full complement of third class passengers in an ordinary train to be about 850, 14 per cent. of that comes to 50. According to your own calculation, there will be only 50 passengers travelling a distance of over 300 miles. Cannot you provide sleeping accommodation for these 50 long distance passengers at a small extra cost. When it suits you you make comparisons and tell us that some English railways have been giving only 8.4 return and you compare favourably with them but you don't make comparisons when the question of providing comforts comes up. I see that the North Eastern Railway in England provides sleeping accommodation for third class passengers for an extra charge of 6d only. If you charge something like eight annas or even one rupee for the matter of that for the long distance passengers, who travel from one end of the country to the other, you could easily provide the accommodation. You have never applied your mind to this subject and you never take into consideration these aspects of the question. You always brush aside constructive proposals from this side as impracticable, uncommercial and unsuitable.

Then as regards overcrowding, I have told you you have provided one third class seat for every 484 passengers. That is a awful tale. The bus has come to the rescue of the third class passenger and has taken away a large volume of the traffic from the railways. You can now go from Madras right up to Calcutta by bus, without getting into any train. I need not recapitulate the recent incidents that occurred on the Great Indian Peninsula Railway at Jhansi and Bombay and other places. On the Madras and Southern Mahratta Railway, during period of three months, one recalcitrant young man got it into his head to pull the alarm chain to stop the train. He did that for seven times during a period of three months to stop overcrowding. That poor man was sent to jail for eight months. Another Congressman pulled the chain and delayed the Calcutta Mail for three hours, because the authorities were foolhardy enough not to attach some more compartments. I know from personal experience that the Madras and Southern Mahratta Railway advertise all these festivals and when people respond to your advertisements, you do not provide them the necessary accommodation. Once in the Sarnalkote station I argued with the Traffic Superintendent for over one hour to induce him to attach two more bogies. I had to tell him that whatever the consequences I will not allow the train to start unless he provided the accommodation. After one hour he provided it. This is the way you treat the people who gather in response to your advertisement.

Sometimes these three letters, M. L. A. are useful. Once I had to argue with a station master to get the compartment cleaned. I told him that I am an M. L. A. When he heard this, he immediately did the needful. If every time, you want to use your membership of the Assembly to get a third class compartment cleaned, how can the poor third class passenger succeed in his attempts?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only two minutes more.

Mr. M. Thirumala Rao: There are many other points with which I should like to deal but I will leave them to those who follow me. I will say a word or two with regard to accommodation in waiting halls. I have addressed a question to the Honourable Member with regard to the Cocanada Railway Station. That station gives the third largest amount of income to the Madras and Southern Mahratta Railway every day. The waiting shed there is nothing better than a cattle shed. When letters are written to the Madras and Southern Mahratta Railway, they are safely lodged in the waste paper basket.

Then, with regard to drinking water. Bezwada Railway station records a temperature of 118 to 120 for a fortnight or a month in summer and no cool drinking water is provided there. When I addressed one of the station authorities he replied that the provision of cool drinking water is an amenity which is not provided for in the ticket of the passenger. He said it is an amenity which is not appreciated in this country as in the Western Continent. In European countries, people have got other beverages but in India the poor man needs cool drinking water in summer. This is a matter which must be looked into and more consideration shown to the needs of the third class passengers who are the real masters of the railways and not the people who boss over them. With these words, I move my motion.

Mr. President (The Honourable Sir Abdur Rahim): Cut motion moved: "That the demand under the head 'Railway Board' be reduced by Rs. 100."

Shrimati K. Radha Bai Subbarayan (Madura and Ramnad cum Tinnevely: Non-Muhammadian Rural): Mr. President, I strongly support the motion moved by my Honourable friend from Cocanada. I had also given notice of this cut motion as I felt that this was a very important subject. Sir, the demand for providing adequate amenities for third class passengers on the Railways, as my friend has already pointed out, is a subject of perennial interest to the public outside and also to Honourable Members of this House as is evidenced by the number of questions and debates we have had on this subject. The other day, my Honourable friend, the Member for Railways, referred to the report of the Railway Board as an interesting document. I read it as carefully as I could and I wondered why he used this particular adjective when referring to this book. It struck me only this morning that perhaps, it is because the Railway Board has got a sense of humour, as on page 2 it says:

"As in past years Members of the Legislative Assembly and the Council of State continued to take a keen interest in the working of the Railway Department. Out of a total of 3,394 questions asked in both Houses during the year 1937-38, 861 or 25 per cent. were answered by the Railway Department."

I wonder if the Railway Board takes this as a compliment! If questions are asked and if debates are raised on any matter concerning the Railways, it is because the public are not satisfied with the administration of the Railways and it is the duty of the Members of this House to draw the attention of Government and through the Government of the authorities of the Railways with regard to the state of affairs prevailing in this country.

[Shrimati K. Radha Bai Subbarayan.]

Sir, it is not pleasant to make comparisons but it is a fact or, at least, it is an impression that prevails very strongly among the public in this country that our railway authorities pay more heed to the comforts of the higher class passengers than to the minimum amenities that should be provided for the third class passengers, and, sometimes, luxuries are provided for the higher class passengers when the minimum necessities are denied to the third class passengers! For instance, was there any demand for air-conditioned coaches, yet agitation has been going on for a long time for the provision of electric fans in third class compartments, and they have not been introduced,—and there are all kinds of arguments put forward, as excuse, mostly grounds of economy, which seem to be strong defence only when it concerns the welfare of poor people. Then, Sir, another argument that is brought forward against the supply of electric fans in third class compartments is that poor people are not used to these luxuries. May I point out that this kind of logic is not fair and might lead to trouble, especially if it is to be used in all matters, and I warn the high officials that it could be introduced with regard to the question of salaries also. I would, further, point out, that this argument ignores one main factor and that is that a railway compartment is quite different from a house, however small and poor it be. The poor people do not have to sit there coupled up in one narrow compartment on a hot day with very little or no air, with hardly any room for moving about, with nothing better to quench their thirst than filthy water and with nothing better to satisfy their hunger than unclean food.

This brings me to the question of food. Here, I would mention that it is difficult for me to compress my speech and conclude it within fifteen minutes and as I am also warned by my energetic Whip that I should not take more than ten minutes, I am afraid I can but touch lightly on the points that I want to place before the Honourable the Railway Member. One of the reasons, at least to my knowledge, for the people preferring road transport to Railways is that they do not have to put up with all the hardships that they have when they travel on the Railways, particularly women. They find it very difficult to get even proper food and water to drink on the way, and, also, there is a certain amount of risk attached to their travel on the Railway.

Sir, I am surprised that the Government and the Railway Administration are not ashamed of the conditions that prevail now in the country with regard to the sale of food at stations. The third class passengers are too poor to get food from the restaurant cars or from the refreshment rooms at the stations and they have to depend on the hawkers who sell food. The condition of that food, whether it is cooked or raw, such as, fruit, is so bad that there is no doubt that it contributes greatly to the spread of disease in this country. Charitable societies and philanthropic persons try very hard to combat disease and to improve health and sanitation throughout the country. Her Excellency Lady Linlithgow is making noble efforts to rouse our people to the dangers of the spread of tuberculosis, but what do the Railways do? Sir, they are the carriers of the germs of this and other disease and they help them to spread everywhere. I should like to warn the Government that infection is active and that it does not confine itself only to the poor people who travel third class or who buy the food that is sold in these unhygienic conditions in stations.

Then, Sir, there is one more subject in which I am specially interested. I may mention that I realise that I am not here just to draw the attention of this House to the claims of women only with regard to this or any other matter. There are, however, things which concern women in particular such as the safety and security of women passengers on Railways—not in the third class only but in all the classes: and they naturally interest me. Yesterday, I tabled a question on this subject and, in the supplementaries, the reply of my Honourable friend, the Railway Member if I may respectfully point out, rather puzzled me, for, at one place when I asked him whether Government would examine this question of the safety and the security of women passengers in the trains and consider the possibility of having a carriage with a corridor specially reserved for women, he said he would require notice of the question. Later on, I asked whether the Government would give me an assurance that they would ask the Railway Board to examine the whole question of the safety and security of women passengers, and the reply was, "I do not think there is any necessity for such an enquiry. The safety of women travelling on the Railways is always a pre-occupation of the Railway Administration". And another question, that I asked was about women ticket examiners. The Honourable Member said that the Madras and Southern Mahratta Railway were of opinion that women were not suitable for the particular work of ticket examiners, and my Honourable friend, Mr. Sak-sena, pointed out that the East Indian Railway had appointed women ticket examiners and they were found to be quite satisfactory. I asked the Honourable Member if the Government had inquired why the Madras and Southern Mahratta Railway came to the conclusion that women were not suitable for this particular kind of work and I have had no reply. I do hope the Honourable the Railway Member will examine this question and impress on the Railway Administration the necessity for appointing women ticket examiners, particularly, in large stations and during heavy traffic at the time of pilgrimages, festivals or holidays.

With regard to overcrowding I would like to suggest that it would be far preferable to have return tickets for double journeys instead of the 'go as you please' tickets for circular tours. The latter tickets are liable to be in circulation the whole season, though the Railways say that they are not transferable. I think that it is easier to check the transfer of tickets if there are return tickets for double journeys. Lastly I conclude with the earnest appeal to the Government as well as to the Railway Administration to give their earnest and immediate attention to this matter of providing adequate amenities to the third class passengers, before they deal with any other subject concerning the Railway administration.

Mr. N. M. Joshi (Nominated Non-Official): Sir, during the last 18 years I have made many speeches regarding the grievances of the third class passengers. Generally speaking, I am not prone to yield to despair, but I am afraid as regards the removal of the grievances of the third class passengers I am in despair. Sir, I am a believer in the success of constitutional and parliamentary methods, generally speaking. I am afraid I do not feel that the grievances of the third class passengers can ever be removed by either the constitutional or the parliamentary methods. I am saying this after the experience of 18 years.

Mr. S. Satyamurti: And you are a servant of India.

Mr. N. M. Joshi: For the last two or three years, I have given up talking about the individual grievances of the third class passengers, and I have been demanding one thing only, namely, that the Government of India should make a report to the Legislature, a proper kind of report from which everybody will be able to see how the Government of India is treating the first class, second class and third class passengers. If the Government of India would make an honest and proper report on that subject, I shall be satisfied, but the Government of India is refusing even to do that. I want the Government of India to make an investigation and find out what are the proper conditions under which the third class passenger travels now. Let the Government of India make a comparison of the conditions under which the first class and the second class and the third class passengers travel. Let them begin with the waiting halls and the waiting rooms which are provided to the first class, second class and third class passengers. Let them make a list of all the waiting rooms that are provided for the first and second class passengers and let them make a list of furniture as my friend has suggested. Let them make a calculation of the space that is provided and let them compare the number of the third class passengers with the number of the first class and second class passengers. Let them find out the facilities that they provide for the purchase of tickets, again comparing the numbers. Compare the ticket staff that is provided for the first class and second class passengers and the third class passengers. Let them make a report as to how many clerks are appointed to give tickets to the first class, second class and third class passengers. Let them find out the number of these clerks, also, because I want to have comparative figures. I am anxious that the number should be found out. Let the Government of India be not ashamed of placing the truth before the Legislature and before the world. I am asking for nothing more.

Then, Sir, as regards the accommodation on the trains. Figures have been quoted by me for several years to point out what accommodation is provided to the first class passengers and what is the number of the first class passengers and I have shown every time that the first class carriages almost go empty. I have pointed out my own instances several times and I have informed the House how many times I have travelled in second class with one man in the carriage. Even this year I travelled from Bombay to Delhi with only myself in the compartment. Only four days ago I travelled in the second class compartment, from Delhi to Lucknow, in which there were six sleeping berths and there were only two passengers. The economic conditions in India are such that there are not enough passengers for first class, there are few passengers for the second class and the third class carriages are over-crowded. The facts and figures prove that. But, Sir, the Indian railways are not primarily intended for the masses of the people of this country. They are primarily intended, first, to provide comfortable travelling to the richer class of this country and after their need has been met the middle classes come in and third class passengers must travel because they pay. It has been proved that the first class travelling does not pay in this country. The Government of India have been thinking of abolishing the first class but they are not doing it and they will never do it. Although the first class will never pay, it will never be abolished, because the Government of India do not exist for the masses of the people of this country. They exist for themselves first, and secondly, for the richer classes of this country. Then,

Sir, take the other facilities, such as, the refreshment cars. I have travelled in the second class and have gone to the empty refreshment cars and yet these carriages are carried by the railways. And why do they carry them? Because the Government care to cater for the needs of the richer classes in this country and they do not care what it costs. If you can carry a refreshment car for half a dozen first class and second class passengers, can you not carry a restaurant car for the third class passengers? But they will never do it. If they want to do that, a calculation will have to be made. (Interruption.) My Honourable friend, Mr. Bajoria, is angry because I am saying something about the rich people.

Babu Bijnath Bajoria (Marwari Association: Indian Commerce): I am not at all angry. I am appreciating it.

Mr. N. M. Joshi: Then, Sir, the Government of India run fast trains. For whose benefit do they run these fast trains? For the benefit of the rich and for the benefit of the middle classes. I have been pointing out that from Bombay to Delhi there is a train called the Frontier Mail and I have been asking the Government of India why third class passengers are not allowed to travel by that train. Let me say this that I do not travel by third class myself and, therefore, I am not speaking for myself but I do feel that it is absolutely wrong to prevent third class travelling by the only fast train on that line. There may be other trains but they are not as fast as this train. I have spoken several times privately and publicly about this that it is a great shame that the Government of India should prevent third class passengers from travelling by that train. Between Poona and Bombay there is a train which used to be called the Deccan Queen. I do not know what they call it now. It has been suggested that if the Government of India would attach two or three 3rd class bogies to that train and would allow two or three second class compartments being used by third class passengers, that train would pay. But, Sir, no. If the train is a fast train, third class passengers must not travel. They will get used to better travelling and what would happen to the Government of India? What have they done to this train? They have kept it in a siding somewhere between Bombay and Poona and it is running once a week, but they do not allow third class passengers to travel by that train. Let the Government of India make an enquiry and see whether that train will not be self-supporting if third class passengers are allowed to travel by that train. Let an enquiry be made and let the Government of India show that if the train is allowed to be used by third class passengers, that will not pay.

The whole difficulty is this. The Government of India are not governing the country for the masses of the people in this country. Primarily, the Government of India and the Railways exist for the Britishers, secondly, for the richer classes of people in this country and the third class passengers and the poor people are only meant to pay. The Europeans are not willing to pay their full fares, and, therefore, first and second class travelling cannot pay, the richer classes also cannot pay and, naturally, they must find some people to pay for them and these are the third class passengers. I have heard it a hundred and more times that the Indian railways are being run on commercial lines. Well, Sir, I am not a believer in the commercial management of the railways. I am a believer in

[Mr. N. M. Joshi.]

running the railways as public utility service, but in order that the poor third class passengers may have some comfort in travelling, I should like the Government of India to run the Indian railways on commercial lines. If the first and second class travel do not pay, then stop them. If you are running the railways as commercial concerns, if you are giving the first and second class passengers a little more than what they pay, please stop that. My demand of the Government of India is this. I already told the House that I am in despair about the removal of the grievances. The last demand that I make is not about the removal of the grievances. Let an enquiry be made, let the Government of India make a report as to what the third class passenger is getting, and if the Government of India claim that they are doing something every year, that they are making progress in giving amenities to third class passengers, I want the Government of India to make a report, not the kind of report which they have given in that red book. Let the Government say how much they spend in improving the conditions of third class passengers, how much money they spend in improving the condition of first and second class passengers. I want this report for this reason. If the Government of India have enough funds for improving first and second class travelling, let them go on spending. But the railways are run on commercial lines—I hope they remember that—then the money at their disposal is limited, it is, therefore, necessary for me to ask the Government of India as to how much money they spend for improving first and second class and how much for improving third class and what money they get out of the first and second class and what money they get out of third class. Sir, I have done.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Sir, I do not propose to take more than a few minutes on this motion. My Honourable friend, Mr. Joshi, said that he despaired of third class passengers' grievances being removed. So far as I am concerned, I do not think he was quite right there. In any case I do not share his views. Sir, I remember how third class passengers used to be treated about 40 or 45 years ago. I can picture to myself the hard lot of third class passengers about the years 1895-96.

An Honourable Member: Are they treated better now?

Sir Syed Raza Ali: It is perfectly open to my Honourable friend to say that there is no change. I keep my eyes and ears wide open and I have noticed a change though that change is not as big or as satisfactory as it should have been. But there is a change.

Now, Sir, I have to make a few suggestions which are somewhat out of the beaten track. I do not know whether the Honourable Member in charge of Railways will be in a position to give relief to third class passengers in the directions which I propose to mention. The first difficulty, the first inconvenience, the first handicap, for the third class passenger is that he is allowed a space which measures only 19½ inches, I mean in length. Now, Sir, it is all very well in European countries to be satisfied with that space. But having regard to the climatic conditions in India where summer prevails for eight months in the year and winter does not last in some parts of the country for more than four months, it is absolutely necessary that that limit should be increased. My Honourable friends are talking of electric fans and other amenities. I ask that the third class passenger should be given sufficient space to sit in the hot months of May and June

and in the rainy weather when climatic conditions are almost unbearable in India. I, for one, would suggest that this space should be increased from 19½ inches to 30 inches. Theoretically that would mean an increased accommodation to the extent of 50 per cent. If the Railway Board and the Honourable the Railway Member would go into the question carefully they will see that in actual practice the increased accommodation need not amount to more than five per cent. I may at once point out how I mean to limit the increased accommodation to five per cent only. Do not give this increased accommodation of 30 inches per seat on short distance journeys. I think the time has come when the Railway Department should seriously consider the allotment of 30 inches per seat in the case of long distance passengers. Sir, the lot of third class passengers in the matter of accommodation is very hard indeed. Already much has been said about overcrowding. If the accommodation per seat is extended to 30 inches, I believe, that in itself would go a long way to minimise the hardships of overcrowding.

The next point I have to suggest is that it should be open to third class passengers to reserve their seats. Today the position is that no third class passengers are allowed to reserve their seats.

An Honourable Member: On the East Indian Railway, they can reserve.

Sir Syed Raza Ali: I know there is only one station, that is Howrah on the East Indian Railway where you can get reservation for third class passengers. But there also it is only an experiment and, I understand, that the experiment is on its last legs, if it has not already been abandoned. I ask you if it is possible to try that experiment in Howrah why not try it in places like Bombay, Madras, Nagpur, Delhi, Lahore? That is my suggestion. Howrah has got it according to my Honourable friends and I, therefore, say let us extend this system. As a matter of fact I can see the difficulties of reservation being granted to third class passengers at intermediate stations. So far as the start stations are concerned, I do not see any reason why this experiment should not be introduced at such stations. Now, I come to one more point.

That deals with the activities of the Railway Publicity Department. I am one of those who are convinced that the Railway Publicity Department of India is far from efficient. It does not do its duty in a manner in which it ought to do it. Advanced countries are devoting large sums of money.....

Mr. President (The Honourable Sir Abdur Rahim): That does not seem to come within the scope of this motion.

Sir Syed Raza Ali: It does come in this way, and I shall come to the point at once, that there is no reason why booking offices for third class passengers should not be opened in the heart of large cities. As it is there are some booking offices in big cities but their number is very small. If there were a number of booking offices in the city and if the railways undertook to start an experiment of getting the sale of tickets through private individuals to whom a commission would be granted and from whom a certain amount of security would be required before they were allowed to sell tickets, that would serve both purposes. It would serve the purpose of

[Sir Syed Raza Ali:]

publicity and it would be a great convenience to third class passengers. I believe the idea is a new one and it might, perhaps, jar on the ears of the Honourable the Railway Member but I can assure him that if this experiment were tried it would give an impetus to the desire of the people to travel on a larger scale than they do at present. Sir, I support the motion.

The Honourable Sir Thomas Stewart: Sir, the Honourable the Mover of this motion went to considerable lengths to impress on me, and to persuade me of, the paramount importance of the third class passenger. I would not like to put it so bluntly as to say that he has wasted his time but of the importance of the third class passenger I am myself absolutely convinced and I have given on the floor of this House expression to that conviction. He spoke, as did the other speakers this morning, if not with passion certainly with heat; and I find it very difficult to present a defence which is proof against (let us say) sentiment. Much less can I hope to convince by any facts which I may state an irreconcilable of 18 years' standing. But there are a few points that I should like to put forward for the consideration of the House regarding what has been done to improve matters for the third class passenger.

Our train services have been increased. The train mileage is 8.87 per cent. more this year than it was last, and we have run as many as 68,401 more trains than we did last year. Our carriage building programme for 1938-39 and 1939-40 involves an expenditure of 56 lakhs on new lower class carriages. That represents an addition of 659 vehicles.

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadan Rural): Are they of the improved type?

The Honourable Sir Thomas Stewart: The carriages to be built in future will be of an improved type.

Prof. N. G. Ranga: Including these carriages?

The Honourable Sir Thomas Stewart: Any carriages which are not yet built will be approximated to the model, with only reasonable variations therefrom. The improvements which it is proposed to incorporate in those new carriages will be these. The construction of smaller compartments so that smaller parties may travel together without mixing with others. Better latrines have been designed and better arrangements for the supply of water therein have been arranged for. Lighting will be improved and the seats will be made more comfortable by expanding their width. As regards fans I have already, on more than one occasion, told this House that anything like a wholesale programme of installing electric fans in third class carriages is financially impossible. It involves an initial expenditure of two crores with a very large recurring expenditure.

An Honourable Member: Is it two crores or 20 lakhs?

The Honourable Sir Thomas Stewart: Two crores is the initial expenditure and 30 lakhs is the recurring expenditure. That is the estimate which has been made. My Honourable friend, Mr. Satyamurti, put it to me some time ago whether I would investigate the possibility of fitting up one or perhaps two carriages on certain long distance trains with fans and

making a surcharge on the fare. I have made some preliminary investigations in that direction and I say quite frankly that there appeared to be quite a number of objections to it. But I am having those objections further examined because I am not sure in my own mind that they are insuperable objections.

Now, Sir, there has been a great deal said about over-crowding and I have here, in my hand, some very interesting statistics. The railway administrations in consultation with their advisory committees have carried out a fairly wide census of trains in order to ascertain to what extent there is over-crowding. We, ourselves, feel that over-crowding cannot by any means be a general phenomenon. If it were, I should have a much more handsome surplus to display. I will now summarise this census. Taking all the railways together, 25,000 trains were examined, and that at the period of peak travel. Of these 25,000 trains it was only in 305 that there was any over-crowding at all; and in many cases the over-crowding was not only local so far as the railway was concerned but it actually was local within the train; one carriage was over-crowded while others were practically empty. Another criticism, which in a way I myself relate to over-crowding, is the criticism regarding the cleanliness of third class carriages.

I have been saved some trouble by an article which appeared in a newspaper this morning in which I found that my Honourable friend, Mr. Satyamurti, shared my own feelings that a good deal of this criticism would be removed if there were developed, in those who travel, what my Honourable friend, Mr. Sri Prakasa, would call the civic sense. I realise that that is a development which one cannot expect to happen suddenly. I hope it may come, even though slowly, but I would like our critics to keep that aspect of the question in mind.

Mention has been made of the lack of amenities by way of waiting halls and waiting accommodation. There is, on page 111 of the Railway Board's Report, a table which shows the extent to which the various railways have provided waiting accommodation. For third class passengers waiting accommodation is provided at,—I take a rough average,—about 80 per cent. of the stations on our railways with one exception, that is the East Indian Railway, where the percentage is considerably lower, i.e., about 50 per cent. But we must remember that this is the percentage for all stations, even the smallest wayside station which may be used by very few passengers and then only perhaps for a very short time each day.

The Honourable Member who has just gone out has reproached us for our callousness as regards the women travellers. I would claim that neither have the Government of India been callous nor have I noticed that before the advent of that Honourable Member the other Members of this House were lacking in feeling for their sisters or that there have been no attempts made to secure the safety of women travelling on our railways. There have been, from time to time, many questions asked in order that this object might be secured.

Mr. Joshi most categorically said that no attempt had been made to abolish first class accommodation. That perhaps was not entirely relevant to this debate, but I would tell him that I have here a very considerable list of sections on which first class accommodation has been abolished; no

[Sir Thomas Stewart.]

doubt the savings therefrom will be applied for the betterment of third class accommodation. As I have said, it is very difficult to meet an attack which is based on sentiment

An Honourable Member: Give us your facts and figures.

The Honourable Sir Thomas Stewart: Very well, I will give the Honourable Member facts. If he will oblige me by reading the very considerable chapter of this report, which has been published for his benefit amongst others, he will get the facts for which he has asked. Those are the facts I have to present against an attack based on sentiment, though I dare not hope that they will convince either Mr. Joshi or any other Member.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Demand under the head 'Railway Board' be reduced by Rs. 100." The motion was adopted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock. Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Rate and Freight Policy.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100"—(Rate and freight policy).

I want to discuss the rates and freight policy followed by the Railways in India by this cut motion. The question of rates and freight policy is a very vast and complicated subject, but I propose to confine myself only to two points, firstly, the policy which relates to Indian industries, Indian commerce and Indian agriculture, and, secondly, the question of the diversity and complexity of the Schedules. With respect to the first point, Sir, the question is what is the rates policy of the Railway authorities so far as industry, commerce and agriculture are concerned? Our complaint is that the policy is such as is calculated to facilitate only the import and export traffic, and that to the detriment of the Indian industry. If anybody feels that it is an exaggerated view to take of that policy, may I refer him to a book written by a distinguished member of the Indian Civil Service entitled 'A suggestion for the better governing of India', and in that book he says this:

"A Traffic Manager wields irresponsible powers over the country commanded by his railway. By a slight readjustment of rates he can, and sometimes he does, crush a rising home manufacture in favour of a foreign customer."

I shall not dilate on this point. Sir, we want the policy to be changed. We say that the Indian Railways, being a national industry, must adopt a national policy calculated to develop the industry and agriculture of this country. That policy should be regulated and controlled not merely by

a desire to get more revenue, it should not be regulated by the rule of demand and supply, but it should be regulated in the interest of the trade and industries of the country, for the protection of our industries against foreign competition. I say that the policy should not only be national, but it should be an aggressively national policy, and it should be formulated in such a way that it may supplement the fiscal policy of the country and be a true supplement to the scheme of discriminating protection. I claim that protection should not only be not in favour of any foreign industry, but that discrimination should be in favour of Indian industries, Indian commerce and Indian agriculture. That is the policy which is followed in Germany, in America, in the Colonies and in other parts of the world, even in countries which are industrially more advanced than India. We have been fighting for a change of this policy for over a quarter of a century. In the Central Legislature, this fight began as early as 1911. Individual traders and industrialists always moved the railway authorities in this behalf. Various Chambers of Commerce have been fighting for a change of policy from a very long time. The various relevant Commissions have made their own recommendations in support of the policy of protection of Indian industries. The Indian Industrial Commission, the Fiscal Commission, the Tariff Board and various other Commissions have all unanimously and strongly recommended this rates policy of protection for Indian industries, trade and agriculture. Our Public Accounts Committee also laid down the same proposition. Even some Agents of some of the Indian Railways had the fairness and justice to recognise this duty of the railways with regard to their rates and freight policy. Last year, while moving the corresponding motion, I placed the whole history of that movement before the House. I should not be justified in going over that ground again today. I say that this policy for the promotion and development of Indian industries should be adopted not merely as a matter of charity or generosity, but it should be adopted as a matter of duty and obligation.

Then, Sir, coming to recent times, the matter was canvassed before the Railway Inquiry Committee. We have their recommendation at page 83, paragraph 113.

They say this:

"Several chambers of commerce complained that rates had not been adjusted to changed fiscal conditions and that they facilitate import and export traffic to the detriment of Indian industries".

Later on they say this:

"It is a pity that in India the Railway Rates Advisory Committee has not come to be regarded in the same light".

But, unfortunately, the Railway Enquiry Committee avoided this very inconvenient issue, although they were constrained to admit this:

"We were impressed with the feeling of grievance that appeared to exist in regard to these rates".

This is a judgment really of a weak and subservient judge when unpalatable findings are unavoidable against a powerful party. What is the result of this finding,—not finding, rather the absence of finding? The result, as it appears to me, is a reactionary policy. Hitherto, lip homage was paid always by the authorities to this doctrine, namely, that Railways must promote Indian industries. Even that lip homage is now a thing of the past. Last year the Honourable Sir Thomas Stewart did not accept

[Mr. Akhil Chandra Datta.]

this policy. He advocated a new plea. That plea was, "while it is no our duty to help and foster Indian industry, we can do for Indian industry all we can unless other interests are affected". I do not know what are the other interests which are in his mind. I only hope that those are not the vested interests of the British industrialists and British capitalists. This was the step-motherly attitude that was adopted last year with regard to this matter. What is the policy, according to Government, on which this rate structure is based? We have been told by the Honourable the Communications Member in his recent budget speech that the principle on which the rate structure is based is "what the traffic can bear". Let us examine whether, in the light of facts, this theory holds water at all. I shall take one concrete case. I find that in 1911 Berar cotton was selling at Rs. 27-11-0 per maund and the freight from Akola to Bombay was Rs. 1-6-2. The same cotton, in 1938, was selling at Rs. 12 per maund and the freight between the same two stations was Rs. 1-10-4. Thus there has been decrease of about 43 per cent. in the price of cotton whereas there has been an increase in freight of about 19 per cent. Sir, it won't do merely to lay down a formula, it must be based on facts. I must admit, as was pointed out by the Honourable the Communications Member last year, that with regard to some Indian manufactures concessional rates are granted. But, after all, these are only isolated instances. What we want is a complete reorientation of policy, a complete change of the entire outlook.

My second point is, as I have already said, the diversity and the complexity of the schedules and the classes. It appears to me in this country of Hindus where there are so many castes, sub-castes, and sub-sub-castes, the same thing happens with regard to rates and the classes of rates, schedules and so on. As to the necessity of a revision and simplification of that structure I shall not labour as there is no dispute about that. In 1934, when the railway budget was under discussion, it was admitted on the side of the Government that the reclassification of goods was a question of undoubted importance, and a scientific investigation was promised on the basis of statistical materials. It was also stated that "at the earliest opportunity" that investigation would be undertaken. I regret to say that, instead of the investigation being undertaken at the earliest opportunity, the very idea was abandoned at the earliest opportunity. I mean, in the year following, that is, 1935. Then came the Railway Enquiry Committee. Their opinion we find at page 80, paragraph 127. It appears that the lukewarm attitude of the railway authorities on this question disgusted even the Railway Enquiry Committee. The Committee say:

"We would urge that the matter should be taken up more energetically, with the ultimate object of reducing the number of schedules applicable to each commodity concerned to the minimum which can be justified on definite commercial grounds. As long as the present situation lasts it will be a weakness in the railway position, and will tell against the railways in their endeavour to win the support of the trading public. It is in our view incumbent on the railways to work steadily in the direction of simplification and to lose no opportunity of establishing themselves in a more logical and defensible position."

Then, they go on to say, and this is very important:

"The problem no doubt calls for the best experience of the rates experts of the different administrations if a satisfactory solution is to be found, but we would urge that the movement as a whole should receive its impulse from higher quarter, and that the Railway Board should give it their special attention and encouragement."

This was in June, 1937. Has anything been done by the railway authorities to implement this recommendation of the Railway Enquiry Committee? Instead of a scientific rate structure, it was decided that there should be what was described last year as adjustment bit by bit. With regard to that also, it was not said that policy had actually been adopted, or for the matter of that, decided. It was only said that it was felt that there should be a readjustment bit by bit. Therefore, my grievance is that, not to speak of the representations of the people, in spite of the recommendation of the Railway Enquiry Committee, the matter has been left where it was all this time. Of course, it is said that they are quoting special rates. If they are quoting special rates for particular commodities and in particular areas, it is only to meet the competition from the road. There is also this question of discontinuous mileage system. That also requires a change.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. Akhil Chandra Datta: Sir, I move.

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

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): The Railway administration in India is able to make both ends meet, mainly on account of the receipts from goods traffic. Out of a total of receipts to the tune of 100 crores for the year 1937-38, 65 odd crores come from goods traffic, 28 from third class passengers, five from first and second class passengers and one from the rest. Nearly 65 per cent. comes from goods. Therefore, it is very important that sufficient attention ought to be paid to increase this kind of revenue. Far from enunciating a single policy or principle, I find diverse principles pursued by the different administrations. Even though the State has purchased some of the major railways, even in the State-managed railways there is no uniform principle of rates and fares evolved. No attempt has been made to evolve a uniform policy having at heart the interests of the trade and industry. The railways are supposed to be working as commercial concerns and with no uniform policy they neither serve the interests of trade nor the interests of the industry. In place of the present system of rates and fares, a new system has to be brought into force, which is less complex and would also allow of the progress of industry and trade. I will presently show how, while other countries have been making progress, the persons in charge in this country have always been setting up some difficulty or other in the path of the evolution of a uniform policy. Now, take this question of discontinuous mileage. Suppose some agricultural products are sent from Coimbatore to Delhi. The product has to pass through four railway administrations, the South Indian, the Madras and Southern Mahratta, the Nizam's State and the Great Indian Peninsula Railways. There is no tapering scale from one end to the other. Each administration fixes its own tapering scale. Even the State-managed railways, when they are close together, do not have a uniform policy with regard to the transshipment of goods from one administration to another. Even there the advantage of continuous mileage has not been given. That is a want which has been felt,

[Mr. M. Ananthasayanam Ayyangar.]

with regard to which much evidence has been placed before the Wedgwood Committee. On page 81, in para. 128, dealing with the discontinuous system, the Committee says :

"It is argued that the mere fact of the transfer of traffic from one railway administration to another cannot justify the application of a method of calculating the rate which may double the charge to be borne and will certainly increase it substantially. It is difficult to resist the contention that apart from break of gauge and transhipment, the natural and logical method of calculating the rate is upon the throughout distance, not upon a series of "discontinuous" distances. Here too we think there is some ground for criticism of the rate system, and the criticism cannot be ignored. It applies most strongly in the case of exchange of traffic from one state-managed system to another and will increase in force if more systems are transferred from private to State-management."

Here, they say that a number of State-managed systems would facilitate the administration, decrease the cost of management and help industry. Only yesterday we saw how, from the financial point of view, the transference of administration could result in reduction of administrative charges. Four or five railway systems in India can certainly evolve one rate for long distance traffic and they can charge telescopic rates on a tapering scale. That has not been done. The insurmountable difficulty is said to be that each railway administration has, for a long time, been following its own schedules of rates and classification of goods and commodities but, after several administrations have passed into the hands of the Government, may I know what efforts the Government have made in evolving a uniform policy. Nothing has been done. One rate is low and the other is high. The trader finds it difficult to know exactly what he has to pay and is very often at the mercy of the station staff and by the time the freight is paid from one end to the other the selling price of the article at the other end is such that it cannot compete in the market. I would ask the Honourable Member as to what has been done to relieve the trading public of this inconvenience, in view of the recommendation of the Wedgwood Committee.

Now, let us take the various articles which yield this revenue of 65 crores. The major articles are cotton which yields 288 lakhs, coal 824, wheat 267, rice 330 and oil seeds 304, sugar 211. I find there is a comparative table in Mr. Srinivasan's book giving the rates and fares prevailing in the various systems from 1883 right up to 1922. The rates for cotton have increased from Rs. 2 to Rs. 6 per unit. The rates for coal and sugar have also increased and there has been an increase with regard to wheat and rice. There is some decrease with respect to some other articles which are not so important commercially but with respect to the major articles, there has been an increase and no decrease. Since 1930, we are going through a period of depression. Since last year, it might be said that trade and industry have gone up but they have not gone up sufficiently and, therefore, industry and trade are urgently in need of some helping hand in the matter of reduction of rates and fares and the Railways have not reduced their rates and fares, so far as goods traffic is concerned. We find that there has been a slump in the cotton trade and yet sufficient attention has not been paid to the carriage of cotton from place to place on cheap rates. The other day, Mr. Manu Subedar put some questions about the transport of cotton from Nagpur to Bombay by lorries and he has elicited the information that it is cheaper to transport cotton by lorries than by rail. Wheat is selling in Calcutta cheaper than in Lyallpur, owing to shipping charges being so low and the freight charges are so fixed that

Australian wheat can come in cheaper and that foreign trade is helped more than local trade. So far as salt crystals are concerned, beautiful salt crystals are manufactured in Madras but salt from Aden and Italy is being sold cheaper in Calcutta than Madras salt and I find from the Taxation Committee report that owing to the heavy freight charges, Madras salt cannot compete with Aden and Italian salt in Calcutta. One of the inconveniences that was felt was that by carrying salt from Madras to Calcutta wagons might be supplied but on the return journey those wagons have to go empty. Some such inconveniences are set up, the rates and fares are not reduced, and net result is that in spite of our having a huge sea coast and immense opportunities for producing beautiful, pure salt, we are importing salt in a large measure. I also find that Deoranda salt is placed at a disadvantage compared with Sambhar salt purposely, though the same salt is produced in Sambhar and in Deoranda also. The same tale has to be told of coal, grains and oilseeds also. They would have progressed much more if the rate and fare system had been adjusted and a sound policy had been evolved. Sir, without doing this, we have enacted recently a Statute called the Motor Vehicles Act.

Sir, if the Railway Administration had only been sympathetic, they would have helped to make it cheap as in every other country but 3 P.M. purposely it has placed goods traffic at a disadvantage. Sir, I was referring to the Motor Vehicles Act, passed the other day and I want to refer to section 43 of that Act. We find that there is increasing competition from motor traffic, both from the point of view of passenger traffic earnings and also goods traffic earnings. In my Presidency I find that lorries carry goods from one point to another over 250 miles to a large extent along routes which are parallel to the railway lines. This is due to the inconveniences felt in the various stations in the matter of transhipment but to a large extent also to the rate and fare system, and one effect, I fear, if power is given under section 43 of that Act to Provincial Governments, will be to adjust maximum and minimum rates and also to restrict the conveyance of goods for long distances by motors. This would mean that that power would not be exercised properly but might be exercised to the detriment of trade and industry if the Central Government should exercise a lot of influence with the Provincial Governments.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only got two minutes more.

Mr. M. Ananthasayanam Ayyangar: But that would not last long. They would then force the railways to reduce the rates so that in that way at least the trade and industry might improve. I am only striking a note of warning. It is not desirable to increase the motor charges, while the Central Government, which is in charge of railway administration, is sleeping over this and does not adjust the railway rates and fares so as to give a helping hand to the trade and commerce of this country. I would say, therefore, that the Department has to be censured so far as this matter is concerned.

Mr. Umar Ali Shah (North Madras: Muhammadan): Sir, I rise to support the cut motion moved by the Deputy President to discuss the rate and freight policy of the railways in India.

[Mr. Umar Aly Shah.]

Sir, it is common knowledge that, when, years ago the railways framed their rating structure for carriage of goods, they never took care to see that their rates are suited to the economic needs of the country. They were fixed, so to speak, on a very arbitrary basis, with a view to ensuring that adequate dividends are paid to the British investors in Indian railway stock. It is quite true that the goods traffic rates are revised by the railway administrations from time to time. But all these revisions are not based on the actual demands of the business community. In fact, they are so arbitrary that the business community have no use for them, except to endure them under protest.

My Honourable friend, the Railway Member, will no doubt say that there is something like the Railway Rates Advisory Committee, to which business people, who have complaints to make about the unreasonableness of railway freights, might prefer a case. This is all well and good, but Mr. President, it is beyond a shadow of doubt that the opinions expressed by this Committee are not necessarily binding upon the railway administration concerned. Further, Sir, no Government, which has the interests of the country at its heart, which is anxious to foster trade and commerce and which wants to protect the interests of Indian agriculturists who naturally want their goods to be transported to centres where they can get good prices, will allow the railways to carry on their business on these lines.

Mr. President, it has been a long-standing complaint in this country that the railway freights policy has caused unnecessary difficulties in the way of business and commerce. Sir, let me take the case of two or three commodities in bulk, such as coal, cotton and wheat, to illustrate my point. As far as coal is concerned, the Indian railways have their own collieries and their coal freight rates are naturally fixed to suit their own needs, while the interests of other coal users in places where coal is not obtainable, such as factories, etc., are not taken into consideration. Mr. President, you are aware of the repeated requests made by the East Indian Cotton Association to the Railway Board urging the Railway authorities to reduce their freight rates for the carriage of cotton. You are, also, aware, Sir, of the fact that these repeated requests of the cotton interests are turned down, the general answer given by the Honourable the Railway Member being that such a reduction would mean severe losses to the railways. But Mr. President, it is clear that on account of the high transportation costs Indian cotton is being ousted by Egyptian and American cotton in a country like Japan. Japan used to buy formerly Rs. 30 crores worth of cotton. Now she buys less than half this quantity. When India is losing several crores of rupees on restricted sales of cotton abroad, owing to uneconomic railway freights, my Honourable friend, the Railway Member, cannot plead that a reduction cannot be allowed to take place in the rates, since such a reduction would make the railways lose about Rs. 50 lakhs a year. Similarly, when general revenues lost Rs. 64 crores from railways, this loss is nothing.

I am sure, Sir, I am voicing the feelings of the Honourable Members of this House when I say that the time has long since arrived when an effort is made by the Government of India and the Railways to revise their goods tariff with a view to giving a stimulus to trade and commerce in the country. I am not wrong when I say that Indian railways have long been accustomed to operate as monopoly carriers. This monopoly they had till the road motor traffic has come to be an established thing in recent years. My Honourable friend, the Communications Member, has recently got his

Motor Vehicles Bill passed by this House. This Bill is shortly becoming law. But, Mr. President, there is a feeling in the country that the Bill is loaded in favour of the Railways to the disadvantage of the road motor vehicles. These vehicles are now discharging a very useful function by transporting goods in bulk, for short distances, with a speed and cheapness which the railways cannot supply to businessmen. My point is, Sir, that the future railway rates policy should be framed with a view to preserving a fair field for the motor vehicles to carry on goods at rates which are in keeping with the real interests of the agriculturists and commercial people.

Mr. President, I do not deny that some Rs. 800 crores are invested in the Indian railways, and that these investments should not suffer. But I claim that the country expects from the Government a policy which is intended to foster trade and commerce, at a time when India, along with other countries in the world, is going through severe economic difficulties. What is the use of the industrious kisan in the country producing goods when he is denied the opportunity of selling them at distant markets with a margin of profit? The Government owe it to the country that the existing state of affairs is not continued any longer.

Mr. President, I have not said these things in any unhelpful manner. My anxiety is to strengthen the hands of my Honourable friend, Sir Thomas Stewart, in his instructions to the railway administrations to see their way to introduce a revised rating policy which is in the real interests of the country and of its millions of agriculturists. I would request my Honourable friend to abolish the existing Railway Rates Advisory Committee in the first place. Then I would ask him to institute a thorough inquiry into the existing rating policies of the railways. Next, I would expect him to arrive at revised policies which are scientifically arrived at. Finally, Sir, I would ask him to appoint a Railway Rates Tribunal with powers to enforce its findings upon railways. The responsibility of this House is very great in this matter. When the Statutory Railway Authority is to be created, after Federation is inaugurated, it would be fatal if there are no conventions already entered into.

Mr. President, these are reasonable requests. I request my Honourable friend, the Railway Member, to accept these suggestions in the real interests of the country. Sir, I support the cut motion.

Babu Baijnath Bajoria: Sir, I would like to draw the attention of the Honourable Member for Railways about rates for two or three things only. I will not, therefore, take much time of the House. In the first place, I would like to mention that the rate of freight for dry cattle from the Punjab to Calcutta or Bombay is very high.

A voice: What do you mean by dry cattle?

Babu Baijnath Bajoria: By dry cattle I mean those cattle which do not give milk. At the present moment, I understand, that a scheme has been made by which return tickets are available for a period of 12 months for cattle which go from the Punjab to Calcutta, but those cattle have to be sent back within that period to the same place. So, it is very difficult to take advantage of this latest rate. The distance is too far from the Punjab to Calcutta and it is practically impossible to send them back such a long distance when the cattle have ceased to give milk. But, if a general reduced rate for dry cattle is fixed, then it will be possible for people living in big cities like Calcutta, Bombay and other cities to send these cattle

[Babu Baijnath Bajoria.]

to nearer places, say, about 100 or 200 miles from the cities where they could be fed on pasture land and when they become again in a position to give milk they can be sent back to the cities. At the present moment they cannot do this because they will have to pay the full rate of freight. Now that this question of cattle improvement and cattle breeding is so much to the forefront, I think this matter deserves the most careful consideration of the Railway Member because it becomes absolutely prohibitive to send back these cattle to Rohtak or some other place in the Punjab. The rate, if I am correctly informed, is four annas per mile for the ordinary cattle and the return ticket is given at six annas per mile for a wagon. If the rate is made two annas per mile per wagon without the restriction that the cattle must be booked to the same place, more advantage will be taken of this rate. It will then become of general benefit to the people and it will also help in the improvement of breeding of cattle.

Another point to which I would like to draw the attention of the Honourable the Railway Member is that the rate for the same commodity is different on different railways. Let me explain this further. I do not mean to say that the rate for coal and for gold should be the same. I know that is not practical politics or practical economics. But, take for instance, commodities like seeds and jute. If the rate for seeds on the East Indian Railway is four annas per maund for 100 miles, it should be the same on other railways also. At the present moment, what we find is that the rates vary very much. They differ considerably. As a matter of fact on some railways the rate for the same class of commodities for the same distance is sometimes double that on the other railways. This is certainly prejudicial to the interest of trade.

The next point is that the rates of freight must be such as to help the industries of the country. I know instances where the rates of freight for particular industries or for particular goods for internal consumption are higher than the rate for the same commodities for long distances—for ports. When these goods are sent out of this country, then the rates are much cheaper than the rates for the same commodities if they are sent from one place to another within India. I do not mean to say we should not encourage export of raw materials. Do so by all means. At the same time we should help our industries internally and the rates to particular industries must also be competitive and on the same basis or even lower basis than for goods for export. With these words, I support the motion.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I said on the occasion of the general discussion that the whole theory of rates and freights is based on the dictum which is interpreted in a different manner by different persons. The Honourable Member in reply to my criticism said that he followed an expert compared with a layman. I admit that I am zero, but, at the same time, he must admit that his expert is a negative quantity, because the person who was his expert was not really kept in his department but was shoved to another branch where his knowledge will not be of any use. As regards the dictum, I said that the only obvious, shortsighted and ineffectual way of doing this is, charge the highest possible rates and be content with a limited amount of business that can struggle in that condition. That is the principle that is adopted by the Railway Board. The really true principle on which the rates and fares ought to be based is this, that the rates should be lowered

to the lowest margin of profit consistent with the help to small business. That is the principle on which the theory of rates should be based. The rates and fares should help the development of the country and the movement of trade and, hence, no Government can feel itself free from the obligation to control them. Whatever the controlling authority may be, the rates and freights must be fixed by the Government and the Government has got vital interests in it. The Government of India recognise this in theory, but in practice they act in different manner. In 1888, they said that the aim of the management should be particularly to attract the maximum quantity of traffic the lines would carry at reasonable rates. I am really quoting this from one of the Government's own notification of 1888. Though in theory this exists, yet in practice it has never been carried out. Mr. Robertson, in 1901, discussed this problem of rates and freights and he said on page 70 of his report that on through traffic, that is traffic going over more than one company's line, all fares and rates should be calculated on the through distance rate and a reduction should always be applied on the entire distance and not merely on the local distance of each railway. He further said that in through booking of traffic passing over more than one railway, there should be one general classification of goods for all over India and subject of course to exceptions one scale of rates applicable on the through distance from station of origin to station of destination. This was the principle which Mr. Robertson laid down for the Railway Board to follow, but in practice they disregarded these things and really got themselves entangled in this conundrum of rates and fares into which they have fallen. I will give the House an illustration of the enormous difference in two methods of calculation. Suppose a person sends one maund in weight from station 'A', 500 miles from Delhi on the East Indian Railway to a station 'B' on the North Western Railway which is also at a distance of 500 miles from Delhi. The total distance is 1,000 miles. According to the existing practice of the Indian railways, the distance is split up into two distinct parts of 500 miles each and the tradesman will have to pay Rs. 0-14-6 per maund. Had through rate been charged, as is done in other countries, the rate would have been Rs. 0-10-2 on the same schedule. Therefore, the rates make enormous difference, if you consider the whole traffic as through traffic as Mr. Robertson laid down. Then it was laid down by the Honourable Member for Railways in this House and by the Honourable the Chief Commissioner in the Upper House that the railways in India are charging very low rates as compared with other countries. They entirely forget the fact that one anna in India has not got the same value as one anna in England. On this point, I can quote a certain passage again from Mr. Robertson's report. He said that considering the cost of construction and working in England, the rates and fares in India should be about one-sixth of those charges in England. This is the authoritative opinion of a person who knows the subject thoroughly and, therefore, you can only say that so long as the rates are about one-sixth of the rates in England, we should consider that they are on a par, and if they are lower than one-sixth, then and then alone we can say that they are lower than in England. In advocating a reduction in rates and fares, Mr. Robertson said in para. 106 of his report that any reduction of fares and rates must necessarily result in a falling off of revenue in the first instance, but if the experience of other countries, similar to India, may be taken as a guide in that respect the impetus which the reduced rates will give to travel and commerce will be so great as to throw fresh vigour into the whole business of the country and to amply repay in a very short time the temporary loss. This was also confirmed by the Pope Committee.

[Dr. Sir Ziauddin Ahmad.]

There are just one or two points which I should like to touch upon. There is road-rail competition. It is keenest within a zone of 75 miles and, therefore, it is desirable that the railways should modify the present telescopic rate in a manner so as to meet the present competition. The present differentiation between home and foreign traffic should be dispensed with immediately. The practice of charging terminal rates is not justifiable under Indian conditions. It has a special history in England and there is no parallel here. I do not see any reason why these terminal rates should be charged in this country. Maximum and minimum rates should be fixed by the Government on the recommendation of an impartial committee and the Railway Board or the Railway Authority, whoever it may be, may be permitted to fix the whole rates between these two limits. But the maximum and the minimum should not be so wide as they are at present. At present they are so wide that, as pointed once on the floor of the House by Diwan Bahadur Mudaliar (now Sir Ramaswami), an elephant can pass through them. There can be some difference between maximum and minimum, say cent. per cent., but not 18 times as at present. The difference should be, say in the ratio of 1:2 and not in the ratio of 1:18 as it exists at present.

The next thing is, that the rates and fares should be uniform throughout India. At present the same article is put in different class in different railways and it is very difficult for a railway goods clerk to find out exactly the charges which will have to be levied to the satisfaction of merchants. The merchants calculate profit on the enquiry they make from the goods clerk at the station from which goods are despatched, but when the goods reach the destination at the other end, they discover that the goods clerk on the other side had made a mistake and so extra fares are demanded. And these mistakes can be minimised if the same article is put in the same class throughout India and every traffic considered to be home traffic. I realise the difficulty in fixing the same rate, throughout, because the cost of haulage is not uniform in all the railways. Some railways like the Eastern Bengal Railway are over-capitalised and overhead charges, consequently, are very heavy. The railway lines near the coalfields save the expenses of carrying coal to long distances, but these difficulties will be minimised if we follow the principle of the amalgamation of the railways.

Sir, I do not like to detain the House long but I will certainly emphasise that if they want to attract greater traffic and if they want to meet the motor competition which has now come to stay in this country they should adopt these principles unless they want to lose their traffic enormously. One thing is that they should simplify their traffic. They should consider the entire traffic to be home traffic. The differentiation between home traffic and foreign traffic should be abolished and the rates should be limited to a margin that may attract the maximum amount of traffic with the minimum margin of profit.

Mr. Frank D'Souza (Government of India: Nominated Officials): Sir, among the hardy annuals which are prominent in the deliberations of this House, during the Budget Session, railway rates policy rightly finds a place. This is not surprising, considering how great a part the railway freight rate plays in the development of the trade of the country. On this occasion again, the Railway Board stand in the dock to answer to various sins of omission and commission. The sins of omission may be summed up as

failure to respond to demands for reductions in rates and the sins of commission find a place in the allegation that our freight rates are so framed and the policy underlying it is so adjusted as to favour foreign trade to the detriment of internal trade. To both these charges I venture, on behalf of the Railway Board, to plead not guilty.

Before entering on my defence, it is, I think, necessary to explain that in India as in other countries the rates structure is based on the classification of commodities into various groups. The Railway Board's responsibility for this classification begins, and in most cases ends, with their approval of the class in which a commodity should be placed. In order to determine the classification of a commodity, the Indian Railway Conference Association invite the opinions of Chambers of Commerce and other commercial organisations throughout India. These opinions are considered by an expert committee of the Conference Association and the recommendations of this committee are then circulated to Railways. If the latter accept them, they are forwarded to the Railway Board for consideration. The Railway Board's approval of the classification serves a very definite purpose. It limits the maximum rate which may be charged for a commodity, in order to prevent railways abusing, what in previous years may rightly have been called, their monopolistic position. The position in this respect is practically identical with that in other countries where the State has statutory powers to prescribe the maximum rate which railways in their respective countries may charge. In India, however, the classification serves a further purpose, in so far as it also determines the minimum rate which a railway may charge. Within these maxima and minima railway administrations have a practically free hand to reduce and otherwise adjust rates according to the local conditions obtaining on their respective systems. The fact that they have taken the fullest advantage of these powers is amply evidenced by the bulkiness of the railway tariffs where millions of rates may be found quoted on a basis lower than the maximum they are permitted to charge.

Dr. Sir Ziauddin Ahmad: Will the Honourable Member answer one point before he goes on to the next? With all these precautions that have been taken will the Honourable Member please explain why the same article is put in different classes on different railways?

Mr. Frank D'Souza: I hope to come to that later. As, however, I am limited to 15 minutes may I suggest that I be permitted to continue.

Serving as the railways do areas widely differing in their characteristics, both economic and otherwise it was inevitable that in the course of time adjustments made to meet local conditions have given the rates structure a degree of complexity which makes it a comparatively simple matter for any critic to point out what in his opinion are anomalies; and it will not be surprising if those who hear our critics referring to these apparent anomalies feel satisfied that a sufficiently convincing case has been made. The number of special rates, as I have just mentioned, goes into several millions and it is impossible, therefore, for any one who is confronted with quotations taken from tariffs,—I would say quotations judiciously selected for the establishment of a particular case,—to answer here and now as to the circumstances under which those rates were introduced and the justification for their retention.

[Mr. Frank D'Souza.]

The true test, I venture to submit, for judging the suitability of a rate structure is its ability to produce that amount of net revenue which would be sufficient to attract additional capital for the development of the railway system. Judge by this standard, which I believe will be accepted by any commercial concern as axiomatic, there can be no question but that railways have no reason to fear a critical analysis of their rate structure. During the boom period, prior to 1930, the rate structure was responsible for contributing substantial amounts to the central exchequer. During the same period substantial reductions were also made in railway fares and freights which it was estimated, on the basis of the traffic that was then being carried, would affect railway revenues to the extent of about 2½ crores. Since then, the position has not altered to any appreciable degree. The net return on capital outlay, taken as a whole for the period subsequent to 1930, satisfies the criterion which I ventured to suggest might be accepted for judging the suitability of the rate structure.

Then, Sir, a point I should like to make has reference to certain comments that were made in regard to policy generally. No one, least of all the responsible head of the commercial department of each of our principal railways, is so dense as not to realise that in the growth and development of the commerce and industry of the country lie the hope and solvency of our railways. But demands for a general reduction in freight rates, involving as they do substantial amounts of railway revenue, can only be conceded if those on whom the responsibility for a decision rests are satisfied that the ultimate result will be an increase in traffic, at least sufficient in volume so as not to affect the net revenue result.

I hope, Sir, that what I have said will not lead the House to believe that we are unduly complacent in this matter or that we feel that there is nothing more to be done. That is not the case. Trade conditions are not static, and adjustments in freight rates are, therefore, being made continually throughout the year by every principal railway as conditions alter and new traffic arises necessitating the stimulus of lower rates for its development. But the scope for any general reduction, such as those that were made during the boom years preceding 1930, has practically disappeared. The intensification of motor competition to which my Honourable friends, Mr. Umar Aly Shah and Mr. Ayyangar referred, has made it practically impossible for railways to continue a policy of wholesale reductions in freight rates. They are now compelled to keep adjusting their rates to meet motor competition, adjustments which are not called for on economic grounds but are forced on them in order to retain the traffic they have created. In this connection, I might refer to one case which illustrates this point. On the grand trunk road, as many of those who have had occasion to travel through the United Provinces know, motor traffic has developed to a considerable extent within the last few years. On one point on this road where the river Sone is not bridged, between Dehri-on-Sone and Sone East Bank stations, during the three months of September to December, 1936, the number of motor lorries that were ferried across the river was 175. During the corresponding three months of 1938 the number had increased to 514. An appreciable proportion of these lorries carried traffic from the Punjab and North-West Frontier Province to Calcutta, traffic which railway freight rates had built up within the last twenty or twenty-five years. Motor lorries here have taken away the traffic by quoting substantially lower rates than rates that were fully economic before the motor

lorries came into the field. There is another case I might refer to while on this point. It is in regard to Mohwa oil traffic, which the railways have fostered, from Cawnpore to the Punjab. During 1936, the total quantity carried by rail from Cawnpore to the Punjab was 1,57,000 maunds. During 1938, this had dwindled to 29,000 maunds, a loss of 1,28,000 maunds within two years; and what has made the railway's competitive position worse, apart from the lower rates available by motor lorries, is the action of the Cawnpore Municipality, unwittingly perhaps in co-operating with the motor lorry owners by not imposing on road traffic the terminal tax of two annas per maund which is imposed on traffic carried by rail. These inroads into railway revenues make it more than ever necessary for railways to examine carefully demands that are made on them for reduction in freight rates, and to concede only those that can be justified. Any other attitude can only result in unjustifiably burdening the general taxpayer. I think, Sir, with the explanation I have given in reply to charges coming under time of session, the House will feel satisfied that my plea of 'not guilty' is justified.

Coming next to the allegation that railway freight rates operate to the advantage of foreign trade and to the detriment of Indian trade, I need only say that the origin of this allegation, which is being repeated year after year in the press and in this House, can perhaps be found in the special rates that were being quoted, a quarter of a century ago, when industrial conditions in India were entirely different to what they are today. Such industries as then existed absorbed only a small part of the raw materials in this country, and could only meet a comparatively small part of the demand for manufactured goods. India's foreign trade was, therefore, characterised by large movements to and from the ports, and the rates tariff was, therefore, adjusted to meet the demand for transport. Conditions in this respect have materially changed since then. But the allegation that freight rates still continue to discriminate against internal trade continue to be made, and why? The reason is that the tariffs still show a large number of special rates quoted to and from the ports. But all these rates have been influenced by the fact that the ports today are also great manufacturing and distributing centres. We can, however, say categorically that no freight rates are quoted by railways to and from the ports which are having a detrimental effect on Indian industries. Such rates, as are quoted, are intended to assist in finding markets for such commodities as cannot find a market in the country itself. An example of this is manganese ore. If the railways did not quote substantially low rates for this commodity from internal mining centres to the ports, the traffic would not move. This is also the case in regard to traffic in chrome ore from Baluchistan to the port of Karachi. If the railway did not quote special rates for this traffic the ore would remain in the mines of Baluchistan.

My Honourable friend, Mr. Baijnath Bajoria, made certain suggestions one of which had reference to the carriage of dry cattle from Calcutta. He referred—and I gathered not very appreciatively—to a special rate which railways were allowing for carriage of cattle in wagon loads from the Punjab to Calcutta. This rate is six annas per wagon, carrying eight to ten head of cattle and represents a reduction of 50 per cent. on the rate that would normally have been charged for the return journey. His grievance was that people in Calcutta having dry cattle to dispose of had

[Mr. Frank D'Souza.]

no alternative but to return such cattle to the Punjab. The long distance, he said, made the rate prohibitive and could not, therefore, be availed of by those who desired to despatch cattle to places other than those from which they had originally been despatched. His suggestion was that dry cows should be carried back at a rate of two annas per mile. That is a suggestion which I do not think we should have very much difficulty in accepting, but it is one which, apart from my friend's optimism, it would be wrong for me to give an undertaking here and now. It is certainly one which we shall examine most sympathetically.

My friend, the Deputy President,—he is not here at the moment,—referred to the question of assisting industries by so planning the whole rates structure as to link railway rates policy with the fiscal policy and the policy of discriminating protection. In this connection, Sir, all I need say is that Sir Joseph Bore in replying to a similar debate in this House four years ago explained the Government's policy in the following passage, which being brief, I may, with your permission, Sir, read:

"The position of the Railway Department has always been this. If we are expected to operate as a commercial concern, then obviously we must charge rates which are fully economic, that if Government decides that assistance should be given to agriculture and industries, that assistance should not be indirect, concealed and vicarious as it would be if railway rates were reduced for the carriage of their products, but that it should be given directly and openly, so that the principle of giving assistance and the measure of assistance to be given may from time to time be capable of being examined and controlled by the Government and the Legislature concerned. From that position the Railway Department has never resiled".

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): What about strategic railways and military concessions?

Mr. Frank D'Souza: That does not form part of the present attack on the railways.

There is nothing more, Sir, that I can usefully add, and I hope in view of what I have said, the House will reject this motion.

Dr. Sir Ziauddin Ahmad: You have not answered my point. You said you would reply to me later.

Mr. Frank D'Souza: I have already taken two minutes more than the time I am allowed and prefer not to be pulled up by the Honourable the President.

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

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

The motion was adopted.

Reduction in Salaries.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir I move:

"That the demand under the head 'Railway Board' be reduced by Rs. 1"—(To discuss the need for reduction in salaries of all officials drawing Rs. 200 or more).

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. S. Satyamurti (one of the Panel of Chairmen.)]

I find that in the cut I have mentioned that the reduction should be in the salaries of all officials drawing Rs. 200 or more, but it should be 'and' more.

Mr. Chairman (Mr. S. Satyamurti): "Or" means "and". Then that does not matter.

Mr. Lalchand Navalrai: My idea in putting forward this motion is that from the top right up to the bottom, the salaries of all officials who draw Rs. 200 or more should be reduced as they are really excessive. It will be observed that this motion does not ask for a reduction of the salaries of people who draw less than Rs. 200. I submit it is very reasonable and equitable not to touch the salaries of people who draw less than Rs. 200, because such people will surely be affected adversely, and it is not known what figure the Government is likely to agree to if they at all agree to impose a cut in these salaries. Therefore, I submit, that so far as the subordinate services are concerned, I mean those people who draw less than Rs. 200 a month, they should not be touched at all. In this connection, I must remind the House that a similar Resolution was tabled in this House only last week and it was passed by this House. Therefore, I do not think there should be any difficulty in passing this motion also in order to bring the Government to their senses. Sir, it may be said that the Government of India have no power to touch the salaries of the services recruited by the Secretary of State, but the moral effect of this motion, if it is passed, coupled with the moral effect of the Resolution that was passed last week, will be that the Government of India would be inclined or compelled to press upon the Secretary of State to agree to effect a cut in the salaries of the superior services also, and thus set an example. I do not like that an example should be set in this matter by cutting down the salaries of the services which are in the hands of the Governor General in Council only, but I want that the process of cutting down the salaries should begin from the top, because it is the superior services who have been paid very fat salaries,—I may even say that they have been paid fabulous salaries. Sir, I need not labour this point, because everybody knows how much fat salaries the superior services are paid on our Railways. If we see the Classified List of State Railways Establishment, we find that the salaries are too high and excessive and that portions of the salary can be conveniently released by the officials and the Government should press for what. When I go through certain figures another object also will be served, namely, how far Government has failed in Indianising the superior services of the railways. (Interruption.)

Mr. Chairman (Mr. S. Satyamurti): Order, order. The only question relevant to this motion is the reduction of salaries and not the question of Indianisation.

Mr. Lalchand Navalrai: I only said that because I cannot close my eyes to that fact when I was talking about their salaries. However, we have in the Railway Board five Members. Among them I find one Indian. I find the Honourable Sir Guthrie Russell, Mr. Staig. . . .

Mr. Chairman (Mr. S. Satyamurti): The Honourable Member need not repeat the names. We all know the names.

Mr. Lalchand Navalrai: The Chief Commissioner gets Rs. 5,000 and others get Rs. 4,000 each. It is not in a year but every month, and I cannot understand why they cannot willingly give away a portion of those salaries. They have enjoyed those salaries for long, but now the times have changed, and power is coming into the hands of the people. . .

An Honourable Member: What reduction do you want?

Mr. Lalchand Navalrai: I am just coming to that, but if you want directly an answer, I would say a graduated one. Coming to General Managers, they get Rs. 3,500 a month and there are six of them. There are ten Deputy General Managers and each of them gets pay from Rs. 1,950 a month. Even the Divisional Superintendents draw so much, and that is why we have been saying that the divisional system is too heavy. There are 18 Divisional Superintendents and they get Rs. 2,150 each. There are six Divisional Transportation Superintendents and they get Rs. 1,950 each. Coming to the Civil Engineering Department of the Railways we find there are ten Chief Engineers, drawing Rs. 2,750 each with an increment of Rs. 125 rising to Rs. 3,000. The Deputy Chief Engineers draw Rs. 1,950 a month. The Executive Engineers draw Rs. 1,375 a month. The pay of the Directors of the Railway Board is Rs. 2,000 a month. Even the Superintendents get about Rs. 800 to 900. They must have collected much wealth by this time and kept it in the Reserve Bank or in England, and the time has come when they should release a portion of it. The Government must consider this question and join us in this motion, though unpalatable and disagreeable it may be to some of them. Looking at it from the point of view of equity and justice, when Provincial Ministers are getting only Rs. 500 in the Congress provinces and even in a province like Sind where there is no Congress Government at present they are getting only Rs. 500. . . .

(At this stage, Mr. Muhammad Nauman interrupted the Honourable Member, while sitting in his place.)

Mr. Chairman (Mr. S. Satyamurti): If the Honourable Member wants to interrupt so consistently, he must get up and say what he wants to say.

Mr. Muhammad Nauman: I only said that the Congress Ministers, although in name only they get Rs. 500 a month, get free motor cars worth Rs. 8,000 or 9,000, plus furnished house and everything else, which probably come to about Rs. 3,000 a month. It is only a dozen of the one and twelve of the other!

Mr. Lalchand Navalrai: However, it is quite plain and it is no use mincing matters like this. It is quite plain that they used to get so much before and now they have reduced it to Rs. 500. They were taking allowances before also. Therefore, I submit that there is every justification for a cut in the salaries. From the Explanatory Memorandum on the Railway Budget, I find at page 7 that the expenses have doubled and I suppose that these are expenses on the establishments, because I find other expenses are shown separately.

Mr. Chairman (Mr. S. Satyamurti): The Honourable Member has got just two minutes more.

Mr. Lalchand Navalrai: Very well, I will finish. Rs. 22 crores and ten lakhs are spent on the establishments. If there is a graded cut on this, it will leave so many crores, at least three or four crores which can be used for nation building purposes. The first charge on that saving should be this, that the grievances of the lower subordinates who are drawing only Rs. 60—their grievances have been laid before this House for a very, very long time,—their grievances should be removed, and it should not be persistently said that they cannot go from grade 1 to grade 2 and these grades cannot be amalgamated. Then the surplus can also be used for removing the grievances of the running staff, grade III.

Then, I come to the fans. The Honourable the Railway Member said today that they will cost two crores of rupees and a recurring expenditure of 30 lakhs for third class carriages. The money that will be saved by reduction in salaries can be used for those amenities like providing fans. These officers, who are sitting here and travelling in these saloons and air-conditioned coaches, do not know anything about the tropical conditions of the country. Let them come to Sind and Punjab in the months of May, June and July and see how they get boiled. It is for the reason of making a saving and using it well that I have submitted this motion. I would suggest that the cut should be a graded one.

The Chairman (Mr. S. Satyamurti): Cut motion moved:

"That the demand under the head 'Railway Board' be reduced by Re. 1." ✓

Mr. Suryya Kumar Som (Dacca Division: Non-Muhammadan Rural): Sir, the question of the reduction of the salaries of Government servants in all departments is a cry that has been going on for a long time. The other day the House passed a Resolution about the officers of the Central Government of which the Railways form a branch. I do not think, it is at all necessary to say that the scale of pay now granted by Governments, whether Central or Provincial, has no connection with the general economic situation in the country. We find that throughout the world the pay of the public servants is always fixed by considerations of the general economic situation in the country and of the people. Here, in India, according to the calculation of Englishmen, the average income per capita is Rs. 40 or 50 per year. That is for a man with his family. That is the general economic situation in the country and yet we find the pay of the ordinary officers running to thousands and thousands. Here, the income of each member of the Railway Board is Rs. 4,000 a month. Therefore, it requires no logic to show that it has no connection with the condition of the country. That proposition, so far as I know, has not been refuted by Government. They give many other reasons for not cutting down the salaries but they have never said that the higher officials are very highly paid, considering the condition of the country. That being the situation, my friend's motion stands on very good logic. My friend has not said anything as to what should be the reduction. I have noticed also that in many provinces commissions after commissions have been appointed to report as to what should be the pay of the officers, but speaking for myself I should say that we should at once revert to the pre-war pay with which Indians and Europeans were satisfied for 150 years. There was not very persistent cry for raising

[Mr. Suryya Kumar Som.]

the pay. I think it is in 1919 that the new pay came into force and then the pay was sometimes raised enormously by 100 per cent. I have heard that many of those who received the pay said that they never dreamt that they would get so much. There was no defence for it but the Government was so solicitous for the natives of India that the Secretary of State came up with an all round increase of pay, from the chowkidar up to the highest official. This has come to stay up to this time. I fully remember the reasons given in the Resolution for increasing the pay. One of the prominent reasons was the rise in prices. There was a time when we used to purchase a pair of cloth for Rs. 4 or 5 and rice at five to six rupees. That was the condition of the country at that time and that was given as one of the cogent reasons for increasing the pay of the officers. If one examines the economic condition of the country, it will be found that it is much better than in those days, when the rise in pay was given. Prices have now come down by 40 per cent. but the same old pay continues. That is a very important thing which the Government ought to consider and there is no reason why we should not go to the pre-war pay. At that time we got munsifs, sub-judges and railway officials of a very high class and they were satisfied with the pay they were getting in those days. At that time men of good education and capacity were rare in the country. Now, capable men are as plentiful as gooseberries. They are in the streets without employment and their number is increasing. You can get a first class graduate for a scale of 60 to 115 with promotion and pension. In the old days it was difficult to get any graduates. Now, you can get so many. Why do the Government persist then in the present scale of pay? That is the ground on which the people have a grievance against the Government. Those who have any political thinking, who consider these questions from the political and economic point of view have a greater and stronger reason to oppose the high pay of Government officials. It is for this reason. I read a book called "Whither China" by a great American writer. There I find that the Imperialist Government has got many secrets. One of the secrets is this: Wherever they go into the country, they place themselves and their underlings on the left in a position so as to have the ordinary people of the country amenable to them and so that the whole people may think that they are much higher people than what they are. Whether they have intelligence, education or not the people must always think thus, that these fellows carry a salary of Rs. 4,000 a month but I carry only Rs. 4, and how great they are! That is the idea inculcated into the mind of the people and they are demoralized as against the Government proteges and the Government servants. Sir, this is one of the reasons for which I support the motion.

There is another and greater principle. Now all the world over we find the greatest intellects go in for improving the research, the scientific knowledge, the industrial knowledge, the economic condition of the country, and all these things. They do not accept this *mamuli* work of the Government servants just to fill up some column, write a stereotyped report and sign it. These are not the things for great brains. Now the mischief is that the best university boys are being drawn into what is called the heaven-born service, the Civil Service. The second class ones go to the provincial service, the third class ones go to the police

service, and only the fourth class, the riff-raffs like ourselves remain to watch over the fortunes of the country. This is not a question to laugh at. I have known my class friends, I have known men who had a large heart and better brains than myself but who got into service and I have taken a different path now and when I meet these men, they look small to me, because of their *mamuli* work for thirty years as a deputy magistrate sending men to jail or bringing men out from jail and doing other stereotyped work whereby the men lose their intellect, their imagination and their everything of value . . .

Mr. Chairman (Mr. S. Satyamurti): The Honourable Member has got only two minutes more.

Mr. Suryya Kumar Som: I would ask my Congress friends to consider this last point most seriously and to see that your best brains are not bribed into the Government service by high pay; and those who can appreciate Mahatma Gandhi's formula of a maximum pay of Rs. 500 will understand that. You have not understood what he means by that. He means all those things I have mentioned by fixing that limit of Rs. 500. That is, all the great brains of the country should be satisfied with that sort of income; and I know that if you get a very very high pay, you lose your energy, you lose your imagination, and you become a monotonous body. So, on this ground also I oppose this policy. And, as I have already said, the economic situation of the country is better, very very much better today and so I appeal to you to consider this question. We are not going to tax the poorly-paid officer; let their pay be increased a little, rather. We know we cannot touch the Civil Service. We cannot touch the protected services, and, at present, we must be content with that position until we can do away with them but there are others whom you can touch. And the whole Assembly will support me in that. Sir, with these remarks I support the motion.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, enjoying as I do an unearned income of something more than Rs. 200 a month with an additional Rs. 600 a month during the time the Assembly sits, it sounds a little ungracious for me to attack salaries above Rs. 200. But I should like to make the ground clear by saying that if it were in my power and if the Assembly were discussing that proposition I should say that all incomes—not only earned by salaries but in every other way should be revised—and that all incomes above Rs. 200 per month, whether received as salary or otherwise, should be subject to serious cuts. Having cleared the ground that way and saved myself from any possible personal criticism, I should like to support this cut. My Honourable friend, Mr. Nauman, referred to the incomes of the Congress Ministers. I have not examined their budgets carefully but if they manage to get more than Rs. 500, their incomes also deserve a severe cut. The difficulty is this. In these days of scientific inventions, money can buy a lot of things that it could not buy before. Two or three hundred years ago a man who had lakhs and crores of rupees a year could not live in half the luxury that an income of Rs. 8,000 or Rs. 4,000 a month can enable him to do today; and, therefore, there is spreading constantly a feeling of bitterness between the various classes of society; and all those who wish well by man would like to see this bitterness

[Mr. Sri Prakasa.]

abolished. It is, therefore, necessary that there should be an approximate equality of incomes between man and man.

The easiest way to begin the good work is undoubtedly to begin with those who are in receipt of salaries, whether from Government or otherwise, and submit these to a cut. This good work will tell in the long run because those who are in office are imitated by others very much more than those who are not in office. It is quite clear that when servants of Government, men in power and in authority live in a certain manner, other people are inclined to imitate them and, therefore, they also start living high, with the result that the pressure on the land becomes heavier and heavier. Let us look at New Delhi itself. Lots of people, who should really be tied to the countryside, buy lands here or have been given lands free by Government: they build large houses here and they have to budget for a large annual expenditure in order to keep up their establishments even when they are not living here. So, Sir, if those who are in authority once begin, if I may say so, to lower their standard of life and if they started stopping waste and extravagance, then others will emulate them. They should, therefore, set a good example and the whole of the country will prosper and be happy. I, therefore, feel that this is the time when we can start upon this good work. When Government servants are put on this level, you may be sure that others will follow suit before very long. I, therefore, think that Government should begin this work, and when we are discussing a Department of the Government which employs a large number of people, like the Railway, I feel the work can be begun most easily. It is the social side of the problem that worries me more than even the economic.

The funny thing is that this mutual jealousy does not only exist between those who are paid very high and those who are paid very low; but even among the highest placed Members of Government. I will give you an example. When I came down from Simla after the last Session, I found two big saloons standing side by side at the Kalka Railway station. One of them belonged to a Member of the Executive Council of the Viceroy; and happening to know him, as I happen to know all Members as a Member of this House myself, I went in and seeing the apartments I said to him that it was a very nice and comfortable saloon. He said: 'Not at all. Go next door and see the saloon of the Member of the Railway Board. That is much better.' As I did happen to know the Member of the Railway Board also I could not enter and reconnoitre his saloon. But this shows how even slight differences make for bitterness. And, mind you, the Executive Councillor did not tell me this with a smile but he said it with obvious dissatisfaction. So when Executive Councillors of the Viceroy can be jealous of the saloon of a Member of the Railway Board, then, surely, a humble porter, a clerk, will be very much more jealous of him. Sir, if we want really to do some good work for society, I think it is time that the salaries of Government servants were very carefully examined and then Government will be in a position to examine the incomes of those who do not derive them by salaries and make equitable provisions for all. I hope that the House will accept this motion and that the Government will also see the justice of what we press.

Dr. Sir Ziauddin Ahmad: Sir, I make a distinction between the cut in salary and the reduction in the scale of salary. Now, my Honourable friend, who moved the motion, gave as an illustration the salaries of different officers and he thought that the salaries were rather too high. Then, the only alternative is that we should reduce the scale of salaries and bring it to some reasonable figure. But this is called revision in the scale of salaries and the cut is an entirely different thing. A cut is a temporary measure. That is, whenever we have depression troubles and special difficulties, in a particular year and there is loss of income, then we impose a cut for a temporary period as we did impose in 1931. When this cut was imposed, it was clearly pointed out that it will be for a certain number of years and, as soon as the financial condition of India will improve, this cut will be restored and it was restored. I think the wording of the motion of the Honourable the Mover clearly indicates that the cut is for a temporary period and not a permanent cut.

Mr. Lalchand Navalrai: Not at all. I never meant that. I want reduction in salaries.

Dr. Sir Ziauddin Ahmad: We have already revised salaries. They were reduced two years ago. The Resolution that we passed last time clearly indicated that there was to be a cut in the salaries and whenever there is a cut in the salaries, it is always implied that it is for a short period. It does not imply that it is a permanent cut. But the question of the reduction of salaries is a different one. If we want the reduction in salaries, then it is not a temporary measure. I made it quite clear on the last occasion and I want to make it quite clear now that if the salaries of persons drawing less than Rs. 200 are touched, then we will oppose vehemently a cut as well as reduction in salaries. I said clearly last time that if there were two alternatives before us, either no reduction in salaries and no cut, or reduction of salaries and cut in the case of those persons who are drawing less than Rs. 200, then each time we would vote that we do not touch anybody. We are not in favour of reducing the salary, either in the shape of a cut or in the shape of a permanent reduction, of those persons who are drawing Rs. 200 and less. We would rather forego the cut in the higher salaries and the reduction of the higher pay than impose a cut on persons drawing Rs. 200 and less. Now, let us visualise what would happen if our recommendation is accepted. We all know that we cannot touch the salaries of those persons who are employed by the Secretary of State for India. We will have to take his permission before any reduction is made or any cut is imposed on their salaries. Therefore, the only persons who would be affected by our motion will be the second class officers, as my Honourable friend, Mr. Som, just pointed out, namely, persons who are in the Provincial Services and are not directly under the command of the Secretary of State for India. These are the persons who would be vitally affected by this motion. Although we are all very anxious that we should exercise strict economy as far as the expenditure on salaries is concerned, at the same time we must make it clear to the Government that by this recommendation we do not intend that the salaries of persons who are drawing Rs. 200 should be affected. I hope some Honourable Members on the Government side will stand up and mention what would be the effect of this cut. How much money we will be able to save? I have got

[Dr. Sir Ziauddin Ahmad.]

no figures to calculate myself. But my estimate is that the salaries of persons drawing more than Rs. 200 per mensem is about ten per cent. of the salary bill. If we have a reduction of only ten per cent., then, really speaking, the saving that we will have is only one per cent, but the amount of disaffection which will be produced in the country will be much greater than the money we would have saved. Therefore, Government will have to think many times before they take this action. On the face of it, I, as a taxpayer, will always be happy to save some money if I can have by indiscreet action of the Government.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): **MR. Chairman**, I am one of those who does not believe in the Congress policy of a Rs. 500 limit to salaries. I have in my public speeches expressed myself very frequently on this point. I believe that if one carries this pauperising policy too far—you will forgive me for mentioning this—you open the flood gates to bribery, corruption, dishonesty and other such ill uses. (Interruptions.) That is my view. You can hold your own views. Then, Sir, I also believe that efficiency and economy are strange bed fellows. I also cannot believe that the Mover of this motion was correct when he said that the total salaries of railway officials is 22 crores. It would be a terrible burden on the revenues of railways if that were true. I also believe that if salaries are lowered too much the remedy might turn out to be worse than the disease itself. Another fact which one must remember is that, when salaries both of officials and subordinates were increased in or about 1920, it was entirely due to the then high cost of living as was rightly pointed out by my Honourable friend, from Calcutta. Today the standard of living is, I think I am right in saying, about 47.5 per cent. less than what it was in 1914 (pre-war cost). Now, Sir, if the cost of living was the criterion that was then taken into consideration, for a rise in salaries, then the salaries of today should be reduced accordingly. That is one clear line on which we can suggest that action should be taken. But what was the cause of this great increase in the salary of officials, including those employed in the Railways? It was due to the recommendations of the Lee Commission which visited India and which, without the consent of this House as should have been done, looted the Indian Exchequer of one crore of rupees every year. This levy is correctly called the "Lee loot". That Lee concession is, to my mind, an imposition on the finances of this country. It might have been necessary, during the Great War, but not today when living is cheaper and some commodities are cheaper than pre-war rates. These Lee concessions were also considered necessary for the purpose for meeting extra family expenses in England. I know there is a reciprocal action in this matter, for, Indians employed in the India House in London get an extra allowance and they are allowed free passages to India and back and, therefore, on that analogy, the Britisher employed out here should not be deprived of such extra allowances. But whether this is necessary or not is not my concern. My contention is this: The Lee concessions should not be given to any new officers employed in the railways or to any other services from now onwards. This, I opine is only just and fair. I do not think it is asking too much of the Government to give its consent to this request. I repeat I do consider that the advantages which the Lee commission conferred mainly on the superior services in India are an imposition on the finances of the country. Not only that, I consider

it not only an imposition but absolutely an unjust act. For instance, take the Asiatic domiciled and non-domiciled officers in these higher services. The non-Asiatic domiciled can claim free medical treatment, free hospital accommodation, etc., when he is sick, but if a man of this country, an Asiatic domiciled, who is exposed to the same dangers and environments from a health point of view falls ill, he has to pay for every thing. These distinctions—very serious distinctions between the Asiatic domiciled and non-domiciled officers are very unjust.

The Honourable the Mover of this cut motion apparently forgot that the rates of pay of officers and subordinates have been largely reduced and I believe I am correct in saying—in some instances there has been as large a reduction as 30 per cent. among officers (new entrants) and 50 per cent. among subordinates (Anglo-Indians). I am talking of the conditions as prevailed in about 1929 to 1935. New officials are now being recruited on a much lower scale. We know that. But the privileges and rights of those officers recruited by the Secretary of State and who are today in service cannot be touched. But we can ask that there be a complete stoppage of the Lee concessions to all new officer entrants from date onwards. We, however, cannot reduce the subordinates' rates of pay which are already a starvation wage. Perhaps the Mover is unaware of the fact that most of subordinates in the railway service, after a service of 25 years, will get a mean average salary of Rs. 95 or Rs. 100 p. m.—this is to say the mean rate. So he does not come within the purview of the cut of those drawing Rs. 200 p. m. On the other hand, take the Posts and Telegraphs services.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

After 25 years service, mean average pay a man will get is Rs. 125 at the time when he is likely to have a family of six or seven to support. Remember that very often those who indulge in "birth control" do not, as a rule practise "girth control" which as you know demands adequate food. I, therefore, do not think the subordinate salaries should be touched at all and for this reason I do not agree in entirety with this cut motion. You know you cannot possibly touch the salaries of the present officers in the railways. Therefore, it is no use beating about the bush and wasting with idle talk. Let us be practical if nothing else. We might, of course, make certain specific requests to the Honourable Member. Considering that the salaries of all new officials have been reduced to a remarkable extent, we can, in this House, move a Resolution that no new entrants (officers) be appointed to the Railway services in receipt of any Lee Commission allowances that are not given to those who are recruited in India and to this extent I will support the cut motion. Otherwise, I am afraid, I cannot do so. Sir, I have nothing more to say on this matter except to impress on Government that the time has come when no new entrants as officials should be given the Lee Concessions.

Mr. S. Satyamurti: Sir, I want to give the Honourable Member for Railways sufficient time to reply, but in the meanwhile, I want to clear just one or two points. The Railways are not yet out of the wood. As

[Mr. S. Satyamurti.]

my Honourable friend, Dr. Sir Ziauddin, said, if you want a cut or a reduction, it must be an emergency measure. I venture to assert that the railways are still in a state of financial emergency. They have been given a moratorium. They have not paid their debts to the general revenues or to the depreciation fund. They are not able to make both ends meet, and they are not able to carry out even their own recommendations to build up thirty crores depreciation fund, which my Honourable friend said yesterday was accepted by Government. Then, Sir, there are various demands on the railways for reducing the rates and freights, for increasing the amenities to third class passengers, and for all these we want money. Therefore, the emergency continues. That is why we want these salary cuts to be enforced on a graded scale. We do not want any cut for those who draw below Rs. 200 a month. For those who draw above Rs. 200, there must be a graded cut, so that money may come and the railways may be out of the wood as early as possible. My Honourable friend, Sir Henry Gidney, made another point with which I entirely agree. All these free concessions, in the shape of overseas pay and other allowances, were originally based on special considerations, especially the cost of standard of living. That has now come down, and there is no answer from the Treasury Benches when we ask them, 'why do you want to keep up the salaries given on conditions which no longer exist?' It is immoral, it is unjust, it is unjustifiable. Therefore, you must reduce these salaries.

There is one more point which my Honourable friend, Dr. Sir Ziauddin Ahmad, referred to, and to which I want to reply to. He said, 'you cannot touch the salaries of those recruited by the Secretary of State'. My submission is that it is not, as if these salaries are protected absolutely. The Secretary of State is no iceberg in England. If there is strong non-official public opinion in this country, then even the Secretary of State will have to yield. He cannot go on snapping his fingers at public opinion in this country. Therefore, it seems to me that if the House unanimously passes a Resolution—at least the non-official element of it—then the Government will be able to fight the Secretary of State, and make him agree to all these reductions.

One more point, on behalf of the unfortunate Congress Ministers who are not here to defend themselves. My Honourable friend, Mr. Muhammad Nauman, said that the Congress Ministers were getting Rs. 8,500 a month all told,

Mr. Muhammad Nauman: Sir, on a matter of personal explanation. I said that nominally the Congress Ministers get Rs. 500 a month. But they get car allowance, house allowance and various other luxury allowances which all taken together would amount to Rs. 8,500 which the previous Ministers used to get.

Mr. S. Satyamurti: I want to contradict most categorically my Honourable friend's statement. The salaries of the Congress Ministers of my Province are not anywhere near the figure mentioned by Mr. Muhammad

Nauman. They get a salary of Rs. 500 a month, a car allowance of Rs. 150 and a house rent allowance of Rs. 100, and on the whole they get only Rs. 750 and not a pie more than that. As a matter of fact, the car does not belong to the Ministers it belongs to the office, and not to any individual Minister, so that if tomorrow my Honourable friend, Mr. Nauman, becomes Minister he can use the same car. They do not get a pie more than Rs. 750 and we, Congressmen, when we ask for reduction of salaries speak what we mean and mean what we speak.

The Honourable Sir Thomas Stewart: Sir, I am still a little hazy as to the reason for which the Honourable the Mover made his motion. As far as I can make out the only explanation he gave of it was that it was for 'moral effect'. To that I will return later on. I am sure he must be grateful to my Honourable friend, Mr. Satyamurti, for having lent some sort of 'rationale' to the cut motion. Let me explain what it really means. The pay bill of the Railway Department is about 85½ crores. Of that roughly three crores represents the gazetted staff and the remainder is non-gazetted staff. The gazetted staff is on a pay of Rs. 300 and above. This line of division does not quite coincide with the division suggested by the Honourable the Mover of the cut motion. Ten per cent. on gazetted staff only would mean 30 lakhs. I have made an approximate estimate of what would be the effect of a ten per cent. cut going further down to Rs. 200. It comes to something like 60 to 80 lakhs. That is not an inconsiderable sum, regarded as economy. Honourable Members are, however, aware that the scale of salaries has been reduced within the last three or four years and that the maximum salary has been reduced by as much as 20 per cent. in the higher grades. It is a graded reduction and as one goes lower down in the categories of posts the reduction is equivalent to about ten per cent. That is an economy which we expect will yield a sum of 8½ crores. It is perfectly true that we shall have to wait for the efflux of time before the full 8½ crores comes along. The alternative which is suggested by the Mover is, that a cut or reduction should be imposed upon those who enjoy the old scales of pay. I find it rather difficult on the eve of the publication of the general budget proposals to discuss the question on its merits. I can only give my opinion from the railway point of view. It is quite obvious from what has been said today, specially by my friend, Mr. Sri Prakasa, that this is regarded as a particular case of a general theory that nobody should have remuneration on the scale which railway officers have. That may be perfectly true but I want to know why railway officers should be singled out for this special attention. It is they, poor souls, who for a week or ten days each year are, if not abused, scorned. They are described as the most incompetent people that ever were. That is an annual happening. Recently, they have had a more unfortunate experience. Not only when the Legislature is in Session but throughout the past months our railway officers have been subjected to very cruel treatment indeed. There is no merit to be found in them. And, if on the top of all, the suggestion is made that their pay should be cut, it will mean the absolute demoralisation of a service that deserves much better treatment than it has got. I must insist on resisting this cut.

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

That the demand under the head 'Railway Board' be reduced by Rs. 1."

Wednesday, 22nd February, 1939.

The Assembly divided:

AYES—58.

Abdul Ghani, Maulvi Muhammad.
 Abdul Qaiyum, Mr.
 Abdullah, Mr. H. M.
 Abdur Rasheed Chaudhury, Maulvi.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Bajoria, Babu Baijnath.
 Banerjee, Dr. P. N.
 Basu, Mr. R. N.
 Bhutto, Mr. Nabi Baksh Illahi Baksh.
 Chaliha, Mr. Kuladhar.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Das, Mr. B.
 Deshpande, Pandit Nilakantha.
 Deshmukh, Mr. Govind V.
 Essak Sait, Mr. H. A. Sathar H.
 Gadgil, Mr. N. V.
 Ghasiuddin, Mr. M.
 Ghuznavi, Sir Abdul Halim.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hegde, Sri K. B. Jinaraja.
 Hosmani, Mr. S. K.
 Ismail Khan, Haji Chaudhury Muhammad.

Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Kailash Behari Lal, Babu.
 Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Mudaliar, Mr. C. N. Muthuranga.
 Muhammad Ahmad Kazmi, Qazi.
 Nauman, Mr. Muhammad.
 Paliwal, Pandit Sri Krishna Dutta.
 Rafiuddin Ahmad Siddiquee, Shaikh.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Raza Ali, Sir Syed.
 Saksena, Mr. Mohan Lal.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Sheodass Daga, Seth.
 Siddique Ali Khan, Khan Bahadur.
 Nawab.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Umar Ali Shah, Mr.
 Ziauddin Ahmad, Dr. Sir.

NOES—43.

Abdul Hamid, Khan Bahadur Sir.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Aikman, Mr. A.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Boyle, Mr. J. D.
 Buss, Mr. L. C.
 Chanda, Mr. A. K.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 D'Souza, Mr. Frank.
 Gidney, Lieut.-Colonel Sir Henry.
 Gorwala, Mr. A. D.
 Greer, Mr. B. R. T.
 Grigg, The Honourable Sir James.
 Hardman, Mr. J. S.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Kamaluddin Ahmed, Shams-ul-Ulema.
 Kushalpal Singh, Raja Bahadur.
 Lillie, Mr. C. J. W.
 Mackeown, Mr. J. A.

Maxwell, the Honourable Mr. R. M.
 Menon, Mr. P. A.
 Menon, Mr. P. M.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Mukerji, Mr. Basanta Kumar.
 Nur Muhammad, Khan Bahadur Shaikh.
 Rahman, Lieut.-Col. M. A.
 Row, Mr. K. Sanjiva.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan, Captain Sardar Sir.
 Sircar, The Honourable Sir Nripendra.
 Sivaraj, Rao Sahib N.
 Spence, Mr. G. H.
 Staig, Mr. B. M.
 Stewart, The Honourable Sir Thomas.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Thomas, Mr. J. H.
 Zafrullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday,
 the 22nd February, 1939.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

RELATIONS OF THE CENTRAL AND PROVINCIAL GOVERNMENTS WITH THE
IMPERIAL BANK.

*600. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable the
 Finance Member please state:

- the present relationship between the Government of India and the Provincial Governments on the one hand and in the Imperial Bank on the other; and
- for what purposes the Bank still continues to perform agency functions?

The Honourable Sir James Grigg: (a) and (b). Attention is invited to sections 21 and 45 of the Reserve Bank of India Act, 1934, and the agreements provided therein.

REPORT REGARDING FINANCIAL POSITION OF COORG.

*601. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable the Home Member please state:

- whether they have completed their consideration of the report of Mr. P. K. Wattal regarding the retrenchment in the Administration of Coorg and the future financial position of that area and, if so, what conclusions they have reached; and
- whether they propose to consider the desirability of undertaking similar examination in respect of the administration and finances of all the Chief Commissioners' Provinces?

The Honourable Mr. R. M. Maxwell: (a) No. The matter is still under consideration.

(b) Coorg differs from the other Chief Commissioners' Provinces in having its own budget. As the revenue and expenditure of the other Chief Commissioners' Provinces are included in the budget of the Government of India such an examination is not necessary.

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

CENTRAL INTELLIGENCE OFFICERS IN THE PROVINCES.

†602. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable the Home Member please state:

- (a) who are the Central Intelligence Officers in the Provinces;
- (b) what are their duties and functions; and
- (c) what are their relations with the Provincial Governments?

The Honourable Mr. R. M. Maxwell: (a) They are officers of the Central Government.

(b) Their duties and functions are to collect information on matters which concern more than one province and are of all-India importance and to act as liaison officers between Intelligence organisations.

(c) In the field of inter-provincial liaison they collaborate with the Provincial Intelligence organisations and their services are available to the ministers entrusted with the portfolio of law and order as and when such services may be asked for.

CENTRAL INSTITUTIONS AND BOARDS CHARGED WITH THE ADMINISTRATION OF CERTAIN SUBJECTS UNDER THE GOVERNMENT OF INDIA ACT.

†603. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable the Home Member please state:

- (a) the number and names of Central Institutes and Institutions and Boards under the Government of India which are charged with the duty of administering and transacting business in any way connected with subjects which are under the Government of India Act, 1935, declared to be 'Provincial';
- (b) in whom the control in respect of appointments in these bodies vests; and
- (c) whether the Government of India propose to consider the desirability of making arrangements in respect of all these bodies similar to those which now exist in respect of the Imperial Council of Agricultural Research?

The Honourable Mr. R. M. Maxwell: The question should have been addressed to the Secretary of the Department of Education, Health and Lands.

TRAINING OF INDIANS FOR POSTS IN THE AIR SERVICE OF INDIA.

†604. *Mr. C. N. Muthuranga Mudaliar: Will the Defence Secretary state the policy of the Government of India regarding the training of Indians for important posts in the air service of India, such as pilots, ground engineers, inspectors and others?

Mr. C. M. G. Ogilvie: If the Honourable Member's question concerns civil aviation in India, he should address it to the Honourable the Communications Member. If, however, the Honourable Member is referring

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

to the Indian Air Force, there are no appointments of ground engineers and inspectors in it. Indians are recruited for combatant service in the Indian Air Force, both for training as pilots, equipment officers and in the various trades essential to aircraft maintenance, to the extent necessary to meet the requirements of the present authorised establishment of that Force, details of which are in the Actual Strength Return of the Army and Royal Air Force in India, a copy of which is in the Library of the House.

DESPATCH OF INDIAN ARMY TO INDIAN STATES.

605. *Mr. T. S. Avinashilingam Chettiar: Will the Defence Secretary state:

- (a) on how many occasions detachments of the Indian Army have been despatched to Indian States in the last three months;
- (b) to which States they were sent; and
- (c) how many of them are still stationed there?

Mr. C. M. G. Ogilvie: (a) On six occasions.

(b) Ranpur.

Dhenkanal.

Talcher.

Nandgaon.

Chhuikhadan.

(c) There are still detachments in all five States.

Mr. T. S. Avinashilingam Chettiar: May I know how the cost of these troops is met now?

Mr. C. M. G. Ogilvie: I am unable to give any information on the point. The only information which the Defence Department has on the subject is where the troops are.

Mr. K. Santhanam: May I know what is the strength of the detachments sent to each of these places?

Mr. C. M. G. Ogilvie: Yes, the full force is one battalion plus a Company and 100 dismounted men of a Cavalry regiment, and they are distributed amongst these five States.

Mr. S. Satyamurti: May I know if His Excellency the Commander-in-Chief gets orders for the despatch of these troops from the Crown Representative or from the States direct?

Mr. C. M. G. Ogilvie: What happens is that, the political authorities require the local Army Commander to supply troops, and that information of this is at once sent up both to the Army Headquarters and to the Crown Representative's Department.

Mr. S. Satyamurti: May I know, Sir, who issues the final orders with regard to the despatch of these troops: whether the local authorities decide it finally or the Crown Representative?

Mr. O. M. G. Ogilvie: I cannot possibly say that.

Prof. N. G. Ranga: Were these troops despatched to these States at the request of the princes concerned?

Mr. O. M. G. Ogilvie: I should think so, but, I cannot say for certain, but I should say the princes concerned certainly required them.

Prof. N. G. Ranga: Was there any protest made by the Provincial Government of Orissa in this matter?

Mr. O. M. G. Ogilvie: Not that I know of; they may have done so.

Mr. S. Satyamurti: What is the authority for deciding the sending or non-sending of these troops, whether it is His Excellency the Commander-in-Chief or the Crown Representative or the local authorities themselves?

Mr. O. M. G. Ogilvie: That type of question is one, I submit, for the Honourable the Leader of the House to reply to.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, whether the question of meeting the expenditure of these troops is now under discussion between the States and the Army Department, or whether the Defence Department themselves are going to meet it?

Mr. O. M. G. Ogilvie: That, again, is a question which the Honourable Member should address to the Honourable the Leader of the House.

FOREIGN EXPERTS IMPORTED IN THE OFFICES UNDER THE FINANCE DEPARTMENT.

606. ***Mr. Sham Lal:** (a) Will the Honourable the Finance Member be pleased to state when the contracts of the four experts, Messrs. E. B. Lewis, C. W. Ayers, S. P. Chambers and A. Rowlands, mentioned by him in reply to Mr. Satyamurti's question No. 132 of the 10th August last expire?

(b) What pay was each of these experts drawing in England, and what jobs they were holding when they were imported?

(c) Is it a fact that they have been given three or four times their pay?

(d) Have not Government got any suitable officers in the Salt, Income-tax and Military Accounts Department to replace Messrs. Lewis, Chambers and Rowland, respectively?

(e) Have Government trained any officers in Mining in the School of Mines, Dhanbad, and, if so, at what cost? Why do not Government use them?

(f) In view of the present financial stringency, do Government propose to consider the question of terminating the contracts of the four experts as soon as possible by giving them notice under the terms of their contracts?

(g) Are Government prepared to give a guarantee that in no case will their contracts be renewed, and no more non-Indian experts be imposed without first consulting the Assembly?

(h) Are Government considering any schemes put forward by any of the four experts? If so, what are the proposed costs?

The Honourable Sir James Grigg: (a) to (h). I have nothing to add to the information contained in the reply referred to by the Honourable Member except to say that Mr. Ayers is no longer employed under the Government of India and that in the case of the other three officers I am satisfied that they have qualifications superior to those of any persons available in India and that the contracts made with them were good business from the Indian point of view.

Mr. S. Satyamurti: With reference to the answer to part (g) of the question, I do not think it was covered by the previous answer. May I know whether the Government of India are considering this question of not importing any more non-Indian experts without first consulting the Assembly?

The Honourable Sir James Grigg: That, Sir, is a general question which I cannot answer.

Mr. S. Satyamurti: They have imported three experts without consulting the Assembly. The question I am raising is whether Government are prepared to give a guarantee that no more non-Indians will be imported,—I am asking whether Government are considering that question.

The Honourable Sir James Grigg: As far as I am concerned, I could not possibly give any guarantee, especially as, so far I am concerned, the giving or not giving of a guarantee is an academic question.

Mr. S. Satyamurti: With reference to the answer to part (h) of the question, may I know what is the specific answer? My friend gave some indication of the major schemes put forward by these experts, but apart from Mr. Chambers whom I know, may I know whether Government can give some indication of the schemes put forward by these experts?

The Honourable Sir James Grigg: No, Sir, their job is to do the work which is normally done, and not to prepare any special schemes; they have been carrying on their normal functions. The Honourable Member knows that Mr. Chambers was actually engaged for a greater part in the shaping of the Income-tax Bill, and as I think the Honourable Member himself in my absence acknowledged,—I admit I do not quite remember his words,—the Honourable Member himself made amends for the misapprehension on which he induced the House to pass a vote of censure on me for importing Mr. Chambers.

Mr. S. Satyamurti: The Honourable Member takes advantage of an admission generously made by me . . .

The Honourable Sir James Grigg: Certainly.

Mr. S. Satyamurti: May I know, Sir, what is the special work which Messrs. Ayres, Lewis, Chambers and Rowlands are doing now as experts?

The Honourable Sir James Grigg: I have already explained to the Honourable Member that Mr. Ayres is no longer here. He came out on for the Income-tax Inquiry Committee, and he was here for that purpose. Mr. Rowlands is carrying on the normal functions as Financial Adviser, Military Finance.

Mr. T. S. Avinashilingam Othettiar: May I know for how long will Mr. Rowlands continue in office?

The Honourable Sir James Grigg: I cannot possibly say anything about that.

Mr. K. Santhanam: With reference to the answer to part (d) of the question, may I know, Sir, if these officers have been instructed to train their subordinates to take up their places in course of time?

The Honourable Sir James Grigg: That I can answer quite definitely in the affirmative.

MANUFACTURE OF AEROPLANES IN INDIA.

607. ***Mr. S. Satyamurti** (on behalf of Mr. Manu Subedar): (a) Will the Defence Secretary please state whether the attention of Government has been drawn to the article in the *Statesman* of 4th February, 1939, entitled "Aircraft construction in India"?

(b) Have Government considered the desirability of the manufacture of aeroplanes in India?

(c) Have Government examined by themselves, or in consultation with manufacturing firms either in India or in the United Kingdom or in Canada, the possibility and the feasibility of such manufacture in India?

(d) Is it possible for Government to give information to this House as to the factor which has proved a deterrent in launching or encouraging a scheme of such manufacture, and to indicate whether it is on the ground of lack of capital, lack of raw material, and lack of technical skill or demand, that the project is not pushed forward?

(e) Are Government aware that an enterprise for the manufacture of aluminium and duralumin from Indian bauxite has already been launched?

(f) Has any report on this subject been prepared by the Principal Supply Officers' Committee?

Mr. C. M. G. Ogilvie: (a) Yes.

(b), (c) and (d). I refer the Honourable Member to the replies given by the Honourable Member for Communications to starred questions No. 1119, dated the 31st March, 1938, No. 269, dated the 17th August, 1938, No. 838, dated the 8th September, 1938, and No. 1568, dated the 29th November, 1938, and to reply given by me to starred question No. 111, dated the 10th August, 1938, and to the supplementary questions arising therefrom.

(e) Government are aware that an enterprise for the manufacture of aluminium from Indian bauxite has been launched but no information is as yet available as to the progress made by the promoters, or the range of manufactures to be undertaken.

(f) The Principal Supply Officers' Committee (India) is engaged in investigating, amongst other subjects, the possibility of the production of aluminium in India. The exact stage of progress in the investigation cannot, however, in common with all the detailed activities of this Committee, be disclosed.

Mr. S. Satyamurti: Sir, in view of the very uncertain international situation, and in view of the fact that war clouds are gathering all round, may I know if my Honourable friend or his department is considering any schemes for the manufacture of aeroplanes in India?

Mr. C. M. G. Ogilvie: That, I think, hardly arises out of the question, in parts (b), (c) and (d), but I have referred the Honourable Member to a large number of replies from which he will see that at present any such scheme will be highly chimerical.

Mr. S. Satyamurti: May I take it, Sir, that the word "chimerical" means only from the point of view of finance, but apart from that, do the Government feel there are any insuperable difficulties for the manufacture of aeroplanes in India?

Mr. C. M. G. Ogilvie: On a general question of that kind, I think, the Honourable Member should address the Honourable the Commerce Member, but it must be sufficiently obvious to my friend that where even a motor engine cannot yet be manufactured in India, a highly specialised thing like an aeroplane is beyond the bounds of present possibility.

Mr. S. Satyamurti: Are Government satisfied with the position regarding the defence requirements of India and they don't require at least an exploration of this question, with a view to seeing if aeroplanes can be manufactured in India when the necessity arises?

Mr. C. M. G. Ogilvie: I would refer the Honourable Member to the very full answers which are at his disposal on this subject. All I can say is to assure him that were an aeroplane factory to be established in India, the Defence Department would be rejoiced.

REPLACEMENT OF MILITARY AEROPLANES, ETC.

608. ***Mr. S. Satyamurti** (on behalf of Mr. Manu Subedar): (a) Will the Defence Secretary please state whether the replacement of about fifty bomber military planes of the old type with a like reserve offered by the United Kingdom to India has taken place? If not, when is this expected?

(b) What is the rate of deterioration and replacement in military planes?

(c) Have Government considered what quantity would be adequate for the protection of India in the event of a major war?

(d) Have Government surveyed the position in order to find out which parts of aeroplanes could be made in India?

(e) Have Government considered the desirability of setting up work in special ordnance factories for the manufacture of those parts which cannot be secured from existing state of private enterprise in the country?

(f) Will Government make a brief statement of their policy in regard to this important matter in view of the impending war danger in Europe?

Mr. O. M. G. Ogilvie: (a) If the Honourable Member is referring to the Honourable the Finance Member's statement in the Legislative Assembly on the 13th September, 1938, which, incidentally, mentioned no definite number or category of aeroplanes, the reply to the first part is in the negative. As regards the second part no definite date can at present be given.

(b) The rate of deterioration cannot be stated with any degree of accuracy as it depends on a number of factors. The rate of replacement is governed by the frequency with which new types are introduced and old types drop out from production thereby making the retention of the latter uneconomical. It is also influenced by the necessity of competing with the increased speed, range and general improvements in aircraft equipment on modern types. As a rough estimate it can be said that replacement becomes necessary about every four—eight years.

(c) Yes.

(d), (e) and (f). I refer the Honourable Member to the replies I have just given to parts (b), (c) and (d) of the preceding question and add that in view of the large variety of special materials which are required and the small demand for aircraft in India, it would be neither practicable nor economical to establish special Ordnance Factories for their manufacture.

Mr. K. Santhanam: With reference to the answer to part (b) of the question, may I know what is the percentage of depreciation allowed on these machines in the defence accounts?

Mr. O. M. G. Ogilvie: I must require notice of that.

Mr. S. Satyamurti: With reference to the answer to part (a) of the question may I know—my Honourable friend corrected the figure and said that no particular figure was given—may I know if my Honourable friend can give some indication to the House of the number of military planes which will be offered by the United Kingdom to India and when they expect to receive the same?

Mr. O. M. G. Ogilvie: I am afraid that at present I can give no indication.

Mr. S. Satyamurti: With reference to the answer to part (b) of the question, may I know, taking the present strength of the military planes in India, what is the number required to substitute deteriorated planes by up to date ones and also to replace those that have become out of date?

Mr. O. M. G. Ogilvie: I am afraid I cannot quite follow the question.

Mr. S. Satyamurti: The Honourable Member gave an elaborate answer to part (b) of the question; with regard to the principles on which deterioration and replacement take place. I want to know, taking the number of military planes now operating in India under the Defence Department, what is the number required under either category year after year.

Mr. O. M. G. Ogilvie: The number, which we would like to replace if we could, is that what my Honourable friend means?

Mr. S. Satyamurti: Yes, from the point of view of deterioration and replacement.

Mr. O. M. G. Ogilvie: We should like to replace a good many of them, but the exact number I cannot state.

Mr. K. Santhanam: May I know whether the Defence Department is maintaining a depreciation fund for this purpose, for the renewal and replacement of these machines?

Mr. O. M. G. Ogilvie: I should require notice of that question.

Mr. S. Satyamurti: With reference to parts (e) and (f) of the question, I do not remember my Honourable friend having given any answer to that. If I failed to hear him, I apologise, but I want to know whether Government have considered the desirability of setting up special factories to secure at least parts which cannot be got from private enterprise.

Mr. O. M. G. Ogilvie: I believe that the Honourable Member's correction is justified in that I did unintentionally omit my answer to that part of the question. The answer is this:

"I refer the Honourable Member to the replies I have just given to parts (b), (c) and (d) of the preceding question and add that in view of the large variety of special materials which are required and the small demand for aircraft in India, it would be neither practicable nor economical to establish special Ordnance Factories for their manufacture."

Mr. S. Satyamurti: Then may I take it that the present policy of the Government is to depend on non-Indian sources for the supply both of military planes and also of parts thereof?

Mr. O. M. G. Ogilvie: The policy is unfortunately absolutely unavoidable. Unless we are to bankrupt the country in an attempt to produce at enormous prices the small quantity of these things which we actually require out here merely for the satisfaction of making them locally, we must continue to buy them from places where they are produced in economical quantities.

Mr. S. Satyamurti: Are Government satisfied that at times of war their supply will be guaranteed, whatever the nature of the war may be?

Mr. O. M. G. Ogilvie: That is a kind of question which I cannot possibly answer.

INTRODUCTION OF PROHIBITION IN THE CENTRALLY ADMINISTERED AREAS.

609. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state whether Government have in contemplation the introduction of prohibition in the centrally administered areas or the Commissioners' Provinces?

The Honourable Sir James Grigg: No, Sir.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government have considered the fact that many Provincial Governments have taken to prohibition?

The Honourable Sir James Grigg: That is sufficiently obvious.

Mr. T. S. Avinashilingam Chettiar: If that is the case, may I know

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow any discussion.

Mr. S. Satyamurti: May I know the reason why the Government refuse—I simply want to know the reason, my Honourable friend gave a laconic answer No—will my Honourable friend be good enough to tell the House what are the reasons why prohibition is not likely to be introduced by the Government of India in these areas? Is it the case that the people of these areas are more addicted to drink than those in the provinces?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member also is introducing a discussion.

Mr. S. Satyamurti: I want to know the reasons

Mr. President (The Honourable Sir Abdur Rahim): That means discussing a question of policy.

Mr. K. Santhanam: May I know whether Government have decided that they will not consider the desirability of introducing prohibition at least in those areas which are surrounded by prohibition areas?

The Honourable Sir James Grigg: My answer covers that too.

JUDGMENT OF THE FEDERAL COURT IN THE CENTRAL PROVINCES SALES TAX ON PETROL CASE.

610. *Mr. S. Satyamurti: Will the Honourable the Finance Member be pleased to state:

- (a) whether the Government of India have come to a decision as to accepting the advice of the Federal Court in respect of the Central Provinces sales tax on petrol;
- (b) whether they intend appealing against the judgment to the Privy Council; and
- (c) whether they propose to take the judgment as the law of the land and leave it to the Provincial Governments to levy such sales taxes; if not, why not?

The Honourable Sir James Grigg: I would refer the Honourable Member to the reply given by me on the 9th instant to Sardar Mangal Singh's starred question No. 246.

Mr. S. Satyamurti: Since that answer was given, may I know whether my Honourable friend has examined the budgets of the various provinces which are levying sales taxes on many articles? And I want to

know whether the Government of India are watching this thing or have decided to appeal against the advice of the Federal Court to the Privy Council. I am asking this because it is a matter of great importance to the finances of the provinces and of the centre.

The Honourable Sir James Grigg: I realise that that is a matter of great importance both to the provinces and the centre and that is why I am unable to make any statement at this stage. I may assure the Honourable Member, however, that the matter is one which is engaging our active consideration.

Mr. S. Satyamurti: May I know whether Government will make up their minds in time for the Provincial Governments to get their budgets passed by the Provincial Legislatures and to start the new financial year without the sword of Damocles hanging over their heads?

The Honourable Sir James Grigg: We know that this is a very important question.

Prof. N. G. Ranga: Are they aware of the fact that the Madras Government propose to impose this duty?

The Honourable Sir James Grigg: Yes, and many other Governments are imposing sales taxes.

Mr. S. Satyamurti: Have the Provincial Governments addressed the Government of India in regard to this matter, that is to say, with regard to their attitude towards the Federal Court's advice?

The Honourable Sir James Grigg: Not to the best of my knowledge, and even if they had, it would be confidential.

BRITISH AND INDIAN TROOPS SERVING IN BURMA.

611. *Mr. S. Satyamurti: Will the Defence Secretary be pleased to state:

- (a) the number of troops, Indian and British, serving in Burma today;
- (b) the class of forces, infantry, cavalry and artillery;
- (c) the conditions under which those troops have been lent to the Government of Burma;
- (d) the payments made by the Government of Burma in respect thereof; and
- (e) the period for which such troops have been lent to Burma?

Mr. C. M. G. Ogilvie: (a) and (b). Government have no precise information of the total number of troops serving in Burma today, but certain units of the army in India, i.e., one mountain battery, one field company, Sappers and Miners, one Animal Transport Company, Royal Indian Army Service Corps, and a few personnel of the Indian Army Veterinary Corps have been lent to the Government of Burma, while in addition certain personnel of Services and Departments of the Army in India have been seconded for duty with the Army in Burma. Their total approximately 900.

1300

LEGISLATIVE ASSEMBLY. • [22ND FEB. 1939.]

(c) and (d). Troops have been lent on the condition that the Government of Burma bear all direct and indirect expenditure in respect of the units and personnel I have just mentioned.

(e) As regards units, no definite period can be stated. As regards seconded personnel, I refer the Honourable Member to India Army Order No. 1252 of 1938.

Mr. S. Satyamurti: May I know, with reference to the answer to part (e) of the question, whether these troops have been lent for an indefinite period, and if so, why?

Mr. C. M. G. Ogilvie: It is impossible to say whether they have been lent for an indefinite period. It would be more correct to say that no period has been laid down. The idea is that, if all goes well, Burma will be able, some time in the reasonably near future, to replace them with her own troops.

Mr. S. Satyamurti: Have Government received any information from the Government of Burma, since the lending of these troops, that they are taking any steps to release these troops from Burma and develop their own defence forces?

Mr. C. M. G. Ogilvie: I shall require notice of that.

Mr. S. Satyamurti: With regard to the personnel which has been lent or seconded, may I know what is the extent of the personnel and what is the purpose for which it has been lent?

Mr. C. M. G. Ogilvie: The personnel consists largely of officers and technicians, whom the Government of Burma have not yet had time to train. The numbers are about 100.

Mr. S. Satyamurti: May I know whether all the charges, direct or indirect, such as pension charges and so on, are being paid by the Government of Burma?

Mr. C. M. G. Ogilvie: Yes.

Dr. Sir Ziauddin Ahmad: Will the Defence Department in co-operation with the Education Department put a little screw on the Government of Burma and see that Indians in Burma are treated properly?

Mr. C. M. G. Ogilvie: I do not know whether that arises directly from this question.

Prof. N. G. Ranga: Are these troops lent as a result of any treaties existing between the Government of India and Burma?

Mr. C. M. G. Ogilvie: Treaty is not the word. I would say 'mutual agreement'. We were asked to lend them.

Prof. N. G. Ranga: When was this mutual agreement arrived at?

Mr. C. M. G. Ogilvie: Some time ago. I cannot remember the exact date.

DEFENCE OF BIG CITIES AGAINST AIR ATTACKS.

612. *Mr. S. Satyamurti: Will the Honourable the Home Member be pleased to state:

- the arrangements made or proposed to be made for the defence of the big cities of India, especially on the east coast, against air attacks;
- whether any attempts have been made or are being made to protect the civil population against such attacks; and
- if so, what those attempts are?

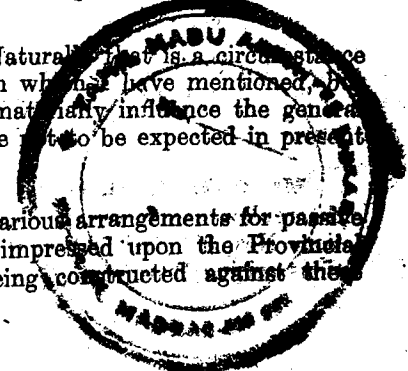
The Honourable Mr. R. M. Maxwell: (a) I would refer the Honourable Member to the replies which I gave on the 9th February to Sardar Mangal Singh's starred question No. 242 and to the supplementary questions arising therefrom. In so far as active defence is concerned it would not be advisable to make a public statement in the House giving details of the proposed arrangements. The Honourable Member may, however, rest assured that the matter has received full consideration from the military authorities.

(b) and (c). The arrangements for passive defence measures will, as explained before, be initiated by the Provincial Governments with the advice of their Area Committees, on which the Central Departments concerned including, in an advisory capacity, the Defence Services, will of course be represented. Among the matters which the Area Committees will consider in preparing their local schemes will be a warning system, lighting restrictions, protection against high explosive bombs, fire fighting arrangements and protection against incendiary bombs, anti-gas protection and decontamination, maintenance of vital services, first-aid and medical arrangements, control of the civil population and co-operation with the defence services. The Area Committees may be expected to give full attention to all local circumstances affecting the protection of the civil population within their areas. Provincial Governments have, however, been informed that the volume of air attack to be expected in India is not at present likely to be large and they will no doubt take this appreciation into account in formulating their schemes.

Mr. S. Satyamurti: I am obliged to my Honourable friend for the full answer he has given. With reference to the last sentence, may I know whether in telling Provincial Governments not to be alarmed, since the air attacks are not expected to be large, Government have taken into consideration the fact that according to the Defence Secretary's statement the other day Japan has got a large fleet of aeroplanes at Hainan within a striking distance of 500 miles from India?

The Honourable Mr. R. M. Maxwell: Naturally that is a circumstance which has supervened since the appreciation which I have mentioned, but at the same time I do not think it would materially influence the general appreciation that attacks in large volume are not to be expected in present circumstances.

Mr. S. Satyamurti: With regard to the various arrangements for passive defence, may I know if Government have impressed upon the Provincial Governments the necessity for shelters being constructed against these attacks?



The Honourable Mr. R. M. Maxwell: No, Sir. I do not think that any specific recommendation of that kind has been made. If the provinces, after considering the recommendations of the Area Committees, find it essential, they will no doubt go into the matter. They will no doubt take into account all the local circumstances affecting the protection of the civil population.

Mr. S. Satyamurti: May I know whether the entire responsibility of financing these schemes will be left to the Provincial Governments, or the Defence Department of the Government of India is having any share?

The Honourable Mr. R. M. Maxwell: The expenditure will be apportioned among the Governments concerned, according to the personnel which is to be protected.

Mr. S. Satyamurti: So far as the civilian population is concerned, may I know if the provinces have to foot the entire bill?

The Honourable Mr. R. M. Maxwell: Yes, Sir, so far as the general protection of the civilian population is concerned.

Mr. S. Satyamurti: May I know if any of the cities on the East Coast of India have been provided with anti-aircraft guns or anything of that kind?

The Honourable Mr. R. M. Maxwell: That falls under the head of active defence in regard to which I am unable to make any statement.

Sardar Mangal Singh: May I know whether the Government contemplate the production of gas masks for the use of the civil population?

The Honourable Mr. R. M. Maxwell: The question has not been specifically raised. As a matter of fact, it is not expected that gas attacks will be so important as attacks from high explosives.

PERSONNEL AND TERMS OF REFERENCE OF THE SANDHURST COMMITTEE.

613. ***Mr. S. Satyamurti:** Will the Defence Secretary please state:

- (a) the present personnel of the Sandhurst Committee;
- (b) why the terms of reference include the possibility of the Committee recommending a going back on the existing system;
- (c) when the Committee is likely to meet; and
- (d) the reasons why Government decline to accept the recommendations of the Legislative Assembly for a majority of elected members on the committee?

Mr. O. M. G. Ogilvie: (a) to (d). I refer the Honourable Member to the replies I gave on the 14th instant to Seth Govind Das's starred questions Nos. 885 and 886 on the same subject, and the supplementary questions arising therefrom.

Mr. S. Satyamurti: May I know when the Committee is likely to meet?

Mr. O. M. G. Ogilvie: I cannot give the Honourable Member any exact date, but I should think probably some time in April.

MACHINERY FOR ESTIMATING RECEIPTS FROM CUSTOMS, ETC.

614. ***Mr. S. Satyamurti:** Will the Honourable the Finance Member be pleased to state:

- (a) whether with regard to the ensuing budget or future budgets, any machinery has been evolved or is proposed to be evolved for estimating the receipts especially from customs;
- (b) if so, what that machinery is; and
- (c) if not, why not?

The Honourable Sir James Grigg: (a) to (c). The question is one of methods rather than of machinery. The possibility of improving the existing methods of estimating revenue has been and still is under consideration.

Mr. S. Satyamurti: May I know whether any actual steps have been taken to improve the methods?

The Honourable Sir James Grigg: The possibility of improving the method of estimating revenue is still under consideration and I think it is in an advanced stage of consideration.

Mr. S. Satyamurti: May I know whether with regard to the present budget any new method has been adopted with regard to estimating the receipts?

The Honourable Sir James Grigg: Unfortunately it was not possible to get it into operation in time for the forthcoming budget.

Mr. S. Satyamurti: May I know whether the method will be perfected in time for the next budget?

The Honourable Sir James Grigg: I hope so but I cannot obviously give any assurance on that. Even when you have the most perfect methods of estimating revenue, circumstances beyond one's control may upset the estimates.

REVALUATION OF GOLD STOCK.

615. ***Mr. S. Satyamurti** (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Finance Member please state whether the attention of Government has been drawn to the revaluation of the Bank of England's gold stock and the expectation in city circles that the measure will prevent the depreciation of sterling?

(b) At what price is the gold in the Issue Department of the Reserve Bank of India held, and how much below market price is it?

(c) Has there been any proposal for revaluing the stock of this gold or amending section 33 (4) of the Reserve Bank Act before the Reserve Bank of India, or before the Government of India?

(d) Has any decision been reached on this question? If so, could Government state briefly the reasons for such decision?

(e) Is the purchase of gold on account of foreign parties by the Reserve Bank of India done with the sanction of Government of India, and is it in accordance with the powers of the Reserve Bank?

(f) Is the purchase made for an immediate supply of sterling abroad, or is it on a loan operation, and if on a loan operation, what is the margin which the Reserve Bank has kept?

The Honourable Sir James Grigg: (a) Government have seen the press reports and the draft of the Currency and Bank Notes Bill, 1939, which seeks *inter alia* to effect a revaluation of the gold held in the Issue Department of the Bank of England.

(b) I would refer the Honourable Member to section 33 (4) of the Reserve Bank of India Act and to the current market quotations for gold which appear regularly in the press.

(c) No.

(d) Does not arise.

(e) The Government of India presume that the operations of the Reserve Bank are within their statutory powers and the question of the sanction of the Government of India does not, therefore, arise.

(f) Government have no information as the arrangements are entirely a matter for the Reserve Bank.

Mr. S. Satyamurti: May I know whether Government do not keep in touch with the Reserve Bank and *vice versa*, in view of the vital interests of the Government in such matters as are referred to in clause (f) of the question? May I know whether Government will find out what was the purchase made for?

The Honourable Sir James Grigg: No, Sir. Inspired guesses have appeared in the Press and the Honourable Member can guess how true they are likely to be. In point of fact, the Government of India are in close touch with the Reserve Bank on all matters affecting the Government of India. But when the Reserve Bank carries on transactions with private clients, they have nothing to do with that.

Prof. N. G. Ranga: What exactly is the position? Is it a loan operation?

The Honourable Sir James Grigg: I must adhere to the answer I gave. I cannot say whether it is a loan or a gift operation.

Prof. N. G. Ranga: Have not Government tried to ascertain the exact position from the Reserve Bank?

The Honourable Sir James Grigg: They have no intention of inquiring from the Reserve Bank as to their transactions with private clients.

OFFICERS OF THE FINANCE DEPARTMENT TRANSFERRED TO PROVINCES, ETC.,

616. *Mr. K. S. Gupta: Will the Honourable the Finance Member please state the number of officers of his department who were transferred from Province to Province, or to headquarters of the Government of India from the Provinces, during the last six months ending the 31st January, 1939?

The Honourable Sir James Grigg: Five.

DEVELOPMENT AND PROTECTION OF THE SALT INDUSTRY.

617. *Mr. Akhil Chandra Datta: Will the Honourable the Finance Member please state:

(a) whether the Salt (Additional Import Duty) Act of 1931 was the result of the policy adopted by the Government;

(i) to make India self-supporting in the matter of salt supply;

(ii) to develop the salt industry in the national interests of the country; and

(iii) to protect the industry from foreign competition by adopting measures for the stabilisation of prices;

(b) whether the salt industry was making appreciable progress since the adoption of that policy;

(c) whether that policy has now been abandoned;

(d) whether imported salt is being sold in Bengal at an uneconomic price for the last two years;

(e) whether as an effect of the prevailing uneconomic price the industry has been hit very hard;

(f) whether about 50 per cent. of the mainland works have closed their business;

(g) whether about 30,000 labourers have been thrown out of employ;

(h) whether about 75 lakhs of Indian capital is in danger of being lost;

(i) what steps, if any, Government have taken, or propose to take, to rehabilitate and promote the salt industry;

(j) what amount has been paid by Government out of the proceeds of the additional salt duty to the Bengal Government from 1931 to 1937;

(k) on what condition and for what purpose the contribution was made; and

(l) whether the amount has been spent by the Bengal Government for that purpose, and how the amount has been spent?

The Honourable Sir James Grigg: (a) and (e). I would refer the Honourable Member to the reply given to part (a) of Mr. Manu Subedar's question No. 2014 on 9th December, 1938.

(b) Sea-borne deliveries of Indian salt into Bengal showed a tendency to increase in recent years.

(d) Government are unable to say whether the sale prices have been uneconomic or not.

(e) Does not arise.

(f), (g) and (h). The Honourable Member's attention is invited to replies given to parts (b) and (c) of Mr. Lalchand Navalrai's question No. 146 on 6th February, 1939.

(i) Attention is invited to the reply given to part (e) of Mr. Manu Subedar's question to which I have already referred.

(j) Rs. 18,92,000 have been paid in all to the Government of Bengal as their share of the additional import duty collected up to 30th April, 1938.

(k) No conditions were imposed but the views expressed in this House as to the desirability of applying this revenue in certain ways and in particular to the development of salt production in the Provinces, where economically feasible, were communicated to the Provincial Governments.

(l) Nothing beyond nominal amounts was spent by the Government of Bengal on the development of the salt industry in the Province. The rest of the revenue was used to strengthen the general financial position of the Province.

Mr. Akhil Chandra Datta: Is the Honourable Member aware that recently the Government of Bengal made an official inquiry into the possibility of a salt industry for Bengal, and that the report of that official body was that Bengal salt has an immediate prospect for successful marketing in Eastern Bengal?

The Honourable Sir James Grigg: I am very grateful for the information.

Mr. Akhil Chandra Datta: My question is—is the Honourable Member aware of the fact that an official inquiry has been made?

The Honourable Sir James Grigg: I am very grateful to the Honourable Member for giving me that information.

Mr. Akhil Chandra Datta: My question is—is the Honourable Member aware that an official inquiry has been made?

The Honourable Sir James Grigg: I repeat, the Honourable Member is giving me information for which I am very grateful.

Mr. Akhil Chandra Datta: I must protest against that mode of answer, which is not an answer at all.

Mr. Brojendra Narayan Chaudhury: Is it the considered policy of the Government that it is no part of their duty to inquire whether salt is selling at an uneconomic price?

The Honourable Sir James Grigg: You cannot tell whether salt is selling at an uneconomic price without examining the whole accounts of the suppliers of salt, and that I have no *locus standi* to do.

Prof. N. G. Ranga: Have Government considered the advisability of making necessary investigations to find out whether the unrestricted imports of salt are affecting adversely the local industry?

The Honourable Sir James Grigg: I really am surprised at the Honourable Member, who goes about India talking about the woes of the poor peasant and then complains bitterly when the peasant gets salt at a cheaper price because of the abolition of protection?

Mr. K. Santhanam: Sir, are we to understand that the poor man should depend for his salt on foreign imports of salt? Is that the policy of Government?

The Honourable Sir James Grigg: The policy of the Government of India is not to make the poor people pay too high a price for their salt.

Mr. S. Satyamurti: Have the Government of India decided not to pursue the policy of helping Bengal to manufacture her own salt but of helping Lancashire and Aden to dump their salt on Bengal?

The Honourable Sir James Grigg: That, again, begs the question. The Honourable Member must draw his own conclusions from the fact that this House allowed the Salt Import Duty to lapse.

Mr. S. Satyamurti: May I ask why the Honourable Member did not pursue the matter with the Deputy President that Bengal officially is now in a position to manufacture salt on economic lines? Why do not the Government of India follow it up and encourage them to manufacture their own salt, and not make this country the dumping ground of other people?

The Honourable Sir James Grigg: The Government of Bengal evidently, if the Honourable the Deputy President's information is correct, wish to promote the manufacture of salt in Bengal at the cost of somebody else.

Prof. N. G. Ranga: May I know whether it is not a fact that if the salt duty were abolished and an adequate import duty is put on salt imports, salt can be made considerably cheaper for the poor man of this country?

The Honourable Sir James Grigg: I have never yet heard that a protective duty makes an article cheaper,—nor has the Honourable Member I think.

Mr. Akhil Chandra Datta: Is it a fact that numerous representations have been received by the Government of India from different public bodies in Bengal and from the public of Bengal—such people, for instance, as Sir P. C. Roy, Mr. Sarat Chandra Bose, Mr. Syama Prasad Mookerjee, Mr. Tulsi Chandra Goswami, Mr. Shamsuddin Ahmed, Mr. Santosh Kumar Basu, Mr. N. K. Basu, Mr. Debendra Lal Khan, Mr. Satyananda Bose, Mr. Subhas Chandra Bose, Mr. Jalaluddin Hashemy, Sir Profulla Nath Tagore, Mr. B. C. Chatterjee, Dr. Narendra Nath Law, Mr. Sarat K. Ray-Chaudhury, Mr. J. Chaudhury, Mr. Asimuddin Ahmed, Mr. J. C. Mookerjee, etc., and that such leaders of Bengal have submitted their representation to the Government of India asking them to continue the protection of salt?

The Honourable Sir James Grigg: I cannot say, without notice, that I have any recollection of having received a public representation from the gentlemen he named in his list. I certainly said, in reply to his earlier question to which I referred, that I had representations from the manufacturing interests in other parts of India.

PERSONS UNDER DETENTION IN THE ANDAMANS, ETC.

618. ***Mr. S. Satyamurti** (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Home Member please state how many persons there were in the Andamans under detention on the 31st March, 1937, 31st March, 1938 and on the 31st December, 1938?

(b) How many people released from their sentences have been known to have settled in the Andamans?

(c) What is the daily wage of an unskilled workman in the Andamans?

(d) Do Government employ any workmen at all, or do they get all their work done by convicts?

(e) What is the number of warders and other employees of Government in the Andamans, and how does the scale of their wages compare with the scale of wages of similar employees of the Government of India in India?

(f) What is the total population of the Andaman Islands?

(g) Is the extraction of timber in the Andamans done by Government, or is it given out on contract, and if so, to whom, and on what terms?

The Honourable Mr. R. M. Maxwell: The information has been called for from the Chief Commissioner, Andaman and Nicobar Islands, and will be laid on the table of the House when it is received.

GERMAN DOCTORS PRACTISING IN CERTAIN CITIES AND HILL STATIONS IN INDIA.

619. ***Mr. S. Satyamurti** (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Home Member please state whether in respect of German doctors practising not only in large ports but in inland cities and hill stations Government have secured any information as to their number?

(b) Have Government considered the desirability of transporting some of them back to their own country, *vis.*, Germany?

The Honourable Mr. R. M. Maxwell: (a) No.

(b) No. Nor would such a course generally be practicable. Such of them as are refugees emanating from the dictatorship countries would not be permitted to return to their own country, and are in fact stateless persons.

Mr. S. Satyamurti: May I know whether Government have satisfied themselves, apart from humanitarian considerations about German Jews, that the living of people belonging to this country and born in this country will not be adversely affected by the unrestricted immigration of such people into this country?

The Honourable Mr. R. M. Maxwell: Government have no information of any very large-scale immigration of German professional men, but if it were such as to affect the living of people in this country, it would primarily be for Provincial Governments to bring it to the notice of the Government of India that some action is required.

Mr. J. D. Boyle: Is it not a fact that Provincial Governments have already got those powers and in the case of Bombay have exercised such powers?

The Honourable Mr. R. M. Maxwell: I cannot speak for the powers of Provincial Governments but it is a provincial subject, that is a subject falling in the concurrent Legislative List, which means that the executive power is with the Province.

Dr. Sir Ziauddin Ahmad: In view of the fact that immigration is also a central subject, may I ask whether India is to be treated as an asylum for all those persons turned out by Germany and Italy?

The Honourable Mr. R. M. Maxwell: No, Sir.

LOCATION OF THE INCOME-TAX OFFICE IN BENARES.

620. ***Mr. Sri Prakasa:** Will the Honourable the Finance Member state:

- if it is a fact that the Income-tax Office in Benares is situated about three miles distant from the main city;
- if he is aware that this causes a great deal of inconvenience to the assesses;
- if the present premises have been taken on long lease; and if so, when the lease expires and what are the conditions of the same; and
- if Government are considering the desirability of having the office somewhere in the city?

The Honourable Sir James Grigg: The information is being obtained and will be laid on the table of the House in due course.

EXEMPTIONS GIVEN TO CLERKS FOR PROMOTION TO ASSISTANTS' GRADE IN THE CENTRAL SECRETARIAT.

621. ***Sri K. B. Jinaraja Hegde:** Will the Honourable the Home Member be pleased to state:

- whether it is a fact that clerks who were permanent in the Upper Division before the establishment of Staff Selection Board in 1920 were not required to pass any test examination for retention in that Division;
- whether it is a fact that some clerks in the Second Division who were given a promise of promotion to Upper Division before the establishment of the said Board, were promoted without undergoing the test examination;

- (c) what were the reasons for exempting the above persons from passing the Board examinations, which was compulsory in other cases of promotions and new appointments;
- (d) whether it is a fact that some British soldier clerks who failed in the test examinations were exempted from passing the examinations and were promoted to the Upper Division;
- (e) whether it is a fact that such exemptions were not given to Indian clerks; and
- (f) whether there are any cases of European clerks who failed in the examination but still were promoted to the grade of officers and superintendents, to which recruitment is through the Public Service Commission; if so, in how many cases?

The Honourable Mr. R. M. Maxwell: The information is being collected and will be laid on the table in due course.

STOPPAGE OF THE MIGRATION OF FOREIGNERS INTO INDIA AND RECRUITMENT OF JEWS IN GOVERNMENT SERVICE.

622. *Mr. K. S. Gupta: Will the Honourable the Home Member state:

- (a) whether the Government of India propose to put a stop to the migration of all foreigners to India in view of the pressing problem of unemployment in India;
- (b) whether Government recruited any Jews into Government service; if so, how many and in which posts; and
- (c) whether Government have employed them in the Department of Criminal Intelligence; if so, how many and on what salaries?

The Honourable Mr. R. M. Maxwell: (a) No.

(b) and (c). If the Honourable Member is referring to Jews who are not British subjects, the answer is in the negative. Jews who are British subjects are eligible for employment in the service of the Crown. But information as to the exact number employed is not readily available and could only be ascertained by an elaborate enquiry.

Mr. Abdul Qayyum: May I know if it is very easy for such people to get naturalisation certificates and even employment, which rightly belongs to the people of this country?

The Honourable Mr. R. M. Maxwell: It is not very easy for any one to get the naturalisation certificate. He has to fulfil certain requirements.

Mr. Abdul Qayyum: I know of several instances where Russian Jews have been appointed in the Criminal Intelligence Department, while Indians are without jobs. It is very easy for them to get naturalisation certificates owing to your sympathetic attitude.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member knows all this, he need not ask for information. Next question.

AVAILABILITY OF THE NEW INDIAN INCOME-TAX ACT IN A SIMPLE AND INTELLIGIBLE FORM TO THE ASSESSEES.

†623. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state what steps have been taken, or are under contemplation, in order to make available to income-tax assesseees and the general public the new Income-tax Act in a simple and intelligible form, as suggested by the Leader of the Opposition at the time of the discussion on the Income-tax Bill?

(b) Have Government considered the proposal to appoint a small committee of the House to suggest ways and means for a simplified chart showing the liability of small assesseees too poor to engage the services of experts, and preparing one hundred illustrative cases which would throw light on the complicated provisions of the Act with reference to different kinds of income, such as, rent, interest, salaries and profits?

(c) Have Government examined the proposal to establish a Bureau of Information, or an enquiry office, attached to each Provincial capital, where actual difficulties of assesseees could be solved and some guidance given to them?

(d) Has the proposal mentioned in part (c) been rejected on financial grounds and, if so, have Government considered the possibility of recouping themselves for this cost by a small fee for every enquiry sent?

The Honourable Sir James Grigg: I am afraid that any attempt to re-write the Income-tax Act in a form to be accurate and complete and at the same time readily comprehended of the people is foredoomed to failure. The remarks of the Macmillan Committee on this subject will be familiar to the Honourable Member. Any taxpayer who wants information as to his own case *ought to be able to get it* from the Income-tax officer and it is the hope of the Government of India that relations between the taxpayer and the Income-tax administration will so develop that not only will the Income-tax Officer be willing—as indeed is his duty—to give full and accurate information as to the law and practice governing the taxpayer's particular case but that the taxpayer will be willing to ask for it, secure in the knowledge that if he has nothing to hide he has equally nothing to fear.

EXTERMENT OF PANDIT CHANDRA GUPTA VEDALANKAR FROM DELHI PROVINCE.

624. *Mr. Badri Dutt Pande: (a) Will the Honourable the Home Member be pleased to state why an order of expulsion was served by the Delhi Province authorities on Pandit Chandra Gupta Vedalankar under section 3 of the Punjab Criminal Law Amendment Act directing him to remove himself from Delhi Province within twelve hours and not to return back for a period of one year?

(b) How many other persons have been so expelled from Delhi?

The Honourable Mr. R. M. Maxwell: (a) I would invite the Honourable Member's attention to the reply given by me on the 14th February, 1939, to Bhai Parma Nand's starred question No. 394.

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

(b) The number of persons externed from Delhi since 1st April, 1937, is thirteen. Of the externment orders issued four are still in force.

Mr. Badri Dutt Pande: Were these persons who have been externed accused of preaching violence? Did the Honourable Member himself see the speeches of these persons?

The Honourable Mr. R. M. Maxwell: To which persons does the Honourable Member refer?

Mr. Badri Dutt Pande: I am referring to the 13 persons who have been externed from Delhi?

The Honourable Mr. R. M. Maxwell: Although I have the particulars, I cannot state in detail the cases against these 13 persons in answer to a supplementary question.

Mr. Badri Dutt Pande: Is it a fact that Pandit Chandra Gupta Veda-lankar, when he was prosecuted by the Government, was acquitted? If so, why this instrument of expulsion was used against him?

The Honourable Mr. R. M. Maxwell: This externment order had nothing to do with the previous case. It was passed directly in consequence of his inflammatory utterances of which I have got copies here,—but I think it will be better in the public interest not to quote them to the House.

INDIAN STUDENTS UNDER SURVEILLANCE IN ENGLAND AND OTHER COUNTRIES IN EUROPE.

625. ***Shrimati K. Radha Bai Subbarayan:** Will the Honourable the Home Member be pleased to state:

- whether the Indian students in England and other countries of Europe are under surveillance of any Government Department;
- whether this is done by His Majesty's Government, or by the Governments of India, and if the former, whether it is done at the instance of the Government of India;
- the amount that the Government of India spend on this service; and
- the object of this surveillance, and whether Government have had any representation from the students or the public about this matter?

The Honourable Mr. R. M. Maxwell: (a) No.

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

BIFURCATION OF THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

†626. ***Mr. O. N. Muthuranga Mudaliar:** Will the Honourable the Home Member please state:

- whether, as a result of the Wheeler and Maxwell Committees' recommendations, it was decided that the Department of Education, Health and Lands should be bifurcated; and
- the stage at which the question now is?

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

The Honourable Mr. R. M. Maxwell: (a) and (b). The sub-division of the Education, Health and Lands Department was not one of the recommendations of the Wheeler Committee. The matter has been under consideration but I cannot say when any decision will be taken.

RECRUITMENTS TO THE MARINE SERVICE.

627. ***Mr. Brojendra Narayan Chaudhury:** Will the Defence Secretary please state:

- whether there have been recruitments to the Marine Service this year in various branches, and whether the only place for recruitment is Bombay;
- the numbers taken in different grades, the salary and prospects in different grades;
- the numbers taken in the various grades, Province by Province; and
- whether the appointments are made solely by competitive examination with a medical test of physical fitness?

Mr. C. M. G. Ogilvie: It is assumed that by "Marine Service" the Honourable Member refers to the Royal Indian Navy. On this assumption the answers to his question are as follows:

- The answer to the first part is in the affirmative. As regards the second part, recruitment to commissioned ranks of the Royal Indian Navy is made every year through the media of open competitive examinations held in Delhi in March and October and special examination for "Dufferin" cadets held in Bombay in October. Recruitment of ratings is not confined to Bombay or any other particular area, but is made from all over India.
- The following numbers of cadets have been obtained from the examinations held in 1938-39:

<i>Executive—</i>	
March 1938—Open competitive examination	2
October 1938—Special examination	3

Engineer—

October 1938—Special examination	1
----------------------------------	---

Two hundred and twenty-two ratings have been recruited since 1st April 1938.

The rates of pay, etc., of commissioned officers are contained in Appendix VIII to the book "How to become an Officer in the Royal Indian Navy", a copy of which is in the Library of the House.

The rates of pay, conditions of service, etc., of rating are contained in the following pamphlets, copies of which are in the Library:

1. Recruiting Pamphlet—Conditions of service.
2. Recruiting Pamphlet for the Communications Branch of the Royal Indian Navy.
3. Recruiting Pamphlet for Artificer Apprentices.

(c) I lay on the table a statement containing the required information.

(d) Appointments to commissioned ranks are made through competitive examinations. Ratings are appointed by selection. Medical tests of physical fitness are required in all cases.

Statement.

The six cadets were obtained from the following provinces:

Punjab	3
Madras	1
Sind	1
Hyderabad (Deccan)	1

The 222 ratings recruited since 1st April 1938 were obtained from the following provinces:

Bombay	108
Punjab	72
Madras	16
Central Provinces	9
United Provinces	9
Bengal	4
North-West Frontier Province	3
Sind	1
Total	222

Mr. Brojendra Narayan Chaudhury: May I know why the examination which is held in Bombay is also not held in Calcutta?

Mr. C. M. G. Ogilvie: The competitive examinations are held in Delhi. The special examination is held in Bombay because it is only open to cadets from the "Dufferin" and the "Dufferin" is in the Bombay harbour.

Mr. Badri Dutt Pande: May I ask how many recruiting centres there are for this Marine Service?

Mr. C. M. G. Ogilvie: There are no recruiting centres, but recruiting parties go out from Bombay or Delhi and tour likely neighbourhoods; otherwise, recruits can come to the Navy Office in Bombay.

Mr. Ram Narayan Singh: Has this recruiting party ever visited Bihar?

Mr. C. M. G. Ogilvie: I cannot say.

Mr. R. N. Basu: Are there any recruiting parts in the United Provinces?

Mr. C. M. G. Ogilvie: We got some recruits from the United Provinces last year.

UNSTARRED QUESTION AND ANSWER.

STAFF OF THE FEDERAL COURT.

19. Mr. Sham Lal: Will the Honourable the Leader of the House please lay on the table a statement of the staff (Gazetted, non-Gazetted, superior and inferior) of the Federal Court showing *inter alia*:

- the rate of pays and the scales;
- communities they belong to, Hindus, Muslims, Anglo-Indians, Europeans, Sikhs, Christians, Parsees, etc., etc.; and
- the percentage of each community?

The Honourable Sir Nripendra Sircar: I lay on the table a statement of scales of pay of the staff of the Federal Court.

2. The Chief Justice informs me that the staff of the Court is not recruited on a communal basis, though he always endeavours to do justice to all communities; and he requests that he may not be pressed to furnish information on a footing which assumes the contrary.

Statement showing the Scales of Pay of the Staff of the Federal Court.

<i>Gazetted.</i>	<i>Pay.</i>
<i>Designation.</i>	
Acting Registrar	Rs. 500. (In addition to pension drawn by present incumbent.) This post will continue to be a temporary one up to 1st March 1940.
<i>Non-Gazetted.</i>	
Four Assistants	Rs. 140—10—280—E. B. 10—310—15—400. (One Assistant draws a special pay of Rs. 100 as Personal Assistant to the Honourable the Chief Justice, and another draws a charge allowance of Rs. 40 as Assistant in Charge.)
One Cashier	Rs. 100—8—172—E. B. 180—8—300 plus Rs. 30 special pay.
Two Personal Assistants to the two Hon'ble Judges.	Pay in the Stenographer's scale (Rs. 125—5—180—10—300) plus Rs. 50 special pay. (One has been allowed to retain the scale of pay drawn by him before joining the staff of the Federal Court, viz., Rs. 200—10—350.)
Four Clerks	Rs. 60—2—80—3—125 (E. B. after 95).
<i>Inferior staff.</i>	
Two Duffries	Rs. 15—1/2—20—1—30.
Three First Class Jamadars	Rs. 25.
Three Daffadars	Rs. 19.
Thirteen peons and one Farash	Scales varying from Rs. 14 to 16.

N.B.—The staff of the Court is on a temporary basis until the end of February, 1939, and the above table shows the permanent establishment as from the 1st of March next.

MOTION FOR ADJOURNMENT.

DETENTION WITHOUT TRIAL OF MESSRS. VAISHAMPAIN, JWALA PRASAD AND BHAWANI SAHAI.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has received notice of a motion for the adjournment of the business of the House from Mr. Mohan Lal Saksena. He wishes to censure the Government for the continued detention without trial of Messrs. Vaishampain, Jwala Prasad and Bhawani Sahai, resulting in their decision to refuse to eat food until their release or trial. Does the Chair understand from the Honourable Member that if a detenu wishes to secure his release in this way, it is a fit subject for a motion of adjournment of the business of this House?

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): The facts are that these detenues had given notice to the Government about two months ago

Mr. President (The Honourable Sir Abdur Rahim): In that case, every detenu can obtain his release by hunger strike.

Mr. Mohan Lal Saksena: I am not speaking on behalf of every detenu, these persons have been under detention without trial for periods ranging from four years onwards.

Mr. President (The Honourable Sir Abdur Rahim): The only remedy in such cases is to repeal the Act. The Chair disallows the motion.

THE RAILWAY BUDGET—LIST OF DEMANDS—contd.

DEMAND NO. 1.—RAILWAY BOARD—contd.

Mr. President (The Honourable Sir Abdur Rahim): Cut motions which have been given notice of by the Muslim League Party will now be taken up.

Inadequate Representation of Muslims in Railway Services.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): I move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."—(To call attention to inadequate representation of Muslims in Railway Services).

Last year, on this very day and in this very month, I moved a cut motion and tried to lay before the House the pitiable condition of the Mussalmans in the Railway Services. This year, also, it has fallen to me to move the same cut. Before I proceed with the matter and face the difficulties, the Mussalmans have to suffer all round, I am beset with difficulties. The first is, that we are not supplied with the railway publication on the pretext that it is a priced publication. If you look at the Railway Administration report, you will find that the price is mentioned as Rs. 5 and I fail to understand why this publication is handed over to the Members. It is not governed by the same rule.

(1316)

The rule, in my opinion, is that every periodical publication should be supplied to the Members, free of cost. The other thing that I wish to mention is that a new way has been invented by the Railway Board of taking out percentages in services. If you will refer to page 95 of the Railway Administration Report, Volume I, you will find that the total appointments made in the superior service were 47 of which nine went to Muslims and the percentage is said to be 22.5 per cent., but any mathematician of ordinary merit can say that it is not 22.5 per cent. but it is only 19.14 per cent. In this way the Muslims are dodged.

While moving my cut motion last year, I showed to the House that the Muslims would take ninety years to secure their quota of 25 per cent. in higher services and 105 years in subordinate services. Upon this the Honourable the Railway Member, who, to my great pleasure, is going to take charge of the special responsibility of the Governor of Bihar, where Muslim lives have become a source of trouble and burden, got much excited and said that the Government of India never undertook to wave their magic wand and evict the other communities and replace all of them by Muslims. Nobody wanted him to do so. But did he ever take into his head that this is India and that he should cry halt in importing foreigners from his own country? Did he budge an inch on the question of Indianisation? No, Sir. The position of Europeans in railway services is still 51.2 per cent. What is the position of Muslims? None practically. If you will compare the figures for 1925, 1937 and 1938 as laid down in the Railway Administration report, you will find that in the superior services of the State-managed railways the percentage of Muslims, in 1925, was 3.47, in 1937, it was 6.97 and in 1938 it was 7.24 per cent. In company-managed railways, it was in 1925, 1.12 per cent., in 1937, it was 5.01 and in 1938, it was 5.86 per cent. If you add these figures, you get a total percentage in 1925 of 2.44 per cent., in 1937, 6.10 per cent. and in 1938, 6.61 per cent. Thus, you will find that it will take more than eighty years to complete the quota for Muslims in railway services, even on a population basis. Now, Sir, if you will take the case of subordinate railway services, you will find that in State-managed railway services, the representation of Muslim percentage in 1925, was 3.74 per cent., in 1937, it was 6.86 and in 1938, 7.15 per cent. In company-managed railways, in 1925, it was 1.82 per cent., in 1937, 3.16 per cent., and in 1938 it was 3.15 per cent. If you take the total of the two you will find that the Muslim percentage in the services in 1925 was 3.07 per cent., in 1937, it was 5.61 per cent. and in 1938, it was 5.8 per cent. Thus if you will calculate, you will find that instead of 105 years, it will take 120 years to complete the quota for Muslim representation in the subordinate railway services. This is really a pitiable case. The position of Muslims in railway services is going from bad to worse.

Now, Sir, let me discuss the representation of Muslims in various grades of railway services. If you will refer to the railway administration report, on pages 155-64, you will find (1) that in superior services, above Rs. 250, the position of Muslims in 1937-38 is that out of a total of 1,769, there were 117 Muslims and that gives a percentage of 6.6.

(2) In subordinate services, up to Rs. 250 or in the grade of Rs. 250, the total number is 7,666 and out of which Muslims are 445 and this gives a percentage of 5.8. If you take the total, which is 9,435, the Muslims get 562 or 5.9 per cent.

[Maulvi Muhammad Abdul Ghani.]

(8) Now, let us take all the services together on Class I Railways. It is 6,52,099 out of which 1,48,470 are Muslims, giving a percentage of 22.7 and not 29.5 as shown in the Railways Administration Report. The fact is that the person who calculates the percentage always excludes the Europeans and he takes only the total number of Indians and of this he calculates the percentage of Muslims and that is why there is so much fluctuation in Muslim percentage. In Class II railways, the total number is 28,548 out of which Muslims are 3,664 or a percentage of 12.8. In Class III railways, the total is 7,393 and the Muslims are 932 with a percentage of 12.7. In the Railway Board and the attached offices, out of a total of 4,143, the Muslims are 728 with a percentage of 17.5. Taking all together, out of a total of 6,92,178, the Muslims are 1,53,794 or a percentage of 22.2 per cent.

Taking the subordinate services on the State railways and company-managed railways, the total comes up to 1,89,307 of which the number of Muslims is 35,577, and the Muslim percentage comes to 18.7.

I want to place before the House one more fact. Government fixed a certain proportion in different railways for the representation of Muslims in the services. I place before the House the figures for 1938 in respect of various railways. In the Assam Bengal Railway, the Muslims are 10.1 per cent., in place of 12 per cent., in the Bengal Nagpur Railway, the Muslims are 7.2 per cent. although they were allotted 19 per cent. In the Bengal and North Western Railway, the Muslims are 9.8 per cent. for 19 per cent., as fixed by the Railway Board. In the Bombay, Baroda and Central India Railway, the Muslims are 5.8 per cent. although the percentage fixed for them is 15.76. In the Eastern Bengal Railway, the percentage fixed is 47.39 but the Muslims are only 6 per cent. In the East Indian Railway, the Muslim percentage fixed is 19.7 per cent. but they are actually only 5.6 per cent. In the Great Indian Peninsula Railway the percentage fixed is about 11 per cent., whereas they are actually only 6.5 per cent. In the Madras and Southern Mahratta Railway the Muslims are 0.7 only, whereas the percentage as fixed by Government was 11. On the North Western Railway Muslims are 9.8 per cent. and their percentage was fixed as 64.11. On the Rohilkund and Kumaon Railway the Muslims are 12.5 and their percentage was 15. On the South Indian Railway the Muslims are 3.8 for 7.07 per cent. as fixed by the Railway Board, and in the Railway Board 7.2 per cent. Taking all together the representation of Muslims comes to 6.6 per cent.

Sir, I now turn to direct recruitment in the superior services. In 1936-37, the appointments made in State Railways were 26 of which two went to Muslims. And in 1937-38 the appointments made were 30 of which four went to Muslims. Taking the figures of the company-managed railways the total comes to 57 in 1936-37, of which ten went to Muslims and the percentage comes to 17.5. Five went to Sikhs and their percentage comes to 8.8. In 1937-38, there were altogether 88 direct appointments of which 14 went to Muslims; their percentage comes to 15.9. If you compare the percentage for 1937-38, with that of 1936-37, you will find that it is a decrease from 17.5 per cent. in 1936-37 to 15.9 in 1937-38. This is the position that the Muslims have. Thus, the percentage of Muslims was reduced by 1.6 during the course of one year.

Now, I turn to the last point, i.e., the treatment meted out to the Muslims both at the time of recruitment to the services and at the time of promotion. On account of the absence of Muslims in the Establishment Branch, the applications of good and deserving Muslim candidates are destroyed and only those Muslim candidates are invited for interview who are likely to be rejected, or, if a selection is made, they are likely to prove a failure in service. No officer will ever be able to read himself all the applications that are submitted to the officers. He will have to depend upon the notes prepared by the staff and those notes are responsible for the rejection of good candidates in the preliminary selection. At the time of promotion the Muslims are kept back, sometimes on the ground of efficiency and sometimes on the ground of seniority. In the year 1937-38 there were nine promotions in the higher services; none went to Muslims. If a Muslim happens to be the seniormost man he is rejected because of alleged inefficiency and preference is given to a junior non-Muslim. If he is a first class man, but somewhat junior, the promotion goes to a senior non-Muslim, howsoever inefficient he may be. It also happens that the unfavourable remarks in the character roll are not communicated to Muslim employees. They do not get an opportunity of answering the charges against them and these remarks are only produced at the time of promotion and the unfortunate Mussalmans find themselves in the unfortunate position that they are superseded or their promotion is stopped without their knowledge.

The next point is that appeals are generally not properly attended to, but in the case of Muslim employees it is more marked. In the case of Anglo-Indians their appeals are attended to by the officers themselves and in the case of Hindus they are well arranged and supported by notes written by the staff; but the unfortunate Muslims do not get any support either from the officers or from the staff. It is also well-known that all special posts carrying extra allowance and higher pay go to non-Muslims and Muslims are very rarely selected. Even in the ordinary distribution of work in the office the more important duties are given to non-Muslims whereas Muslim members of the staff are relegated to comparatively less important and routine work where they do not get any opportunity either to show their merits or to come to the notice of the officers for promotion to higher ranks. I will take an example from Delhi itself where there are 22 members employed in the Establishment Branch of the Railway Clearing Accounts Office. Out of these 22 there is only one Mussalman and he is employed as a despatcher. The whole trouble lies in the fact that the Government of India always ignore the claims of Muslims to higher jobs and never take any step against persons who can be proved to be guilty of doing injustice to Muslims. The natural result is that the railway officials have come to believe that Mussalmans have no rights or claims and they can be dealt with according to the whims and fancies of the party in power.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more to finish his speech.

Maulvi Muhammad Abdul Ghani: I will finish, Sir. We are now thoroughly dissatisfied with 5.9 per cent. representation in gazetted and senior subordinate ranks on the State Railways and three or four per cent. on company-managed railways. We demand that the percentage of recruitment should be increased to at least 33. In fact, we are entitled

[Maulvi Muhammad Abdul Ghani.]

to the same percentage as our representation is in this House. The percentage should be observed not only at the time of the first recruitment but also at the time of promotion, from grade to grade unless it can be established beyond doubt that suitable candidates are not available. The percentage of Mussalmans in the Establishment Branch of the Railway Board, the General Managers' offices and the Divisional Superintendents' offices should not be less than 33, and in the case of the North Western Railway not less than 60 per cent. In the interests of efficiency it is desirable that direct recruitment should be made in the upper subordinate services and also in the lower gazetted ranks and a percentage of 33 should also be fixed for Muslims in such recruitment. Selected Mussalmans should be appointed as Divisional Superintendents, heads of departments, Deputy Agents.....

Maulvi Muhammad Abdul Ghani:And the claims of Muslims to Member's time is up.

Maulvi Muhammad Abdul Ghani:And the claims of Muslims to these posts should not be rejected on the ground that Muslims of sufficient seniority are not available. And I would point out that no Muslims were appointed to upper posts in spite of the fact that they were junior...

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must finish now.

Maulvi Muhammad Abdul Ghani: Very well, Sir. Sir, I move.

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

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

Khan Bahadur Shaikh Fazl-i-Haq Piracha (North-West Punjab: Muhammadan): Sir, I rise to support the motion as every just Member of the House would do. The inadequacy of Muslim representation in the railway services is an old tale and, I believe, that unless the Government and the Railway Board change their policy this will never end and the Muslims will never get their fair representation for hundreds of years to come. Sir, the complaint of the Mussalmans regarding the paucity of their representation in the railway services has become very chronic. In spite of all that has been said and done on this subject in this House and outside, the proportion of Mussalmans in the Railway Department to the total number of employees today is less than what it was in the year 1930. In spite of the fact that the Honourable Members for Railways have always been giving us assurances—and, I believe, the Honourable Member, now in charge, will do the same thing—I shall be voicing the sentiments of Muslims generally when I say that it would have been much better for us if the Honourable Member and his predecessors had done nothing, and if Muslims had only continued to enjoy the proportion which they had eight or nine years back. The Member would only refer to rep-

will find that in the year 1930 there were 1,78,911 Muslims out of 7,89,908 employees on the Indian railways, excluding Burma, which gives a percentage of 22.6 per cent. According to the latest report, on the 1st April, 1938, Muslims numbered 1,53,794 out of a total number of 6,92,178, giving a percentage of 22.2 per cent., which means that the Railway Department, for all its pains during the last decade, succeeded in reducing the Muslim proportion by .4 per cent. And this, in spite of the fact that during this period a large number of Europeans must have been replaced by Indians.

The Muslims have always been representing their cause to the Honourable the Railway Members and His Excellency the Viceroy, but with no result. In March, 1938, the Private Secretary to His Excellency the Viceroy gave an account of the favours done to us by the benign Government. He said that the Railway Board was employing six Muslim officers in the Railway Board Office. Since this reply was received by us, two Muslim officers have gone out of the Board and another Deputy Director is about to leave, reducing the strength of Muslim officers from six to three. In the same reply, we were told that there were six Muslim officers appointed in the Railway Board out of the total number of 18 officers, thus, showing a fair proportion as having been given to the Muslims. In counting the total number of officers, however, the number of officers in the attached offices was excluded. For example, there is not a single Muslim officer in the Central Standards Office. Therefore, the percentage of the Muslims in the Railway Board is really much lower than the Private Secretary attempted to make out. The superintendents in the Railway Board office also hold gazetted rank. They too were excluded from the figures given to us by the Private Secretary. No one of them is a Muslim. This is the way how Muslims are treated and their rightful claims and representations are evaded. Before leaving this topic, I would like to remark that the Muslims who have been employed in the Railway Board are very shabbily treated as compared with non-Muslims. It is a matter of common knowledge that when officers are selected for service at headquarters and when they are tried out here, they are almost invariably either promoted to higher posts in the Railway Board itself or they are sent to higher appointments to the railways. In many cases Secretaries of the Railway Board have been sent back in the capacity of Agents or heads of other departments of railways. Mr. DeSouza, a Member of the Railway Board, was not even a permanent District Traffic Superintendent when he came to the Railway Board, and I am glad that he has risen to this high position. Similarly, Mr. P. R. Rau, Mr. Hayman, Sir Austin Hadow and Mr. L. P. Misra, all of them got promotion in the Railway Board. I would like to know of a single example when such a promotion was ever given to a Muslim officer. The Honourable the Railway Member, I am sure, cannot substantiate that all Muslims that ever worked in the Railway Board were inefficient. It is a characteristic feature of the Railway Board that they give temporary chance to a Muslim at a time when they are asked to draft a reply to a memorandum by Muslims, and soon afterwards he is reduced to his old position.

The entire world is moving fast, but the position of the Muslims in the railway services remains stationary. The prejudice of the Railway Board against the employment of Muslims is so great that they would rather

[Khan Bahadur Shaikh Fazl-i-Haq Piracha.]

The Government of India passed a resolution in 1934 to recruit 25 per cent. of Muslims, but, unfortunately, it remains silent about the promotions to higher grade services. The Railway Board, immediately, stopped direct recruitment in upper subordinate and lower gazetted grades, apparently with the object that Muslims should not get upper subordinate and lower gazetted service posts, as, apparently, their chances by promotion were very limited. If the Railway Board makes enquiries and takes evidence from the competent authorities they will realise that stopping the recruitment in the upper subordinate and lower gazetted services has been the principal cause of inefficiency. All new recruitments are made at a salary of Rs. 30, and it cannot be expected that the intelligent class of people would join the railway services and, thus, the upper subordinate and the lower gazetted services will be filled with the unintelligent class who are recruited at this scale. The repeated accidents in the railway traffic have made railway journey very dangerous, and, after ten years, when the present upper subordinates and lower gazetted officers retire and are replaced by inefficient staff, it will become still more dangerous. I think it is high time now to remedy this evil at the very outset.

The Honourable Sir George Rainy had given a promise in this very House in the year 1930, that he would consider the appointment of at least two deputy agents on two railways. We were informed by the Private Secretary to His Excellency the Viceroy that Khan Bahadur M. D. Shaikh had been appointed as a deputy agent on the North Western Railway. We were beginning to hope that the next turn would be for the East Indian Railway to have a Muslim deputy agent. But we learn that even Khan Bahadur Shaikh, in spite of the pledge and the Private Secretary's reply, was reverted soon afterwards and now the Muslims cannot boast of a single Muslim deputy agent throughout India. During the long period of nine years since the pledge was given, surely the Muslims must have moved up in seniority. If the appointment of two Muslims was considered a possibility in 1930, it should have been an established fact long ago. Sir George Rainy the Honourable Railway Member, and Mr. Hayman who was then the Staff Member of the Railway Board, expressed the view in 1930 that the only way in which something could be done, to improve the condition of Muslims in railway services, was to employ an adequate number of Muslim officers to posts dealing with establishment matters. For a time some railways employed Muslim officers in their personnel branches, but very soon the railway administrations found out that the Government of India and the Railway Board are, after all, not very serious about this affair, and the position today is that there is not a single Muslim officer of administrative rank in any railway. Nay, the railways have not employed a single senior scale or a junior scale Muslim officer of the superior service in the establishment branches. The non-Muslim monopoly of the posts of superintendents and head clerks of establishment sections remains as it was, with the result that Muslims far from getting any justice cannot get even full information of the numerous injustices that are done every day and in every office. The two pamphlets quoted the other day by Mr. Nauman give a glimpse of the treatment the Muslims daily meet with, and I would request the Honourable the Railway Member to kindly go through them and see in what plight the Muslims are. I have got in my possession a pamphlet giving a general survey of the position of Muslims

working on the Howrah Division of the East Indian Railway. There are twelve officers posts in this division, namely, divisional superintendent, senior superintendent way and works, superintendent power, superintendent commercial, superintendent Transportation, Assistant Superintendent staff, assistant superintendent power, office superintendent, head clerk, assistant head clerk, group incharges, clerks in the establishment section, and all of them are non-Muslims. Page 93 of the Railway Board's Report for 1937-38 shows that in that year, 21 officers were appointed to the superior services by direct recruitment and nine by promotion. Out of 30, the number of Muslims is only four. On page 94 again, we have a statement showing 38 officers appointed to the lower gazetted services during this year, and only one out of these 38 was a Muslim, which gives a percentage of three only. At this rate nobody can expect that Muslims will ever secure anything like a fair representation in the State Railway services.

No Muslim has ever been appointed to the posts of Member of the Railway Board, the Financial Commissioner, the Secretary, Railway Board or the Agent of a Railway, although the Government sometimes even went out of their way to appoint non-Muslim Indians to such posts.

As the number of Muslim gazetted officers and senior subordinates is extremely small, it is not possible for the Muslim staff to get a fair deal. Complaints are being received from all parts of the country of injustices heaped on the heads of poor and helpless lower subordinates. I wonder whether the Honourable the Railway Member and Members of the Railway Board read the pamphlets which were issued about the unjust treatment meted out to Muslim subordinates in various departments of the East Indian Railway, the North Western Railway and the Eastern Bengal Railway. If the Honourable the Railway Member and other Members of the Railway Board would care to read them, I shall have the pleasure to present the same to them. But, unfortunately, the complaints are neither heard nor attended to.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only two minutes more.

Khan Bahadur Shaikh Fazl-i-Haq Piracha: This is the deplorable condition of the Muslims at the present time when the Railway Department is directly under the Government of India and is amenable to the criticisms in this House. What will happen tomorrow when the control of the Government and of the Legislature is taken away can better be imagined than described.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I would like to say only a few words on this motion. At the outset I would like to make it quite clear that I am in favour of every community in this country getting its due share in the railway services,—by due share I mean share according to population. Not only that, but I would like that the due proportion should be reached by every community at the earliest possible time without much delay.

Bhai Parmu Rand (Non-Muslim): Non-Muslims are a commercial concern.

M. Joshi: Whatever it may be, I am entirely in favour of every man receiving its due share

Ziauddin Ahmad (United Provinces Southern Divisions; Madan Rural): If it is a commercial concern, then why Indian-

M. Joshi: I have already made it clear that the sooner each man reaches its due proportion the better. I would like to go even further and say that within every community the working classes of each community should get its due share also. Having made that quite clear, I would like the Government to explain to the House what the policy of the Railway Board is regarding promotions. Personally, I feel that if the Government of India begin to make promotions on communal considerations there will be great discontent in the railway service. I have recently received some complaints from the Great Indian Peninsula Railway workers that it was in the Bhusawal workshop,—that certain promotions were made on communal considerations, and when those individuals who were promoted lost both monetarily and in their self-respect and dignity, they went to the Agent of the Railway, his reply was that promotions are made on communal lines, according to the policy of the Railway Board. I would like the Railway Member to explain to us whether they accept this policy of making promotions on communal considerations. I have expressed my own personal view on this question that if promotions are made on communal considerations, there will be great discontent, not only in the Muslim community, not only in the Hindu community, but in every community, because, Sir, the individuals who will be affected, when a junior goes over the head of a senior man, whether senior man is a Hindu, Anglo-Indian or European, will have good ground for complaint. If a junior Muslim goes over the head of a senior Hindu or a junior Hindu goes over the head of a senior Muslim, there will be discontent in the Muslim community as a whole want promotions to be made on communal considerations or not. I do not want injustice to be done to any individual, whatever may be his community. My point is, if these promotions are made on communal lines, there is bound to be discontent in the community. The man who suffers, whether he is a Hindu or a Muslim, on a junior being placed over the head of a senior, suffers, not only monetarily but also in self-respect and dignity, and it is also quite likely that the senior in the estimation of his superior when a junior is placed over him is a senior. It may not be the fault of the senior man at all; he may be an efficient man, but an impression is created in the department that he is superseded by an inefficient man. I would, therefore, like the Railway Board to explain very clearly to us and lay down in this House what their policy is regarding promotions. Sir, I sympathise with the complaint made by the Honourable the Mover of this cut motion that the disregard shown to appeals. My only suggestion to the Railway Member is that the sufferers in the matter of appeals are not getting proper consideration. The Royal Commission on Indian Labour has made certain suggestions to the Government of India in order that they should receive proper consideration, especially in the matter of dismissals. They had made a suggestion that when a man has made an appeal or a complaint, he should be personally seen

gentleman to whom the appeal lies. Not only that, but the Commission had suggested that when a man interviews a superior officer in an appeal, he should be allowed to be accompanied by a representative of the Trade Union. Sir, the Government of India have not accepted this recommendation of the Royal Commission. I would like, Sir, the Government of India to revise and reconsider their decision and permit a representative of the Trade Union to accompany the man who has to make an appeal personally.

Sir, I do not wish to say anything more on this subject, but I again express my sympathy with the view that every community in this country should be properly represented in the railway services.

Maulvi Abdur Rasheed Chaudhury (Assam: Muhammadan): Sir, the Honourable the Mover of the Resolution has adduced facts and figures in support of his motion to prove that Muslim representation in the railway services is much smaller than what it should be. In support of that he has quoted some figures, and I do not think that anybody can refute them. I do not like to give more figures but I would like to take up the question as to why Mussalmans are not being properly treated in the matter of appointments by the Railway Board. If you look at the table at page 96 of the Railway Board's Report for 1937-38, Volume I, you will find that so far as gazetted officers are concerned, on the Eastern Bengal Railway the Mussalmans were seven, Hindus 47, Anglo-Indians 12, Sikhs one, and so on, on the 31st March, 1937. On the 31st March, 1938, the position of Mussalmans remained the same, the position of Hindus becomes a little better, that is, from 47 to 48, the position of the Anglo-Indians also becomes better, from 12 to 14. This clearly shows that the authorities are not giving proper consideration to the claims of Mussalmans. I do not grudge the Anglo-Indian community the share of the services they have got in the railway department. I do not grudge others also, but I must be false to myself and to my community if I do not assert that I feel aggrieved that the proper share of the appointments does not come to my community. The Government of India fixed the proportion of appointments for Mussalmans as 25 per cent in 1934. If they are really sincere, if they are really honest in working out that proportion, in 1938 they could have certainly given at least one appointment to the Muslims in the gazetted grade. Again, from page 98 you will find that in 1937-38, 30 appointments were made to the superior service, and of these only four went to the Mussalmans. According to the proportion fixed by the Government the Muslims ought to have got seven, if not eight. The reason given by the Government is this

"The shortage of Muslim recruitment was due to there being no Muslim candidate amongst the six special class apprentices who were originally recruited in 1931."

This is the ground on which the Government have always taken their shelter. We are tired of hearing that there are no qualified Mussalmans for the different grades of the railway service. If it is a fact that there are no qualified Mussalmans, whose fault is it? It is not the fault of the Mussalman community. There is sufficient talent among the Mussalmans. It is the fault of the Government. After 175 years of their rule in this country, they cannot find sufficient number of Mussalmans for the purpose of these appointments? I must say that it is not a fact that Mussalmans

[Maulvi Abdur Rasheed Chaudhury.]

are not available. The Government is trying to throw the blame on the Mussalman community by saying that there are no qualified men now. History shows otherwise; history shows that, so far as education is concerned, ever since the beginning of Islam, Mussalmans have been taking great care to educate themselves, whatever be the kind of education and in whatsoever place it may be had. If you read Hunter's History of India, you will find that even in 1857, at the time of the mutiny, the Mussalmans were the most educated and the most prosperous people in the whole of India. So far as the different provinces are concerned, with the exception of Bengal, Muhammadans are keeping up their standard so far as educational qualifications are concerned. It was only in Bengal that there was a setback, and that was due to the change in the court language, unexpectedly, in 1837. Muhammadans were qualified for all the jobs under Government, but overnight they were disqualified. I do not know who was responsible for it. Be that as it may, the point is this. The Muhammadans have since made up their deficiency and now qualified Muhammadans can be found in almost every village, in every town and in every province. The pretext that qualified Muhammadans are not available is a lame excuse and nothing else.

Why is it that the Railway Board has not given the Mussalmans their due share of the appointments? It may be said that Muhammadans are very cheap so far as political alliance with Britain is concerned. There may be some truth in that. I believe it is our feeble voice, our mild tone that is responsible for this state of affairs. The other day, while the question of Indianisation was being discussed, there was an observation that the majority community is responsible for the paucity of Muhammadans in the railway services. I, for one, am not prepared to believe in that. The majority as well as the minority community are both sufferers. The power of making appointments is in the hands of a third party, not of the Muslims nor of the Hindus, but of outsiders. So, we are both aggrieved. If there were no outsiders and if the majority community were really responsible for any shortage of appointments of the Muslims, I can say, we have got that tradition still now, that we can fight out that position and snatch away our due share from them. But the position in the country is quite otherwise. It is the presence of the third party that is responsible for all this. Political consciousness has arisen in the different communities of the country. There is the beating of the pulse in every soul for the betterment of the condition of his community and of the country. Everybody is aspiring to improve his condition. In a word, the whole of India is trying to better its condition and to organise its affair in such a way that no outsiders can have any hand over it. There cannot be any exception in the case of Mussalmans. I may quote from the famous poet Byron about the movement of freedom. He said that freedom's battle once begun is handed down from sire to son until freedom is acquired. The stage has come now and we, the Muhammadans, are bent on having our due share in the administration of the country. We are bent on having our due share of appointments in the railway services and everywhere. Nobody can stop it. Whatever impediment there may be, we are determined to remove it. The time has come for the authorities to think over this and before it is too late to redress the grievances of the different communities so far as the appointments under their control is concerned. I think, Sir, that the

Railway Board is responsible for the paucity of Mussalmans in the railway service and the Government deserve to be condemned. I support the motion.

Babu Baijnath Bajoria (Marwari Association; Indian Commerce): Sir, I quite agree with my friend, Mr. Joshi and my friend, Mr. Rasheed Chaudhury, when they say that the Mussalmans and all other communities must get their due share in the administration of the country. There is no quarrel whatsoever about this—that they must get their due share. But what is that due share? That is the question which has got to be considered.

An Honourable Member: On a population basis.

Babu Baijnath Bajoria: If it is on population basis, I am unable to agree to that. I will presently show you why.

An Honourable Member: Education?

Babu Baijnath Bajoria: I will come to that. I say, Sir, that population basis is a wrong method of calculation. Take the tillers of the soil, the kisans. They don't count at all in Government or railway service.

An Honourable Member: Why?

Babu Baijnath Bajoria: Are they competitors? Do they sit for these examinations? No. Sir, I must say that I am not communalist. I am not against my Muhammadan brethren, but I have got to tell the House some hard facts. I emphatically say that education must be the basis on which the appointments must be given. If education is accepted as the basis, then I will prove that the Hindus are the worst sufferers in this respect. I know something about Bengal. I do not claim to know about other provinces. I will confine my remarks to Bengal and Bengal alone. There 25,000 students sat for the Matriculation Examination last year and this year the number has gone up to 40,000. Of this 25,000, I can say that about 20,000 are Hindu students. If you go higher up, if you take I.A., B.A., M.A., and so on

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions; Muhammadan Rural): On a point of order. Education is not under discussion now. It is the railway budget that is under discussion.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is quite in order.

Babu Baijnath Bajoria: If education test is taken at a higher stage, if graduates are taken as the standard for Government service, if B.A. is taken as the standard for engineering services and M.A. for the doctors, and so on, then I will claim that the percentage of Hindus should be still larger. You will find that the passes among the Hindus as compared to other communities will be as ten to one or even more.

Sir Syed Raza Ali (Cities of the United Provinces; Muhammadan Urban): You have been very unfair to Mussalmans in Bengal.

Babu Baijnath Bajoria: If you will have some patience, I will explain to you that we are not unfair, and that, on the other hand, we are too generous to the Muhammadans. There is no college in Bengal which is not open to the Mussalmans.

An Honourable Member from the Government Benches: What about the Vidyasagar College?

Babu Baijnath Bajoria: That has been founded entirely by the Hindus. But the Islamia College is open only to the Mussalmans. I do not grudge that. I welcome it.

An Honourable Member: Bengal is very generous to take in a large number of Marwaris.

Babu Baijnath Bajoria: I have not spoken one word about Marwaris. I do not want that Marwaris should get any preference. We claim our share out of the Hindu share. I do not want that there should be separate seats or there should be separate representation in services for the Marwaris. The Muslims say that there is general discontent among Muslims. What I say is this. Passed students who stand very high in examination results are barred and passed over simply because they, unfortunately, belong to a particular community, while their class fellows, very much inferior to them in education and attainments and in the examination results, are preferred simply because they belong to a particular favoured community. That is the reason why there is so much discontent among the student community of the Hindus in Bengal. Nobody can deny that.

An Honourable Member: We are talking of railways.

Babu Baijnath Bajoria: Yes, Bengali Muhammadans also get their share in the railways. You find in the advertisements issued by the Railway Board and the Railway administrations that applications are invited only from Muslim candidates for such and such a post. I have never seen a single advertisement which invited applications only from Hindus.

An Honourable Member: You are over represented.

Babu Baijnath Bajoria: I have never seen such advertisements. So, you will see that the Government has at heart the interests of Muslims. The Railway Board are doing everything possible for Mussalmans. We find that in Bengal 60 per cent. posts have been reserved for the Muslims by a resolution of the Bengal Legislative Assembly.

An Honourable Member: Your information is wrong.

Babu Baijnath Bajoria: You don't know the facts. So, Sir, I say that the Muslims, Anglo-Indians, Sikhs and all communities must get their due share. There is no quarrel about that, but the due share should be calculated on the basis of education, on the number of candidates offering for a certain job, so that if for any job one hundred men apply for the post and there are ten vacancies, then the proportion should be divided by ten to one. That will be the proper basis of calculation and not

that we will go on counting whether they are Hindus or whether they are Mussalmans, what is their respective population in this province or that province?

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): What about Anglo-Indians?

Babu Baijnath Bajoria: On the same basis, though my friend, Sir Henry Gidney, claims or his community claims that they are born with an engine in their stomach. This assertion, this claim of theirs would not last long. There must be a fair field and no favour and there must be representation on the basis of the education, on the basis of the candidates offering, and the deserving candidates must have the preference. First of all, I would request my friends that they must deserve before they demand. I make these observations not in any spirit of retaliation or any such thing: I am only giving expression to what I have had in my mind as to what should be the real basis, and if the calculation is made in this way, I think my friends will have no cause to grumble.

Sir Syed Raza Ali: Sir, if I intervene at a somewhat early stage in this debate, it is because I am very anxious to know as to what the attitude of the Government of India on this question is. Sir, the subject has been under discussion for some time and I was sorry to notice that during most part of the time neither the Honourable the Railway Member nor the Financial Commissioner for Railways was present here. I mention this point specifically because I thought, having regard to the importance of the subject, those who have an active share in wielding the policy of the Government of India would make it their business, at least to hear the grievances of the unfortunate Muslim community.

An Honourable Member: The Financial Commissioner, Mr. Staig, has been here all the time?

Another Honourable Member: But not in his proper place.

Sir Syed Raza Ali: Sir, I would leave the question of the presence of the Financial Commissioner in the House to various Members of the House to decide. Now I have got a few words to say on the subject. Coming to the speech made by the last speaker, I can say this much from personal experience derived from membership of the Public Service Commission extending over a period of a little more than five years that I cannot readily remember an occasion when we failed to find suitable candidates for any service for which the Public Service Commission was called upon to recruit from the Muslim community. It is true that there was, in my time, and that was in 1930-31, a paucity of Muslim candidates so far as the engineering services were concerned. But in respect of no other service were we at a loss to recruit the number of Muslim candidates which we were required to do by the Government of India. That is my observation with reference to the remark made by my Honourable friend the last speaker. Now, I will come to the main subject and will make a few observations on that.

[Sir Syed Raza Ali.]

The proportions in which Muslim recruitment is to be made have been laid down by the Government of India; if I mistake not, the last Resolution on the subject was issued by the Home Department in the year 1934, in fact I find that it is dated the 4th July, 1934. Now, the question of Muslim recruitment resolves itself into two parts;—the first complaint of the Muslim community—and a very legitimate complaint, if I may say so,—was that there was a great inadequacy of Muslim officers in various services, especially, I will mention the railway services with which we are concerned at present. Now, Government came to our help—I am not ashamed of acknowledging that Government came to the help of the Muslim community—first, in the year 1925, and then they tried to extend the scope of that assistance from time to time till we come to the Resolution of 1934. Let me make it quite clear that Muslims are not satisfied with the share that has been earmarked for them in the public services of the Government of India. Be that as it may, the fact remains that very little has been done. Something, of course, has been done, but what has been done by the Government to redeem the pledges that they gave to the Muslim community, from time to time, does not amount to much. The first question is—how can we increase the Muslim recruitment? That is the first question. I would suggest to the Government to take the same steps to bring the Muslim recruitment up to the point which you have laid down in your Resolution as you took in the matter of Indianizing the Imperial services. Take the case of the I.C.S. I take it that today the proportion of Indians and Europeans is fifty fifty. Now, how was the number of Indians brought up to the figure of fifty? By having recourse to increased Indian recruitment.

An Honourable Member: That is not done.

Sir Syed Raza Ali: I believe I am right that today it is fifty fifty, namely, half and half. Now, the same steps should be taken to secure increased Muslim recruitment as were taken to secure Indian recruitment for the Imperial services,—for instance, the I.C.S. and the Indian Police Service. Where is the difficulty? Instead of Government taking Muslim candidates according to the proportion mentioned in the Resolution, if the Government pledges are ever to be redeemed, it follows that the Government must have recourse to increased recruitment. Unless you do that, it is impossible, on the present basis, for you to secure the requisite number of Muslim representation in the services within a reasonable time. This is the suggestion I would make so far as the question of recruitment is concerned.

Then, there is another question and that is the question of promotion.

P.M. The question is whether communal representation should also be considered in the matter of promotions. Sir, let me say at once that that is a delicate topic. I realise, having known these things a little, that it will not always be possible to give effect to the proportion laid down for communal representation when you come to promote men who have been working for many years in various branches of the public service. At the same time let me make it clear that I am not one of those who believe that it is impossible to give effect to the principle of communal representation with regard to promotions. Time was when it was taken for granted that not a single Muslim judicial officer in the

Punjab was fit to be promoted as a Judge of the High Court. I believe those who were responsible for this fallacy were interested parties. But the common fallacy was that no Muslim member of the Punjab judicial service was fit to sit on the High Court Bench as a Judge. Sir, I remember that the difficulties were supposed to be so great that recourse was had twice to my own province and we had to export two of the members of the Allahabad Bar from Allahabad to Lahore because it was supposed that no Muslim in the Punjab was fit to sit on the High Court Bench. And what is the position today? Two Muslim Judges are sitting on the High Court Bench, one of whom has been recruited from the Bar and the other has been promoted from the same judicial service which used to be condemned only four or five years ago. My point is this: where there is a will, there is a way. If you are really sincere and you really mean business, you can certainly promote a number of Mussalmans to higher ranks. But it may be—I am quite free to admit—that by adopting that plan you may not be able to get the requisite number of Mussalmans in the higher grades. What is the remedy? Here, again, I would like to make a suggestion for the earnest consideration of the Treasury Benches, especially, so far as the railway services are concerned. I take it that the recruitment for the lowest posts in the Subordinate Railway Service begins at Rs. 30 per mensem. I speak subject to correction, but I believe I am right.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): They begin on Rs. 10.

Sir Syed Raza Ali: I am not taking the labourers and other inferior servants into consideration. I will assume that the initial pay of the lowest grade in the railway services is Rs. 30.

Lieut.-Colonel Sir Henry Gidney: No, no.

Sir Syed Raza Ali: I want Honourable Members to follow me. I said I will assume that the lowest grade starts on Rs. 30. I expect my colleagues to display some intelligence. Now, Sir, it may be that if the man who starts on Rs. 30 has to take his chance along with others, he will have to wait for an unduly long period before he is promoted to, say, Rs. 100 grade. That surely is a genuine grievance of the Muslim community. But I also see the difficulty of the Railway Board. Then, what is the remedy? My remedy is this. Start intermediate recruitment in the case of some of the higher grades. For the sake of convenience, I am calling them higher grades but they are not in fact higher grades. What I mean is this. If you have not got a sufficient number of Mussalmans in the grades of Rs. 100, Rs. 120 and Rs. 150, then, instead of waiting for them to come up from the lowest rung of the ladder, recruit a number of Mussalmans in these grades of Rs. 100, Rs. 120 and Rs. 150, which would be intermediate grades. In order to give effect to my suggestion, you will have to recruit for grades above the lowest grade. There will be some difficulties but I am sure they will not be insuperable.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Sir Syed Raza Ali: One thing more and I have done. I find that the report of the Railway Board makes a mention of the fact, at page 99, that the Railway Board employed an officer on the 17th October, 1935, to see that the proportions laid down for the Muslim community were adhered to and effect was given to the terms of the Resolution. The report goes on to say that this officer functioned in the year 1937-38. I would very much like to know whether that officer is functioning now and who that officer is? In this connection, I would like to make one suggestion. If the Government are really serious about securing the due representation of Muslims, then that officer should preferably be a Mussalman. I am not in a position to expand the theme because time would not permit me to do so. But I will content myself with saying that the officer who is employed to see that the proportions laid down for Mussalmans are adhered to should be a Mussalman. If it is not possible to find a suitable Muslim officer, he can be a non-Muslim but he should certainly be one who does sympathise with the Muslim community in their hopes and aspirations. Sir, I support the motion.

Lieut.-Colonel Sir Henry Gidney: Sir, I intervene in this debate mainly with the desire to support the principle underlying this motion, but I wish it had reference to the subordinate services only. I hope, Sir, I shall not fail to display what the last speaker, Sir Raza Ali, demanded, namely, the elements of intelligence. At the same time, I should like to display some knowledge of the facts. When my Honourable friend said that the lowest pay of a Railway subordinate was Rs. 30, he really did not know what he was talking about.

Sir Syed Raza Ali: I only assumed that it was so.

Lieut.-Colonel Sir Henry Gidney: That assumption, Sir, was not an intelligent one. I may inform the Honourable Member that the subordinate's lowest pay in the railways today is Rs. 10; as cleaners and, when I say this, I am talking of the subordinate service. A cleaner starts today, whatever be his community, on Rs. 10 and in about six years time he reaches his maximum of Rs. 30, his increment grades being about Rs. 12, Rs. 15, Rs. 18, Rs. 22, Rs. 25 and Rs. 30. I hope I have displayed some knowledge as also intelligence. Now, Sir, it is an old saying that "the crying child gets the most milk" and "the squealing wheel the most oil". I do remember about ten years ago, when I used to sit in this very seat, I spoke on the inadequate Muslim representation in railway services and I warned my Muslim friends then to be up and doing. It was the very first time my Muslim colleagues in this House came to realise how poorly they were represented on railways.

An Honourable Member: So, you started the mischief.

Lieut.-Colonel Sir Henry Gidney: Yes. I plead guilty to that charge. I also remember having been visited the same night by two Muslim friends in my room in the Western Court when they asked me how I got the information. For this Muslim awakening I was hotly attacked by Sir Purshotamdas Thakurdas who said that I was dragging a red rag before a bull by introducing this communal problem. But I am glad I did so, because, I believed then and I do believe now that Muslims are not adequately represented in certain railways.

Sir Muhammad Yamin Khan: You will see the logical results.

Lieut.-Colonel Sir Henry Gidney: Don't let me start fighting with you on logical or Zoological results. Mr. President with your permission, "one ass at a time"? I believe the Home Department Resolution of July the 4th, 1934, states that there should be 25 per cent. of Mussalmans in both the official and subordinate Railway services; the subordinate service to be distributed in each Province in proportion to the Muslim population in the particular Railway administration, but allowing a flat rate of 25 per cent. on all Railways, this percentage, I believe, the Railway Board is trying its utmost to adhere to. Now, Sir, as far as my information goes I must say on behalf of the Railway Board they are doing their very utmost. I know very well the numbers of advertisements that appear in the newspapers saying that such and such railway appointments are exclusively reserved for Muslims. I know that to be a fact. I know that the Railway Board is doing its utmost to give Muslims the best chance possible for the higher appointments. But in the subordinate appointments, I do not think that they are fully carrying the 25 per cent. for Muslims. These appointments which are many are often in the hands of the office Superintendent and these Superintendents, particularly in Madras Railways, who belong to the favoured community—Brahmins—who naturally believe that blood is thicker than water, though it may not be as pure, give these lower appointments to their own people. I do think there is room for serious grouse here. Look up the upper subordinates statistics on the Eastern Bengal Railway and you will find that there is a conspicuous absence of Muslims in these appointments. Instead you will find that a largely proportion of my community, the Anglo-Indian community, most of whom are nearing superannuation, also Hindus who are mostly about the middle of their official careers. I do not entirely agree with my Honourable friend, Babu Baijnath Bajoria, who humorously said that Anglo-Indians are born with locomotives in their tummies. It would be nearer the truth if he added coal, to locomotives in the tummies of Anglo-Indians, because locomotives without coal are useless even in tummies? They cannot move. If he had said that they had both coal and locomotive I would have agreed. But Sir, times have altered. There was a time, I remember, in the early years of the Assembly and those years when communal economic distinctions were being born, when the Muslims were economically badly placed on Railways and educationally backward as compared with the great strides in education which they have made today. One of the features of modern education is the rapid strides which Muslims have made. I think this fact stands in marked contrast to any other community. My Honourable friend, Dr. Sir Ziauddin Ahmad, has entered many a babe into the world after giving them a sound education. I remember the time when the Railway Board was most anxious to secure to get Muslim candidates for the Engineer's Department and what difficulty was experienced. At an interview a Muslim candidate was asked at Simla (I speak subject to correction) by one of the selecting officers, whether he understood what was meant by a vacuum. The candidate replied, "Yes Sir, I know all about vacuum. I have been for days and days walking about the streets of Calcutta and Delhi and Simla vainly in search of a job and when I came back home every day I felt an empty stomach, with a big vacuum". The reply was so original and I believe, the best secured so far, that the candidate was appointed as an Engineer.

[Lieut.-Colonel Sir Henry Gidney.]

to the Railway. I want to repeat with all the emphasis I can that the Railway Board are doing their utmost for the Muslims today particularly in the official grades.

I wish now to refer to the other point raised by my Honourable friend, Sir Syed Raza Ali. He talked about intermediate appointments. Many of the Honourable Members, behind me say, asked me what he meant by an intermediate appointment? It is nothing else than appointing a certain number of a certain community in the intermediate grade of a certain department. For instance, if you have a grade of 80—5—150, then Rs. 100 would be an intermediate stage. He suggested that certain Muslims should be appointed straightaway to that intermediate stage, that is those appointments should be done on a communal basis. He rather hesitated in that recommendation.

Sir Syed Raza Ali: Not at all.

Lieut.-Colonel Sir Henry Gidney: But I would ask him to hesitate. The real point is this: You cannot possibly efficiently run a department in the higher appointments especially in the Railways unless you have an efficient staff.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after Lunch.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Lieut.-Colonel Sir Henry Gidney: Sir, I have very few words to add to what I have already said. I think when I left off before Lunch I was discussing the question of recruitment in the intermediate stages, in various sections of railway employment, and on that matter I desire to add a very few words. I know that the Railway Board, by the consent of this House, a few years ago, introduced in its recruitment system, direct recruitment from outside into the intermediate stages of most sections of Railway employment. I also understand the reason for this was that many communities had no representation or percentage whatever in certain grades of certain sections of railway employment and it was to implement the decision of this House and to make good this deficiency that they introduced this system. However much I am one with Members of other communities in this House for adequate percentages in these various grades, still I do protest against this practice, not from the communal point of view but on the principle of efficiency and safety first. Such a practice means that efficiency is being sacrificed on the altar of communal sentiment and percentages. I suppose some Members will say that a rank communalist, should be the last person to speak in this manner but I claim as my excuse for a larger percentage of Anglo-Indians in certain sections, the undeniable fact that most of them are old railway servants who have gradually been promoted and for this reason, today, occupy a

larger percentage of higher subordinate jobs *per capita* of population than other communities. I would be more correct if I said *per capita* of educated people. I, therefore, raise my voice very strongly in protest against this manner of recruitment. The Railway Board and all Railways should always have before them one picture. Safety first; and if you transgress that law you are lowering efficiency at the expense of the satisfaction of communal feeling and inviting danger to the travelling public. Sir, much as I share the Muslim's feelings for adequate representation let me add: One has to crawl before he can walk, the more so is this needed in that department of Government Railways, where efficiency should be the first, the second and the last word in administration especially with the Running Staff.

Sir, there is just one more point. This House has frequently referred to the method by which recruitment should be done in Railways and other services. It has been stated, on all sides of the House, that recruitment should be done on a population basis. Sir, I submit very emphatically that it is wrong to recruit on a population basis except in the menial services where no education or intelligence is required. If you take the last census of India (1931) you will find that out of 350 millions of India's population about two millions are educated in English which rightly or wrongly is, today, the lingua franca necessary for railway administration; or, at least, the jobs on which we fight in this House and on which you standardised your fitness for certain jobs, apart from the daily growing B.A.'s or M.A.'s or B.A.D.s or M.A.D.s. Of the two millions, one million only has read up to the secondary standard which is the qualification for most of the jobs which we covet.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Lieut.-Colonel Sir Henry Gidney: This means that one million Indians educated in English which includes 150,000 Anglo-Indians, for, we are cent. per cent. educated, are today facing competition for about 680,000 jobs offered on the railways. If you take that as your criterion you will then see that recruitment on the educated population standard would give my community an entitlement to eight per cent. which it has got. It will also give the Muhammadans a very high percentage because, they are very highly educated now and it will give the Hindus certainly a very high percentage. But, Sir, I submit it is wrong to take the total population of a community and say, because they are two or three crores in numbers, therefore they are entitled to a definite percentage. I raised this point very strongly at the Round Table Conference and I have more than once mooted it in this House. I know many will not follow me in this matter but I am sure I am right. For instance: The sweeper on the railway or on the road is not in open competition with the General Manager of a Railway nor is the *panivala* in open competition with the skilled Foreman of a railway workshop. You must have special educational qualifications and it is only amongst these people that recruitment is made into the various Departments and grades and which, in Railway parlance, is called "Selection". Therefore, with all respect to those who hold other views I do submit that recruitment in the services should not be on a population basis but on the educated population basis.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Lieut.-Colonel Sir Henry Gidney: Sir, I support this motion and I hope the House will realise that it is one that deserves their sympathy and support.

Mian Ghulam Kadir Muhammad Shahban (Sind Jagirdars and Zamindars: Landholders): Sir, the grievance of the Muslims is, that no effective measures have been taken by the Government, so far, to improve materially their condition in railway services, in spite of persistent complaints. As early as 1923 Government gave an undertaking, in the Legislative Assembly, to the effect that it would prevent the preponderance, of any one class, or community, in the services under its control. This general declaration of Government policy had little or no effect on recruitment, and as the result of further agitation Government defined its policy more definitely in 1925, by reserving one-third (1/3) of the posts, for minority communities. This step also failed to secure any improvement in the representation of Muslims in services generally, because the orders were ignored by those responsible for recruitment, and where they were not ignored by those responsible for recruitment, the reservation was usually construed in favour of minorities, other than the Muslims. The Muslim agitation, therefore, continued, particularly, in respect of Railways, the largest employers of labour—on which the orders of Government had been almost entirely ignored. Recognising the genuineness of Muslim complaints, Government appointed a Special Officer in 1931 to examine the position on Railways. This officer found *inter alia* that the complaints of Muslims were justified, and that the Muslim community were not responsible for the paucity of their numbers, in Railway services. Government accepted the correctness of those conclusions. The Home Department Resolution No. F. 14/17-B/33, dated the 4th July, 1934, clearly states, that, the earlier policy had failed to secure the due share of Muslim representation in the public services, and that the complaints are justified. In this resolution the Government of India reserved definite quotas for Muslims, in Central Services. This was followed up, on the Railways, by orders issued by the Railway Board in December, 1934, fixing definite quotas, for each Railway for direct recruitment of Muslims, and other minority communities.

The Muslim community was not entirely satisfied with the orders, as it was felt that owing to the campaign of retrenchment, the limited scope of these orders, the likelihood of non-co-operation, in carrying out these orders by officials of the preponderating community, and the general apathy of European and Anglo-Indian Officers these orders would not produce even the limited effect desired by the framers of the new policy. Fixation of a percentage, for recruitment of Muslims coupled with restriction of recruitment, to the lowest rung of railway service, could not possibly achieve, for a very long period, the desired result of giving Muslims, a fair proportion, in Railway Services. That the worst fears of the Muslim community, about the inadequacy of these orders and their innocuousness, have materialised, would be apparent from an analysis of the statistical data, published by the Railway Board in their annual reports and also in the establishment lists, of the Railway Board and the individual railway administrations.

The following table shows the total number of employees of all ranks on railways in India, excluding Burma the number of Muslims among them, and the percentage to total number, for the past nine years.

Year.	Total No. of employees.	No. of Muslims.	Percentage of Muslims to total.
1930	7,89,903	1,78,911	22.6
1931	7,54,750	1,69,935	22.5
1932	7,06,664	1,54,885	21.9
1933	6,85,662	1,50,465	21.9
1934	6,76,906	1,49,069	22.6
1935	6,82,088	1,49,948	22.6
1936	6,89,030	1,51,122	22.6
1937	6,87,260	1,51,612	22.1
1938	6,92,175	1,53,794	22.2

The statement which I have read out, discloses that the number of Muslim employees, since 1930, has been reduced by 25,000. To give the Muslims 25 per cent. representation in Railway Services, 20,000, non-Muslims would need to be replaced by Muslims. In spite of the action taken by the Government to redress communal inequalities, 3,000 non-Muslims must be replaced by Muslims, to enable the latter to secure today, the proportion which they held in 1930. We have deteriorated since 1930. We require 3,000 more Muslims to make up deficiency of 1930, and we require 20,000 more to secure our quota of 25 per cent.

The position of Muslims, among the gazetted officers, and senior subordinates, on Railways, in the last three years was this: In the State-managed Railways among the gazetted officers, there are 967 officers, of whom, 70 are Muslims, that is, a percentage of 7.24. In the Company-managed Railways, out of 802 there are only 47 Muslims that is, 5.86. In the State-managed Railways out of 5,094 Senior-Subordinates there are 364 Muslims, that is 7.15 per cent. In the Company-managed Railways out of 2,574, there are 81 Muslims, that is 3.15 per cent.

Seven percent for State railways which traverse predominantly Muslim areas, is extremely inadequate. The condition of Muslims among senior subordinates, is even worse. Not only is the present percentage of Muslims in these services, actually lower than in the gazetted ranks, but the rate of progress, for the last 11 years, has also been slower, and at this pace it may take a century, for Muslims to secure a 25 per cent. representation, on an all-India basis.

We have it, from the figures published by the Railways, that the policy adopted by the Government in recent years, has in practice failed to remove the paucity of Muslims, in the Railway services.

The scope of the present policy of the Government in the matter of reservation, for the Muslim community, of posts to which recruitment is made direct, should, therefore, be extended, so as to provide, that over and above the quotas, already fixed, an additional quota, may be allotted, to Muslims, for the next ten years. This additional quota should be so fixed, that within this period, the Muslims should attain their due representation in all grades of Railway Service. Unless this is done, the Muslim community cannot, for many decades to come, attain their due representation.

[Mian Ghulam Kadir Muhammad Shahban.]

We are conscious of the fact that such a step would necessarily restrict, for these years, recruitment of members of the majority community. In view, however, of the benefit they have derived in the past and their present preponderance, such a step, would appear to be imperative on higher grounds of policy, equity and justice.

The quotas fixed for Muslims, on various railways, work to an All-India proportion of 25 per cent. Considering, that the other minorities, have been allowed a quota, of $8\frac{1}{2}$ per cent. which is out of all proportion, to their numerical strength and the need for giving some weightage to a minority community, I urge, that the quota for the Muslims should be fixed at 33 $\frac{1}{2}$ per cent. on all-India basis, the increase to be effected, by raising *pro rata* the existing quotas, for various railways.

In view of the experience of the last twelve years and the admissions of the Government from time to time, we feel that the Government should appoint an advisory committee, chosen out of Muslim Members of the Central Legislature, to assist the Railway Board in the matter of recruitment of Muslims, and to bring to their notice the steps that should be taken, to improve the present position of Muslims. Such advisory committees may also be appointed from amongst the Muslim Members of Legislatures of the Provinces to assist Agents and Divisional Superintendents of the Railways, serving those Provinces. We also suggest, that the Railway administrations may be instructed to establish a more comprehensive, and more active liaison with the Muslim educational institutions, and other representative bodies, with a view, to securing their co-operation, in the matter of finding suitable Muslim recruits, in sufficient numbers.

Before I conclude, I would take this opportunity to press the claims of Sindhi Muslims. At present they are not getting any thing like a fair share. I urge that a reservation should be made for them, in the Karachi Division of the North Western Railway. Sir, I support the motion.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa-Muhammadian): Sir, in order to discuss the question of paucity of Muslims in the railway services, I feel that the 15 minutes time allotted to me is so short that in spite of my best efforts to be concise I shall not be able to do adequate justice to the subject or even to give a synopsis of the whole position or to relate even a hundredth part of the grievances and woeful tale of the minorities in general and Muslims in particular. Sir, during the last few years of my close association with the employees, their Unions and Associations, I have had opportunities of meeting the Muslim staff on different railway lines and also of examining the files relating to their discharge, dismissals and suspensions, refusals of appeals and so on, and, I think, my friend, Sir Henry Gidney, will bear me out when I say that the position of the Eastern Bengal Railway is probably the worst as compared to other Railways.

Sir, we have been given a percentage of 45 on the Eastern Bengal Railway, whereas the actual figure of Muslims employed is hardly six per cent. I will not indulge in quoting figures or the number of representations we have received from Muslim employees and Muslim Leaders of public opinion at the moment, figures have all been quoted by the Honourable the Mover himself, but, so far as I am concerned, I would only request the Honourable Sir Thomas Stewart to look into the facts as to why they have not improved

our position in regard to percentage of representation in spite of the best efforts made by the Railway Board. Sir, I will just quote a few figures from the Report of one of the Committees appointed by the Staff itself. These figures relate to Eastern Bengal Railways:

Head Quarters Staff.	Muslims.
In grades of 210—10—300	Nil.
150—10—200	Nil.
80—5—100	Nil.
28—4—40—5—60/2—5—80	Nil.
20—3—45—5—60	Nil.
Inspector Branch.	Personnel Branch
Grade 425—25/2—475	Nil.
250—20—350	Nil.
230—10—300	Nil.
175—10—225	Nil.
150—10—200	Nil.
110—10—140	1
85—5—100	Nil.
28—4—40—5—60/2—80	2
80—5—45—5—80	8
Supervising Staff.	Muslims.
Traffic Inspectors	Nil.
Traffic Canvassers	Nil.
Crew Inspectors	one Muslim out of 9
Inspector of Accounts	Nil.
Goods Supervisor	Nil.
Supervising Station Masters	Nil.

Practically all the important key positions are held by non-Muslims and Muslims have been shunted in unimportant sections.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadian Rural): What is that book please? What are you reading from?

Mr. Muhammad Nauman: I am reading from one of the reports prepared by the Muslim employees and other responsible members of public repute for the Railway Muslim Employees' Welfare League in Calcutta. This is a very recent publication, although there are many others. From these figures, I think Honourable Members will realise how the diplomatic administration of Railways can make and interpret rules to suit their own whims and caprices. I wish that the Railway Board had paid proper heed to Muslim representations and enquired into grievances to do justice to Muslim interests. The Railway Board cannot say that the Muslims have not placed their case before them. Sir, the Muslim Members have been speaking on this subject in this House, year after year, but yet things have not improved. Not only that, a responsible Muslim newspaper of Calcutta, the *Star of India*, in its issue of the 9th March, 1938, has placed the whole Muslim case very succinctly, and with your permission, I shall only read a

[Mr. Muhammad Nauman.]

small portion from the leading article which will give the House an exact idea of the Muslim feeling on this question. The article is styled "Believe it or not, fact is there".

"It is some years now that the E. I. R. has become a Government line under State control, but certain individual officers still think and act as if the blissful regime of Company-management exists, when every district or divisional head considered himself a monarch of all he surveyed to do as he liked with no fear of being asked why and wherefore, oblivious of the fact that he is a servant of the State. We make this statement with all the responsibility it entails, although confessing amazement that such a state of affairs can exist. A glaring instance of what we have said above is to be found just across the river Hooghly in the Howrah Division of the East Indian Railway. The Muslim condition of employees in this division has never been a happy one, but instead of there being any improvement it would appear that things are going from bad to worse, indeed from the facts which have been furnished to us and which we published in the columns of the *Star of India*, the treatment meted out to Muslims is a scandal, and of such public interest as to even warrant an adjournment motion in the Central Legislative Assembly. Having gone through the grievances of the Muslim employees of the East Indian Railway in the Howrah Division, we wonder how such a state of affairs can exist and how communalism can blind Hindu officers to a sense of justice and fairplay—officers who are public servants.

Lest we be accused of raising a communal scare, let us quote some facts and figures which will show much better than anything we can say how just is the case we take up today. The office of a Divisional Superintendent on the East Indian Railway is a big organization, and yet among the hundreds in key positions and holding responsible posts there is not a single Muslim. Just one happy Hindu family helping each other and conspiring to keep out the Muslims—this is the picture of the office of the Howrah Division. Is it a wonder then that it seems easier for a camel to enter the eye of a needle than a Muslim to be recruited in the Howrah Division of the East Indian Railway? With such a powerful Hindu oligarchy utter contempt is shown to the Government of India Resolution of 1934, whereby it was laid down that 25 per cent. of new recruitment should be given to the Muslim community.

Sir, this is an article written by an European or Anglo-Indian editor, although the paper is representing the view point of Muslims. Sir, in spite of our best efforts to bring our grievances to the notice of the Railway authorities, through various other papers and organizations like the daily paper *Mazdoor*, *Aare-jadid*, *Deccan Times* and others who have been publishing reports, it is really surprising that the Railway Board have not taken any notice of the facts or of the feeling of the Muslim community, in fact they have been flouting Muslim opinion in general, and the opinion of different responsible Muslim organisations and their members in particular.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got only two minutes more.

Mr. Muhammad Nauman: Now, Sir, it is claimed that the Resolution of 1934 is being applied to all the State-managed Railways, but with due respect, I contend that ways and means are found out to flout that also. In many cases, the posts are not advertised, in other cases temporary jobs are offered to Muslims and a percentage is shown on paper whereas, the Railway Board does not maintain a list of discharged people at all. What happens is this. Supposing there are ten posts vacant, and Muslims are given their proper share in recruitment; after six or eight months on some pretext or other these poor people are turned out, and that is why their percentage, on the whole, does not show any improvement in spite of the fact that the Railway Board has been very insistent on different Railways in this connection. Because they have been asking the different Railways to send up here a list of appointments made, but the Railway Board have

never cared to ask for a list of dismissed and discharged Muslims. Sir, it is like a jar with a hole in it, and it can never fill up. You may make appointments in accordance with your Resolution of 1934, but because you do not have control over discharges and dismissals, the Muslims will never be able to get their proper percentage. I think this particular fact was brought to the notice of the Honourable Member, very recently, through a memorial sent to him, which was signed by about 24 Members of this House. A similar memorial was also submitted to His Excellency the Viceroy and that was also signed by 24 members of legislature showing how things are being managed on the different Railways and how in spite of the best efforts of the Railway Board we have not been able to get our quota or the proper percentage on the Eastern Bengal Railway. Supposing we were zero in 1934, if the Eastern Bengal Railway authorities had really cared to act up to the terms of the Resolution of 1934, we should by now have got 16 to 20 per cent. of the posts on that Railway, but we notice that in spite of that Resolution passed about four years ago, no appreciable improvement has taken place, and the percentage is only about six per cent.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. Muhammad Nauman: I shall take only one more minute, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go on any longer.

Mr. Muhammad Nauman: With these few words, Sir, I take my seat.

Bhai Parma Nand: I rise to oppose this motion. Sir, this motion is brought here every year in this House, and it has been my misfortune, or in other words my duty, to oppose it. I do not oppose this motion to defend the Railway Board. Their defence is their own look out. My friends have quoted figures, and the Railway Board too can quote figures. Our friends here say, that they are not satisfied with the improvement made with regard to the proportion fixed for Muslims in the special Order by the Government of India and with the promises made so often by the Railway Board. Sir, I am opposing this as a vicious principle. I think the principle that a certain proportion should be fixed for Muslims and a certain proportion for other communities is quite wrong. That means just to follow the old policy of dividing the people into different compartments. I do not oppose the representation of Muslims in railway services, let the percentage be 25 or 30, or even more, provided they are qualified for this. We would have then no objection, but the trouble lies in fixing a certain proportion for one community and another proportion for another community. If we approve of that principle with regard to the railway service, we shall have to apply that in all services all over the country, not only in railways but in all other concerns, because if the railway services are to be divided, why should not all other services be divided? Why should not the military be divided in the same way? Why should not the police force? Although I understand that it is a provincial subject—all the same, why should not the police forces be divided according to the population basis?

Mr. Muhammad Nauman: We do not object to that.

Bhai Parma Nand: I am glad you do not object to it. There is a difference between my friends of the Muslim League and my friends a little further up there. The Congress Party's idea is that there should be one people and there should be no discrimination on religious grounds. My view is simple on this matter. If the Muslim community really agree to have no such discrimination, well and good, but if my friends of the Muslim League, that represent the Mussalmans in this country, do not agree to it, then, of course, we have to come to certain terms and we have to admit the facts as they are, that the Mussalmans want to be a separate people, i.e., a separate nation in this country and

Some Members on the Muslim League Benches: No, no.

Bhai Parma Nand: If you want your proper share and you want to have it fixed, that means you want to be a separate people in this country.

Some Members on the Muslim League Benches: No, no.

Bhai Parma Nand: Why not? That is the logical conclusion. You may not say so, but that is what it comes to.

(Interruption.)

Mr. President (The Honourable Sir Abdur Rahim): Order, order. Let the Honourable Member address the House without being interrupted.

Bhai Parma Nand: I have no objection; it was wrong on the part of the Government of India to have accepted that principle, but anyhow, having accepted it, it is now their business to satisfy the Muslim community as best they can. That is not our concern.

My second point is that the railway is a commercial concern. The Muslims, of course, have a right,—being politically separate—to put forward their claims on the Government, but not on a commercial concern. There are European firms that have established business here in India. (Interruption.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must be allowed to go on without interruption.

Bhai Parma Nand: The commercial concerns will have to look to their interests, i.e., to the progress and improvement of their business and you cannot say that a certain proportion should be fixed for a certain class or community. Take the bankers' class. You might condemn them or hate them, but all the same, the bankers' class has to deal with finance and, naturally, bankers will have to give preference to those who deal with them. In the same way the railway business being a commercial concern, the Railway Board has to look to its commercial side and see that it is made a profitable concern for the country and those who own it.

Mr. Muhammad Nauman: If it is a case of commercial concern, why do you object to their employing Europeans and Anglo-Indians—all on the Bengal and North Western Railway and the Bengal Nagpur Railway which are Company-managed?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should not interrupt.

Bhai Parma Nand: Because the Europeans started it, because English companies gave the start and invested millions of pounds in the building up of the railway lines, therefore, they are entitled to give preference to their own people.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Our money.

Bhai Parma Nand: May be your money, now you can call it your money, but, originally, it was English money, and even now you have to pay 10 crores every year in interest to those people who have invested their money here. It was not your money. It was the money of the English people. And we have to look at it from a commercial stand point. There is no use making it a political question and trying to create a division of lights between one community and another.

Another point that I want to make clear, is this. The Honourable Sir Syed Raza Ali said that from his experience as a member of the Federal Public Service Commission he could say that qualified Muslims were available for every post. Nobody disputes that point. Muslims are qualified and they are available, for service, but our point is that for one qualified Muslim for a post, you find there are ten candidates of other communities who are also equally qualified for that post. A choice has to be made whether those ten persons are to be passed over in order to give preference to a person because he belongs to one community or is believer in a certain religion. This principle is wrong, and this was the point which was stressed by my Honourable friend, Mr. Bajoria, when he said that a proportion should not be fixed on a population basis but the sole criterion should be efficiency and education. There is a large number of educated Hindus, and thus, when there is a vacancy, the Hindu applicants are much more in number than the Muslim applicants. Our Muslim friends say that in the matter of recruitment others should be passed over and only Muslim candidates should be taken

An Honourable Member: No, no.

Bhai Parma Nand: Again, Sir, Mr. Joshi was telling us that much ill feeling was created in the matter of promotion on the basis of communal consideration. If you give promotion to a certain person, merely on account of his belonging to one community, it creates ill feeling and bitterness among the rest. I say in the matter of recruitment also the same bitterness and discontent is produced among those who are equally or even better qualified than the person who is much inferior and much less qualified but is taken in preference to them. All the same, as this vicious principle has been accepted by the Government, it is for the Railway Board to carry it in practice.

I opposed this motion last time also and then I was on very safe ground. The Honourable Sir Muhammad Zafrullah Khan was then the Railway Member. I think he is no less a Muhammadan than any of those friends here who are sitting on these benches. He is as good a Muhammadan as any of them and he has an equal love for Islam and the Muhammadan

[Bhai Parma Nand.]

Community. He was doing his best for the Muhammadans in so far as carrying out of the Government Resolution was concerned, but in spite of that my friends got up and brought forward a motion of censure against Sir Muhammad Zafrullah Khan as Railway Member. Nobody can even think that he was a man who could be negligent in the matter of communal representation. My point is that service in Railway should not be made a communal question at all, but as it has become a regular custom to bring in this motion every year, it is my misfortune to oppose it. I am not defending the Railway Board. They started the ball rolling and it is for them now to satisfy the communal hunger.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): I can very well understand the anxiety of the Honourable the Mover for the promotion and maintenance and safeguarding of the interests of his community in the important railway services but from what I have heard on the floor of the House today, I am in some doubt as to whether there is a complete and precise apprehension of what exactly are the obligations and liabilities of the Government of India, for breach of which they deserve to be censured. It may be of use, therefore, if I set out as concisely as I can what I conceive to be the position. The basic year, the critical year is 1934. For sometime prior to 1934, the Government of India had given their very careful consideration to this question of the representation of minorities in Government service and in railway service in particular and on the 4th July, 1934, there issued a Government Resolution which sets out the principles on which the recruitment of minorities should be made. That resolution one might almost term the charter of minority communities. Now, so far as the Muslim Community is concerned, this Resolution laid down that there should be a reservation of 25 per cent. of vacancies for Muslim candidates. That was to some extent qualified where selection was being made through examination and it is rather important to note what the particular qualifications were. I might read them to the House:

"When recruitment is made by open competition, if Muslims or the other minority communities obtain less than these percentages, these percentages will be secured to them by means of nomination. If, however, Muslims obtain more than their reserved percentage in open competition, no reduction will be made in the percentage reserved for other minorities, while if the other minorities obtain more than their reserved percentage in open competition no reduction will be made in the percentage reserved for Muslims."

"If members of the other minority communities obtain less than their reserved percentage in open competition and if duly qualified candidates are not available for nomination, the residue of the eight and one-third per cent. will be available for Muslims."

"In all cases a minimum standard of qualification will be imposed and the reservations are subject to this condition."

These qualifications provided in the first place that the 25 per cent. reservation may be exceeded but they also provide that the minimum standard of qualification must be complied with. They provide for two contingencies, one—that the Muhammadans may have more than 25 per cent. and on the contrary they also provide that the occasion may arise when they have less. Now, recruitment to the railway services is in two categories, the superior services and the subordinate services. Recruitment to the superior services is conducted through the Public Services Commission. We have had from a former member of that Commission a tribute to its impartiality in the days when he was a member. I trust

that he will agree that the standard of probity and fairness of the Public Services Commission has not since then deteriorated. I do not think any of us would venture to say that but before I quote figures of recruitment to the State Railways since 1934, I should like all Members of this House to have it perfectly clear that that recruitment has been carried out by the Public Services Commission without interference from us and I am sure, without fear or favour. Let me quote what has been the recruitment in the past few years to the superior railway services:

In 1934-35, out of 13 recruitments, three were Muslims the percentage being 23.1. I think Honourable Members will realise that when you are dealing with comparatively small numbers, it is not possible to recruit to the absolute 25 per cent. One cannot recruit fractions of officers. In 1935-36 out of 24 recruitments, six were Muslims; 25 per cent. For 1936-37, the tale is not so good. Out of 18 recruitments two were Muslims. That gives us a percentage of 11 per cent. but for that comparatively disappointing figure there are good reasons. There was one Muslim candidate who was selected but he was turned down by the Medical Board and no other suitable candidate was to be found. Moreover, in respect of two other vacancies on the engineering side,—I think my Honourable friend told us that it was his own experience that it was on the engineering side that it was difficult to get suitable candidates—there were two vacancies for which no suitable candidates could be found. In 1937-38, out of 18 selections, there was a Muslim percentage of 22. Even taking into account the exceptional year, 1936-37, where, for causes entirely outside the control of the Railway Board, the percentage was low, the overall percentage is 20 per cent.

Now, let us turn to the company-managed railways. In 1934-35, out of 26 selections five were Muhammadans, giving a percentage of 19.2. In the next year, out of 18, three Muslims were chosen. We have a recession to 16.7 per cent. In 1936-37, out of 16 appointments nine were Muslims, and in 1937-38, out of 40 appointments nine were Muslims. Over that period of years the average percentage is 26 per cent., which is even better than what we set out to do on the State railways,—and I may mention that there was no compulsion on the company-managed railways to follow our example. They have done that of their own accord, through a desire to co-operate with us in giving the Muslim community a fair share in railway appointments. These figures, Sir, related to recruitment only, I am quite willing to admit that recruitment is not necessarily an index of the real representation of any particular community in a service at any particular time. But the following figures will show that recruitment is having its effect. It may not be as rapid as could be desired, but there appears to be no alternative, except through the practical expropriation of the officers who are already in service. On the 1st April, 1925, there were 36 Muslim officers on the State Railways. That number has doubled. On the Company-managed Railways, in 1925 there were nine Muslim officers. The efforts of the Company Railways have been such that at the end of March, 1928, that number, nine, had grown until it was 47. That, Sir, is the position as far as the superior services are concerned.

There is only one thing I would here interpose. It was suggested by my Honourable friend, Sir Raza Ali, this morning, that it should be possible for us to do what was done in the case of the I.C.S., and his suggestion was, that, though the ideal was fifty-fifty recruitment, a deliberate policy had been adopted by which extra weightage had been given to Indian

[Sir Thomas Stewart.]

recruitment. That, Sir, is not the case. No such deliberate policy was adopted by Government. It may have been by accident, by force of circumstances that in certain years there was a higher degree of recruitment of Indians than of Europeans, but that was an entirely fortuitous circumstance and was not due to the adoption of any deliberate policy of recruitment.

Now, as regards the subordinate services, the same twenty-five per cent. reservation was made for the subordinate services as was made for the superior services. Of course it was not possible to apply that twenty-five per cent. as a flat rate on every Railway throughout India. It was found necessary to make the twenty-five per cent. an overall figure and so to ration the various Railways that they should recruit a percentage which had some relation to the density of Muslim population in the territory which they served. For example,—I will not quote all the figures—the percentages vary from 60 per cent. on the North Western Railway—which runs through a territory which has a very high percentage of Muslim inhabitants—to 11 per cent. on the Madras and Southern Mahratta Railway. The various Railways, therefore, have been working to different percentages. As regards the Railway Board the ordinary twenty-five per cent. reservation was adopted. Now, Sir, let me turn to the figures of recruitment since 1934 of the subordinate staff. In 1934-35 on State-managed Railways the percentage of recruitment was 19.29. Now, let me confess at once that that was not good enough, but there was a good reason, or at any rate there was a reason,—I won't plead it was a good reason,—but there was a reason why we failed in 1934-35. It was found to be a very elaborate business getting out the appropriate orders for all the Railways and, actually, they did not have their instructions until very late in the year. But we did our best, as will appear later on, to remedy our shortcomings in 1934-35. But as I say for State-managed Railways the figure was 19.9 and for Company-managed Railways, 15.6. In the next year, in order to make up for the deficiencies of 1934-35, the recruitment rose to 35.47 per cent. The Company-managed Railways had not yet come into line and their figure was 16.85, but in 1936-37, taking the Railways as a whole, we recruited a Muslim staff of 31.2 per cent. and in 1937-38 the recruitment figure was 29.9 per cent. The following figures relate to both company-managed and State Railways combined :

In 1934-35, a bad year	17.45 per cent.
In 1935-36	28.5 "
In 1936-37	31.2 "
In 1937-38	29.9 "

Sir Raza Ali made a suggestion—and I quite understand the reason for it—that it was a slow business if recruitment were only made at the bottom. It would be a long time before the new recruits could work their way up and achieve more responsible posts. He suggested what he called "intermediate" recruitment. Well, I am in a position to inform him that his suggestion has been anticipated and that for some time now orders have been in force which permit of twenty per cent. of the recruitment to intermediate grades being made from outside, and in that outside recruitment the Muslim candidates have their appropriate share. It was also said that there was an unfortunate lack of Muslim representation in the Establishment Branch. Well, as a commentary on that, I may tell the Honourable Member that the Director of Establishments on the Railway Board and one

of his deputies are Muslims and that there are on other Railways representatives of this community in the establishment branches. It may be said that this is all on paper, that these orders have been issued and no steps are taken to see that they are carried out. I can, Sir, assure this Honourable House that that is not the case. We insist that every Railway should send us a return showing how they have carried out the orders of that 1934 Resolution. We check those and should there appear to have been any failure to carry out the orders, we immediately draw the attention of the Railway Administration concerned to the default. Not only that; we pass on these reports for the consideration of the Home Department which is the Department of the Government of India responsible for service regulations. I can assure this Honourable House that the operations of the Railway Administration are subject to very strict scrutiny. I think the facts that I have set out have demonstrated that we have fulfilled our bargain. It may be that the total representation of the Muslim community in our services is not so great as could be wished by the members of that community, but I claim, Sir, that if we have fulfilled our obligations and if we have met our liabilities, we are not liable to censure. As I said, I understand the anxiety of the community to put on record their desire for its advancement, but I feel I am fully justified in asking the Muslim League Party who have sponsored this cut motion to withdraw it.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I have listened to the speech of the Honourable Member on behalf of the Government with very great attention. He has himself admitted that in one year, at any rate, for whatever reasons, his obligation was not fulfilled according to the Resolution. I quite see that Government have got to fulfil their obligations embodied in the Resolution of 1934. But in response to his appeal that we should not press this motion to a division, I would tell him this that just as he said that there is a very great anxiety on the part of the Muslim League Party that a matter of this kind should be reported so that my Honourable friend's successor—he is going to leave us very soon in a higher position—may see that there is a landmark left for him on the records of this House at any rate, emphasising the anxiety on the part of the Muslim League Party and the community behind it.

Now, Sir, normally, the Honourable Member may be entitled to say that they have done their best. We say: "Yes, you have done a good deal, but do your very best and allay the anxiety and see that for no reason whatever in any single year hereafter the 25 per cent. ratio is not maintained." I quite agree that technically this cut motion is a motion of censure on Government. But I want to assure the Government like anybody else who wants the Government really to do its best that it is not intended that we should pass a vote of censure on him. Sir, it reminds me of what a Home Member once said in this House. He said that if you live in a ford, you cannot afford to make enemies of crocodiles. As I am living in a ford, I cannot afford to make enemies of the crocodile. Nevertheless, I regret that I cannot advise my Party to withdraw this motion. Let it be placed on the record as a landmark or, if I may say so as a beacon light for the successor of Sir Thomas Stewart who is very shortly going to leave us and I wish him God-speed in his higher position. I must also state that Sir Thomas Stewart was absent at one stage of the debate on this motion and it is entirely my fault. It was very kind of him really that he should have come out into the lobby at my request, because I wanted really to learn from him as to what the position was. I am not

[Mr. M. A. Jinnah.]

well-versed in this question, and I am not in a position, therefore, to express any opinion except a general opinion. That is all that I have to say to the Government.

I regret very much, indeed, that Bhai Parma Nand should have introduced those old hackneyed slogans and phrases which are devoid of facts. We must look at the realities, and so long as we do not realise the realities and the actualities, believe me, you are blocking the progress of India. It is no use saying, although it may be a noble ideal, that we should endeavour to become one nation. India is not a nation. India is a State of nationalities, communities, castes and creeds, and under the present circumstances it will be a folly to ignore those realities.

Bhai Parma Nand: On a point of personal explanation, Sir. I did not say anything against the view of the Muslim League Party. I simply stated the conditions as they were.

Mr. M. A. Jinnah: I am entirely supporting the conditions as they are, and I only want the Honourable Member for whom I have a personal regard to realise them. I also want this great organisation of the Congress Party to realise this fact. I do not know what has happened to them today, because they have remained dumb up to this time. They think that they are above everything in this world. They think that this is a communal question.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): You are making friends with the crocodile.

Mr. M. A. Jinnah: It seems to me that you are crocodile, and you want everybody to obey you, not only to make friends with you.

The Honourable Sir Nripendra Sircar (Law Member): The crocodile is shedding tears.

Mr. M. A. Jinnah: Sir, over a question of this character I do not wish really to enter into bigger issues. This is not the occasion, nor is it the place to enter into bigger issues. The simple question is this. Today a cut motion is moved in order to put pressure upon the Government that they should as quickly as possible adhere to the limit of 25 per cent. Our anxiety is that the Government may slacken, and we want, therefore, to put it on record that you have tried to do much, but now do your best and you should live up to at least the 25 per cent. quota for which you have pledged yourself.

Mr. S. Satyamurti: Sir, I had no intention of speaking at all on this motion but for the provocation, if I may use that word with all respect to my distinguished and esteemed friend, the Leader of the Muslim League Party. We, Congressmen, are very human, as human as my friend and every other Honourable Member of this House. We are above nothing. We want to attain the freedom of the country at the quickest pace and at the earliest possible moment, and for that purpose we want the co-operation of all friends, including the distinguished Leader of the Muslim League Party. Therefore, let there be no misunderstanding about our silence on this matter.

Mr. M. A. Jinnah: From the mere fact that the Honourable Member says that he is the only party who want to attain the freedom of this country as quickly as possible, does he mean to say that he has the monopoly of that ideal?

Mr. S. Satyamurti: I did not say so. I do not expect Mr. Jinnah to misunderstand me like that. He is far too shrewd a parliamentarian to misunderstand me.

Mr. M. A. Jinnah: We all want to do that.

Mr. S. Satyamurti: I do hope, therefore, that when I speak on that subject of freedom of India, I speak not only for my Party but also for the Muslim League Party, that we all want to attain the freedom of this country at the earliest possible moment and at the quickest pace. That is why we felt that in a matter like that in which there was a domestic quarrel between the Muslim League and the European Government for the time being, we might let them settle the issue between themselves. Does my Honourable friend realise that the smallest minority in this country, namely, the Europeans, enjoy the biggest proportion of loaves and fishes of office? Why quarrel about these jobs? I shall be glad to see that the Treasury Bench is filled up by Jinnahs. I shall be glad to see that the Railway Board is filled with Ziauddins. I shall be glad if all the Agents and Deputy Agents are Indians, whether Muslims or Hindus. That is the point of view of the Indian National Congress.

Lieut.-Colonel Sir Henry Gidney: What about Satyamurtis?

Mr. S. Satyamurti: Satyamurtis will be governing a free India. (Interruption.) My Honourable friend, Sir Henry Gidney, was till now performing a tight rope dance, and I offer him my fullest and most cordial sympathies. He wants the best of both the worlds. Population basis, yes for Muslims, but for my community, education basis. That is his cry. You cannot do that for very long. The position of the Congress Party is this. We feel that we ought to think, and speak, and act in terms of the Indian nation, Indians first and Indians last. But I respectfully agree with the Honourable the Leader of the Muslim League Party that we ought to face facts. We do not want to say there are no Hindus, no Muslims. We want the Hindus to forget that they are Hindus and the Muslims that they are Muslims and to learn that they are Indians first and Indians last. For that purpose, we agree that in most services there ought to be an agreed settlement. I may say proudly on behalf of the Congress Governments of the provinces that they are carrying out this communal distribution of the services to the best of their abilities. (Interruption.) I can speak for my province, Madras, and say that our Government is acting on the principle that minorities ought to be treated, not only justly but generously. Therefore, I feel that on this question of communal representation in the services, the position of the Congress is this. There ought to be adequate representation for all communities and no community ought to have the monopoly of public services, subject to minimum standards of qualifications.

Secondly, Sir, as regards promotion, I was rather surprised to hear from my Honourable friend, Sir Thomas Stewart, that he is contemplating

[Mr. S. Satyamurti.]

20 per cent. recruitment from outside. I do not know what exactly he means. My point is this. By all means, have your initial recruitment on communal basis, but once a man enters the public service, for God's sake, do not encourage him to imagine that because he is a Hindu or a Muslim, he will get something which he would not otherwise get. All sections of the House will agree that there will be great danger to the public services of this country if public services are learning to rely upon us, the politicians, and not upon their own superiors. I want the future and the present public servant to depend on his character, on his energy and on his ability and his work and not on extraneous considerations. Subject to that, Sir, we approve of the principle of communal representation, except for special services which require ability for which there ought to be special recruitment. That, Sir, is the entire attitude of the Congress Party. We feel we ought to have a settlement.

Lieut.-Colonel Sir Henry Gidney: Now that policy is what I describe as a loose rope dance, not tight rope dancing.

Mr. S. Satyamurti: I am not accustomed to dance, but my Honourable friend is. The simple note on which I want to conclude is this,—We Indians, in this House, must learn to trust one another, and not to trust non-Indians. Put not thy faith in Princes or in the Government of India. Let us clearly understand this. They can never solve this question fully. The Government might give some jobs to Hindus and some to Muslims, so that you and I may quarrel, and so that they may go on governing for all time. I, therefore, feel that the Congress Party will be well advised in remaining neutral on this motion because we believe that the Government are doing well in granting 25 per cent. representation to Muslims. The Leader of the Muslim League himself has said that they have done well, but he expected them to do better. My Honourable friend was thoroughly satisfied over the statement of the Honourable Sir Thomas Stewart the other day with regard to the railway finances. Although he said that he would not abide by the verdict of the House but that he would simply place it before the House, my Honourable friend, the Leader of the Muslim League, quietly walked into the Government lobby. We do not propose to do any such thing. We do not propose to walk into the Government lobby on this motion. We will remain neutral, expressing our sympathy with the demand of other communities for an adequate share in the services, at the same time believing that Government are doing their best, and finally believing that, only when the Europeans get out of this country and when we rule the country ourselves, we can come to a settlement—satisfactory and permanent.

The Honourable Sir Nripendra Sircar: Sir, I think we are discussing the Railway Demand, but the last speaker really spoke on the freedom of India and how its battle would be won. I am prepared to follow as a private under Field Marshal Satyamurti. Sir, we were told "Put not thy faith in Princes and the Government of India". May I supplement the statement and say "Put not thy faith in the Congress, for remember what happened to Dr. Khare". I am wondering why my Honourable friend got up to make a speech at all.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): What is the Honourable Member talking about?

Mr. S. Satyamurti: Nothing except his usual attack on the Congress, his old game!

The Honourable Sir Nripendra Sircar: Whether it is a poor game or a proper game or an old game, or a game at all, my Honourable friend's decision is not final. I should like to know why my Honourable friend did get up to speak. I think the position had been made clear by the Leader of the Muslim League Party that he merely wanted to keep this protest on record and that he did not intend the motion to be one of censure on the Government. What was the issue on which my Honourable friend, Mr. Satyamurti, got up to speak.

Mr. M. A. Jinnah: Guilty conscience.

Mr. S. Satyamurti: The lion and the lamb in the same camp.

The Honourable Sir Nripendra Sircar: Now that I have got a correct answer to the only question to which I wanted an answer, I will not take up any more time of the House.

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

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

The motion was adopted.

Detailed Administration and Policy of the Railway Board.

Mr. Muhammad Azhar Ali: Sir, I move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

By this motion I wish to discuss the detailed administration and policy of the Railway Board. In moving this, I am actuated by the idea that the Railway Board are not properly exercising the functions and powers which were vested in them by Act IV of 1905. We have here discussed their financial policy before but today I want to discuss their administrative policy. The most important power delegated to them was that of the appointment of Inspectors. I have chosen that post because of the recent number of accidents on which there have been several adjournment motions here. Therefore, I wish to discuss the functions of these Inspectors. Formerly these Inspectors were appointed by the Government of India but now they are appointed by the Railway Board; and from the point of view of accidents these posts are very important. But, although he is appointed by the Railway Board he simply follows the policy of the General Manager.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. S. Satyamurti (one of the panel of Chairmen).]

The reports of these Inspectors with regard to accidents are very important, but being under the General Managers they give their reports according to the wishes of the latter as many functions of the Railway Board have been delegated to these Railway Managers. We often find that when any matter goes to a judicial tribunal, that tribunal very often

[Mr. Muhammad Azhar Ali.]

differs from the Inspector, with respect to the guilt or otherwise of a certain person, but in spite of that, the Inspector is not sacked but the person reported against by the Inspector is sacked. By way of illustration I will give one case to the House.

It is the case of an Assistant Station Master on the North Western Railway where there was a collision between an empty *mela* special and a passenger train at Kyalat. The special tribunal, which was appointed, exonerated the Assistant Station Master but as the Inspector had given a report against him he has been sacked and he does not hold an appointment. Thus, you will see, Sir, that Railway Board has given such powers to the Inspectors and they serve under the General Manager whose wishes they have to carry out. Sir, I referred to accidents; particularly, on the East Indian Railway. I will draw attention to what has been said about accidents by Mr. A. S. Trollip, Honorary General Secretary of the Safety First Association of India which is mentioned in the *Hindustan Times* of Sunday the 19th February last. He says:

"Every accident was a symptom of inefficiency and the only way to prevent accidents is to institute foremen training and job's training and the institution of a Safety Inspector and Safety Committee."

I ask the Railway Board whether they agree with this statement of Mr. Trollip as to how accidents can be stopped and have they any such arrangements? I say that this advice of Mr. Trollip should be taken by the Railway Board in order to avoid future accidents.

Next, I would say that the Railway Board has absolutely no regard for the applications or petitions and appeals sent to them by their subordinates: they never care even to look into them and the result is that the position of the non-gazetted staff gets worse every day. As I am talking of the detailed administration, I shall refer to one or two instances and, I say, appeals have no effect, for the non-gazetted staff appeals do not lie beyond the division they are in. I placed last year a list of such appeals and this list is still in the Library; but I am sorry to say that no action was taken and the result is as if no appeals were sent at all. If any Member here sends an appeal or a private letter to the Railway Board they do not care to see what those appeals are; with the result that these poor subordinates are absolutely in the hands of the General Managers and they get sacked. There have been numerous cases among the non-gazetted staff of Indians being ruined and non-Indians put in their places. In recent years appointments held by non-Indians in the higher grades have been abolished or their pay reduced with the sole object that no Indian should get those posts or that pay. Such is the working of the Indianisation of railways. More than once we have been told that removal from service can only be ordered by the General Manager according to the terms of the agreement, or by the head of the department if so specifically delegated by the General Manager and that Divisional Superintendents are not heads of departments. But when questions are put in this House, we are generally told that they will make inquiries, or they know nothing about it and so on. But I would ask my Honourable friend to say on the floor of this House who have terminated the agreements of the following staff whose names I read now. There was one Assistant station master, Tassaduq Hussain of Dinapore division; ticket collector, S. A. Rahman of Lucknow Division; Permanent Way Inspector, Bhagwan Sarup of Moradabad division; school teacher, Ramji

Lal Sarma of Allahabad division; train examiner, D. B. Chakravarti of Delhi Division; Assistant station master, Meher Singh of Delhi division; Cleaner, M. D. Joshua of Delhi division; guard, Baqar Ali of Delhi division; loco. fitter-cooly, Fazal Muhammad of Delhi division; watchmen, Roshan Khan, Abdulla Khan and Abdul Hakim of Delhi division; fireman, Aziz Ahmad of Delhi division. These persons have been sending in petitions and appeals but nobody cares and nobody reads them. That is my complaint and my accusation against the Railway Board. It may be said that these are very small posts and very small people, but it does not matter. There is the fact that they have been dealt with unjustly and their appeals are not heard. If I read the whole list it will take a very long time and, therefore, I have referred only to a few and I am sorry no action has been taken, though the Railway Board claim security of service in para. 99 of their report. When I say that the power has now been given to the General Manager, my point is that why and how the power delegated by the Governor General to the Railway Board could (that power and function) be shifted on to the General Managers? But we now see that it has been shifted to the General Managers and the Railway Board is sitting idle. They may have other work to do in the Railway Board but the fact remains that the grievances of my countrymen are not looked after.

Here, I have another list—I will read only a few names to show that the age of non-Indians is altered by the General Manager if they send an appeal, but the age of Indians is not altered although there may be very good grounds for alteration. I would mention the names of Ashraf Ali, lighting Inspector, Lucknow, Ali Muhammad, driver, Moradabad; Thakur Das, guard, Moradabad; Bihar Lal Gupta, ticket collector of Moradabad; Mela Ram, travelling ticket inspector of Moradabad. About Ashraf Ali, I and another friend of mine sent letters and asked the authorities to consider the representations that had been made but no notice was taken.

I will now turn to the policy of the Railway Board. In fact my submission is that the Railway Board has got no policy at all. They simply go by the reports they get from the General Managers: the different General Managers on the different railways have different policies and the Railway Board simply says 'yes' to what the General Managers say. I have condemned this delegation of the powers to the General Managers. We have also discussed several policies in this House—Indianisation, rates and freights, and so on and so forth. In addition, I would say that the Railway Board support foreign industry and they do not care for the increase of the prosperity of India. As has been said before in this House that the rates are so designed as not to benefit the internal trade or develop Indian industry, but is in the interests of foreign industry. I would refer to page 39 of the Debates of the 3rd February, 1939, where we find a statement showing the amount of advance grants sanctioned for the foreign purchases of railways. I hope the House will remember that these advances were sanctioned for the purchase of general purposes stores for the years 1927-28 to 1939-40. Towards the end of this statement we find that for the year 1936-37 the amount sanctioned was only 50 lakhs while in 1937-38 it rose to 1,10 lakhs, in 1938-39 to 1,35 lakhs and in 1939-40 to 1,45 lakhs. My point is that these advances have been increasing for the past four years. So, Sir, what I say is that all this is done in the interest of foreign trade and not in the interest of the internal trade of India, and that is why Indian trade is not developed to the extent it should be developed.

[Mr. Muhammad Azhar Ali.]

Then, Sir, another policy of the Railway Board, which was referred to by my friend, Sir Henry Gidney, yesterday, is their refusal to recognise the Unions of the Railway people. Every one knows that in India, ever since the advent of the co-operative system, numerous Unions have been started in almost all big industrial and agricultural concerns. In the mill industry, for instance, there are Unions, similarly, in our Railways also, Unions of workmen have been started, but these Unions are not permitted to be formed in the way in which people want them to be formed. Those Unions have to be formed according to the wishes of the General Manager; if a General Manager likes a Union being started, he will not unduly interfere, but if he does not like it, he will use every endeavour to kill its activities. Therefore, Sir, this policy of the Railway Board in not allowing the Unions to be formed, deserves the strongest condemnation at the hands of this House.

Then, my third point, is about the policy of the Railway Board in regard to the issue of return tickets. Honourable Members are aware that on occasions of important *Melas* or fairs the Railways issue return tickets, but I ask the Honourable Member to say why he does not direct the Railways to issue return tickets to Hajis.

Mr. Chairman (Mr. S. Satyamurti): The Honourable Member has got only two minutes more to conclude his speech.

Mr. Muhammad Azhar Ali: When these Hajis go from their respective places to Bombay or Karachi to proceed to Mecca, and when they return from Haj, they can go back with these return tickets. There is a fixed Haj season, and so, there can be no difficulty for the Railways to issue return tickets to Hajis.

Then, Sir, the last charge I have to bring against the Railway Board is that they have increased their expenditure. In that connection I would refer Honourable Members to page 37 of the Administration Report of 1905, and from that you will find that the working expenses per train mile,—I stress this point specially,—have been increased, although there is no reason why the per train mile working expense should be increased. I find that in 1904 it was 1·83, in 1905, it was 1·86, in 1936.

Mr. Chairman (Mr. S. Satyamurti): The Honourable Member's time is up. He can't go on now.

Mr. Muhammad Azhar Ali: It was in 1935.....

Mr. Chairman (Mr. S. Satyamurti): Will the Honourable Member kindly resume his seat?

Cut motion moved:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

The Chair does not know what the intentions of the House or the Government are. This motion must be finished before five o'clock today according to time table. The Chair wants speakers to remember that.

Mr. Sham Lal (Ambala Division: Non-Muhammadan): Sir, this cut motion moved by my friend is a comprehensive one, and the House has to see whether the administration by the Railway Board has been satisfactory or not. In fact, in a way it covers all the cut motions. What I say is this,—whether it be a general discussion with regard to the Railway Budget or a cut motion, the whole thing is reduced to a mock fight. If one goes to the Library and asks for the Assembly debates of a particular year, say of 1938, he is told: "That is not available, but you can have the Assembly Debates for 1937, 1936, 1935 or 1934"; they are of the same pattern; there is no life in those debates, because the Government, so far as the Railway Board is concerned, is quite irresponsible to public opinion. It is exactly like a mock fight in which one party says: "Well, let me know at what point you are going to attack me, what demand I should move". And the demand is moved. It is just like a mock fight wherein they allow themselves to be beaten or hanged knowing full well that they are not going to be killed. Every year the same demands, the same cuts are moved, but the position remains the same. The grievances of the third class passengers remain unredressed, locomotives are manufactured outside this country and no attempt is made to start a factory here, there is no Indianisation, nothing is done to give effect to our wishes and grievances. Honourable Members opposite think that this is all a *Tamasha* for three or four days, and when they are rid of these debates, they again go on enjoying in their saloons, drawing the same old fat salaries of Rs. 4,000 a month. Sir, they are very irresponsible, because not a single grievance is redressed. My friend has drawn the attention of the House to one additional fact which has taken place this year,—I mean he has referred to the accidents on the Railways. What would be the result? Some inquiry Committee will be appointed, and it is not improbable that some more experts or some more detectives will be imported from abroad in order to prevent sabotage. That is the policy of the Railway Board. You may have a good spokesman for the Railway Board,—we may have a regard for him as a gentleman,—but I would say that a good spokesman covers a wicked cause just as the butcheries during the great war were all covered by clergymen. Here we find that not a single grievance of ours has been redressed. I have recently had the misfortune of seeing poor people being exploited in the famine stricken districts of Hissar. Now, there are fodder concessions granted by the Railways in Hissar and Rohtak districts, and if only once the Honourable Member goes to these places incognito, he will see for himself the ruthless manner in which the poor people are being exploited by the railway officials and clerks. These Railway officers and clerks are taking money openly and the poor people are compelled to pay them. Let the Honourable the Railway Member make an inquiry, and I can point to numerous cases. One Railway officer at Lahore made Rs. 50,000 when the motor agency was given. When this matter was under negotiation, a man came to me and said the bid was too high and as he had not got enough money, he was not going to bid. Now, the Railway officer made Rs. 50,000. The Honourable the Railway Member can make an inquiry and he will find that corruption is taking place there on a very large scale. Third class carriages are overcrowded, and yet nothing is done; yet the Railway Board claim that they are doing this and they are doing that. Therefore, my position is this, whether you move cuts, whether you speak out, whether you make angry speeches or whatever you may do, the Railway Board are adamant, and they will

[Mr. Sham Lal.]

do nothing to satisfy public opinion. Sir, here I am reminded of a District Judge at Delhi.

An Honourable Member: Tell us a story:

Mr. Sham Lal: It is not a story, but it is a fact. We had a very good District Judge, a very courteous gentleman, a very accommodating young civilian, but he did not know civil law, and when any of the counsel argued a case before him, the District Judge complimented him and said; "Yes, I am considerably enlightened, but your appeal is rejected". That is the position here. Compliments would be paid to some Members on this side, and we will be told: "Yes, you have made a very valuable contribution to the debate, you have made very valuable suggestions; they would all be considered". But, Sir, after one year not even one suggestion of ours is considered. I saw the position here yesterday. My friend, Dr. Sir Ziauddin Ahmad, put a question to Mr. D'Souza who is considered to be an expert and is brought into this House, every year, to defend the Railway Board. My friend, Dr. Sir Ziauddin Ahmad, put him a question, but Mr. D'Souza said: "Yes, I will come to that later on",—because that was not in his prepared speech, and so he could not commit himself. Sir, it is just like this. We had a Crown counsel in Delhi who would not conduct the case himself. He would sleep all the time while a murder trial was going on without paying any attention to what was going on in the court, and at the end of the case, what did he argue? He used to say: "Gentlemen, Assessors and Judge, you see there are eye witnesses with regard to the murder; they have actually seen this man committing the murder; there is no reason to disbelieve the witnesses, and, therefore, accused should be convicted". But it so happened in a murder case that there was no direct evidence, there was only circumstantial evidence, and as usual he began to argue,—he said: "Here is direct evidence, people have actually seen the man committing the murder, there is no reason why we should disbelieve the evidence". But then the Judge said: "there is no question of eye witnesses here". Then the Crown Counsel said: "If the police have failed in their duty not to procure direct evidence, I won't change my argument". This is tantamount to what Mr. D'Souza said yesterday. He would not answer the question directly, but every time he would say he would answer at the end. Stereotyped speeches, prepared speeches are made, no attention is paid to our grievances, Members on the opposite side only wait for these debates to be over, and when these cut motions are finished, they go on merrily as before travelling in their comfortable saloons, and, of course, we are packed off in a crowded train with fictitious reservations, looking wistfully at their saloons—about whom it is considered that we have beaten them in this House. That is the whole position. It is all a mockery.

The argument, of course, is that it is a commercial concern. Why not admit that it is a British family concern? You import experts every year, you import people from there, and there, of course, the standard of life is high and they must be paid a big salary. They are not to adjust themselves according to Indian conditions. It is India which has got to adjust itself, according to those people. If you import an animal in a zoological garden and say that the climate of the garden should suit him and he should not suit himself according to the climate, that is the

position. Some committee would be appointed,—a Wedgwood Committee, or an iron wedge committee would be appointed, there would be reports, of course, the burden would be on the people. The question is, are you in any way responsible to the demand of this House? It would be better for the Railway Board to show what cut motions were moved last year and what the Government have done. So far as this Railway Board is concerned, it is quite hopeless. Everybody is getting Rs. 4,000, everybody is getting Rs. 3,000, so many officers in this poor country, and you want to make it a commercial concern! I fail to understand why any particular community should fight for jobs. Here are the jobs provided only for one community. If there is an Indian, he is an exception. Therefore, my position is that this Railway Board deserves condemnation, this Railway Board should be superseded, and must come under the control of people elected by this House. It is not at all a commercial concern. It is a British family concern and only British interests are safeguarded here and protected and no other.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Mr. Chairman, before I make a few observations on this cut motion, may I extend my warm congratulations to the Honourable the Communications Member. . . .

Mr. Chairman (Mr. S. Satyamurti): That is wholly irrelevant to the cut motion.

Sir Abdul Halim Ghuznavi: I shall finish it in two words.

Mr. Chairman (Mr. S. Satyamurti): No, you must not go on in that strain.

Sir Abdul Halim Ghuznavi: My Honourable friend, Mr. Satyamurti, in the course of the debate this afternoon took us to task for not following him in the lobby on Monday last. In the lobby also some of my Congress friends told us that we acted as toadies in that matter.

Mr. M. S. Aney (Berar: Non-Muhammadan Rural): On a point of order, Sir. Is the Honourable Member in order in criticising the observations of the Honourable gentleman who happens to be in the Chair at present, while he is in the Chair?

Sir Abdul Halim Ghuznavi: I have made no criticism about him at all, I only mentioned the statement he had made on the floor of the House when the Honourable Member was not here.

Mr. Chairman (Mr. S. Satyamurti): The Honourable Member will go on.

Sir Abdul Halim Ghuznavi: If we had supported that motion that day, that censure would not have been against the Government, but against this very Honourable House and the Railway Standing Finance Committee. The policy has been laid down by this House—it is the convention of 1924 which they have been carrying out. Then came the lean years when this House asked Sir Raghavendra Rau to make a report. That report

[Sir Abdul Halim Ghuznavi.]

was made. Then the Standing Finance Committee have full control over the finances of the railways. We pass them in the Standing Finance Committee and then they are brought before the House.

Mr. Chairman (Mr. S. Satyamurti): Order, order. This is wholly irrelevant to the cut motion under discussion. The Chair would request Sir Abdul Halim Ghuznavi to confine himself to the motion under discussion.

Sir Abdul Halim Ghuznavi: That is why we did not support him. The aim of the Muslim League Party is to support Government when we can and oppose it when we must.

Mr. Chairman (Mr. S. Satyamurti): Order, order. The Honourable Member must speak to the motion. This is not a general debate on the Muslim League Party's attitude.

Sir Abdul Halim Ghuznavi: We are very grateful to the Honourable the Communications Member for appointing an Indian on the Railway Board and an Indian Agent in a State Railway. As my Leader said, may I appeal to him to leave a note so that his successor may take it into consideration, that when vacancy occurs in the future in any of these ranks a Muslim should be appointed. In this connection, may I say what Sir George Rainy said in 1931 regarding the Muslim appointments?

Mr. Chairman (Mr. S. Satyamurti): Order, order. The House had a full discussion and voting on the representation of Muslims in the railway services. The present cut motion is with regard to detailed administration and policy of the Railway Board. The House cannot be asked to discuss the same thing over again.

Sir Abdul Halim Ghuznavi: This is the policy. The policy of the Railway Board—they do not appoint Muslims. . .

Mr. Chairman (Mr. S. Satyamurti): That has been discussed already and voted upon.

Sir Abdul Halim Ghuznavi: Do you mean to say that we cannot discuss it again?

Mr. Chairman (Mr. S. Satyamurti): No.

Sir Abdul Halim Ghuznavi: If you rule it out, then I shall not discuss it.

Mr. Chairman (Mr. S. Satyamurti): The Chair rules it out.

Sir Abdul Halim Ghuznavi: Very well. Now, Sir, I am very much distressed over these frequent Railway accidents. I have received some anonymous letters. I have scrutinised them and I am going to read a few lines from two of these letters which give some plausible explanation as regards the Hazaribagh accident. I will not mention the names given in the letters, but I want the Honourable the Communications

Member, to whom I am going to send copies of both the letters, to investigate and find out if what they say is correct. In one letter they say:

"At the Bihta enquiry did Sir John Thom find no candour and courtesy of the officials of the E. I. Railway?"

Are those same officials carrying on the administration of the E. I. Railway. . . .
(I will not read any more)!

"Why did they not report the fire by an accident report as required by rules? Was there any fire left in the engine fire box when the Senior Government Inspector arrived on the spot? Was the engine fire box fire strewn on the track? Was the accident due to a defective tender of the engine? What experience did the driver have of driving mail and express trains?"

This is the first letter. The second letter says:

"It is likely that a bearing box ran hot and to an excessive heat. When this happens the journal gets red hot, sets the packing waste on fire and eventually breaks off through overheat, this causes the axle and wheel to become unsupported on the broken side and the axle instead of revolving at right angles to the train tends to swing round parallel with the train from the supported end thereby tearing up the permanent way derailing and capsizing the coach and derailing and capsizing all coaches that follow over the breach."

Then this is the statement that is made:

"The Works Manager, one Mr. Hemmings, was only a chauffeur in England but through the good will of Mr. Trimming, the Chief Mechanical Engineer, was promoted to Works Manager. Now, I ask you in the name of conscience what he could understand of a locomotive and why he above all has been selected to submit a report on a locomotive connected with an accident. Do you think the public would feel safe travelling if they were to know this? Furthermore, this gentleman, if he may be called so, stinks to such a degree of his own importance that he is not prepared to entertain the views of his subordinates, the results of which in time will inevitably prove fatal to several of those who choose to travel by the E. I. R. Take Mr. Trimming himself, about five years ago his qualifications were questioned, after which I understand he went to England to qualify. It would be interesting indeed to know how he obtained his qualifications if he now possesses any."

His Mechanical Adviser is Mr. Reginald Oakley brought up in Lucknow and trained in the locomotive workshops under his father who specialised in making and selling commodores. He has made himself well conversant with railway rules and is therefore indispensable as far as Mr. Trimming is concerned, hence the reason for his rapid rise."

Sir, I will not read any more. Justice Thom's report made it perfectly clear that two or three officers were absolutely unfit for their job. They were condemned and found guilty. May I ask what step has been taken so far? We want to know whether the Chief Mechanical Engineer, Mr. Trimming and three other engineers have submitted any explanation to the Railway Board? Are the Railway Board satisfied with the explanation, and will they lay that explanation before this House so that we may judge whether it is satisfactory or not? If they have not submitted any report, why is it that no action has been taken against them up to now? Again, the officer in charge of the Control at Dinapur was found guilty of negligence and after considerable difficulty the Railway was persuaded to prosecute him. The Magistrate found him guilty and the sentence was only a fine of Rs. 500. The accused has preferred an appeal against this fine but the Railway has not put in a counter appeal for enhancement of the sentence. Justice Thom made several recommendations and in the September Session we were told that action would be taken on them and so we made no further inquiries at that time so far as that report was concerned. Now, up to now we have not been provided with any document to show

[Sir Abdul Halim Ghuznavi.]

what action has been taken, except that further inquiry is going on. That is only with regard to the XB engines. But what about the officers and men who have been found inefficient and incompetent and who have been found by the Chief Justice of the Allahabad High Court guilty of gross negligence of their duties. Even if the story of sabotage is believed, then why is it that it is confined to the East Indian Railway? The reasons are given in the anonymous letters. I am not going to read them but I shall send them to the Communications Member. To me, that appears to be the correct version of the story.

Then, Sir, the Railway Board find it difficult to get all these railways in India to co-ordinate. The members of the Railway Board are here in Delhi and Simla. As my friend, Sir Ziauddin Ahmad, said, the future Railway Board will have seven directors. But the present Board have five directors with one shareholder, that is the Government of India, with a chairman of the Board of Directors. The only co-ordination we find is that the Railway Board hold a Railwaymen's Conference every year and the Agents, who are now called General Managers, come up to Kalka in grand saloons and go up to Simla. Two Agents have told me that it is all bunkum. They said that one of them is elected Chairman of the conference. The Chairman has to make some sort of speech and he makes a speech. They all go there and listen to the speech and then they laugh in their sleeves. Then they all go back travelling in their grand saloons which take up all the space in Kalka station. There ends the duty of the Railway Board in controlling and co-ordinating the whole system of railways. The Railway Board say to a General Manager, 'don't do this and don't do that, otherwise we shall be in trouble in the Assembly'. They say: 'We shall go on in our own way'. Now, my friend, Mr. Santhanam, is a great critic of the finances of the railways. We are very grateful to him. Mr. Staig is another critic. He will never do anything without getting our sanction. Another valuable critic is Mr. James. Mr. James and Mr. Santhanam are very helpful to us. They study everything carefully and give us good help. Now, what the General Managers do is this. If they really want one crore, they ask for two crores. They know that if they want only one crore, it may be cut down to half. And the Board say: 'We cannot give two crores. We will give only one crore.' Then they say: 'Well, we will carry on somehow.' This is what happens now. As a matter of fact they need only one but asked for two.

Mr. Chairman (Mr. S. Satyamurti): The Honourable Member's time is up.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, I endorse every word that has been said by the Mover of the motion and the previous speakers. They referred to Indianisation, railway freight, the manufacture of locomotives and other matters. Instead of adding more details to what they have said, I will strengthen what they have said by dealing with certain arguments advanced to meet some of our contentions. The great argument that is advanced from the other side is that the railways are run as a commercial concern. It is a standing argument used against us every time. They gratuitously assume that we do not want the railways to be run as a commercial concern and they think that we want to send it to rack and ruins when we ask them to adopt our suggestions.

Mr. D'Souza said that the railways cannot reduce the rates and freights because there are other means of transportation which have made inroads on their traffic. Now, they ought to take it as earnestness on our part that we do desire that this concern should be run as a commercial concern when we have as a matter of fact, in order to strengthen their hands and to increase their revenue, passed the Motor Vehicles Act. Then, they should also understand that we desire to run this concern as a commercial concern and increase the revenue of these railways because our destinies are bound up with the prosperity of this concern, because the more profit you make, the more revenue you make, the provinces are able to get more, which means that every province can, in a way, benefit the agriculturist and the industrialist and introduce other reforms which go to strengthen the nation-building purposes. Having said this that we ourselves are interested in having this concern run as a commercial concern, which means a profitable concern, it stands to reason that all unnecessary expenditure should be cut and I cannot really understand, whenever we advance an argument that there should be a cut in salaries or any other arguments, how they can say that it is not possible for them to make a cut. I might refer to the statement made by Colonel Sir Henry Gidney. He said that the cost of living has now gone down by 47.15 per cent. and the salaries of non-Indians could be reduced to that extent. I heard the Honourable the Railway Member say that the salaries were cut down by 30 per cent., so that there is certainly a margin for 17.15 per cent. Now, Sir Henry Gidney is a person who will take into consideration while making the statement referred to the standard of living in which this particular community of non-Indians is living and is expected to live when he himself follows that standard of living and is so familiar with it, and I cannot understand why, in the interests of economy and in the interests of running this concern as a commercial concern, this much reduction cannot be made as proposed in the cut motion that we have been advancing. A grievance was made yesterday by the Railway Member why have they been singled out, why the services on the Railways have been particularly singled out for cuts in salaries? I may remind him his Department is not particularly singled out for proposing cuts. This is part of the general policy. We are advocating the Indianization of all services. You may have heard that we want the army to be Indianized, and we want other services to be Indianized, so there should be no grievance on your part, and there should be no feeling on the part of the services belonging to this Department that they alone are singled out.

Now, Sir, it was suggested that they are interested as much in the agriculture and industries as we are, but there is no evidence of that. May I point out that although agriculturists are in every province in very distressed circumstances and the distress is getting acuter and acuter every year for the last six or seven years, yet nothing has been done. For instance, coming as I do from the cotton-growing districts we say that freights should be reduced, and it is said that this cannot be done. Now, there were no particular arguments advanced why this cannot be done. Every little relief is welcome. I had asked the Government for an export subsidy for this cotton. It is true that that does not concern this particular Department, but certainly, when there was a strong demand for this reduction of the freight also, it was not really in the interests of the agriculturist to refuse it. I, therefore, submit, that this

[Mr. Govind V. Deshmukh.]
concern is neither run in the interests of commerce nor as a commercial concern. We propose cuts and prove to you by reference to Sir Henry Gidney's statement that there is scope for cuts, but you do not make cuts and I have also shown that you do not do anything to encourage the relief of distress of the agriculturist, as my friend, Mr. Bajoria, yesterday pointed out. Surely, you could reduce freight in respect of what he wanted. In the same way, my friend, Mr. Sham Lal, pointed out that the rates could have been and should have been reduced in the case of fodder. You are doing nothing by way of reduction of freights, and, therefore, certainly we do not think that you are sincere when you are saying that you are helping the agriculturist. This is so far as the argument of economy is concerned.

(At this stage, the Honourable Member sat down but again got up.)

Mr. Chairman (Mr. S. Satyamurti): The Honourable Member must make up his mind. He cannot sit down and then stand up. If he wants to sit down, let him do that by all means, but do not sit down and then get up.

Mr. Govind V. Deshmukh: I thought you had said.....

Mr. Chairman (Mr. S. Satyamurti): The Chair said nothing.

Mr. Govind V. Deshmukh: Surely, this Department does not encourage economy; and, Sir, it is not merely from the point of view of economy or making profits that you ought to look at this subject. For instance, you do not look at the railway question merely from the point of view of making money. For instance, you have the strategic Railways. Similarly, you must look at the Railways from all points of view. You should do something by way of the promotion of agriculture and industries also. In the case of nascent industries you must help by low freights the inland export from province to province in the matter of raw products. Well, I have only one more appeal to make. The point was made just now that the Railway Unions are not recognized by the railways. I do hope that this argument that it is not in the interest of economy or a commercial concern will not be advanced in the matter of recognition of Railway Unions. As a matter of fact Unions are recognized in commercial concerns.

Honourable Members: The question may now be put.

The Honourable Sir Thomas Stewart: Sir, this is perhaps the most difficult debate of this Session to which I have had to reply, the reason being that it is in the nature of a warmed-up meal or rather a warmed-up mixture of several meals. So far as I could make out, there was quite a number of subjects mentioned in the course of the debate which have already been the subject of a cut motion and I do not feel I ought to be called upon to.....

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

I was saying, Sir, that the debate that has just taken place has been very much like the serving up of various portions of the debates in which we have taken part in the last week. I have on various occasions made replies to practically every point which has been made this afternoon and in order adequately to reply now, I would require to edit the speeches which I have made from the time of the adjournment motion on the Hazaribagh disaster. I do not feel that I need say anything more. My replies have been given and I claim that they were adequate replies. For that reason, I resist this motion.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the demand under the head 'Railway Board' be reduced by Rs. 100." The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): That concludes the motions which the Muslim League Party wanted to discuss.

Dr. Sir Ziauddin Ahmad: Sir, I gave notice of another cut motion.

Mr. President (The Honourable Sir Abdur Rahim): But there cannot be any debate on that motion at this late hour.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 23rd February, 1939.

LEGISLATIVE ASSEMBLY.

Thursday, 23rd February, 1939.

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

DEATH OF HIS EXCELLENCY LORD BRABOURNE, GOVERNOR OF BENGAL.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, before you take up the day's work, may I convey to you and the House the sad news of the sudden and tragic death of Lord Brabourne, the Governor of Bengal. I would not, Sir, have mentioned the matter at all in this House but for the fact that he was the Viceroy of India when this House was in Session at Simla. I need hardly say that everybody will deplore and feel extremely sorry for this incident. This is not the occasion for going into politics, but I do not think I shall be contradicted if I say that he was extremely popular with all sections, Indian and European. He had the rare knack of being able to mix freely and to talk frankly to every section of the Indian and European community irrespective of their political attitude. I hope the House will agree to mark its sign of regret and adjourn the business of the House today.

We all see that today is the last day for the Railway Budget and the guillotine is expected to come off at five o'clock. But for our part, if the House will agree, we are quite willing that the whole business which has been set down for today may be taken up on Saturday which so far has been a blank day. I hope the House will agree to the course I suggest and send a message of condolence to the bereaved family, and express sympathy with Lady Brabourne in her deep distress.

Mr. S. Satyamurti (Deputy Leader, Congress Party): Sir, I should like to associate my Party and myself with the feelings of sorrow which the Honourable the Leader of the House has expressed on the sad and sudden death of Lord Brabourne, Governor of Bengal. I did not have the privilege of knowing him, but our Leader, Mr. Bhulabhai Desai, knew him and has told me that he was personally a popular gentleman with all sections of the people with whom he came into contact. The Honourable the Leader of the House has mentioned the fact that Lord Brabourne was acting as Viceroy and Governor General of India, while the House was in Session in Simla. We should like you, Sir, to convey to Lady Brabourne the sentiments of sorrow and sympathy of every section of this House, and I should like to associate my Party with the suggestion of the Honourable the Leader of the House that the House may be adjourned today as a mark of respect to his memory.

Dr. Sir Ziauddin Ahmad (on behalf of the Muslim League Party): Sir, I should like to associate myself and my Party with the expression of grief expressed by the Honourable the Leader of the House. We were much shocked to hear the sudden, tragic and quite unexpected news of Lord Brabourne's death. I had the privilege of knowing Lord Brabourne, personally, not only when he was Viceroy, but I had an opportunity to

discuss various affairs with him when he was the Governor of Bombay and I was much impressed with the sympathy he evinced for India and Indians. He was the Rector of Aligarh University and in that capacity I came into personal contact with him. I associate myself with all that has been said by the Honourable the Leader of the House and by the Deputy Leader of the Congress Party.

Mr. A. Aikman (Leader of the European Group): Sir, the sad news of Lord Brabourne's death has come as a great shock to the Members of my Party. Some of them, like myself, have lost a personal friend. I would associate my Group with the tributes that have been paid to the memory of the deceased and support the suggestion that the House adjourn.

Mr. Akhil Chandra Datta (Deputy Leader, Congress Nationalist Party): Sir, on behalf of the Congress Nationalist Party, I associate myself with all that has been said about the sad death of Lord Brabourne. We scarcely thought that the end was so near and would be so tragic. We were discussing about his illness only this morning, and we are all very sorry that the end has come so soon. Although I did not have the privilege of knowing him personally, yet I always entertained a very high opinion about him. He was the most popular Governor in Bombay, and so was he in my province. Sir, I associate myself with all that has been said by the Honourable the Leader of the House and by Leaders of other Parties.

Mr. President (The Honourable Sir Abdur Rahim): We are all shocked by the sad news received this morning of the unexpected death of His Excellency Lord Brabourne, Governor of Bengal. Many of us had been privileged to know him here as the Viceroy of India in the last Simla Session and none could have conceived that the end was so near at hand. I associate myself with all that has been said by the Honourable the Leader of the House, by the Deputy Leader of the Congress Party and by other speakers. It will be my duty to convey a message of our profound sympathy and condolence to Lady Brabourne.

As agreed upon by all sections of the House, the House will adjourn for today as a mark of respect to the memory of Lord Brabourne. The House will meet on Saturday to transact today's business.

Mr. S. Satyamurti: As regards a meeting on Saturday, I wish to submit that most Members of my Party have fixed previous engagement elsewhere and I would suggest to the Honourable the Leader of the House—I understand that other Parties also are agreed—that we should transact today's business tomorrow, and Friday's business may be put down for Monday. It is inconvenient for Members of my Party and for other Parties also, to attend on Saturday.

The Honourable Sir Nripendra Sircar: We have no objection if that commends itself to the House. But I take it that the whole agenda for today, including questions, will be put up for tomorrow.

Mr. President (The Honourable Sir Abdur Rahim): The House will now adjourn till eleven o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Friday, the 24th February, 1939.

LEGISLATIVE ASSEMBLY.

Friday, 24th February, 1939.

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

MEMBER SWORN.

Mr. Subimal Dutt, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

†628*—633B*.

DIFFICULTIES IN THE CONTROL OF ILLEGAL EMIGRATION.

634. **Mr. S. Satyamurti** (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands please state:

- whether his attention has been drawn to the annual report on the workings of the Indian Emigration Act for 1937 at Bombay with special regard to the difficulties in the control of illicit emigration;
- whether Government have framed, or do propose framing, the requisite rules to check the evil prevalent among the passenger and passport brokers; and
- when the new rules are likely to be brought into force?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). Government have under consideration certain draft rules the licensing and control of passage brokers in Bombay and hope to publish them in the near future.

Mr. S. Satyamurti: Can my Honourable friend give some indication the House as to the extent of this evil of illicit emigration, through unlicensed brokers and others?

Sir Girja Shankar Bajpai: The evil is limited to the port of Bombay; does not, as far as we know, exist in other ports. And I am sorry to say that of late it has been rather increasing. These passage brokers persuade intending emigrants to say that they are not emigrants within the meaning of the Act at all.

†For these questions and answers, see pages 1397-1424 of these debates.

[24TH FEB. 1939.]

Mr. S. Satyamurti: May I know if Government hope to bring these rules into force, in view of the growing evil as my Honourable friend has stated just now?

Sir Girja Shankar Bajpai: The rules will have to be published to invite objections in the first instance, but we shall try to enforce them as early as possible.

Mr. T. S. Avinashilingam Chettiar: Will these rules be applicable only to Bombay?

Sir Girja Shankar Bajpai: No, Sir; they will be applicable to the whole of India, but as a matter of practical administration they will apply only to Bombay.

Haj Pilgrims Stranded at Certain Ports.

685. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state:

(a) whether his attention has been drawn to the fact that in several ports, especially Karachi, Bombay and Calcutta, several Haj pilgrims found themselves stranded this season because of the Scindia Steam Navigation Company stopping forward booking for the last two steamers, and because the Mogul Line raised its rates to Rs. 140 and above;

(b) whether the pilgrims expected to obtain their passages for amounts of Rs. 60 or 70 owing to the rate war, and what the latest position is in the matter; and

(c) whether Government propose to take any steps in the matter and, if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (c). The attention of the Honourable Member is invited to the answers given by me to question No. 213 and its supplementaries on the 8th February.

Mr. S. Satyamurti: In view of the fact that when the Haj season is actually on or very near, it becomes very difficult for Government to settle this thing, may I know if Government will take time by the forelock as early as possible, and settle this before a crisis actually arrives or is very near?

The Honourable Sir Muhammad Zafrullah Khan: The trouble is that the shipping companies do not begin to feel any pressure till the Haj season is at hand. I do not think they will be amenable to any suggestions till the Haj season is within sight.

Mr. S. Satyamurti: In view of the experience on the last occasion, will Government use their good offices with the two companies concerned, and see if something cannot be done in time?

The Honourable Sir Muhammad Zafrullah Khan: Government are always prepared to use their good offices. But the difficulty, as I explained, was to carry into effect any arrangement that may be arrived at. With regard to that I am still awaiting some sort of suggestion which would overcome the difficulty.

THREATS FOR BOYCOTT OF INDIAN COTTON

686. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state:

(a) whether his attention has been drawn to an article in *The Oldham Chronicle* by Mr. Frank Platt, Managing Director of the Lancashire Cotton Corporation, republished in *The Hindustan Times* of the 2nd January, 1939;

(b) whether the attention of Government has been drawn to the particular statement in the article that "they (Indians) have scared the Government by 'political considerations'";

(c) whether the attention of Government has been drawn to the threat in the article that "it is not impossible that we will yet see Lancashire refusing to use Indian cotton at all"; and

(d) whether Government are bearing all these "threats" in mind in negotiating a fresh trade agreement with Great Britain?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). The attention of Government has been drawn to this particular article.

(d) I would refer the Honourable Member to the answers to the supplementary questions arising out of his question, No. 1960 on the 8th December, 1938, and Seth Govind Das' question No. 204 on the 8th February.

Mr. S. Satyamurti: With regard to these threats which are growing in number and volume, may I know whether the Government of India are bringing these things to the notice of the other side of the agreement, i.e., the British Government, so that there may be no weighing of the scales against us by these continual threats in England?

The Honourable Sir Muhammad Zafrullah Khan: I have on a previous occasion given the Honourable Member the assurance that no such utterances will affect the merits of the question at all.

Mr. S. Satyamurti: May I know whether my Honourable friend's attention has been drawn to a statement made by the Prime Minister in the House of Commons that no trade agreement will be made which does not protect the interests of Lancashire?

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir.

Mr. S. Satyamurti: May I know whether the Government of India have made it quite clear that no agreement will be concluded by them which is not in the interests of the Indian textile industry and of Indian cotton growers?

The Honourable Sir Muhammad Zafrullah Khan: I do not think His Majesty's Government are under any illusion with regard to that.

Mr. T. S. Avinashilingam Chettiar: May I know is there has been any hitch in the negotiations about the Indo-British Trade Agreement?

The Honourable Sir Muhammad Zafrullah Khan: That depends on the definition of "hitch".

Mr. T. S. Avinashilingam Chettiar: May I know if Government are expecting with the same expectancy which they were having some weeks back to bring forth the agreement before the House before the end of the next month?

The Honourable Sir Muhammad Zafrullah Khan: I do not know whether they will bring forth the agreement before the House but the agreement must be brought forth before it is brought before the House.

Mr. S. Satyamurti: In view of this somewhat intriguing answer, may I know whether Government hope to be able to place these proposals before this House before the end of this Session?

The Honourable Sir Muhammad Zafrullah Khan: Government are hoping that they will be able to place the agreement before the House before the end of this Session because, as the Honourable Member knows, if that is not done, we must revert to the pre-Ottawa position.

GOLD FINDS IN PROVINCES.

687. ***Mr. S. Satyamurti:** Will the Honourable Member for Commerce and Labour be pleased to state whether gold finds have been made in the North-West Frontier Province and/or in any other Province, and, if so, whether Government propose to pursue this matter further?

The Honourable Sir Muhammad Zafrullah Khan: Reports of the alleged discovery of gold in the Godhra taluq of the Panch Mahals District, Bombay, have appeared in the press, but Government have no authentic information regarding gold finds in the Provinces of British India beyond what is contained in the section dealing with "gold" in the annual reports of the Geological Survey of India published in Part I of the Records of that Department. As regards the second part of the question, I may state that the development of mineral resources is a provincial concern under the Constitution.

CONSERVATION OF COAL AND PETROLEUM, ETC.

688. ***Mr. S. Satyamurti:** Will the Honourable Member for Labour be pleased to state:

- whether his attention has been drawn to the presidential address of Professor S. K. Roy delivered at the Geology section of the Indian Science Congress;
- whether Government are doing anything to conserve India's limited resources in respect of important minerals like coal, petroleum, etc.;
- whether it is a fact that there is no qualification prescribed for the managership of mines except coal mines;
- whether as a result of such lack of definite specification of the qualifications, waste goes on unchecked;

- whether Government have noticed the statement of Professor S. K. Roy that "the most satisfactory method of conservation of coal, and consequent safety in working, has been found to be hydraulic packing, locally known as sand-stowing";
- whether Government propose to take any steps in this behalf;
- whether Government propose to take steps to organise India's position in respect of mica, so that she can command a world market;
- whether Government propose to do the same in case of chromite which is wasted now in Bihar and elsewhere;
- whether it is a fact that several minerals of the country, such as, kyanite, magnesite, manganese, chromite, bauxite, barite, ilmenite, wolfram and tantalum and vanadium minerals, are sold at very low prices outside India after being exported from here;
- whether Government propose to take any steps in this behalf;
- whether Government propose to take any steps to see if zinc deposits can be exploited in our country; and
- whether Government propose to take comprehensive steps for improving the mineral wealth of the country, and, if so, what they are?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) A Bill providing for stowing in coal mines, which will incidentally result in greater conservation of coal, is under consideration in this House. Government are not aware that there is any appreciable wastage of petroleum.

(c) Only a competent person of not less than 21 years of age can be appointed as manager of a metalliferous mine. If any question arises whether a person so appointed is competent to perform the duties of manager, the decision of the Chief Inspector of Mines is final.

(d) No.

(e) and (f). Yes.

(g) In view of the considerable improvement both in the production and exports of mica in recent years, no special steps to organise India's position in the world markets seem to be called for.

(h) Government are not aware of any wasteful methods of mining chromite in Bihar or elsewhere and India's share of the world's production of chromite is so small that no useful purpose will be served by organising or controlling its production.

(i) India shares with other producing countries the disadvantage of the low prices for these minerals in the world market.

(j) No.

(k) No. The only known zinc deposits of any importance are in Mewar and Chitral which are both outside British India.

(l) No. Mineral development is a provincial subject.

Mr. S. Satyamurti: With regard to clause (c) of the question, may I know whether and how the competency of these various managers of mines, except coal mines, is decided, and by whom?

The Honourable Sir Muhammad Zafrullah Khan: Primarily by those who employ them, i.e., the owners of the mines. But if any question arises whether a person is or is not competent,—by the Chief Inspector of Mines.

Mr. S. Satyamurti: But, in view of the great importance of the mineral wealth of this country being properly conserved and used, will Government consider the question of prescribing by statute or otherwise some minimum qualifications for these posts of managers of valuable mines in this country?

The Honourable Sir Muhammad Zafrullah Khan: I am willing to look into the suggestion, but of course the Honourable Member will realise that it will not do to make these matters too rigid because then the development of the particular industry itself might be affected.

Mr. S. Satyamurti: With regard to clause (g) of the question, can my Honourable friend give some information to the House as to the increase of exports of mica from this country in recent years?

The Honourable Sir Muhammad Zafrullah Khan: I regret I have not got the figures here, but after notice was received of the Honourable Member's question I looked into the figures and my impression is that there had been a considerable increase last year over the previous year's exports.

Mr. S. Satyamurti: With regard to clause (l) of the question, in view of the fact that it is a provincial subject, may I know if the Government of India do not propose to take some steps, as they are doing in some other matters, with a view to co-ordinating the efforts of the Provincial Governments and of the Government of India, in view of the great importance to the country as a whole of the proper conservation and development of the mineral resources of this country?

The Honourable Sir Muhammad Zafrullah Khan: Whenever the necessity of co-ordination arises, Government will certainly look into it.

Dr. Sir Ziauddin Ahmad: The Honourable Member said that metals are found in places outside British India. What are the places in India outside British India where these mineral ores are found?

The Honourable Sir Muhammad Zafrullah Khan: I said with regard to zinc that the only zinc deposits of any importance are in Mewar and Chitral which are both outside British India.

Mr. K. Santhanam: With reference to the answer to clause (c) of the question, may I know whether Government will arrange for special courses for managers who have had no degrees in mining?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid that is rather a large question. The need would first have to be established.

IMMIGRATION OF JEWS INTO KENYA.

689. *Mr. S. Satyamurti: Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether his attention has been drawn to a leading article entitled "More Disabilities in Kenya" in *The Hindu* of the 4th January, 1939;
- (b) whether Government have considered that allowing immigration of Jews to portions of Kenya, access to which is denied to Indians, is exacerbating feelings in the country;
- (c) whether Government have considered the fact that the immigration of Jews will affect the position of Indians in regard to trade, commerce and service;
- (d) whether the Government of India are prepared to take steps, or say what steps they have taken, to protest against His Majesty's Government's policy in respect of this matter; and
- (e) what the latest position in the matter is?

Sir Girja Shankar Bajpai: (a) Yes.

(b)–(e). The attention of the Honourable Member is invited to the reply given by me on the 8th February 1939, to Mr. T. S. Avnashilingam Chettiar's starred question No. 188.

Mr. S. Satyamurti: May I know if my Honourable friend's attention has been drawn to a news item in this morning's paper, in which the local association have protested against the Order in Council being passed reserving these highlands for non-Indians?

Sir Girja Shankar Bajpai: I saw the newspaper report this morning and I have instructed my office to make inquiries.

IMPORT OF PAPER.

690. *Mr. S. Satyamurti (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Commerce Member please state what is the importation of paper (figures of different kinds of paper to be shown separately) during the last three years and how does it compare with the importation during the same period of the year after the removal of the revenue surcharge on paper?

(b) Is it a fact that, on account of the removal of this surcharge, foreign paper has been imported in large quantities and during the period the prices of foreign paper, which were high, have not been maintained?

(c) Is it a fact that the expectation of the Tariff Board in connection with the maintenance of the level of imports as hitherto, in spite of the removal of this surcharge, has not been realised?

(d) What steps do Government propose to take in connection with this matter?

The Honourable Sir Muhammad Zafrullah Khan: (a) The attention of the Honourable Member is invited to the Accounts of the Sea-borne Trade and Navigation of British India, which contain the required information.

(b) No, Sir. I will be happy to supply additional information if required.

(c) The Tariff Board Report dealing with the removal of the surcharge on paper duties expressed no opinion on the point raised by the Honourable Member.

(d) Does not arise.

Mr. S. Satyamurti: With reference to clause (b) of the question, may I know that the high-prices have been maintained in spite of the removal of this surcharge?

The Honourable Sir Muhammad Zafrullah Khan: In spite of the removal of the surcharge, the import of these qualities of paper has not gone up: on the other hand, it appears to have gone down.

Mr. S. Satyamurti: May I know whether my Honourable friend has got any information in regard to prices specifically?

The Honourable Sir Muhammad Zafrullah Khan: With regard to printing paper I have got the prices here: the prices have been lower in 1938 than in 1937.

Mr. S. Satyamurti: May I know by how much the import has fallen on the whole—the import of foreign paper into this country?

The Honourable Sir Muhammad Zafrullah Khan: Taking printing paper the imports of printing paper in 1937 were 72,068 cwts. and after removal of the surcharge 87,876 cwts. The total import of paper was 161,078 cwts. in 1937 before the removal, and after removal 183,441 cwts. I have also got the figures of value if the Honourable Member wants them.

Mr. Mohan Lal Saksena: Is it not a fact that the increase is partly due to the fear of war?

The Honourable Sir Muhammad Zafrullah Khan: There has been a decrease of imports.

BOSE RESEARCH INSTITUTE, CALCUTTA.

691. ***Mr. C. N. Muthuranga Mudaliar:** With reference to the answer to question No. 1981, dated the 8th December, 1938, will the Secretary for the Department of Education, Health and Lands please state:

(a) whether suitable measures have been devised to ensure a high standard of research in the Bose Institute at Calcutta, and, if so, what they are; and

(b) whether any arrangement has been made to elect a representative of this Assembly to the Governing Body of the Institute?

Sir Girja Shankar Bajpai: (a) and (b). The question of devising a new scheme for the control and administration of the Bose Research Institute is still under consideration.

Mr. Brojendra Narayan Chaudhury: May I know whether this reduced grant will be restored to the original amount of Rs. 1,06,000?

Sir Girja Shankar Bajpai: I deeply regret that, owing to the continual financial stringency, there is no prospect of restoring the grant to the original figure of Rs. 1,06,000.

Mr. C. N. Muthuranga Mudaliar: What is the answer to part (b) with regard to the election of a representative by this House?

Sir Girja Shankar Bajpai: That is part of the scheme.

Prof. N. G. Ranga: Was the reduction in the original grant made entirely with a view to meet the financial stringency here in the Central Government?

Sir Girja Shankar Bajpai: I think I have informed the House before that this original reduction was made some time six years ago.

BOSE RESEARCH INSTITUTE, CALCUTTA.

692. ***Mr. C. N. Muthuranga Mudaliar:** With reference to the answer given to question No. 1981 (d), dated the 8th December, 1938, will the Secretary in the Department of Education, Health and Lands please state what are the activities of the Bose Institute in which the present Director has already specialised? In what respects is he continuing the work of the late Sir J. C. Bose?

Sir Girja Shankar Bajpai: Government understand that the present Director has initiated investigations on plant hormones and on the effect on the growth of plants of vernalisation and photo periodism—whatever that may mean—which have direct application to horticultural and agricultural problems.

BOSE RESEARCH INSTITUTE, CALCUTTA.

693. ***Mr. C. N. Muthuranga Mudaliar:** With reference to the answer given to question No. 1982 (a) of the 8th December, 1938, will the Education Secretary please state whether Government are now in a position to state the number of research workers (students and staff) that are working in the Bose Institute, Calcutta, and the Provinces from which they come?

Sir Girja Shankar Bajpai: The attention of the Honourable Member is invited to the statement laid by me on the table of this House on the 3rd February, 1939, in reply to part (a) of his starred question No. 1982 asked on the 8th December, 1938.

Mr. M. Ananthasayanam Ayyangar: May I know how many of these persons had direct teaching under Sir J. C. Bose when he was alive?

Sir Girja Shankar Bajpai: I should doubt whether there were very many, because the late Sir J. C. Bose ceased teaching something like 20 years ago.

BOSE RESEARCH INSTITUTE, CALCUTTA.

694. *Mr. O. N. Muthuranga Mudaliar: (a) With reference to the answer given to the supplementary question to question No. 1981 of the 8th December, 1938, will the Secretary in the Department of Education, Health and Lands please state whether any scheme for the control and administration of the Institute been received from the authorities of the Bose Institute?

(b) If the answer to the above be in the affirmative, will Government please place a copy of it on the table of the House?

Sir Girja Shankar Bajpai: (a) Not yet.

(b) Does not arise.

OFFICER FOR THE CO-ORDINATION OF DEFENCE.

695. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Commerce Member state:

(a) how long the new officer for the co-ordination of Defence has been working;

(b) under which department he is working; and

(c) what action he has taken till now in the matter of co-ordination?

The Honourable Sir Muhammad Zafrullah Khan: (a) Since the middle of August, 1938.

(b) On first appointment, this officer worked as Additional Secretary, Defence Department. With effect from the 17th December, 1938, he has been working as Secretary, Governor General (Defence Co-ordination). The question of appointing him as Secretary to the Government of India for Defence Co-ordination, in addition to his own duties, is under consideration.

(c) The Honourable Member will recognise that, apart from the fact that certain aspects of this officer's work cannot be divulged without detriment to the public interest, a detailed statement of his activities is outside the scope of an answer to a question. I can only say that he has been occupied in co-ordinating the work of all departments concerned in preparation for a war in the future. In particular, he is concerned with emergency legislation, problems relating to transport and arrangements for supply in war-time to meet the needs of the fighting forces and the civil population.

Mr. T. S. Avinashilingam Chettiar: May I know whether this temporary post has been created for the present emergency or whether it is a permanent post?

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member wants to know how long it will last I am afraid I am unable to tell him.

Mr. S. Satyamurti: May I know whether Government have examined the scope and extent of his duties and have satisfied themselves that this officer is a necessary addition to the officers under the Government of India and, if so, how have they satisfied themselves?

STARRED QUESTIONS AND ANSWERS.

1377

The Honourable Sir Muhammad Zafrullah Khan: Government are satisfied that he is not only necessary but essential in view of the contingencies ahead.

Mr. S. Satyamurti: May I know if this officer is working under my Honourable friend, the Commerce Member?

The Honourable Sir Muhammad Zafrullah Khan: I answered that question before: he has to co-ordinate various activities and so he is not employed under any particular department.

Mr. S. Satyamurti: Who sees to it that he gives value for his money? Is he a kind of independent officer by himself or is he under the control of any Department of the Government of India?

The Honourable Sir Muhammad Zafrullah Khan: That his work is supervised is true.

Mr. S. Satyamurti: By whom?

The Honourable Sir Muhammad Zafrullah Khan: By various people: to some extent by me.

Mr. Sri Prakasa: Are Government satisfied that a war is coming, and, if so, when do they expect it?

(No answer.)

DESPATCH OF INDIAN TROOPS TO BURMA.

696. *Mr. Brojendra Narayan Chaudhary: Will the Secretary for Education, Health and Lands please state:

(a) whether his attention has been drawn to the Associated Press message, dated Madras, the 3rd February, given below:

"A party of Gloucestershire Regiment and King's Own Yorkshire Light Infantry, 320 in number, left for Rangoon by S.S. 'Ermpura' A.P."

(b) whether the troops are being sent on the requisition of the Government of Burma to meet the situation arising out of the anti-Indian riots in that country; if not, for what purpose other than protection of Indian life and property; and

(c) whether they are being sent at the instance of his Department?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The Government of Burma have stated that the draft provided merely normal replacements in the two British Infantry Battalions serving in Burma.

(c) No.

PAY OF ACCOUNTANTS IN THE GOVERNMENT OF INDIA PRESSES.

697. *Sri K. B. Jinaraja Hegde: With reference to his answer to question No. 1046 of the 14th September, 1938, regarding pay of accountants in the Government of India Presses, Calcutta and New Delhi, will the Honourable Member for Commerce and Labour be pleased to state:

- (a) the results of his examination;
- (b) the causes for disparity in pay of accountants in the Aligarh and Calcutta Forms Press;
- (c) whether the respective salaries were fixed in the revision of the establishment of the two presses in 1929 and 1930;
- (d) whether, while so revising, any grounds such as amount of work, nature of duties, or strength of establishments, were considered; if so, what are the reasons for such disparity; and
- (e) whether Government are considering the amalgamation of these two presses to effect economy?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (d). The whole question of the disparity in the rates of pay of accountants in different establishments of the Stationery and Printing Department is at present under consideration.

(c) The existing old rates of pay of the posts of accountants of the Forms Press, Aligarh, and the Forms Press, Calcutta, were fixed in 1926 and 1930 respectively; the new rates were introduced in 1934.

(e) No.

IMPORTS OF ELECTRIC GOODS.

698. *Mr. Sham Lal: Will the Honourable the Commerce Member be pleased to state:

- (a) the amount of imports of electric goods from different countries of the world during each of the last three financial years; and
- (b) if they have been fairly heavy, whether the All-India Industrial Research Bureau has disseminated so far any information regarding the establishment of factories in India for manufacturing and repairing electric material as regards their sites and potentialities?

The Honourable Sir Muhammad Zafrullah Khan: (a) The attention of the Honourable Member is invited to pages 54—61 of the Accounts relating to the Sea-borne Trade and Navigation of British India for March, 1938, a copy of which is available in the Library of the House.

(b) The Industrial Research Bureau does not as a rule disseminate, on its own initiative, information as regards sites or potentialities of particular industries, but the Bureau is prepared to answer, and has actually answered, enquiries on subjects of this kind.

GUIDANCE GIVEN TO AGENTS WORKING TO EXTEND INDIAN MARKETS AND TO ESTABLISH TRADE CONTACTS.

699. *Mr. Sham Lal: Will the Honourable the Commerce Member be pleased to state:

- (a) whether agents working at present on behalf of India to extend Indian markets and establish trade contacts receive guidance from any Indian Board of foreign trade constituted mostly of experienced businessmen; and
- (b) if not, whether any action is intended to be taken in the matter?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are not aware of the existence of any such Board as that mentioned by the Honourable Member.

(b) No.

MAINTENANCE OF RECORD OF INCOME FROM FEES BY MEDICAL OFFICERS FOR INCOME-TAX PURPOSES.

700. *Mr. Sham Lal: Will the Secretary of Education, Health and Lands be pleased to state whether medical officers in charge of civil hospitals and dispensaries run by Government and Local Bodies in various parts of India are required to maintain for the inspection of income-tax authorities any prescribed form showing their fee-income from different sources, such as, fees charged by them for examining patients at their houses or at their (doctors') own residences, delicate hospital operations, examining persons seeking to be insured, and issuing certificates in medico-legal cases?

Sir Girja Shankar Bajpai: This question should have been addressed to the Honourable the Finance Member.

ACCIDENTS IN COAL MINES AND COAL RAISINGS IN MINES.

701. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Labour please state:

- (a) the number of accidents in coal mines by fire or subsidence, with numbers of killed and injured, during the last ten years (totals for the ten years, not separately);
- (b) of the above, the numbers of accidents, killed and injured in Railway mines (consolidated figure for both State and Company-managed);
- (c) the percentage of coal raisings in Railway mines to total raisings in India in the latest year for which figures are available; and
- (d) whether any marked distinction is visible between Railway mines and other mines as regards safety against such accidents?

The Honourable Sir Muhammad Zafrullah Khan: The information is being collected and will be supplied in due course.

Mr. S. Satyamurti: May I know whether, in view of the fact that they have a Bill before this House for safety in coal mines, Government are able to give us information before we actually discuss the Bill in this House?

The Honourable Sir Muhammad Zafrullah Khan: If the information has been collected in the meantime, certainly.

Mr. S. Satyamurti: In view of the fact that one of the strongest reasons for this Bill is that we should take such steps as we can to prevent or minimise accidents, may I know if Government will take steps to get the information as early as possible?

The Honourable Sir Muhammad Zafrullah Khan: They have taken steps to get the information as early as possible, in any case, a question having been put down to that effect.

Mr. S. Satyamurti: May I put these questions, Sir? I had put down certain questions, but as I saw these questions on the order paper, I have withdrawn them.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wishes to answer these questions, the Chair has no objection.

Mr. S. Satyamurti: If he objects to answering them, I shall not put them.

Mr. President (The Honourable Sir Abdur Rahim): If the Government Member wishes to answer them, the Chair has no objection.

Sir Girja Shankar Bajpai: I am quite ready to answer the questions.

Mr. President (The Honourable Sir Abdur Rahim): It is not a question of his readiness, but whether he wants to supply the information.

Sir Girja Shankar Bajpai: If the House wishes to have the information, I am naturally willing to give it.

Mr. S. Satyamurti: No. 702.

MONEY SPENT ON SUGAR-CANE RESEARCH.

702. *Mr. S. Satyamurti (on behalf of Seth Haji Sir Abdoola Haroon): Will the Secretary for Education, Health and Lands be pleased to state the amount of money that has been spent on sugar-cane research during 1936-37, 1937-38 and 1938-39, the various directions in which these sums have been spent and the development affected in promoting sugar research both on the agricultural and manufacturing side?

Sir Girja Shankar Bajpai: It is anticipated that by the close of the current year the Imperial Council of Agricultural Research will have spent Rs. 10,92,000 on sugar research from the 1st April, 1936. During the same period the expenditure on the Imperial Institute of Sugar Technology will be Rs. 7,02,000. Payments from the Sugar Excise Fund, during this period, amount to Rs. 16,98,432. Important results of the research carried out under the Imperial Council of Agricultural Research schemes and at the Imperial Institute of Sugar Technology are included in the Annual Reports of the Council and the pamphlet "A summary of some practical results of sugar-cane research in India", copies of which are available in the Library of the Central Legislature.

Prof. N. G. Ranga: What has happened to the five lakhs grant which Government made two years ago and which they promised to continue every year out of the proceeds from the sugar excise duty?

Sir Girja Shankar Bajpai: I think, Sir, that all the amounts, which Government had given are included in the different categories which I have detailed.

MONEY ALLOTTED OUT OF THE SUGAR EXCISE DUTY FOR IMPROVEMENT OF CULTIVATION AND MARKETING OF SUGAR-CANE.

703. *Mr. S. Satyamurti (on behalf of Seth Haji Sir Abdoola Haroon): Will the Secretary for Education, Health and Lands be pleased to state:

(a) the amount of money that has been allotted to various Provinces out of the Sugar Excise Duty in the years 1936-37, 1937-38 and 1938-39, and proposed to be allocated in 1939-40, for improving the condition of cultivation and marketing of cane; and

(b) whether any reports have been received from any of the Provincial Governments of the amount of work that has been done and the progress made in the improvement of cultivation and marketing, and whether Government propose to publish these reports?

Sir Girja Shankar Bajpai: (a) A statement showing the allotment of the Sugar Excise Fund to the various provinces in the years 1936-37 to 1938-39 is laid on the table. The allotment for 1939-40 has not yet been made.

(b) The Honourable Member's attention is invited to the reply given to part (b) of Maulvi Muhammad Abdul Ghani's starred question No. 559 on the 21st March, 1938.

Statement regarding allotments made to provinces from the Sugar Excise Fund in 1936-37, 1937-38 and 1938-39.

Province.	Amount allotted in		
	1936-37.	1937-38.	1938-39.
	Rs.	Rs.	Rs.
Madras	31,500	42,000	16,000
Bombay	25,500	42,000	36,000
Bengal	25,500	30,000	20,000
United Provinces	4,76,000	7,20,000	4,80,000
Punjab	25,500	18,000	12,000
Bihar	2,46,500	3,42,000	2,32,000
Orissa	5,000	6,000	4,000
Burma	17,000		
Total	8,52,500	12,00,000	8,00,000

Prof. N. G. Ranga: Are we to understand that the five lakhs, which was set aside out of the proceeds of the sugar excise duty, was distributed to various Provincial Governments?

Sir Girja Shankar Bajpai: As my friend will observe from the statement, which I am laying on the table of the House, the provinces have had much more than five lakhs.

Mr. S. Satyamurti: Are these reports from the provinces going to be published by the Government of India?

Sir Girja Shankar Bajpai: The position, as I explained in answer to Maulvi Muhammad Abdul Ghani's question earlier, is this. The Government of India examine generally schemes for expenditure before they are put into operation. Subsequently, the Government of India do not receive any reports.

Prof. N. G. Ranga: What I wish to know is, whether this particular sum of five lakhs was added to the other grants which the Government of India was making to the Provincial Governments for helping them to carry on the research of sugar-cane?

Sir Girja Shankar Bajpai: My recollection is that the five lakhs, to which my friend refers, were earmarked by the Government of India for purposes of Central Research, and distribution out of the excess fund to the provinces was over and above this sum.

Prof. N. G. Ranga: Did the Government of India get any researches conducted?

Sir Girja Shankar Bajpai: I have told my friend that the Imperial Council of Research and the Imperial Institute of Sugar Technology have between them in the last three years spent something like 25 lakhs on research.

Prof. N. G. Ranga: Is this sum included in that sum also?

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

AREA UNDER SUGAR-CANE.

704. *Mr. S. Satyamurti (on behalf of Seth Haji Sir Abdoola Haroon): Will the Secretary for Education, Health and Lands be pleased to state the total area under sugar-cane in 1936-37, 1937-38, 1938-39 and 1939-40, and explain the reason for the fall in the area during the last two years?

Sir Girja Shankar Bajpai: A statement showing the area under sugar-cane in 1936-37, 1937-38 and 1938-39 is laid on the table. Figures for 1939-40 are not yet available. It is impossible to assign precise reasons for the fall in area but it has been suggested that this might be due to the

continued effect of the low prices for cane paid by factories in March and April, 1937; the late fixation of prices for the 1937-38 crushing season; and the low prices of gur in 1938.

Statement showing the Area under Sugar-cane in India in 1936-37, 1937-38 and 1938-39.

Year.	Area. Acres.
1936-37	4,435,000
1937-38	3,815,000
1938-39	3,108,000

APPLICATION OF THE HOURS OF EMPLOYMENT REGULATIONS TO RAILWAY STAFF, ETC.

†705. *Pandit Sri Krishna Dutta Paliwal: (a) Will the Honourable Member for Labour please state what proposals have been made by the Supervisor of Railway Labour in connection with the application of the Washington and Geneva Conventions to the running staff on Railways during the last one and a half year?

(b) What facilities have been afforded to the recognised labour unions by the Supervisor of Railway Labour when he goes on tour, for discussing points relating to the labour legislation, and how many meetings have been held?

(c) What steps have been taken by the Supervisor of Railway Labour to expedite the application of Hours of Employment Regulations to the staff on Railways where this Act has not yet been made statutory?

(d) If the answer to parts (a) to (c) above be in the affirmative, will the Honourable Member please place on the table of this House a copy of the proposals for information of the House?

The Honourable Sir Muhammad Zafrullah Khan: (a) None.

(b) No special facilities are necessary. Recognised trade unions are free to consult him on points relating to the administration of the laws with which he is concerned.

(c) This is not the concern of the Supervisor of Railway Labour.

(d) Does not arise.

ANNUAL REPORT ON THE HOURS OF EMPLOYMENT REGULATIONS AND THE PAYMENT OF WAGES ACT.

†706. *Pandit Sri Krishna Dutta Paliwal: (a) Will the Honourable Member for Labour please lay on the table of this House a copy of the Annual Report on the Hours of Employment Regulations and Payment of Wages Act for the year 1937-38?

(b) If the above be not available, why has the publication of the same been delayed?

(c) Will this report be made available before the Budget discussion on labour takes place?

The Honourable Sir Muhammad Zafrullah Khan: (a) Copies of any reports on the subjects mentioned will be placed in the Library of the House when published.

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

(b) The report on the Hours of Employment Regulations will be available shortly. Provincial Governments have agreed to co-operate in the compilation of an All-India report on the Act but it has not yet been decided whether a separate report on the Payment of Wages Act on federal railways will be published.

(c) I am afraid not.

INFRINGEMENTS DETECTED IN CONNECTION WITH THE PAYMENT OF WAGES ACT.

†707. *Pandit Sri Krishna Dutta Paliwal: Will the Honourable the Labour Member please state the number of infringements detected in connection with the Payment of Wages Act during the last year, and in how many cases punishment has been given by a court of law through the Labour Supervisor for Railways?

The Honourable Sir Muhammad Zafrullah Khan: Inspection of railways under the Act resembles a financial audit of accounts, and it is impossible to state the number of infringements that have come to notice. With regard to the latter part of the question, I would refer the Honourable Member to the answer I gave to Mr. N. M. Joshi's question No. 878 on 9th September, 1938.

MEDICAL EXAMINATION OF PUPILS IN THE CENTRALLY ADMINISTERED AREAS.

708. *Shrimati K. Radha Bai Subbarayan: Will the Secretary for Education, Health and Lands be pleased to state:

- (a) if there is any compulsory medical examination of pupils in the schools and colleges of the centrally administered areas, and if not, why not; and
- (b) if the Government of India have a general policy in this matter and if so, what it is?

Sir Girja Shankar Bajpai: (a) Arrangements for the compulsory medical examination of school children already exist in Delhi and Coorg. Periodical medical inspection of all pupils has also been recently introduced in the Government High School, Ajmer. In Baluchistan, compulsory medical examination extends at present only to students who reside in hostels. Medical inspection of all school children in Baluchistan and Ajmer-Merwara has not been undertaken so far owing to lack of funds.

(b) The policy of the Government of India is to extend the existing arrangements for the medical inspection of pupils of schools and colleges as and when their finance situation permits.

Mr. K. Santhanam: May I know, Sir, whether the results of these medical inspections are analysed and steps taken to remove the causes of the diseases from which the children may be suffering or any other means found to improve the general health of children?

Sir Girja Shankar Bajpai: I take it that the authority which carries out these inspections does make some practical use of the results disclosed by the inspection, but if my friend wants detailed information, I shall require notice.

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

Mr. K. Santhanam: Has any report of the results of these inspections been published?

Sir Girja Shankar Bajpai: I have a recollection that the Education Reports of the different areas to which I have referred and also the Report of the Public Health Commissioner contains the necessary information.

Mr. M. Ananthasayanam Ayyangar: Is it the practice to intimate the results of the inspection to the parents of the children?

Sir Girja Shankar Bajpai: I could not say that without notice.

FACILITIES FOR EDUCATION OF THE CHILDREN OF INDIANS IN BRITISH DOMINIONS AND COLONIES.

709. *Shrimati K. Radha Bai Subbarayan: Will the Education Secretary please state:

- (a) the facilities provided in the British Dominions and Colonies in the matter of the education of the children of Indian residents;
- (b) if there is any ban in any of these territories against the admission of Indians into their universities and other educational institutions;
- (c) if there is any racial discrimination by the Governments of those countries in the matter of financial grants to institutions under the management of Indians; and
- (d) the latest figures available for literacy among the Indian population of those countries, and what steps the Government of India are taking for the spread of education among them?

Sir Girja Shankar Bajpai: The information desired by the Honourable the Lady Member is not readily available. It will be collected and laid on the table of the House in due course.

APPOINTMENT OF A NON-OFFICIAL INDIAN AS AGENT IN BURMA.

710. *Sardar Mangal Singh: Will the Secretary for Education, Health and Lands please state:

- (a) whether it is a fact that Mr. Henderson, the present Indian Agent in Burma, is shortly going on leave;
- (b) whether Government are considering the question of his successor; and
- (c) whether Government would appoint a non-official Indian in his place?

Sir Girja Shankar Bajpai: (a) It is possible that Mr. Henderson may go on leave in April.

(b) and (c). The question of appointing a successor to him is under consideration.

Sardar Mangal Singh: May I know, Sir, if Government have received a representation from Burma regarding the appointment of an Agent in Burma?

Sir Girja Shankar Bajpai: We have had certain representations from the South Indian Chamber of Commerce, I believe, and some suggestions have also been made on the floor of this House as to the qualities required of the Agent. I cannot think of any other.

Mr. Kuladhar Chaliha: What is the answer to part (c), Sir?

Sir Girja Shankar Bajpai: I have said that the question of selecting a successor is under consideration.

Mr. Kuladhar Chaliha: Is he going to be an Indian successor or an Englishman? That was the question.

Sir Girja Shankar Bajpai: I cannot say at this stage whether he will be an Indian or somebody else.

Mr. S. Satyamurti: May I know, Sir, whether in making the appointment, Government will consider the opinions expressed on the floor of this House, and decide that a distinguished non-official Indian will be appointed, and that the Government of Madras will be given a dominant voice in the matter?

Sir Girja Shankar Bajpai: I cannot say whether Madras or any other Provincial Government will be given a dominant voice; all I can say is that every relevant consideration will be taken into account, including the opinion of the Government of Madras.

ACT GIVING FRANCHISE IN AJMER-MERWARA.

711. *Mr. Sri Prakasa: Will the Secretary for Education, Health and Lands, state:

- if the Act recently passed by the Central Legislature regarding the franchise in Ajmer-Merwara has been brought into force;
- if it will be possible for voters to take advantage of the provisions of the Act at the next elections in March;
- if electoral rolls have been or are being prepared in accordance with the said Act; and
- if so, the extra number of voters that is expected to be added to the list?

Sir Girja Shankar Bajpai: (a) Yes.

(b) Yes.

(c) Yes.

(d) About 1,500.

SEAT FOR TRADE AND COMMERCE ASSIGNED IN THE AJMER MUNICIPALITY.

712. *Mr. Sri Prakasa: Will the Secretary for Education, Health and Lands state:

- if any seat has been assigned to the interest of trade and commerce in the Municipality of Ajmer, and
- if so, the procedure that has been adopted in that behalf; and if not, whether Government are considering the desirability of affording this facility to the commercial community of Ajmer?

Sir Girja Shankar Bajpai: (a) No.

(b) In view of the answer to part (a), the first part does not arise. As regards the second part, Government will consider the Honourable Member's suggestion.

Mr. Sri Prakasa: Has the Honourable Member received any representations from the interests concerned from Ajmer-Merwara?

Sir Girja Shankar Bajpai: No, Sir, we have received no representation ourselves.

EDUCATION DEPARTMENT OF AJMER-MERWARA.

713. *Mr. Sri Prakasa: Will the Secretary for Education, Health and Lands state:

- if it is a fact that during his visit to Ajmer, a statement regarding the Education Department of Ajmer-Merwara was given to the Education Member;
- the nature of complaints made in the said document; and
- what action, if any, Government have taken in that behalf?

Sir Girja Shankar Bajpai: (a), (b) and (c). During the visit of the Honourable the Education Member to Ajmer in March, 1938, no statement regarding the Education Department of Ajmer-Merwara was presented to him, but certain points were brought to his notice in the course of local inspections and conversations. A statement showing the action taken in regard to these points is placed on the table of the House.

Statement showing the action taken on the points in regard to the Education Department of Ajmer-Merwara which were brought to the notice of the Honourable the Education Member during his visit to Ajmer in March, 1938.

Point.	Action taken.
1. Inadequate provision for the library of the Government College, Ajmer.	The Government of India provide annually Rs. 800 for the library. With a view to supplementing this grant, the local Administration suggested that a library fee at Rs. 1.8 per term or Rs. 8 per year should be levied from every student of the College in addition to the reading room fee which is at present being realised. An annual income of about Rs. 1,000 was expected from this source. The Government of India, however, informed the Local Administration that in their opinion the levy of such a fee was undesirable on principle and that the existing provision of Rs. 800 a year was sufficient.
2. Need of funds for the equipment of the Biological laboratory of the Government College, Ajmer.	A non-recurring grant of Rs. 2,000 was sanctioned for this purpose during the current financial year.
3. Acquisition of a plot of land to provide additional accommodation for the Moinia Islamia High School, Ajmer.	The Government of India are awaiting the result of certain suggestions made to the school authorities by the Educational Commissioner.
4. Need for replacing single-teacher schools by multiple-teacher schools.	Additional teachers have since been employed in the schools where they were needed.
5. Inadequacy of facilities for the training of women teachers.	The matter was discussed with the Superintendent of Education, Delhi, Ajmer-Merwara and Central India, by the Educational Commissioner with the Government of India. No specific proposals have, however, so far been received by the Government of India from the Local Administration.
6. Utilization of the Boarding House of the Government High School, Ajmer, for the Teachers Training College.	Proposals on this subject have recently been received from the Local Administration and are being considered by the Government of India.

BRINGING INTO FORCE OF THE INSURANCE ACT.

714. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Commerce Member state:

- (a) when it is intended to bring the Insurance Act into force;
- (b) whether any fresh appointments other than the Superintendent of Insurance are necessary for working the Act; and
- (c) if so, how many such appointments are going to be made, and of what qualifications?

The Honourable Sir Muhammad Zafrullah Khan: (a) Attention is invited to the Communiqué issued by the Department of Commerce on the 3rd October, 1938, a copy of which is available in the Library of the House. Every effort is being made to bring the Insurance Act into force on as early a date as possible, but a decision in the matter cannot be taken until the amending Bill now before the House has been passed.

(b) Yes.

(c) It is proposed to replace the present post of Assistant Actuary by a post to be called "Assistant Superintendent". In addition a second post of "Assistant Superintendent" is to be created. It will also be necessary gradually to augment the office staff and it is thought that it will ultimately be required to recruit one Superintendent, seventeen Assistants and eleven clerks.

Mr. T. S. Avinashilingam Chettiar: What is the answer to the second part of (c) of the question,—of what qualifications?

The Honourable Sir Muhammad Zafrullah Khan: The Assistant Superintendents will obviously be required to possess qualifications which would enable them to discharge actuarial duties also, and it is not necessary to describe the qualifications of office Superintendents, Assistants and clerks.

Mr. K. Santhanam: May I know, Sir, if the new Assistant Superintendents will be recruited from India or foreigners will be imported again?

The Honourable Sir Muhammad Zafrullah Khan: I cannot give a guarantee to the Honourable Member, but I have myself no apprehension that it will be necessary to go outside India.

AMALGAMATION AND LIQUIDATION OF INSURANCE COMPANIES.

715. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Commerce Member state:

- (a) how many insurance companies have amalgamated since the passing of the new Insurance Act;
- (b) how many have since been liquidated; and
- (c) what are the reasons for the failure of these companies and the extent and number of policy-holders affected?

The Honourable Sir Muhammad Zafrullah Khan: On the assumption that the Honourable Member is referring only to life insurance companies incorporated in British India, the answers are as follows:

- (a) Six life insurance companies have transferred their business to other companies.

- (b) Two life insurance companies have gone into liquidation.
- (c) The reason for the failure in the case of these two companies is inability to meet the claims. The number of policies affected were in the aggregate 676 assuring a sum of Rs. 8,78,086.

Mr. K. Santhanam: With reference to the answer to part (b) of the question, may I know if any foreign companies have stopped doing business in India between the date of the passing of the Insurance Act and now?

The Honourable Sir Muhammad Zafrullah Khan: I would require notice of that question.

RESOLUTION RE INDIA'S WITHDRAWAL FROM THE LEAGUE OF NATIONS.

716. *Sardar Mangal Singh: Will the Honourable the Leader of the House please state:

- (a) whether the Government of India have forwarded the Resolution passed by this House on the 10th February, 1939, regarding India's withdrawal from the League of Nations, to His Majesty's Government in the United Kingdom;
- (b) whether they have made any observations in support of the Resolution, or otherwise, and if so, the nature of those remarks; and
- (c) whether Government have received any reply from His Majesty's Government and, if so, the nature of the reply?

The Honourable Sir Nripendra Sircar: (a) The Government of India have forwarded a copy of the Resolution to the Secretary of State.

(b) The Government of India have informed the Secretary of State that they do not propose to take the action recommended in the Resolution.

(c) No.

Mr. Kuladhar Chaliha: May I know the reasons why Government do not propose to recommend the Resolution?

The Honourable Sir Nripendra Sircar: The reasons were elaborately stated by Mr. Spence both in this House, and in another place. I am afraid that, in answer to a supplementary question, I cannot enter into a debate. We have also been influenced by the statement made by Sir Muhammad Yamin Khan here, that his party does not want to leave the League.

REDUCTION OF INDIA'S CONTRIBUTION TO THE LEAGUE OF NATIONS.

717. *Sardar Mangal Singh: Will the Honourable the Leader of the House please state:

- (a) whether the Government of India have represented to His Majesty's Government, or to the Executive of the League of Nations about the reduction of India's contribution to the League;
- (b) whether any reply has so far been received from His Majesty's Government or the League of Nations' Secretariat; and
- (c) whether Government propose to pursue this matter till success is achieved?

The Honourable Sir Nripendra Sircar: (a) The Government of India have stated the case for a reduction of India's contribution in a memorandum, which will be submitted to the Allocation Committee appointed by the League to suggest the modifications in the existing scale which should be introduced with effect from 1940.

(b) Does not arise.

(c) The Government of India must await the report of the Allocation Committee before they determine their future line of action.

Mr. T. S. Avinashilingam Chettiar: When do Government expect to get a final reply in this matter?

The Honourable Sir Nripendra Sircar: We do not expect any reply. I said that the Government of India must await the report of the Allocation Committee.

Mr. K. Santhanam: May I know whether Government are then postponing payment of the contribution till they get the report?

The Honourable Sir Nripendra Sircar: No.

EMIGRATION AND CONDITION OF INDIAN LABOUR IN MALAYA.

718. *Sardar Mangal Singh: Will the Secretary for Education, Health and Lands please state:

(a) whether any conclusions have been reached with the Malayan Government regarding the emigration and condition of Indian labour;

(b) if the answer to part (a) be in the affirmative, what those conclusions are; and

(c) whether any representatives of Indian Labour of Malaya States were consulted prior to the agreement?

Sir Girja Shankar Bajpai: (a) and (b). The attention of the Honourable Member is invited to the statement made by me on the 16th February, 1939, in reply to Mr. Abdul Qaiyum's starred question No. 465.

(c) The Government of India took into account the views of all those who, in their opinion, can speak for Indian labour in Malaya.

Mr. S. Satyamurti: May I know if the Agent of the Government of India is in active touch with Indian labour in Malaya so that he may represent their viewpoint?

Sir Girja Shankar Bajpai: That is his function.

Sardar Mangal Singh: May I know whether the Madras Government are consulted in this matter?

Sir Girja Shankar Bajpai: Not only has the Government of Madras been consulted, but in these negotiations a representative of the Madras Government was actively associated.

APPEALS AGAINST THE DECISIONS OF THE INDIAN TEA LICENSING COMMITTEE.

719. *Mr. Akhil Chandra Datta: (a) Will the Honourable the Commerce Member be pleased to state the procedure Government propose to follow in hearing appeals under section 7 of the Indian Tea Control Act against the decisions of the Indian Tea Licensing Committee by tea estates in Indian States?

(b) Will the Honourable Member be pleased to state the number of appeals filed in several British Indian High Courts and to the Central Government, respectively, against the decisions of the Indian Tea Licensing Committee and also names of the gardens concerned?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Central Government are bound by no hard and fast rules of procedure, and do not propose to prescribe any.

(b) I lay on the table a statement giving the required information so far available.

Statement showing a list of the tea estates which have preferred appeals under the Indian Tea Control Act, 1938, and the authority with whom such appeals have been filed.

Serial No.	Name of tea estate.	Authority with whom appeal has been filed.
1	Aylahari Tea Estate, Sylhet, Assam	Central Government.
2	Longucherra Tea Estate, Sylhet, Assam	Ditto.
3	Chandana Tea Estate, Darrang, Assam	Ditto.
4	Sringrimari Tea Estate, Darrang, Assam	Ditto.
5	Nangdala Tea Estate	Ditto.
6	Moraghat Tea Estate	Ditto.
7	Baghjan Tea Estate	Ditto.
8	Maijonga Tea Estate, Sylhet, Assam	Ditto.
9	Labac Tea Estate	Ditto.
10	Silonijan Tea Estate, Barpathar, Assam	Ditto.
11	Stanmore Estate, Anamallais	Ditto.
12	Injipara Estate, Anamallais	Ditto.
13	Rockwood Estate, Nilgiri—Wynad	Ditto.
14	Nullacathu Estate, Anamallais	Ditto.
15	Sholur Tea Estate	Ditto.
16	Mahendragiri, Balmore and Corrimony Tea Estates	Ditto.
17	Daverashola Tea Estate, Nilgiri—Wynad	Ditto.
18	Elanthottam or Karikkakunnu Tea Estate, Travancore	Ditto.
19	Tea Estates bearing S. Nos. 2472 and 3285, Kotagiri, Nilgiris	Ditto.
20	Gor Ali Tea Estate, Assam	Ditto.
21	Hubbathali Tea Estate, Nilgiris	High Court, Madras.
22	Kil Kotagiri Estate	Ditto.
23	Wakefield Estate	Ditto.
24	Alada Estate	Ditto.
25	Hadamand Estate	Ditto.
26	Periashola Estate	Ditto.
27	Shamrock Estate	Ditto.
28	Terramia Estate	Ditto.
29	Jhemai Tea Estate, Sylhet, Assam	High Court, Calcutta.
30	Bijohnagar Tea Company, Ltd.	Ditto.
31	Malhati Tea Estate	Ditto.
32	Kadambini Tea Estate	Ditto.
33	Mahaluxmi Tea Estate, Darrang, Assam	Ditto.
34	Sundarpur Tea Estate, Sibsagar, Assam	Ditto.
35	Brajapur Tea Estate, Darrang, Assam	Ditto.
36	Naga Hills Tea Company, Ltd.	Ditto.
37	Doorla Tea Company, Ltd.	Ditto.
38	Chincoorie Tea Company (1920), Ltd.	Ditto.
39	Sewpur Tea Estate, Lakhimpur, Assam	Ditto.
40	Dhawala-Jhora Tea Estate, Jalpaiguri	Ditto.
41	Kohinoor Tea Estate, Jalpaiguri	Ditto.
42	Alcobari Tea Estate	Ditto.
43	Halley Nagar Tea Estate, Kangra	High Court, Lahore.
44	Talashan Tea Estate, Kangra	Ditto.
45	Kaulpur Tea Estate, Kangra	Ditto.
46	Mian Onkar Singh's Tea Estate, Kangra	Ditto.

Mr. Akhil Chandra Datta: May I know if ordinarily opportunity will be given to the parties to explain their case?

The Honourable Sir Muhammad Zafrullah Khan: I answered that question some days ago. Ordinary *vakalatnamahs* will not be accepted, as these are not legal proceedings, but if any party wishes to be heard either by himself or through a special representative, facilities will be given.

OBJECTIONS AGAINST RULES MADE UNDER THE INDIAN TEA CONTROL ACT.

719A. *Mr. Akhil Chandra Datta: (a) Is the Honourable the Commerce Member aware that some of the rules made by the Central Government under the Indian Tea Control Act, 1938, have been objected to by several Associations of Indian tea planters as *ultra vires* and unjustifiable?

(b) Is the Honourable Member aware that deputations representing the Indian section of the industry had several conferences with the Deputy Secretary, Commerce Department, at Simla in last September, at which they explained their objections and requested an early decision in the matter?

(c) Is the Honourable Member aware that in view of the current season closing very shortly, the relief granted, if any, will be of no avail if further delay is made in coming to a final decision?

(d) Will the Honourable Member be pleased to state what steps have been taken in the matter and when the final decision is likely to be made?

(e) Will the Honourable Member be pleased to state if the Durbar of the Indian State of Tripura has made any representation to Government regarding the objections against the rules by the Tripura Tea Association, in their representation to the Central Government, and what action Government propose to take in this behalf?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Yes, Sir.

(c) No.

(d) and (e). The various representations received including those made by the Tripura Durbar and the Tripura Tea Association are receiving careful consideration. Government had to consult other interests concerned and they hope to reach a decision in the near future.

Mr. Akhil Chandra Datta: May I know why there has been all this delay?

The Honourable Sir Muhammad Zafrullah Khan: I have explained the reason for the delay. Other interests have had to be consulted.

Mr. Akhil Chandra Datta: With regard to the reply to part (c), supposing these objections are decided in favour of the parties will there be any hardship because the year is coming to a close?

The Honourable Sir Muhammad Zafrullah Khan: In the first place, I hope the Honourable Member realises that, when he begins a question by supposing, he makes the question hypothetical, but in any case, there will be subsequent seasons.

SHORT NOTICE QUESTIONS AND ANSWERS.

CURTAILMENT OF THE RIGHTS OF INDIANS IN SOUTH AFRICA RE OWNERSHIP OF LANDS.

Mr. Mohan Lal Saksena: Will the Education Secretary be pleased to state:

(a) whether the attention of the Government has been drawn to the news published in the *Statesman*, dated the 17th February, 1939, to the effect that it is proposed to introduce legislation in South Africa which would further curtail the right of Indians there to own land; and

(b) whether Government have communicated with their Agent General in South Africa to ascertain if the Union Government have any intention to introduce such legislation as is likely to curtail the existing rights of our countrymen there; if so, when the communication was made and with what result?

CURTAILMENT OF THE RIGHTS OF INDIANS IN SOUTH AFRICA RE OWNERSHIP OF LAND.

Sir Syed Raza Ali: (a) Will the Education Secretary be pleased to make a full statement with reference to the news from Pretoria (published in the *Statesman* of the 17th February, 1939) with regard to the undertaking alleged to have been given by Mr. Stuttaford, Minister of the Interior in the Government of the Union of South Africa, concerning the proposed legislation to empower the Registrar of Servitude to prohibit lease of property, sale to and occupation by Asiatics free of charge if 60 per cent. of property owners agreed to it?

(b) When did the last deputation of European organisations wait on Mr. Stuttaford?

(c) Have the Government of India obtained copies of the representation made by European organisations and Mr. Stuttaford's reply thereto? If so, will they be pleased to lay them on the table?

(d) What steps have the Government of India taken to prevent further curtailment of the extremely limited right of Indians to acquire or occupy fixed property in the Transvaal?

(e) Is the motion required under the Transvaal Asiatic Land Tenure Amendment Act of 1936 likely to be passed by the two Houses of Parliament this session?

Sir Girja Shankar Bajpai: With your permission, Sir, I shall answer both the questions together, treating Sir Syed Raza Ali's as the main basis for my reply, owing to its more comprehensive character.

The Government of India have been in communication with their Agent General in the Union. As I stated last Saturday, the scheme referred to in the press report of 17th February is no other than the one which the Minister of the Interior, Mr. Stuttaford, mentioned to the representatives of the Federated Ratepayers' Association of Pretoria when they interviewed the Minister on the 7th December 1938. No subsequent deputation of European organisations has met the Minister. The Deputation of the Ratepayers' Association did not, so far as the Government of India are aware, submit any written representations to the Minister in the

course of the interview; hence there is no document of which a copy could be placed on the table of the House. The Minister's scheme has, so far, taken no definite shape; nor are the Government of India aware of any decision by the Union Government to introduce legislation of the type referred to in the newspaper report. The Agent General is closely watching the situation. He is in touch both with the Minister and with representatives of the Indian Congress. As the House is aware, the view of the Government of India is that Indians in South Africa should be permitted to own and occupy land for residence or trade without segregation. That is the view which the Agent General has instructions to press unequivocally on the Union Government, whether in connection with the proposals of the Federated Ratepayers' Association or any other that may aim at restricting existing Indian rights.

As regards the motion required under the Transvaal Asiatic Land Tenure Amendment Act of 1936, it is understood that the Union Government intend to introduce the necessary resolution during the current session of the Union Parliament. I cannot say whether the resolution will be passed by Parliament.

Sir Syed Raza Ali: May I ask the Education Secretary to enlighten us on the position as to what was the exact nature of the reply made by Mr. Stuttaford. I put this question in view of the news that has arrived from South Africa this morning that Mr. Stuttaford has outlined a scheme whereby if 75 per cent. of European residents object to an Indian acquiring property, effect would be given to the wishes of such European residents.

Sir Girja Shankar Bajpai: According to the information which we have received from the Agent General, what the Minister of the Interior said to this deputation in December was that he was not prepared to accept their recommendation that the terms of the Murray Commission should include that question but that he would like them to tell him whether the scheme on the lines which my Honourable friend has mentioned just now would meet their requirements.

Sir Syed Raza Ali: Did Mr. Stuttaford suggest that the wishes of 60 per cent. of the European residents should be taken into consideration or 75 per cent.? Have the Government of India any information on that point?

Sir Girja Shankar Bajpai: No, Sir. My information from the Agent General is that the figure mentioned by Mr. Stuttaford was not 60 per cent. but 75 per cent.

Sir Syed Raza Ali: Arising from the answer given by the Education Secretary, will he please tell us as to what form the representations made by the Government of India to the Union Government has taken—whether the Government of India have addressed any letter to the Union Government or representations have been made on behalf of the Government of India by the Agent General to the proper authorities?

Sir Girja Shankar Bajpai: So far, the representations have been made by the Agent General on behalf of the Government of India.

Mr. S. Satyamurti: May I know whether the Government of India have any information as to the final attitude taken by the Minister of the Interior, in respect of this matter in view of the telegram in this morning's papers?

Sir Girja Shankar Bajpai: I have given my friend information based on messages received from the Agent General as recently as the day before yesterday. As far as I know the Minister of the Interior has come to no definite decision on this matter yet. In fact, as far as I know, the matter has not yet been even referred to the Union Cabinet so far.

Mr. S. Satyamurti: In view of the fact that this matter is one of vital importance, will the Government of India get into touch with the Union Government directly, unless there is any diplomatic reason why they should not, and press on the Union Government and the Minister the necessity of not forcing the issue which has been considered a very vital one by the Indians in South Africa and the Government of India?

Sir Girja Shankar Bajpai: I can assure my Honourable friend that that particular suggestion is under the consideration of the Government of India now.

Sir Syed Raza Ali: With reference to part (e) of my question, will the Education Secretary be pleased to state whether, having regard to the overwhelming majority with which General Hertzog's party has been returned to power, Government realise that the current session of the Union Parliament affords them the best opportunity of persuading the Union Government to pass the resolution to which I referred in clause (e) of my question.

Sir Girja Shankar Bajpai: I can assure my Honourable friend that both the Government of India and the Agent General in South Africa will take into account every relevant consideration in so far as the implementing of the Feetham Commission's recommendations is concerned.

Mr. S. Satyamurti: Will the Government of India press on the Union Government that whatever the percentage—60 or 75—of Europeans who object to Indians, we object to the deprivation to any degree or extent to the rights of Indians with regard to these residential and other quarters, and that the Government of India will not acquiesce, even if cent. per cent. Europeans try to deprive Indians of their rights?

Sir Girja Shankar Bajpai: My Honourable friend will appreciate that it is not possible for me to go into details of the argument, but if I may, I will remind him of a passage in the statement which I made a little earlier:

"As the House is aware, the view of the Government of India is that Indians in South Africa should be permitted to own and occupy land for residence or trade without segregation.

So, percentages do not enter into it at all.

Sir Syed Raza Ali: With reference to the important question of the paucity of news from South Africa to India, will the Government be pleased to consider whether it would be possible for them to publish such news from South Africa as comes into the possession of the Government of India fortnightly, when this House is not in session?

Sir Girja Shankar Bajpai: I cannot really make an answer to that suggestion as to whether the Government would give periodical publicity with regard to events in South Africa.

Sir Syed Raza Ali: May I know what difficulty the Government is confronted with?

Sir Girja Shankar Bajpai: The difficulty is that there may be no fortnightly occurrence in South Africa to justify its publicity.

Sir Syed Raza Ali: In case there is?

Sir Girja Shankar Bajpai: That is a hypothetical question.

UNSTARRED QUESTIONS AND ANSWERS.

FUMIGATING OF INDIAN RICE IMPORTED INTO CEYLON.

20. Mr. Manu Subedar: (a) Will the Honourable the Commerce Member please state whether it is a fact that the Health Ministry of Ceylon insist on fumigating Indian rice imported into Ceylon on the plea of combating the possible danger of importing plague germs into Ceylon?

(b) Are Government aware that, even though the Indian ports are declared free from plague infection by the respective medical authorities, the Government of Ceylon still continue to insist on fumigating Indian rice?

(c) Are Government aware that such action on the part of the Ceylon Government increases the cost of rice to the Indian estate labourers in Ceylon?

Sir Girja Shankar Bajpai: (a) Yes.

(b) Yes.

(c) The expense of fumigation does not add appreciably to the cost of rice.

CONTEMPLATED COMPULSION ON THE IMPORTERS OF INDIAN RICE IN CEYLON TO PURCHASE LOCAL RICE ALSO.

21. Mr. Manu Subedar: Will the Honourable the Commerce Member please state whether Government have considered the question of enquiring through their Agent in Ceylon as to the accuracy or otherwise of the press report that the Ministry for Agriculture and Lands in Ceylon contemplate compelling the importers of Indian rice to purchase the local rice also, failing which, the licence for importing Indian rice would not be given to them?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member is presumably referring to the Agricultural Quota Bill in Ceylon. If so, the reply is in the affirmative.

INDIAN TEXTILE TRADE WITH CEYLON.

22. Mr. Manu Subedar: Will the Honourable the Commerce Member please state:

(a) whether it is a fact that after the increase of 50 per cent. in the quota for the import of Japanese piecegoods and textiles into Ceylon, India has steadily lost the Ceylon market for dyed, printed and grey piecegoods; and

(b) whether Government propose to consider the question of securing a fair share for the Indian textile trade in the export of Indian textiles to Ceylon at the time of concluding a trade pact between India and Ceylon?

The Honourable Sir Muhammad Zafrullah Khan: (a) The reply is in the affirmative except in regard to grey piece-goods, the exports of which to Ceylon in 1938 showed considerable increases as compared with the preceding two years.

(b) The point will be borne in mind.

APPOINTMENT OF A TRADE COMMISSIONER IN CEYLON.

23. Mr. Manu Subedar: Will the Honourable the Commerce Member please state:

(a) whether Government have considered the desirability of immediately appointing a non-official as Trade Commissioner in Ceylon in view of the importance of India's export trade with that country; and

(b) if there is any delay in appointing a Trade Commissioner, whether Government have considered the question of sending a trade correspondent to keep the Government of India fully apprised of the Indo-Ceylon trade position?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Government do not consider it necessary to appoint an Indian Trade Commissioner in Ceylon. The services of the Agent in Ceylon are utilised both in connection with general matters affecting India's trade with Ceylon, and wherever necessary in specific trade questions which involve local investigations.

TRANSFERRED QUESTIONS AND ANSWERS†.

WRITTEN ANSWERS.

RAISING OF FEES IN CERTAIN CLASSES IN BRITISH BALUCHISTAN SCHOOLS.

628. *Mr. Abdul Qaiyum: Will the Foreign Secretary state:

(a) whether the fees in high and middle classes have been raised in British Baluchistan schools;

(b) if so, when the increase took place; and the fees for high and middle classes before and after the increase;

†The question hour of the 23rd February, 1939, having been eliminated owing to the adjournment of the House without transacting any business, the answers to starred questions for that date were, in pursuance of convention, laid on the table of the House today—E. of D.

- (c) whether discrimination is made against outside students; if so, the nature thereof;
- (d) whether Mr. Singh was recently appointed to submit his report on the educational system in Baluchistan; and
- (e) whether his report will be published, and what changes are likely to take place as a result thereof?

Sir Aubrey Metcalfe: (a) Yes, only for classes VII to X.

(b) The increased rates were brought into force from the 1st June, 1938. A statement showing the old and the new rates of fees levied in the middle and high classes is laid on the table.

(c) Outside students pay higher rates of fees as shown in the statement I have just referred to.

(d) Mr. Singh was deputed to carry out a survey of the schools in Baluchistan in 1936.

(e) No. Government have already sanctioned a scheme of educational reorganisation for Baluchistan after considering Mr. Singh's report. The main features of the scheme were communicated by Sir Girja Shankar Bajpai to this House on the 29th August, 1938, in reply to part (a) of Mr. Lalchand Navalrai's starred question No. 553.

Statement.

Class.	Old rates of fees.		New rates of fees.	
	Locals.	Non-locals.	Locals.	Non-locals.
	Rs.	Rs.	Rs.	Rs.
V	1	3	1	3
VI	1	3	1	3
VII	1	3	2	4
VIII	1	3	2	4
IX	2	5	3	6
X	2	5	3	6

STUDENTS IN BRITISH BALUCHISTAN.

629. *Mr. Abdul Qaiyum: Will the Foreign Secretary please state:

- (a) the total number of students in British Baluchistan on the 1st January, 1938, and 1st January, 1939; and
- (b) the reasons for this fall in numbers?

Sir Aubrey Metcalfe: (a) 1,708 and 1,584 respectively.

(b) The fall is chiefly in the Government High School, Sibi, where there was a strong agitation against the introduction of an increased scale of fees, and in the Girls' School, Sibi, which has been affected by the opening of a private school.

TRAIN DISASTER NEAR HAZARIBAGH ON THE EAST INDIAN RAILWAY.

630. *Mr. Brojendra Narayan Chandhury: Will the Honourable the Railway Member please state:

- (a) whether his attention has been drawn to the letter from Mr. R. N. Paul, Professor of Physics, Calcutta, which appeared in the *Hindustan Times* of the 20th January discussing the probable cause of the Dehra Dun Express disaster;
- (b) whether the Senior Railway Inspector has taken into consideration all the nineteen factors discussed in that letter before coming to the conclusion of "due to sabotage"; and
- (c) whether it is a fact as stated in the letter that:
- a railway engine at Hazaribagh Road was recently derailed;
 - caution has been issued to trains at Chourhurybunth; and
 - there has recently been retrenchment of working hands of Permanent Way Inspector's permanent gang?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) I would refer the Honourable Member to the reply given to parts (a) to (e) of his starred question No. 514 of the 20th February, 1939.

(c) (i). An engine of a Down goods train was derailed at Hazaribagh Road on the 21st October, 1938.

(ii) A caution order was issued on the 7th January, 1939, restricting the speed of trains to ten miles per hour as the line between mile 205 and 206 was being attended to.

(iii) No.

TRAIN DISASTER NEAR HAZARIBAGH ON THE EAST INDIAN RAILWAY.

631. *Mr. Brojendra Narayan Chandhury: Will the Honourable the Railway Member please state whether the report of the Associated Press of India, dated Asansole, the 16th January, that the window of a first class compartment of 8 Down Delhi Express was hit by a missile which exploded with a loud report, giving the smell of gunpowder, between Baraka and Kulti is correct?

The Honourable Sir Thomas Stewart: Government have no information.

REWARD ANNOUNCED FOR THE DETECTION OF CULPRITS IN THE CHIKAKI RAILWAY ACCIDENT.

632. *Mr. Brojendra Narayan Chandhury: Will the Honourable the Railway Member please state:

- (a) whether the reward of Rs. 5,000 first announced for the detection of culprits who caused the Chikaki accident has since been increased to Rs. 25,000; and
- (b) whether he has considered that too big rewards may encourage false accusation and perjury?

The Honourable Sir Thomas Stewart: (a) No.

(b) Does not arise.

RAILWAY ACCIDENT AT CHIKAKI.

633. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

- (a) whether the statement made by Mr. Sukhlal Singh during the debate in Bihar Legislative Assembly on the 19th January, 1939, about the Chikaki accident that (as some passengers had told him) they felt jerks from the moment that train left Howrah, that rattling noise came out of the train and that the train was detained at Lilloah and examined, is mainly correct;
- (b) if so, what fault was discovered or corrected at Lilloah; and
- (c) if the statement is absolutely without foundation, the steps proposed to stop circulation of such irresponsible statements?

The Honourable Sir Thomas Stewart: (a) and (b). I would refer the Honourable Member to the reply given to parts (a) to (e) of his starred question No. 514 of the 20th February, 1939.

(c) I would refer the Honourable Member to my speech on the adjournment motion which I trust was given reasonable publicity.

CIVILIANS KIDNAPPED AND KILLED BY TRANS-BORDER MEN IN THE SETTLED DISTRICTS.

634. *Mr. Abdul Qaiyum: Will the Foreign Secretary please state:

- (a) the number of civilians kidnapped from the Settled Districts and Agencies by trans-border men from 1st January, 1938 to 31st January, 1939;
- (b) how many civilians were killed by trans-border people in the Settled Districts in the same period;
- (c) whether Government are aware that ransom money had to be paid by the relatives of the kidnapped persons, and, if so, the total paid in 1938 and January 1939; and
- (d) whether Government propose to compensate people who had to pay ransom money, and, if not, why not?

Sir Aubrey Metcalfe: (a) 121.

(b) 26.

(c) Relatives do sometimes pay ransom-money contrary to Government's advice, but no details of the amounts paid are available.

(d) No—since the payment of ransom-money encourages further kidnappings and is undesirable in the public interest.

TRANSFER OF CONTROL OF THE TRIBAL AREAS.

635. *Mr. Abdul Qaiyum: Will the Foreign Secretary please state:

- (a) whether as a result of warfare in Waziristan it has become dangerous to use roads in Bannu and Dera Ismail Khan districts and parts of Kohat district;
- (b) whether Government are prepared to hand over control to the Frontier Provincial Government over the tribal areas; and

- (c) whether they have approached His Majesty's Government to bring about suitable amendments in the Government of India Act to effect transfer of control to the popular Provincial Government?

Sir Aubrey Metcalfe: (a) Owing to tribal raiding some of the roads in the Bannu, Dera Ismail Khan and Kohat districts are considered unsafe and special measures have been taken for their protection.

(b) and (c). No.

PERSONS KIDNAPPED BY RAIDERS FROM THE TRIBAL AREAS.

636. *Mr. T. S. Avinashilingam Chettiar: Will the Secretary for External Affairs state:

- (a) how many people have been kidnapped by raiders from the tribal areas in the last six months for which statistics are available; and
- (b) for how many of them ransom was paid and what is the total amount of ransom so paid?

Sir Aubrey Metcalfe: (a) 78.

(b) No information is available.

OVERCROWDING DURING THE CHRISTMAS HOLIDAYS ON THE NORTH WESTERN RAILWAY.

637. *Mr. Abdul Qaiyum: Will the Honourable Member for Railways please state:

- (a) the steps taken to cope with the rush of passengers during the last Christmas holidays on the North Western Railway;
- (b) whether any extra trains were run; if so, where and how many;
- (c) whether there was overcrowding in the third and intermediate class carriages owing to lack of accommodation;
- (d) whether tickets were issued beyond the seating accommodation in the trains; and
- (e) whether Government propose to take steps to stop the issue of tickets in excess of the available seats on such occasions?

The Honourable Sir Thomas Stewart: (a) The composition of certain trains was strengthened and the normal running of intermediate and third class begins was extended between important centres.

(b) It was not found necessary to run any extra passenger trains.

(c) No overcrowding was brought to the notice of the Railway Administration.

(d) No details are available.

(e) It is not possible to take any measures which will invariably guarantee no overcrowding.

FORMATION OF ADVISORY COMMITTEES FOR BROADCASTING STATIONS.

638. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable Member for Communications please state:

- the names of the Broadcasting Stations in India for which Advisory Committees have been constituted;
- the principles on which they have been constituted;
- whether instructions have been issued that in the formation of these committees due regard should be paid to the representation of the different communities;
- whether it is a fact that no member of any political party with pronounced views is selected as a member of a committee regardless of his suitability for the membership; and
- the stations in respect of which Advisory Committees have not yet been constituted, with the reasons for the delay?

The Honourable Sir Thomas Stewart: (a), (b) and (c). The attention of the Honourable Member is invited to the replies given by me on the 20th February, 1939, to Mr. Satyamurti's starred question No. 522 and part (e) of Mr. Manu Subedar's starred question No. 538.

(c) and (d). No.

PROTECTION OF ISOLATED SMALL RAILWAY STATIONS FROM RAIDS BY DACOITS.

639. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable Member for Railways please state, with reference to the raid by a party of dacoits at Dalauda Station on the Bombay, Baroda and Central India Railway in November last:

- whether Government have examined the measures necessary to protect isolated small stations from such raids;
- if so, what they are;
- whether these measures will apply with suitable modifications to all Railways, State-managed as well as Company-managed; and
- whether these measures include the provision of stations of the kind referred to with guns?

The Honourable Sir Thomas Stewart: (a) Government do not consider that any special arrangements on the part of Railway authorities are necessary.

(b) to (d). Do not arise.

SPEEDING UP OF THE GRAND TRUNK EXPRESS.

640. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable Member for Railways please state:

- whether there is any proposal under the consideration of Government for the speeding up of the Grand Trunk Express; and if so, what decision has been reached; and

- whether Government are aware that considerable dissatisfaction exists on account of its frequent late-running?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the reply given to Prof. N. G. Ranga's supplementary arising out of Mr. K. Santhanam's starred question No. 833A of the 18th March, 1938.

- The running of these trains has not been good and I am prepared to accept the Honourable Member's statement that this has caused dissatisfaction.

INTERMEDIATE CLASS FARE BETWEEN DELHI AND MADRAS.

641. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable Member for Railways please state:

- whether any proportion has been laid down by the appropriate authorities of the Railway concerned which fares of different classes should bear towards each other;
- the proportion of these fares on the Madras-Delhi route by the Grand Trunk Express;
- whether Government are aware that the fare charged for the intermediate class is nearly double that of the third in respect of the journey from Delhi to Madras;
- whether this represents a much higher proportion than what exists on most other Railways and for similar distances, and if so, the reasons for the enhanced fare; and
- whether Government propose to consider the desirability of bringing this fare into line with that on other Railways?

The Honourable Sir Thomas Stewart: (a) No.

(b) The first class fare is double the second class. The second class fare is 1.7 times the intermediate class. The intermediate class fare is 1.8 times the third.

(c) Yes.

(d) No.

(e) Does not arise.

PRIVATE VENDING OF REFRESHMENTS ON THE MADRAS AND SOUTHERN MAHARATTA AND SOUTH INDIAN RAILWAYS.

642. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable Member for Railways please state:

- whether there exists private vending of refreshments on platforms of several stations of the Madras and Southern Mahratta and South Indian Railways;

(b) why this arrangement is still permitted;

(c) whether Government propose to consider the desirability of issuing instructions to the Railway Administrations concerned that wherever refreshments are sold on their stations, they should be under their management; and

[24TH FEB. 1939.]

- (d) whether, if the selling of refreshments under their management be not practicable just now, they are prepared to issue instructions that the vending of refreshments under private management should be strictly supervised?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) Both the Madras and Southern Mahratta and South Indian Railways consider it the best system.

(c) No. The Administrations concerned consider it impossible to undertake all catering by departmental management.

(d) Both the Administrations exercise vigilant and constant supervision over the vending contractors.

REPRESENTATION IN CONNECTION WITH A TRADE AGREEMENT TO BE CONCLUDED WITH AFGHANISTAN.

643. *Mr. S. Satyamurti: Will the Foreign Secretary be pleased to state:

(a) whether the Government of India have received a communication from the Indian Chamber of Commerce, Lahore, to the effect that no Indo-Afghan Trade treaty, which is not a reciprocal basis, will be accepted by the commercial community, and also asking for non-official representation by the appointment of Indian traders in the negotiations for a trade treaty with the Afghan Government;

(b) at what stage the matter stands; and

(c) whether Government propose to accept the request of the Chamber and, if not, why not?

Sir Aubrey Metcalfe: (a) Yes.

(b) Attention of the Honourable Member is invited to the answers given to parts (a) to (c) of question No. 292 asked by Mr. Abdul Qaiyum on the 10th February, 1939.

(c) Does not arise.

CONCLUSION OF A TRADE AGREEMENT WITH THE UNITED STATES OF AMERICA.

644. *Mr. S. Satyamurti: Will the Foreign Secretary be pleased to state:

(a) whether he is aware of the fact that the committee of the Indian Chamber of Commerce, Calcutta, recently met Mr. J. J. Singh, President of the Indian Chamber of Commerce, America, at Calcutta, and explained the desirability of having an Indo-American Trade treaty in the absence of which merchants going to the United States of America experience considerable difficulties, particularly in regard to their stay in America;

(b) whether it is a fact that in spite of immigration laws the nationals of Japan, China and Siam have been able to overcome this difficulty as a result of trade treaties with America; and

- (c) whether Government propose to take early steps to conclude a treaty with America with a view to removing this handicap on Indian traders?

Sir Aubrey Metcalfe: (a) and (b). Yes.

(c) I would invite the Honourable Member's attention to the answers given by me on the 10th February, 1939, to Mr. Chettiar's question No. 275.

ENQUIRY INTO THE HAZARIBAGH RAILWAY ACCIDENT.

645. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Railway Member state:

(a) whether Government have decided upon the terms of reference and personnel of the judicial enquiry promised by them with reference to the Hazaribagh accident;

(b) whether Government have considered the advisability of referring to the Committee also an enquiry into all possible causes of accidents, so that preventive measures may be taken; and

(c) if not, whether they have considered the advisability of setting up another expert committee with that end in view, so that public confidence may be restored?

The Honourable Sir Thomas Stewart: (a) No; but the matter is under the active consideration of Government.

(b) and (c). No.

THREAT TO RESORT TO SATYAGRAHA AT BADARPUR BRIDGE ON THE ASSAM BENGAL RAILWAY.

646. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

(a) what steps the Assam Bengal Railway authorities propose to take to prevent the Krisak Samity of Cachor from executing the threat to "resort to satyagraha at Badarpur bridge armed with hoes at the onset of the next rainy season", as embodied in their memorial to the Honourable Minister of Revenue, Mr. Fakaruddin Ahmed, when he visited the district in January last to see the flood stricken areas;

(b) whether Government are aware that Badarpur Railway bridge which has been described in the said memorial as a 'bottle-neck' is popularly believed to be responsible for recurring floods in that district;

(c) whether that popular belief is correct; if not, the steps taken, or proposed to be taken, to disabuse the people; and

(d) how Government propose to meet the notice of the assault on the embankment, and whether they contemplate asking the Provincial Government to take precautionary measures?

The Honourable Sir Thomas Stewart: (a), (b) and (c). Government have no information.

(d) The matter is within the competence of local authorities to deal with.

SEARCHLIGHTS CARRIED AT NIGHT BY TRAINS, ETC.

647. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

- what class of trains, mail, express, passenger, mixed and goods, carry searchlights at night; and how long the practice has been in force, and what is the object of the searchlights;
- whether searchlights have satisfactorily fulfilled the object of avoiding danger;
- whether Government propose to consider additional precautionary measures like (i) a light motor pilot engine, or (ii) patrolling frequently of the line by light trolley motor cars; and
- the approximate costs for suggestions contained in (i) and (ii) for one section of the East Indian Railway?

The Honourable Sir Thomas Stewart: (a) All engines hauling mail, express, passenger, mixed and goods trains are at present equipped with electric headlights. Fitting headlights to train engines first came into vogue somewhere about 1920 and since 1925 the practice was widely extended.

The object is to enable the driver to see clearly objects along the track up to an appreciable distance in front of his engine.

(b) Danger cannot be avoided by the use of searchlights. Their value lies in their ability to provide earlier detection of impending danger.

(c) No.

(d) Does not arise.

CANCELLATION OF THE EXAMINATION FOR RECRUITMENT OF TELEPHONE OPERATORS HELD AT FEROZEPUR.

648. *Mr. Sham Lal: With reference to his reply to my question No. 1118, dated the 31st March, 1938, stating that Government have granted to temporary operators an opportunity to appear at the next examination under the new rules by waiving the age limit in their favour, will the Honourable Member for Communications state:

- if it is a fact that in some cases this concession has been refused;
- if it is also a fact that, though D. E. T. Ferozepore examination held in March 1937, was cancelled in consequence of revised rules, yet a similar test was held under the old rules and permanent appointments were given on the strength of the results of that examination; and
- if so, why it was done?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) and (c). The Honourable Member is under a misapprehension. No examination was cancelled. The test held by the Divisional Engineer, Telegraphs, Ferozepore, was one for filling certain temporary vacancies in the cadre of telephone operators. The candidates who passed that examination were eligible for appointment only against such permanent vacancies as occurred before the date of announcement of the competitive examination under the new rules for recruitment, but no such permanent

vacancies having occurred, they became ineligible for permanent appointment without complying with the new rules for recruitment. The other test referred to by the Honourable Member was held by the Postmaster-General for recruitment of clerks against certain permanent vacancies which existed before the date of the announcement of the examination. The candidates who were selected at this examination were all given permanent appointments.

ENQUIRY INTO THE HAZARIBAGH RAILWAY ACCIDENT.

649. *Mr. S. Satyamurti: Will the Honourable Member for Railways be pleased to state:

- whether Government have considered the voting of the adjournment motion in respect of the Hazaribagh railway disaster in the Assembly on 3rd February, 1939;
- when they propose to appoint an independent judicial tribunal, and what its composition and terms of reference are;
- the steps taken, or proposed to be taken, by the railway administration for the prevention of such accidents in future;
- whether any special steps are being taken to protect the area of the line in which such accidents have been occurring in the past; and
- whether the co-operation of the Government of Bihar has been or will be secured in this behalf?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) I would refer the Honourable Member to the reply just given to part (a) of Mr. T. S. Avinashilingam Chettiar's starred question No. 645.

(c) I would refer the Honourable Member to the reply given to part (f) of Mr. Abdul Qaiyum's starred question No. 1199 of the 10th November, 1938.

(d) and (e). A system of patrols has been started on the section of the main line and on the grand chord between Sitarampur and Moghal Sarai, and, I understand, the Bihar Government have been informed.

DRIVE AGAINST RADIO PIRACY.

650. *Mr. S. Satyamurti: Will the Honourable Member for Communications be pleased to state:

- the results of the drive against radio piracy in several parts of India so far;
- the money spent on the drive so far;
- the increase in licence fees obtained as a result of this anti-piracy drive; and

- (d) whether Government propose to entrust this function to the All-India Radio, taking it away from the Posts and Telegraphs Department; if not, why not?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the reply I gave to parts (a) and (b) of Mr. Manu Subedar's starred question No. 435 on 15th February, 1938.

(b) and (c). Information is not yet available as the recent intensive drive only commenced from 16th January, 1939.

(d) Not at present, because Government consider the Posts and Telegraphs Department as the most suitable agency for the purpose.

RECOMMENDATIONS OF THE WEDGWOOD COMMITTEE.

651. *Mr. S. Satyamurti: Will the Honourable Member for Railways be pleased to state:

- (a) the recommendations of the Wedgwood Committee on which Government have not passed orders so far; and
- (b) whether Government propose to pass any orders on the recommendations of the Wedgwood Committee regarding the future of the Railway finance, the power of borrowing in the open market to be conferred on the Federal Railway Authority and the flotation or encouragement of the flotation of the public companies domiciled in India to whom the management of the State Railways is to be transferred?

The Honourable Sir Thomas Stewart: (a) The Honourable Member has been furnished with a copy of the second statement issued in November last showing the action taken on the recommendations of the Indian Railway Enquiry Committee. I suggest that he will be able to ascertain, by inference from that statement, those recommendations in regard to which Government have yet to arrive at decisions.

(b) In regard to these matters, I am unable to make any statement at present, beyond the remarks regarding certain aspects of railway finance which appear on page 17 of the statement alluded to in the reply to part (a) of this question, against paragraphs 205—213 of the Committee's Report.

EXPIRY OF CONTRACTS OF COMPANY-MANAGED RAILWAYS.

652. *Mr. S. Satyamurti: Will the Honourable Member for Railways be pleased to state:

- (a) the names of the Company-managed Railways whose contracts fall in during the next three or five years; and
- (b) whether Government have taken, or propose to take, any steps to buy those railways; if so, what those steps are; if not, why not?

The Honourable Sir Thomas Stewart: The attention of my Honourable friend is drawn to the reply given on the 29th November, 1938, to his starred question No. 1568.

REPRESENTATION FOR CONCLUSION OF A TRADE AGREEMENT WITH AFGHANISTAN.

653. *Mr. S. Satyamurti: Will the Secretary for External Affairs be pleased to state:

- (a) whether his attention has been drawn to a representation from the Frontier Chamber of Commerce for the early conclusion of an Indo-Afghan Trade Agreement;
- (b) what are the specific difficulties in the way of concluding such a trade agreement; and
- (c) whether the Government of India through the Commerce Department propose to do everything in their power to bring about the early conclusion of a trade agreement; if not, why not?

Sir Aubrey Metcalfe: (a) No.

(b) The main difficulty is that trade is State controlled in Afghanistan whereas it is free in India.

(c) The attention of the Honourable Member is invited to the answer given to part (c) of question No. 292 asked by Mr. Abdul Qaiyum on the 10th February, 1939.

LOCATION OF THE DABBI BAZAR SUB-POST OFFICE, LAHORE.

654. *Mr. Sham Lal: Will the Honourable Member for Communications be pleased to state:

- (a) whether any representation was made by the President of the Merchants Association, Dabbi Bazar, Lahore, to the Director-General of Posts and Telegraphs Department, with regard to the location of the Dabbi Bazar Sub-Post Office, Lahore;
- (b) whether that representation was sent to the Postmaster General, Lahore, for necessary action;
- (c) whether the Postmaster General made any enquiry, and if so, what is the result of the enquiry;
- (d) whether it is a fact that the above sub-post-office is situated in a lane and not easily accessible to the public;
- (e) whether it is a fact that it is unhealthy and dark and the work even during the day can be done only with the help of electric light;
- (f) whether it is a fact that the rental value of the building is not more than 20 or 25 rupees a month, while the proprietor is charging Rs. 80 a month from Government;
- (g) whether it is a fact that the Director General of Posts and Telegraphs asked the President of the Merchants Association to propose a suitable building on reasonable rent in a better place;

(h) whether it is a fact that the President proposed a site near the Golden Mosque, which building is more commodious;

(i) whether Government have decided to shift the said sub-post office to that building; and

(j) if not, what action Government propose to take?

The Honourable Sir Thomas Stewart: (a), (b) and (g). Yes.

(c) to (f) and (h) to (j). Government have no information. The matter is one within the competence of the Postmaster General, Punjab and North-West Frontier Circle, and a copy of the question is being sent to him for such action as he may consider suitable.

MANUFACTURE OF CHEAP RADIO SETS IN INDIA.

655. *Mr. Manu Subedar: (a) Will the Honourable the Communications Member please state whether Government have seen a message from the Associated Press from Lucknow, which stated that a radio-machine had been constructed at or near fifty rupees and was giving good service?

(b) Have Government made any efforts since the last debate in this House to examine the conditions for the production of radio-machines in this country and, if so, what is the result of such efforts?

(c) Is there any publication in which the results of these efforts have been embodied?

(d) Have Government considered the proposal for the manufacture of cheap radios in this country from the business point of view and the possible effect which such production would have on the number of licences?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) and (d) Government have under active consideration at the present time certain proposals for the production or assembly of cheap radio sets in this country and the possible effect of the local production of cheap sets on the number of licences.

(c) No.

DISINFECTANT FLUIDS USED BY STATE RAILWAYS.

656. *Mr. Manu Subedar: (a) With regard to the reply given to starred question No. 30 on the 8th February 1939, about disinfectant fluids, will the Honourable the Communications Member please state to which firms orders were given by the State Railways during the current official year, for what quantities, and at what prices?

(b) In which cases was the material supplied made in India?

The Honourable Sir Thomas Stewart: (a) and (b). I lay a statement on the table of the House giving the necessary information.

Name of firm.	Whether imported or indigenous.	Quantity ordered.	Rate per gallon.	Remarks.
---------------	---------------------------------	-------------------	------------------	----------

Item 1.—Disinfecting fluid with a carbolic acid co-efficient of not less than 18 by Rideal Walker Test.

		Gallons.	
1. Kilburn & Co., Calcutta.	Imported	7,700	Rs. 2-0-6 delivered free at E. I. Ry. Stores, Salke.
		250	Rs. 2-1-3 f. o. b. Karachi.
		7,950	
		7,950	
2. D. Waldis & Co., Ltd., Calcutta.	Imported	7,200	Rs. 2-0-3 c. i. f. Karachi.
		850	Rs. 2-2-4 delivered free at E. I. Ry. Stores, Salke.
		8,050	
3. Standard Chemical & Pharmaceutical Co., Bombay.	Indigenous	1	Rs. 2-4-6 delivered free at G. I. P. Ry. Stores, Bombay.

Item 2.—Disinfecting fluid with a carbolic acid co-efficient of not less than 10 by Rideal Walker Test.

1. Kilburn & Co., Calcutta.	Imported	46	Rs. 1-9-2 delivered free at E. I. Ry. Stores, Salke.
2. Standard Chemical & Pharmaceutical Co., Bombay.	Indigenous	2,551	Rs. 1-9-5 delivered free at G. I. P. Ry. Stores, Bombay.

Item 3.—Disinfecting fluid with a carbolic acid co-efficient of not less than 5 by Rideal Walker Test.

1. Standard Chemical & Pharmaceutical Co., Bombay.	Indigenous	1	Rs. 1 delivered free at G. I. P. Ry. Stores, Bombay.
--	------------	---	--

PERMISSION TO FOREIGN AEROPLANES TO PASS THROUGH INDIA.

657. *Mr. Manu Subedar: (a) Will the Honourable the Communications Member please state what are the arrangements with Messrs. Air France and K. L. M. who pass through India to their further destinations?

(b) Did these organisations seek the permission of the Government of India, and on what terms and conditions were they given such permission?

(c) Are any fees charged to them? If so, under what heads and how much?

(d) Are the terms given to them in any respect different from the terms given to the Imperial Airways and, if so, in what respect?

The Honourable Sir Thomas Stewart: (a) and (b). The K. L. M. and Air France services have been permitted to operate across India subject to the following principal conditions:

(i) Goods and passengers may not be carried between any two points in India or from India to Burma.

(ii) Mails from India may be carried only for Iran in the West and Northern and Central Sumatra and French Indo-China on the East, and these have to be loaded at Karachi and Calcutta, respectively.

The permission of the Government of India for the operation of the services was sought by the French and Dutch Governments through the usual diplomatic channels.

(c) The Services are charged fees for the aerodrome, wireless and meteorological facilities afforded to them, as prescribed in Section B of Schedule V to the Indian Aircraft Rules, 1937. The revenue from such fees amounted in 1938 to Rs. 17,937 in the case of K. L. M. and Rs. 11,526 in the case of Air France.

(d) The conditions mentioned in the reply to parts (a) and (b) are not applicable to the Imperial Airways Service across India, which has also been exempted from the payment of the fees referred to in the reply to part (c).

AERODROMES IN INDIA.

558. *Mr. Manu Subedar: (a) Will the Honourable the Communications Member please state how many aerodromes have been set up in British India and where?

(b) What is the capital cost incurred in connection with these aerodromes and landing places?

(c) What is the recurring cost incurred and to which head of the Central Government's budget is this debited?

(d) What are the total recoveries in the form of fees from those using the aerodromes? What is the scale of these fees?

(e) What means have Government adopted to secure uniform conditions and regulations with regard to the operation of civil aviation in British India with the Indian States?

The Honourable Sir Thomas Stewart: (a) Nine civil aerodromes and nine landing grounds, two of which are under construction, have been established in British India by the Central Government. A list is placed on the table.

(b) Approximately Rs. one crore upto the end of 1938-39.

(c) The cost of maintenance during the year 1938-39 is expected to be Rs. 2.74 lakhs. It is debited to the grant under Demand No. 47-Aviation.

(d) The total recoveries on account of fees, rents and other charges levied at Government civil aerodromes during 1937-38 was Rs. 62,005. The scale of fees is shown in Section B of Schedule V to the Indian Aircraft Rules, 1937, a copy of which will be found in the Library.

(e) Informal arrangements have been made with Indian States whereby control of aviation in them is co-ordinated with the provisions of the International Air Convention and the law and practice in British India.

List of Aerodromes and Landing Grounds.

Aerodromes.—Karachi, Calcutta (Dum Dum), Allahabad, Bombay (Juhu), Cawnpore, Delhi, Jacobabad, Lahore and Madras.

Landing Grounds.—Ahmedabad (under construction), Chittagong, Cuddapah, Donakonda, Fatehpur, Gaya, Mughal Bhim, Trichinopoly, and Ramnad (under construction).

TECHNICAL STAFF OF THE CIVIL AVIATION DEPARTMENT.

659. *Mr. Manu Subedar: (a) Will the Honourable the Communications Member please state what is the technical staff attached to the Civil Aviation Department?

(b) Was the superior staff of the Civil Aviation Department recruited through the Public Service Commission?

(c) Who is the seniormost Indian official of the Civil Aviation Department and what is his emolument?

The Honourable Sir Thomas Stewart: (a) A statement showing the technical staff attached to the Civil Aviation Directorate is laid on the table.

(b) Posts of Aerodrome and Assistant Aerodrome Officers, and Assistant Aircraft Inspectors have generally been filled through the Public Service Commission, but certain other posts requiring qualifications, not at present available in India were filled through the High Commissioner in England.

(c) The Administrative Officer. His pay is Rs. 750.

Statement showing the technical staff attached to the Civil Aviation Directorate.

Serial No.	Designation of post.	Number.
Gazetted Staff.		
1	Director of Civil Aviation	1
2	Deputy Director of Civil Aviation	2
3	Technical Officer	1
4	Chief Inspector of Aircraft	1
5	Chief Aerodrome Officer	1
6	Aircraft Inspector	1
7	Engineer Officer (temporary)	1
8	Assistant Engineer Officer	6
9	Assistant Aircraft Inspector (Grade I)	2
10	Assistant Aircraft Inspector (Grade II)	1
11	Electrical and Mechanical Superintendent	8
12	Aerodrome Officer	21
13	Assistant Aerodrome Officer	
Non-gazetted Staff.		
14	Examiner	6
15	Assistant Route Supervisor	3
16	Floodlight Operator	4
17	Assistant Floodlight Operator	10
18	Motor Driver (Grade I)	8
19	Motor Driver (Grade II)	11
20	Cleaner	6

TELEPHONE EXCHANGE AT BENARES.

660. *Mr. Sri Prakasa: Will the Honourable Member for Communications state:

- (a) if it is a fact that telephone connections are given to private subscribers at varying rates in accordance with the distance from the telephone exchange;
- (b) if the rate is Rs. 168 for the first mile and Rs. 192 for distances above one mile and up to three miles;
- (c) if the telephone exchange of Benares is situated outside the main city;
- (d) if the rates charged from subscribers in the main city is Rs. 192 while in the Cantonment it is Rs. 168;
- (e) if there was a proposal that with the construction of the new Central Posts and Telegraphs Office at Bishesharganj in the city of Benares, the telephone exchange will be removed there;
- (f) if the telephone exchange still continues in the Cantonments;
- (g) if Government are aware that this extra cost discourages persons in the city from taking private connections; and
- (h) if Government are thinking of the desirability of taking the exchange in the premises of the new Post and Telegraph Office in the city;

The Honourable Sir Thomas Stewart: (a) Yes.

(b) In the case of certain exchanges, e.g., Benares, the rate is Rs. 168 for distances up to one mile, Rs. 180 over one mile and up to two miles, and Rs. 192 over two miles and up to three miles.

(c) Yes.

(d) Yes, but not in all cases.

(e) Yes, but the proposal was not proceeded with.

(f) Yes.

(g) I have no reason for thinking so.

(h) No.

SUBWAY AT THE AJODHYA RAILWAY STATION.

661. *Mr. Sri Prakasa: Will the Honourable Member for Railways state:

- (a) if it is a fact that the subway leading from the off platform at the Ajodhya Railway Station on the East Indian Railway is not connected with the main platform but with the road outside;
- (b) if there is sufficient arrangement for lighting the passage and for preventing water logging during the rains; and
- (c) if Government are thinking of recommending to the railway concerned the desirability of either having an overbridge connecting the two platforms or a properly protected subway leading from one platform to another?

The Honourable Sir Thomas Stewart: (a) to (c). Government have no information. Their policy is to leave such matters to the discretion of Railway Administrations. If the existing facilities fall short of requirements in any way, the matter can most suitably be dealt with through the Local Advisory Committee.

IMPROVEMENT OF THE DUFFERIN RAILWAY BRIDGE AT BENARES.

662. *Mr. Sri Prakasa: Will the Honourable Member for Railways state:

- (a) if there is any proposal for the improvement of the Dufferin Railway Bridge at Benares;
- (b) if Government have received any representations either from the Government of the United Provinces or from members of the general public, regarding the difficulties experienced during the rainy season by persons wanting to cross the river at Benares by cars, horse carriages or bullock carts, when the pontoon bridge is not working and when the railway bridge is closed for long hours;
- (c) if, in the proposed arrangement, provision is made to enable vehicular traffic to go over the bridge at all times; and
- (d) if, in case there is no proposal for improving the bridge, the railway administration is thinking of widening the foot path on one side of the bridge to enable vehicular traffic to go through even when trains are passing?

The Honourable Sir Thomas Stewart: (a), (b) and (c). Yes.

(d) Does not arise.

INSUFFICIENT SUPPLY OF MEDICINES, ETC., TO HOSPITALS ON THE BENGAL NAGPUR RAILWAY.

663. *Mr. K. S. Gupta: (a) Will the Honourable the Railway Member please state whether the equipment of hospitals on the Bengal Nagpur Railway is supervised and inspected by any Government officials?

(b) Are there any complaints from the employees about insufficient supply of medicines and inadequacy of instruments in the various hospitals of the Bengal Nagpur Railway?

(c) Is it a fact that the European and Anglo-Indian staff of the Bengal Nagpur Railway refuse to be treated by Indian staff of the Medical Department of the Bengal Nagpur Railway? If so, why?

(d) Is it a fact that almost all complicated cases, both medical and surgical, are not treated in the railway hospitals of the Bengal Nagpur Railway for want of efficient staff and inadequate supply of medicines and instruments?

The Honourable Sir Thomas Stewart: This is a matter of detailed administration of a Company-managed Railway in regard to which Government have no information. I am, however, sending a copy of the question to the Agent and General Manager of the Bengal Nagpur Railway for such action as he may consider necessary.

NON-SUPPLY TO SERVICE UNION OF THE REPORT ON REORGANISATION OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

664. *Maulana Zafar Ali Khan: (a) Will the Honourable Member for Communications please state whether it is a fact that recognised service unions were given an opportunity to offer suggestions about the reorganisation of the office of the Director General of Posts and Telegraphs, but they were not supplied with a copy of the Report on reorganisation compiled by Mr. Ghulam Muhammad, as well as the terms of reference, so as to enable them to express their views on the recommendations made?

(b) If the reply to part (a) be in the affirmative, will Government kindly state the reasons for depriving the recognised service unions of an opportunity to express their views on matters which concerned the staff most vitally?

(c) Will Government be pleased to state whether they are prepared to cancel the effect of the reorganisation and afford the unions an opportunity to express the viewpoint of the staff in the first instance? If not, why not?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) It was not considered necessary to give them a further opportunity of expressing their views on the recommendations before Government took a decision on them.

(c) No, for the reason given in reply to part (b).

RELEGATION OF MUSLIM CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

665. *Maulana Zafar Ali Khan: (a) Will the Honourable the Communications Member please state if it is a fact that out of a total number of twelve Muslim Second Division clerks in the office of the Director General of Posts and Telegraphs ten have been relegated to the Third Division on grounds of incompetence?

(b) Are Government aware that many of the relegated officials referred to above have put in over twenty years' service in the Directorate and their relegation after such a long period of service has produced a disheartening effect on their minds?

(c) Do Government propose to review their cases by instituting an impartial enquiry as regards their fitness for retention in the Second Division cadre?

The Honourable Sir Thomas Stewart: (a) No.

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

PROMOTION TO SELECTION GRADE POSTS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

666. *Maulana Zafar Ali Khan: (a) Will the Honourable the Communications Member please state if it is a fact that in connection with the reply to Mr. Anwar-ul-Azim's starred question No. 427, dated the 11th February 1931, the Director General of Posts and Telegraphs decided that promotion to selection grade posts in his office would be made strictly according to efficiency irrespective of seniority?

(b) Is it a fact that the said decision was taken at the instance of the Honourable Sir Joseph Bhowe, the then Member-in-Charge of the Department of Industries and Labour?

(c) If the replies to the preceding part is in the affirmative, will Government kindly state the reasons for following routine seniority in matters of promotion to Superintendent's cadre?

The Honourable Sir Thomas Stewart: (a) No.

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

PROMOTION OF A MUSLIM TO SUPERINTENDENT'S CADRE IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

667. *Maulana Zafar Ali Khan: (a) Will the Honourable Member for Communications please state whether it is a fact that not a single Muslim official in the office of the Director General of Posts and Telegraphs has ever been given a chance for promotion to the regular cadre of Superintendent?

(b) Is it a fact that by following the practice of routine seniority in matters of promotion, there is hardly any chance for a Muslim official to be promoted to the Superintendent's cadre?

(c) If the replies to the preceding parts be in the affirmative, are Government prepared to promote the most efficient Muslim Assistant to the cadre of Superintendent?

The Honourable Sir Thomas Stewart: (a) It is a fact that no Muslim Assistant in the Director General's office has received promotion to the Superintendent's grade.

(b) Promotion to the Superintendent's grade is made in order of seniority from those Assistants who are considered fit for promotion.

(c) Government are not prepared to base promotions on communal considerations.

RAILWAY CONCESSIONS TO PASSENGERS GOING TO TRIPURI FOR CONGRESS SESSION.

668. *Sardar Mangal Singh: Will the Honourable the Railway Member please state:

(a) whether the Railways propose to announce any concessions to passengers going to Tripuri on the occasion of the annual Congress session; and

(b) when the announcement is likely to be made?

The Honourable Sir Thomas Stewart: (a) and (b). Government understand that concessions are being given by the East Indian, Great Indian Peninsula and Bombay, Baorda and Central India Railways at 1½ single journey fares for all classes, and that the Madras and Southern Mahratta Railway concessions will be 1½ single journey fares for first, second and intermediate classes and 1½ single journey fares for third class.

BROADCASTING OF THE PROCEEDINGS OF THE INDIAN NATIONAL CONGRESS.

669. *Sardar Mangal Singh: Will the Honourable Member for Communications please state:

(a) whether the proceedings of the annual session of the Indian National Congress would be broadcast this year; and

- (b) whether any steps have been taken in this direction?

The Honourable Sir Thomas Stewart: (a) and (b). The reply to both parts of the question is in the negative.

TAKING DOWN OF THE TICKET NUMBERS, ETC., BY RAILWAY OFFICIALS FOR THE CRIMINAL INVESTIGATION DEPARTMENT.

670. *Sardar Mangal Singh: Will the Honourable Member for Railways please state:

- (a) whether it is a part of the duty of the railway officials to help the Criminal Investigation Department people by noting down the numbers of the tickets of the passengers and their destinations and then giving them this information; and
- (b) whether the Criminal Investigation Department makes any payment for the services rendered, or they are being rendered gratis?

The Honourable Sir Thomas Stewart: (a) No.

- (b) Does not arise.

APPLICATIONS INVITED FOR THE POST OF A SANITARY INSPECTOR ON THE NORTH WESTERN RAILWAY.

671. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether the General Manager, North Western Railway, Lahore, advertised for the post of a Sanitary Inspector in August 1938? If so, how many applications were received from the Railway employees and outsiders, respectively?

(b) How many of the applicants were selected for interview, and on what considerations?

(c) Out of the persons selected, how many of them were railway employees, already working in the Sanitation Branch?

(d) Is it a fact that an outsider, having no claim on the Railway Administration, was appointed? If so, on what grounds was this preference made?

The Honourable Sir Thomas Stewart: (a) Yes: the advertisement was published in July, 1938. Four applications were received from railway employees and 82 from others.

(b) Twenty were selected for an interview on the basis of the qualifications mentioned in their applications.

(c) Two.

(d) The reply to the first part is in the affirmative. As regards the second part, the man selected was, in the opinion of the Selection Committee, the best having regard to his qualifications.

REST TO STATION STAFF ON RAILWAYS.

672. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways please state if the station staff is allowed any calendar day rest in a week and other festival holidays? If not, what overtime remuneration is paid to them?

(b) Is the station staff allowed any recess or interval for meals extra during their continuous eight hours' daily duty, just as is given to the office staff working for six hours daily? If not, why not?

The Honourable Sir Thomas Stewart: (a) The grant of weekly rest to staff on railways, on which the Hours of Employment Regulations are in force, is governed by section 71D of the Indian Railways (Amendment) Act, 1930. Such information as is available in regard to the rest actually given appears in the Appendix to the Annual Report on the working of the Hours of Employment Regulations on the North Western, East Indian, Eastern Bengal, Great Indian Peninsula, Bombay, Baroda and Central India and Madras and Southern Mahratta Railways for 1936-37, a copy of which is in the Library of the House. Station staff are not granted holidays for festivals. Staff whose hours of work are regulated by the Hours of Employment Regulations are granted overtime under section 71C of the Indian Railways (Amendment) Act, 1930. Overtime is admissible only when a railway servant is employed for more than the hours prescribed in this section.

(b) Government have no information.

MUSLIM CLERKS IN THE GENERAL MANAGER'S OFFICE OF THE GREAT INDIAN PENINSULA RAILWAY.

673. *Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Railways please state how many Muslim clerks are working in the General Manager's office of the Great Indian Peninsula Railway?

(b) Is it a fact that no Muslim clerk has been appointed in the Establishment Branch of the said office?

(c) How much acting or officiating allowance has been paid to the clerks working in the General Manager's office, Great Indian Peninsula Railway? Was any such allowance ever given to a Muslim?

The Honourable Sir Thomas Stewart: (a) Government have no information.

(b) Yes.

(c) Government do not consider that the labour involved in compiling the information required in the first part of the question can be justified. The reply to the second part is in the negative.

EXPULSION OF CERTAIN BHOTIA TRADERS FROM TIBET.

674. *Mr. Badri Dutt Pande: (a) With reference to the reply to my starred question No. 1918 of the 7th December, 1938, will the Secretary for External Affairs be pleased to state if any enquiries were made by the Government of India from the United Provinces Government or the Deputy Commissioner of Almora as to the respectability, status, and position of Thakur Moti Singh Rautal, member, District Board, Almora, and whether he was given a chance to defend himself and explain his position? If not, why not?

(b) Has the British Trade Agent at Tibet got magisterial powers to arrest and handover a person and to expel him from that country?

(c) Is it the intention of Government to institute full enquiries in the matter and cancel the orders of expulsion?

Sir Aubrey Metcalfe: (a) No enquiries have been made from the United Provinces Government, since the report received from the Trade Agent clearly showed that Thakur Moti Singh's behaviour in Tibet was objectionable and his continued presence there undesirable. The Trade Agent gave him full opportunity to defend and explain himself before the order of expulsion was passed.

(b) The British Trade Agent at Gartok exercises the powers of a second class Magistrate in respect of British subjects at the trade mart or on the route thereto and has also the right to exclude or expel from the area within his jurisdiction British subjects whose presence in Tibet would be unwelcome to the Tibetan Government.

(c) No. Government are satisfied with the enquiries which they have already made in the matter.

MUSLIM TRACERS AND DRAUGHTSMEN IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

675. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Railways be pleased to refer to his reply on the 15th November, 1938, to the starred question No. 857 of the 8th September, 1938, and state what measures have been taken to make up the deficiency of Muslims in the posts of tracers and draughtsmen in the Howrah Division, East Indian Railway, whose representation was neglected due to not obtaining the communal allotment through an oversight?

(b) Does the Honourable Member propose to find out such other oversights in matters of recruitment, promotion, transfer and grant of quarters, which have come from officers and clerks of the Howrah Division, East Indian Railway, from 1st September, 1935, to 31st December, 1938?

The Honourable Sir Thomas Stewart: (a) The communal percentages prescribed are over-all percentages and do not ordinarily apply to each category of staff. Returns of recruitment by communities on the East Indian Railways show that the over-all percentages fixed for Muslims are being adhered to. The question of making up a deficiency of Muslims in the posts referred to does not therefore arise.

(b) In view of my reply to part (a), an investigation on the lines suggested does not appear to be necessary.

VACANCIES OF TICKET COLLECTORS IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

676. *Mr. Muhammad Nauman: Will the Honourable Member for Railways be pleased to refer to his reply given on the 15th November, 1938, to the starred question No. 858 of the 8th September, 1938, and state the exact date, number and contents of the orders circulated during April, 1935, about the enforcement of rules of recruitment on the East Indian Railway, and place a copy of these orders on the table of the House for information?

The Honourable Sir Thomas Stewart: The orders issued by the East Indian Railway Administration in April, 1935, on the subject of the representation of Muslims and other minority communities were entirely

for the guidance of departmental officers and I am not prepared to place a copy thereof on the table of the House. I may add, however, that the arrangements detailed therein are not now in force, as the allotment of vacancies by communities for the purpose of recruitment is being regulated by the headquarters of the Administration.

TRANSFER OF MUSLIM CLERKS IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

677. *Mr. Muhammad Nauman: Will the Honourable Member for Railways be pleased to refer to his reply given on the 15th November, 1938, to the starred question No. 859 of the 8th September, 1938, and state the names, qualifications, date of appointment, pay, grades of the Muslim clerks, in the Establishment offices of the Divisional Superintendent, Howrah, East Indian Railway, who were transferred from one category to another during the period from the 15th July, 1935, to the 31st December, 1938, for the purpose of utilising their efficiency and qualifications in the interest of service?

The Honourable Sir Thomas Stewart: Government do not consider that the labour involved in compiling the information required can be justified.

ORGANISATION OF ESTABLISHMENT OFFICES OF THE DIVISIONAL SUPERINTENDENTS ON THE EAST INDIAN RAILWAY.

678. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Railways be pleased to state on what date and in what year the Establishment offices of the Divisional Superintendents on the East Indian Railway were organised according to Messrs. Hazeltine and Robertson reports, dealing with the distribution of work in the Establishment offices according to functional bases at the rate of 300 subordinates and 500 menial staff per dealing clerk of equal status under the supervision of one Head Clerk abolishing the old system of Group-in-charges?

(b) How far has this organisation been successful and useful on each Division of the East Indian Railway?

(c) Has this organisation been replaced by another system on any Division of the East Indian Railway with prior sanction of the General Manager?

(d) When was the designation of the Clerk-in-charge Establishment introduced in the Establishment office of the Divisional Superintendent, Howrah, East Indian Railway?

(e) Is the designation of Clerk-in-charge Establishment in vogue in other Divisions of the East Indian Railway? If not, why not?

(f) Under what special circumstances was the designation of the Clerk-in-charge Establishment given to the present incumbent in the Establishment office of the Divisional Superintendent, East Indian Railway, Howrah?

The Honourable Sir Thomas Stewart: (a) to (c). Government have no information in regard to the details of internal arrangements in Divisional offices, and do not consider that the work involved in compiling the particulars asked for in parts (a) to (c) can be justified.

(d) to (f). I have called for the information required and will place a reply on the table of the House when it is received.

MUSLIM CLERKS IN CERTAIN BRANCHES OF THE ESTABLISHMENT OFFICE OF THE DIVISIONAL SUPERINTENDENT, HOWRAH.

679. *Mr. Muhammad Nauman: Is the Honourable Member for Railways aware of the fact that there is only one Muslim clerk in the staff section of the Establishment office of the Divisional Superintendent, Howrah, East Indian Railway and the Muslim clerks in the staff branches other than him have been replaced by Hindu clerks who were either condemned by the present Divisional Superintendent during his tenure as Superintendent Staff, Howrah Division, or removed to the relieving list by the present Superintendent Staff and the Office Superintendent at the time of reshuffling of the Establishment office on the 15th August, 1938?

The Honourable Sir Thomas Stewart: I understand that there will till recently nine Muslim clerks in this branch, of whom one is now under suspension, his place being filled temporarily by a clerk belonging to another community.

HOURS OF WORK, ETC., OF EXTRA-DEPARTMENTAL AGENTS.

680. *Shahkh Rafuddin Ahmad Siddiquee: (a) Will the Honourable Member for Communications please state for how many hours the Extra Departmental Agents of the Posts and Telegraphs Department work in the office and with the public per day and, whether it is a fact that in some offices they are to work by two shifts daily without fail?

(b) Will Government be pleased to state by whom the office houses of Extra-Departmental Agents are constructed and at whose cost they are repaired from time to time?

The Honourable Sir Thomas Stewart: (a) The hours of work vary but are in no case more than eight hours a day. It may be that in some cases the hours of work are split up into two separate periods during the day for the sake of public convenience.

(b) I would refer the Honourable Member to the reply given to part (c) of Maulvi Abdur Rasheed Chaudhury's question No. 393 on 23rd August, 1938.

GIVING OF SUBSTITUTES BY EXTRA-DEPARTMENTAL AGENTS GOING ON LEAVE.

681. *Shahkh Rafuddin Ahmad Siddiquee: Will the Honourable Member for Communications please state whether the Extra Departmental Agents run the risk of losing their service, if they fail to give any reliable and experienced substitute when they fall ill or have to go on leave for unavoidable reasons?

The Honourable Sir Thomas Stewart: The reply is in the negative.

POSTAL EMPLOYEES AND EXTRA-DEPARTMENTAL AGENTS INVOLVED IN DEFALCATIONS, ETC.

682. *Shahkh Rafuddin Ahmad Siddiquee: (a) Will the Honourable Member for Communications please state whether it is a fact or not that as per part II of the Circular No. 4, dated the 5th May, 1938, and No. 12, dated the 1st August, 1938, of the Postmaster General of Bengal and Assam—out of 24 employees who were punished for defalcation, etc., in the Posts and Telegraphs Department as good as 19 were from the Extra-Departmental Employees?

(b) If it is true and from the past reports, too, if it is found that the greater number of Extra Departmental Agents were involved in embezzlement and offences of like nature compared with the employees of the Departmental men, are Government prepared to appoint a committee of enquiry to ascertain whether or not these are outcomes of scant remuneration?

The Honourable Sir Thomas Stewart: (a) Yes, except that the total number of employees punished was twenty-seven, and not twenty-four, and the number of extra-departmental employees was twenty-one, and not nineteen.

(b) No.

WINGSLLOT INVENTION OF MR. PHIROZE NAZIR.

683. *Seth Govind Das: Will the Honourable Member for Communications be pleased to state:

(a) whether it is a fact that Mr. Phiroze Nazir, a young Indian inventor working in London, published details of a wingslot invention which was described by experts as of the utmost importance to flying;

(b) whether it is a fact that Government thought so highly of the invention that they met the original cost of patents;

(c) whether it is a fact that Mr. Nazir has been trying to persuade the British Air Ministry in England to give his invention a proper trial in a wind tunnel and that he was informed to the effect that they cannot begin to test his invention until the rush of rearmament is over; and

(d) whether Government in the interest of Imperial defence in this country, or in India's defence interest, tried to influence the decision of the authorities in Great Britain to expedite the trial of Mr. Nazir's inventions?

The Honourable Sir Thomas Stewart: (a) Mr. Phiroze Nazir produced certain ideas for the improvement of the lateral control of aeroplanes, which on test showed considerable promise. Expert opinion concerning the value of these ideas is divided, but it was agreed that much further investigation was necessary before the device could be brought to a practical stage.

(b) The Government of India, in pursuance of the policy of assisting Indian students in aviation, from 1934 until March, 1938, granted scholarships to Mr. Nazir for aerodynamical research and the development of his invention. The grants included the cost of provisional patents.

(c) It is understood that the British Air Ministry intend to investigate the general problem of flaps combined with slots and to examine Mr. Nazir's patent in the course of their investigation. Government have no information as to when this will be done.

(d) No.

LOSSES SUFFERED BY INDIAN TRADERS IN SINKIANG.

683A. *Sardar Mangal Singh: Will the Foreign Secretary please state :

- (a) whether it is a fact that large consignments of merchandise belonging to Indian traders have been withheld by the Sinkiang Government, even though the merchants have duly paid the export duty on their goods;
- (b) whether it is a fact that the Sinkiang Government have seized the goods from the *Kurakarm* Pass and taken them back again to Yarkand and other places from which they were brought there; and
- (c) whether Government are aware that several Indian merchants have completely been ruined on account of the heavy losses which they have thus suffered?

Sir Aubrey Metcalfe: (a), (b) and (c). Government have received reports that large consignments of *charas* which Indian merchants were exporting in spite of the prohibition of the local authorities have been dealt with in the manner described by the Honourable Member and that several Indian merchants have suffered heavy losses on this account.

RESTRICTIONS ON INDIAN TRADERS IN CENTRAL ASIA.

683B. *Sardar Mangal Singh: Will the Foreign Secretary please state :

- (a) whether the Central Asian Indian traders (Hoshiarpur, Punjab) have submitted any memorial to the Government of India, stating therein the numerous restrictions under which they are suffering;
- (b) whether Government through the British Commissioner (Sinkiang) have taken up the matter with the Sinkiang Government; and
- (c) how far they have succeeded in removing the restrictions?

Sir Aubrey Metcalfe: (a) Yes.

(b) and (c). The representations of the Central Asian Indian traders refer chiefly to the consignments of *charas* mentioned in the reply I have already given this morning to another question by the Honourable Member. His Majesty's Consul General, Kashgar, has been asked to take such action as may be possible, but it is difficult to make any strong representation to the local authorities as the *charas* was exported against their express prohibition. He has not, therefore, been able to obtain any redress.

MOTION FOR ADJOURNMENT.

REJECTION OF THE DELHI MUNICIPAL COMMITTEE'S APPLICATION FOR A DISTRIBUTING LICENCE UNDER THE INDIAN ELECTRICITY ACT.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has received notice from Mr. Asaf Ali of a motion for the adjournment of the business of the Legislative Assembly to discuss a recent matter of urgent public importance, namely, the serious situation created by the Delhi Local Government's action in rejecting the Delhi Municipal Committee's application for a distributing licence under the Indian Electricity Act. When was this order passed?

Mr. M. Asaf Ali (Delhi: General): The order was received by the Delhi Municipal Committee only day before yesterday and it rejects the application of the Delhi Municipal Committee for a distributing licence.

Mr. President (The Honourable Sir Abdur Rahim): What is the nature of the serious situation?

Mr. M. Asaf Ali: The situation is almost like a crisis, because the Delhi Municipal Committee, immediately after the receipt of this order, held a general meeting and unanimously censured the Local Government and suggested the boycott of this company. This has created a serious situation altogether.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member means there is a prospect of the Delhi City being plunged in darkness.

Mr. M. Asaf Ali: It looks like that. The position is that this company has been exploiting Delhi for a long time and, in spite of the opposition of the various constituents concerned, the Local Government is giving facilities to this company for distributing electricity and have refused to entertain the Delhi Municipal Committee's application for a distributing licence. The Delhi Municipal Committee wants a distributing licence because they are now developing very large areas and they themselves want to distribute electricity in their own developed areas. By not granting this licence, the Local Government has—this is the view of the Municipal Committee—practically sold the whole of Delhi to this foreign company which has already made crores and which stands to make lakhs more every year now. If we have a licence, we can sell electricity at one anna per unit because the cost of generation is less than two pice. We have consulted our own experts and they have advised us that we can easily sell electricity to the whole of Delhi at one anna per unit.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): May I point out that the refusal of the Local Government, that is to say, the Chief Commissioner, was published on Monday morning in the form of an official statement by the Chief Commissioner among others in the *Hindustan Times*. It was commented upon and in a way repeated on Tuesday morning in the Press—by the *Hindustan Times* and other papers—and, as a matter of fact, there were suggestions asking the Government to reconsider their decision, and so on, but notice of this motion was not given till Thursday morning.

Mr. M. Asaf Ali: The order was received by the Municipality only day before yesterday.

The Honourable Sir Muhammad Zafrullah Khan: There was an official communique by the Chief Commissioner on Monday that he had rejected the request.

Mr. President (The Honourable Sir Abdur Rahim): Is it a fact that the Municipality received the order only day before yesterday?

Mr. M. Asaf Ali: Yes, Sir, I have got the original order in my possession.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member, Mr. Asaf Ali, is a member of the Municipality, is he?

The Honourable Sir Muhammad Zafrullah Khan: Yes. The official communique was published on Monday

Mr. President (The Honourable Sir Abdur Rahim): Why was the order received by the Municipality only day before yesterday?

The Honourable Sir Muhammad Zafrullah Khan: Well, it has got to go down to the Superintendent, he arranges to send it on. There is a clear declaration that that order had been passed and the grounds for that order were given and that the Municipality's application had been rejected.

Mr. President (The Honourable Sir Abdur Rahim): What about the other question—the seriousness of the situation?

The Honourable Sir Muhammad Zafrullah Khan: On the merits,—on the question whether the distributing licence should be continued to a particular company or should be given to the Municipality, that hardly makes the matter one of urgent public importance, but my main objection is that everybody was aware, including the Honourable Member on Monday morning, of this having been done.

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member, Mr. Asaf Ali, entitled, as a Member of the Municipality, to receive the official order?

The Honourable Sir Muhammad Zafrullah Khan: His presence in this House is in the capacity of representing the public of Delhi, and as such he had knowledge of this and everybody else also.

Mr. President (The Honourable Sir Abdur Rahim): If the Municipality did not receive the order till day before yesterday, I think they might have the point raised

The Honourable Sir Muhammad Zafrullah Khan: Even if everybody in the House was aware of the official communique on Monday?

Mr. President (The Honourable Sir Abdur Rahim): He might have read it in the papers but

The Honourable Sir Muhammad Zafrullah Khan: This was not a mere piece of news, but a communique by the Chief Commissioner in inverted commas.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member, Mr. Asaf Ali, knows that the rules are very strict regarding adjournment motions. What has he to say?

Mr. M. Asaf Ali: It did come to my knowledge, but I immediately made inquiries of the Municipality of which I am a member, and I learnt that no order had been received by them. I could not act merely on a communique which appeared in the Press; it was not received by the Municipal Committee, which is the primary body concerned in the matter.

Mr. President (The Honourable Sir Abdur Rahim): Under the circumstances, the Honourable Member is in time. But the Honourable Member knows that today all the Demands of the Railway Budget have to be put to the vote.

As objection has been taken, the Chair would like to know how many Members are for leave being granted?

(Over twenty-five Honourable Members then rose in their seats.)
As not less than twenty-five Members are for leave being granted, the motion will be taken up next Monday at 4 o'clock.

Mr. Abdul Qaiyum: May I know when my adjournment motion will be taken up?

Mr. President (The Honourable Sir Abdur Rahim): There is another motion for adjournment by the Honourable Member, Mr. Abdul Qaiyum. That will be considered on Tuesday.

THE RAILWAY BUDGET—LIST OF DEMANDS—*concl.*

DEMAND NO. 3.—MISCELLANEOUS EXPENDITURE.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I move:

"That a sum not exceeding Rs. 15,45,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of 'Miscellaneous Expenditure'."

Mr. President (The Honourable Sir Abdur Rahim): Motion moved.
"That a sum not exceeding Rs. 15,45,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of 'Miscellaneous Expenditure'."

Provisions re Enquiry into Accidents.

Mr. C. C. Miller (Bengal; European): Sir, I beg to move:
"That the demand under the head 'Miscellaneous Expenditure' be reduced by Rs. 101"—(To discuss the provisions relating to enquiry into accidents).

Sir, the object of this motion is to consider the status of those Railway officers whose duty it is to investigate and report when accidents involving the loss of life occur on our railway system. I hope we shall be able to make constructive suggestions to improve their status, but I do desire at the outset to make it as clear as daylight that we do not wish to convey any breath of criticism against these officers personally or against their work. It is, however, obvious that their standing vis-a-vis the Railway Board puts them into a very invidious position when there falls on them the duty of investigating and reporting upon such major disasters as have occurred at Bihta and Chikaki. Unfortunately, the fact remains that however painstaking and efficient the investigation, however impartial and unbiassed the report, the proceedings are treated as suspect by the public

[Mr. C. C. Miller.]

because of the relationship which exists between the Railway Board and the investigating officer. The reports are regarded as *ex parte* statements,—what one might term as a sort of internal audit, and there ensues a popular demand for a judicial examination, with its heavy expense.

If we examine the system which obtains in the United Kingdom, we find that the method ordinarily adopted, in the case of railway accidents, is an investigation and report by a completely independent Inspector of Railways, who is appointed from time to time by the Board of Trade. In the case of disasters of the first magnitude, a more formal inquiry can be held under the auspices of the Ministry of Transport, but this court has been very seldom requisitioned. Speaking from memory and subject to correction, I think there have been very few cases of sessions of this court of inquiry between the terrible Tay Bridge disaster in 1879 and the Castle Cary accident in 1937. We have no equivalent for the Board of Trade in this country and it is obvious that the investigating officer must conduct his investigations under the aegis of some authority. Referring to the popular sentiment to which I have just alluded, we feel that, though it is unjustified, in fact it cannot be regarded as what one might call unnatural in origin, and we have, therefore, come to the conclusion that it would be much better and more proper if the investigating officers were entirely divorced, both in the present and for the future, from all control by the Railway Board and all expectation of preferment from the Railway Board. The solution which we recommend is the establishment under the direct control of the Honourable Member for Communications of a limited number, say, two three or four special inspecting officers whose primary duty would be the investigation of accidents and who, in the process of that investigation, would be empowered to appoint assessors, to summon witnesses and to take evidence on oath. I say primary duty advisedly because we all hope that the task of investigating serious accidents may be very much less frequent in the future than it has been in the near past. Over very many years the Indian Railways held an enviable record in respect of the accidents and one is sure that every man, woman and child in this country with, I suppose, the exception of train wreckers, hope that that record will be resumed. But, apart from that primary duty, there should be a number of secondary duties to keep this little guard of officers well employed. There are, for instance, a number of minor mishaps which occur from time to time and which amount to something considerable in the aggregate and of which independent and careful examination might have the effect of averting future disasters. There are also a great number of safety devices which appear from time to time. What we visualise really is the establishment of what I might call, for want of a better term, a safety squad, whose duty comprises not only the investigation of accidents that have occurred but every possible precaution towards the prevention of accidents that might occur. There is one danger which might be foreseen and that is that, since such posts as we advocate would, at any rate, in the senior grade be an end in itself and divorced from all hope of future preferment, it might tend that this safety squad would become to be regarded as a sort of railway backwater. We want to avoid that at all costs and it seems that the only way by which such a danger could be averted would be by making these posts worthy of the ambition of men who desire to specialise and to acquire the very considerable technical and general knowledge which would be essential for qualification.

I would say, finally, that we have deliberately made these suggestions on broad lines. It is not, I think, for us to attempt to dot the i's and to cross the t's of administration, but our suggestions only foreshadow a principle which is already established in the Government of India Act. Under that Act, the Federal Government will have power to appoint officers who are completely independent of the Federal Railway Authority or of any other Railway Administration and whose function is to take precautions in regard to the safety of the travelling public and to hold inquiries into railway accidents. I, therefore, hope that these suggestions of ours will receive the sympathetic consideration of the Honourable Member for Communications and that he will find it possible to devise some system on the lines which I have advocated. Sir, I move.

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

"That the demand under the head 'Miscellaneous Expenditure' be reduced by Rs. 101"

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Mr. President, I support my Honourable friend. In 1933, when we were having a Round Table Conference in England and when we were considering the transfer of the control of the Railway Board to a separate body, a specific recommendation was made that the safety of passengers in the railways should not be entrusted to the railways but should be entrusted to another Department altogether. It was suggested that the safety of passengers in railways should be entrusted to the Home Department or the Labour Department and that the railways would have nothing to do with it. Now, Sir, what do we find in these accidents that have taken place? We find that the mechanical engineers of railways go to the drivers and ask them to give evidence in a particular way. We find it in the findings of Mr. Justice Thom that the driver who made the statement that the engine was hunting was threatened with dismissal and he was asked to withdraw his statement. A most important letter informing Mr. Robertson that it was a danger to run these XB engines could not be found and the very man who should be responsible for what had happened was allowed to leave India together with his Deputy. Mr. Justice Thom made a very serious remark that it was the duty of the railway to produce that man before the Court of Enquiry. They made no serious attempt to find out where the man was although, obviously, they knew it. The reason was that he had taken a house in Switzerland and he had to deposit certain money in a London Bank within a specified time. As suggested by my Honourable friend, the man who would be entrusted with the enquiry, that is the Chief Inspector, or whoever makes the enquiry, must not aspire to be a Member of the Railway Board or be an Agent or General Manager or anything of the kind. If he has any such aspiration, he will surely consider twice before making a true report because his career may be marred. Therefore, the Chief Inspector should not be under the Railway Board, he should have nothing to do with the Railway Board. He must be definitely told that his job is only that of Chief Inspector and that no other job will be given to him either in the Railways or in the Government of India. This report of Mr. Justice Thom was published in April, 1938. Nearly a year has since elapsed and we do not yet know what steps have been taken to implement the recommendations of that report. The report definitely lays down that certain officers were guilty. If their own officers of the East Indian Railway held any investigation and

[Sir Abdul Halim Ghuznavi.]

submitted their report explaining the conduct of those concerned, surely his House would like to see that report. Why are those found guilty still carrying on the administration of the East Indian Railway? Why is it that the East Indian Railway is the only railway where accidents take place? This is a serious matter so far as passengers are concerned. It is becoming dangerous to travel by the East Indian Railway and, surely, something must be done to allay the panic in the minds of the public. I will only quote one or two observations of Mr. Justice Thom from his report:

"The Railway company were unable to produce a letter of an alarming nature sent from the Divisional Superintendent's office, Dinapore to the Chief Operating Superintendent, in February 1936. Mr. Turner, the Divisional Superintendent, and Mr. D. M. S. Robertson, the Chief Operating Superintendent had left India. I directed the Agent to communicate with these gentlemen and ask them if they could throw any light on the 'alarming letter' of February, 1936. The Agent did communicate with these gentlemen. He communicated with Mr. Turner without delay. His communication with Mr. Robertson however was delayed for more than a month. The explanation given by the Agent in an affidavit of his delay in getting in touch with Mr. Robertson is highly unsatisfactory."

Here is another observation made by Justice Thom:

"It is clear from the questions which were put to the drivers on the 12th August by the Deputy Chief Mechanical Engineer—a very senior officer—that he was trying to persuade them to say that, despite the fact that they had booked the engine for hunting, the engine in fact did not hunt In view of the fact that these drivers were almost certain to be called upon to give evidence at an Enquiry, judicial or otherwise, it is most unfortunate that the Deputy Chief Mechanical Engineer should have interviewed them and adopted towards them the overbearing attitude, which his questions to them clearly indicate he assumed."

Therefore, Sir, what I say is this: it is high time that the Railway Board should place before this Honourable House the correspondence showing what action they have taken on Mr. Justice Thom's report and with regard to the particular officers that are mentioned in this report as being grossly negligent. I do not want to mention their names here. But their names will be found in the report and they are still carrying on the administration of the East Indian Railway. If they have given satisfactory explanations of their conduct, where are those explanations? We should like to see them. If they have not been asked to explain, why was no action taken? With these words, I support the cut motion.

Mr. K. Santhanam (Tanjore cum Trichinopoly: Non-Muhammadden Rural): Sir, the Honourable the Mover of this cut motion suggested that the Government Inspectors should be independent of the Railway Board and the railway administrations so that their reports might be so popular that further investigations may not be necessary. He pointed out that in England a court of enquiry had not been appointed except in one instance and that ordinarily reports of the Government Inspectors are considered to be sufficient. I am afraid, Sir, there are some conditions which are vitally different in the case of India. In whatever way the appointments of Inspectors are made, the Government of India can never get out of the fact that the railways are their property. Though the Inspectors might be put under a different Member, still that Member will be part of the Government which works the railways and which is likely to be affected by any report of the enquiry. Secondly, it is impossible to form a cadre of

Inspectors beyond which the Inspectors need not look for further promotion. After all, these Inspectors will have to be taken from the engineering staff of the railways and the Government of India could not offer, in the limited cadre of Inspectors, sufficient prospects for really able men. And the Honourable the Mover suggested that these Inspectors should be entrusted with additional functions for preventing accidents. Even there I doubt whether with the extensive railway system that we have we can afford to maintain a sufficiently large number of Inspectors for the purpose. Prevention must be the business of the railway authorities themselves. Of course, there cannot be any objection to keeping these officers technically independent of the Railway Board or the railway administrations but, as I have said, I do not think they will be substantially independent, and India can never be satisfied with an inquiry conducted by the Inspectors alone. This matter came up before the Central Advisory Council for Railways and there the majority of members were of the opinion that it should be mandatory on the Central Government to order a judicial inquiry in all cases involving loss of life; and the Chairman agreed to record this advice but, at the same time, he pointed out that the constitutional position was not altogether clear in this respect and required examination in regard to the position of the Central Government in carrying out a judicial inquiry which implies the assumption of parallel powers to those possessed by the Local Government." This meeting of the Council was held on the 26th February, 1938, and since then through many questions I have tried to elicit an answer from the Member for Railways as to the action they have taken on this recommendation of the majority. The only uniform reply that I have received, has been that the matter is under consideration. I should like to know from Government whether they have finished considering the matter and whether they have come to any decision on the subject. Sir, I am particularly anxious that it should be adopted as a general principle. After all, if there are many accidents there should be something very rotten in the system of administration and it deserves to be investigated by proper judicial authorities. If the accidents are few the expense and the difficulty of conducting the inquiries will correspondingly be small. Therefore, in every case in which there is serious loss of life and property, a judicial inquiry or investigation should be conducted. If the motion is intended more or less as an alternative to a judicial inquiry I am afraid I must oppose this.

Then again, Sir, there is one other principle which I think the Government of India should adopt in the case of accidents. They should accept liability for compensation, irrespective of causes to a certain extent. I do not say that where an accident is due to neglect or otherwise the railways should compensate everybody according to the legal scale of damages, but whenever an accident happens and lives are lost the railways should accept liability to pay compensation as a sort of insurance. We have been trying to compel the motor trade to adopt third party insurance; why should not the railways be automatic insurers of people travelling in them? I admit there is need for limiting compensation for one passenger to two, three or four thousand rupees according to his status. But there should be automatic compensation in the case of every accident; otherwise there is every incentive for the Inspectors and Railway Administrations to cover up cases of neglect and other maladministration which might be the cause of accidents. Sir, even Governments, however impartial

[Mr. K. Santhanam.]

they may be, are human and whenever they have to pay they naturally try to evade it; and, therefore, so long as there is no liability to pay automatic compensation for accidents and injuries I think there will not be proper investigation and the proper spirit in which such investigation can be undertaken in the case of accidents. Therefore, I would urge upon the House to insist that in the case of every accident there should be a proper judicial investigation; and, secondly, in the case of every accident there should be automatic compensation subject to a maximum in the case of every passenger. If these two principles are adopted the particular manner in which these Inspectors are appointed will be of comparatively minor significance. Even then I do agree that it is better to put them under independent control; but, as I have already said, it might not be proper to take away all chances of promotion from them by reversion to the original railways. Therefore, they will not be absolutely independent in any case. I should like a categorical statement from the Party which moved this motion whether they have moved it only as one proposal or as an alternative to a judicial investigation.

Sir Abdul Halim Ghuznavi has pointed out how a real judicial investigation can bring out the facts and irregularities which can never be brought out by a mere inquiry by an Inspector. In the case of the Bihta disaster it is no doubt true that the senior Government Inspector did suspect hunting; but could he possibly have been expected to throw light on the way in which the administration behaved in the accident? Could he, for instance, have found out, or if he had found out would he have cared to report, the way in which high officials were allowed to shirk their responsibilities? I do not think that could have happened. If a similar inquiry had been conducted in the case of the Ayyalur disaster,—and I hope it is going to be conducted in the case of the Hazaribagh disaster,—I am sure the other defects of the railway administrations would be disclosed. Sir, it is a fact today and it is likely to be a fact for some time to come that there is a wide gulf between the railway administrations and the people of India. After all, the railway administrations have got divided loyalties: it is not possible to say that their loyalty is undivided to the people of India. And till that loyalty becomes undivided to the people of India they are not likely to take these accidents as seriously as for instance a British company in Britain is likely to take it. If a hundred people are killed in a railway accident in Britain the whole Parliament of England will be in an uproar and the company will be shaking. But can we say the same thing here? Can we say that the East Indian Railway Company is shaking because it has had so many serious accidents in the last one year? I am afraid they are comparatively indifferent and they are likely to be indifferent so long as their whole allegiance and loyalty is not to the people of this country. In such circumstances we cannot trust any inquiry other than a judicial inquiry and we cannot be satisfied unless, without reference to the causes and irrespective of the fact whether there was negligence or not, the railways are bound to give compensation to those who are injured. Subject to these two essential conditions that there should be a judicial investigation and that there should be automatic compensation I am prepared to support the suggestion that these Inspectors should be under a different control than that of the Railway Board. To this extent I conditionally support the motion.

Mr. F. E. James (Madras: European): Sir, I think I had better make our position clear as there seems to be a certain amount of misapprehension.

My Honourable friend, Sir Halim Ghuznavi, would make a first class cloak room attendant. There is no one in the House who can hang on one peg so many different coats: on this particular motion he dealt with the alleged lack of any action that had been taken by the Government in connection with the Thom Enquiry Report. Our motion has nothing whatever to do with that. Mr. Santhanam came nearer to the motion in his criticism and his questions and I will deal with those.

At present there are three methods of inquiry which can be ordered. There is the method of appointing a judicial committee or holding a judicial inquiry. Then it is within the power of the Provincial Government in the area in which the accident took place to have its own magisterial inquiry; and then there are the inquiries which are made by the circle inspectors who are railwaymen and I believe under the direct control of the Railway Board. As far as the provincial inquiries are concerned, these are magisterial inquiries and while we do not for a moment wish to detract from the importance of those inquiries when they are held, yet, obviously, the Provincial Government are not able to call upon the kind of experience in technical matters that are available to the Central Government; and we feel also, as Mr. Santhanam, has said, that the railways are the responsibility of the Government of India and that, therefore, the responsibility for a particular inquiry is essentially a Central Government responsibility. Therefore, it leaves us with the circle inspectors and the power to order a judicial inquiry. When the matter was discussed by the Central Advisory Council for Railways last year I put forward the view that there should be something in between these two types of inquiries, and why? First of all, as far as an inquiry by the circle inspectors is concerned, there is no doubt that the confidence of the public being shaken, as it has been shaken recently, in the ability of the railways in certain areas to carry passengers with safety—an inquiry by an officer who is a railwayman and under the direct control of the railway administration is not likely to carry as much weight as it should. As far as a judicial inquiry is concerned, the power is always there with the Central Government and we make no suggestion that that power should be taken away. But what I felt and some of my colleagues on the Council also felt is that in the case of certain accidents where the loss of life is not great and where the causes of the accident are fairly plain, the process of having a judicial inquiry is not only expensive but also lengthy, and we wish to put something in between, something which would carry greater confidence with the people and something which would not involve such a complicated procedure as a judicial inquiry involves. Therefore, my Honourable friend, Mr. Miller, made the suggestion that there should be one or more officers, not under the Railway Board, possibly under the Member for Communications—but we do not place any particular importance on that; what we do say is important is that they shall not be under the direct control of the railway administration and shall not be in a position where they have to look for preferment to that railway administration. In other words they should be in a sense as independent of that as a member of the Public Services Commission here is independent of further opportunities of preferment in the service. Once that is admitted,

[24TH FEB. 1939.]

[Mr. F. E. James.]

I think so far we are in agreement. I am quite sure that there is no Party in the House that would not agree that it would be useful to have those officers available who can take an entirely detached outlook upon these accidents. We then want that these officers should have certain powers which are not possessed by the circle inspectors at present. They should have power to summon witnesses. I understand that that is a power which is possessed by the Chief Inspector who does these things in the United Kingdom.

Mr. K. Santhanam: He does not possess that.

Mr. F. E. James: I understand he possesses the power to summon witnesses but not the power to take evidence on oath. But we would prefer to clothe these proposed officers not only with the power to summon witnesses but also with the power to take evidence on oath; and we would suggest also, though I appreciate that there are difficulties in this matter, that these officers should be given discretion to appoint assessors to assist them in conducting their inquiries.

My Honourable friend, Mr. Santhanam, has asked us to explain whether we would accept his view that in the case of any loss of life in a railway accident there should be a judicial inquiry. I regret to have to inform my Honourable friend that we cannot take that view—otherwise, we should not be moving this particular motion. What we do feel is that while there are many cases which do not necessarily require the involved procedure of a judicial inquiry there should be some other machinery than that which is now available which, in our view, would carry greater confidence to the travelling public; and while retaining the power of the Central Government to appoint the kind of inquiry Mr. Santhanam has in mind, they would have this alternative machinery also at their disposal. After all, it must be remembered that the issues in various accidents where there is loss of life are not always necessarily obscure, and that to insist upon the Central Government embarking upon a judicial inquiry in every case would be to insist upon them going to an expense which really would not be justified in quite a large number of cases.

I have been asked whether we intend this as a motion of censure. We do not. In fact we wish to follow the technique which was developed with such ability yesterday by my Honourable friend, Mr. Jinnah, who explained that this was not a censure motion and that what he wanted to do by the motion was, by carrying it to place on record a particular demand of his Party. The Honourable Member for Communications was with us in Central Advisory Council last year; he was then translated to a higher and more rarefied atmosphere; and he came back eventually to the rather mephitic atmosphere of this House for a time. Now, I understand he is going away again. And, therefore, in the words of my friend, Mr. Jinnah, we want to press this motion, not as a motion of censure, but as a motion of record, so that his successors in office, when looking up the debates, will say that the Europeans have apparently felt strongly in regard to this proposal in that they were prepared to carry this matter to a division. With that explanation, Sir, of our intentions in regard to our proposals and of the procedure we desire the House to follow in regard to this cut, I hope the Honourable Member for Communications will give a satisfactory reply.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, the motion before the House is worded by the Honourable Member like this,—to discuss the provisions relating to inquiry into accidents. The Honourable Member has not committed himself to any definite suggestion in the motion as he has worded it. It is open to every Member of this House to place before the House such suggestions as he thinks proper to improve upon the present method which the Railway Board generally pursues in the matter of enquiry into accidents. The very fact that a motion to this effect is tabled itself implies that the Honourable Member who has tabled the motion and the Party which that Honourable Member represents are not satisfied with the existing state of things. Whether he puts a new construction which, I understand, was developed yesterday with the ability of our friend, the Leader of the Muslim League Party, whether my friend puts that construction upon the motion or not, this motion, if it is carried, will certainly mean a sense of dissatisfaction of this House against the existing system pursued by the Railway Board in regard to inquiries into accidents. That sense of dissatisfaction will remain there. There is no such thing as a motion of record as distinguished from a motion of censure. It is a record of censure which the motion really means, and having moved it, my friends cannot escape the responsibility for having moved a motion of censure against the Government, in whatever mild form they want to express that censure. They have adopted the ingenuity of using a mild language, and they want to tell the Government in mild language somewhat plainly that what they are doing, at present, is entirely unsatisfactory and that some other method is necessary, and, therefore, as the question of making suggestions to improve upon the existing method is opened in this manner, it is open to my friend, Mr. Santhanam, to invite the attention of the House to the Resolution already carried in this matter by the Central Advisory Council. Now, we are given to understand, and particularly from the speech of my friend, Mr. James, it was clear, that that Resolution is to some extent responsible for the present motion being brought by a Member of the European Group before this House. It may be so. It seems probable, according to the opinion of certain Members of the European Group, that the judicial inquiry which has been demanded by the Resolution of the Central Advisory Council is not a very desirable procedure in all cases. That may be the opinion of certain Members of this House. I can understand that position, but they are also not satisfied with the Magisterial inquiry which is held or an inquiry through an Inspector responsible to the Railway Board as they generally do.

Mr. President (The Honourable Sir Abdur Rahim): Today being Friday, the House will adjourn now till a quarter past two.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock. Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. M. S. Aney: The point which I was just elaborating when the House adjourned, was that a magisterial enquiry is held by the Local Government in this matter. Lately, this question has come up for discussion before the Central Advisory Council. When this matter was under discussion there, it was found that Local Governments claimed that

[Mr. M. S. Aney.]

enquiry into a railway accident was a matter which ought to be left to them, that they regarded it as a matter entirely within the jurisdiction of Provincial Governments, and any compulsion by the Central Government about the nature of the enquiry to be held was regarded by them as infringing on their powers. That is a point which I find particularly referred to in the proceedings of the Central Advisory Council. Anyhow, it appears to me from the proceedings that the objection of the Central Government to this proposal is not of a serious nature. To some extent, the Chairman of the Council admitted the position that the Central Advisory Council took,—that in cases involving loss of life the enquiry should be of a judicial nature. The only difficulty which he felt was as regards the question of jurisdiction, as the Central Government would be claiming a parallel power in regard to the one claimed by the Provincial Governments. But I do not find any further elucidation made with regard to the solution of the difficulty suggested there. But to my mind, there ought to be no difficulty in regard to this question, because railway accidents take place on railway lines, and railways being a Central subject, the Central Government have as much right as any Government of the province through which the line runs to investigate into the nature of the accident and try to hold an enquiry as required. Therefore, the only question is whether a judicial enquiry as recommended by the Central Advisory Council can be objected on any other valid ground. The ground which my Honourable friend, Mr. James, pointed out was that it would be unnecessarily expensive,—that is all that I could gather from his speech. I believe that whether it would be expensive or inexpensive is a matter—that would depend upon the sort of expense one desires to incur upon the particular thing. Why should it be unnecessarily expensive I do not know. You can appoint an officer of the rank of Sessions Judge or something like that and through him an enquiry into the accident can be made. [Interruption.]

I am trying to show whether the objection on the score that it would be an expensive enquiry is really worth consideration at all. Unless you want to engage a Counsel on Rs. 800 or Rs. 500 a day and you carry on the enquiry for months together as it was done sometime ago, I do not think that the question of cost would seriously come in the way of granting a judicial enquiry in those accidents where a loss of life is involved. The position which my Honourable friends, Mr. James and Mr. Miller, want to take, is that an enquiry by an Inspector ought to be sufficient, and unless he recommends a judicial enquiry, a judicial enquiry ought not to be held. At the same time, they have suggested what the position of that Inspector should be. The position of the Inspector should be, according to them, that of an officer who is not amenable to the control and discipline of the Railway Board and who is independent of them, and for their part my Honourable friends are prepared to take it that an enquiry by an officer of that type would be of a sufficiently independent nature and would inspire the confidence of the public. If such an officer demands a judicial enquiry, then alone a judicial enquiry should be held. Now, what would be the position of the Inspector who holds an enquiry of this kind? He must be an officer of superior rank, and he ought not to be amenable to the Railway Board at all. It means you have to set up a number of Inspectors having capacity to carry on a judicial enquiry while at the same time possessing technical knowledge. They will remain there like a permanent court ready to enquire into such

accidents when they take place. A kind of cadre will have to be formed in order to get their services available. I do not know whether this will be less costly,—I cannot say. Unless we know what would be the number of persons of that type required, what position an Inspector of that type will hold, what his salary will be,—unless you have a regular scheme of that kind, the question of cost cannot be properly solved. The persons so chosen should be at least of the rank of Sessions Judge, who will be so chosen should be at least of the rank of Sessions Judge, who will be endowed with legal acumen as well as technical knowledge of the working of these things. They must be men drawing very big salaries, and it would not be the case of a single man probably for the whole of India. Each line will have to appoint one or two men of that type, and if you have a permanent establishment of that kind for all the railways, what will be the annual cost of such a scheme?

Mr. A. Aikman (Bengal: European): On a point of explanation, Sir, I think such a cadre already exists. There are five Government Inspectors and they would be merely removed from one authority to another authority.

Mr. M. S. Aney: I know they exist. Will Officers of that rank be sufficient to hold inquiries. Anyhow, the suggestion has been placed before the House. If the Inspectors suggested by my friend be kept independent of the Railway Board, the position will be somewhat better than it is now. I myself think that it cannot be a substitute for a judicial inquiry recommended by the Railway Advisory Council. I will, therefore, support the motion which my Honourable friend has moved but not on the grounds which he has specified.

Mr. N. M. Joshi (Nominated Non-Official): I shall not take very long. I am very glad that this subject of safety on railways has received attention. Recently, there was a discussion regarding the accident that had taken place and I then stated that the question of safety had not received sufficient attention at the hands of the House and, if I may say so, at the hands of the Government also. The proposal made by the European Group is that the railway inspectors should be first made independent of the Railway Board, secondly, they should be given power to hear evidence on oath, if necessary with the help of assessors. The Congress Party, through Mr. Santhanam, has made a proposal that there should be a judicial inquiry when an accident results in loss of human life and that compensation should be paid to people who suffer injury on account of the accident. The first proposal of the European Group is in accordance with the proposal which I have been making and I am glad that they have made that proposal. I do not exactly agree with the proposal which they have made that the Inspectors should be not under the Railway Board but that they may be under the Communications Member. I would not have the Inspectors under the Communications Member. I know there will be some difference if the Inspectors are not placed under the Railway Board but still, it is better not to place the Communications Member in a difficult position to judge between the Railway Board and the Inspector of Railways. I would, therefore, place the Inspectors in a separate department under the Home Department or any other department. This is in accordance with British practice. In Great Britain the department which looks after factories is under the Home

[Mr. N. M. Joshi.]

Department. Similarly, there is nothing wrong if the Inspectors are placed under some other department than the Communications Department.

As regards the proposal of the Congress that there should be a judicial inquiry, on every occasion when there is loss of human life, I think nothing would be lost if such a provision is made. At the same time, if the Inspector's position is made independent, there will not be that demand for a judicial inquiry, on every occasion. At present the Inspector is not regarded as an independent person at all. The proposal of Mr. Santhanam that some small compensation should be paid to those who suffer is a good proposal. It is a kind of compulsory insurance for all passengers. In some countries there is compulsory insurance for all employees of different occupations and industries. In the same way, this is a compulsory insurance for railway passengers and it may certainly be done.

The question of safety has not received sufficient attention. I have seen through the provisions of the Indian Railways Act and I have compared these provisions with the Indian Mines Act. I admit that I am not an expert railway engineer nor have I paid that attention to the Indian Railways Act, which I have paid to the Factories Act and some other Acts in which labour is interested. I feel that the provisions of the Indian Railways Act are weak. It is true that the Inspector's permission has to be taken when a railway is to be opened. He has also the power to inspect but the powers given to the Inspector are limited. I do not think he has power to insist on certain things being done. Take the Indian Mines Act. We are going to make provision by which the Inspector will have power to compel mine owners to resort to sand stowing. I am not quite sure whether the Railway Inspectors will have power to compel railways to do certain things. I would like the Indian Railways Act to be examined from that point of view, so that good regulations regarding safety may be evolved.

Then, Sir, the question of safety does not depend upon mechanical devices alone. The human element is an important factor. If the hours of work of railway men are long, they are tired and accidents may result. The hours of work should be examined from that point of view and there are also other factors. I would like all these to be examined.

Lastly, I would like to suggest to the Government of India that the Inspectors should be constantly inspecting and making reports to the Railway Board and these reports should be made public. Let us know what these suggestions and reports are, so that we may be in a position to find out whether those suggestions are carried out by the Railway Board. I would, therefore, suggest that the Government should place before the Legislature a copy of the report of the Inspectors and copies should be provided to the Members free of cost. I hope that as a result of this discussion the question of safety will receive greater attention at the hands of the Government.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Division, Muhammadan Rural): I was surprised to see that the European Group changed their original motion. They separated the two items, the Advisory Committee and the Inspectors. I thought they wanted us to

follow the example of the Canadian Government where these Inspectors are entirely under the Rates Advisory Committee and, when I read the motion, I thought they were going to follow the recommendations of General Hammond when he said that if the proposals regarding safety, protection and inspection were adopted, the present inspecting staff would be transferred in toto from the Railway Board to the Rates Tribunal. By combining the two, I thought that the European Group wanted to press this point that the Inspectors should be transferred from the Railway Board to this tribunal but by separation of the two things, they changed the whole aspect of the question but in principle the position has not changed. That these Inspectors ought not to be under the Railway Board, they ought not to be looking forward for promotion from and the goodwill of the Chief Commissioner and the Honourable Railway Member, but that they should be under another Department. Of course, General Hammond recommended that they should be under the Rate Tribunal as in Canada, but one thing is certain that they should not be under the Railway Board and they should not be looking for promotion in that department. The difficulty is this, that whatever they say,—they may be acting correctly, their views may be perfectly correct,—the public has no confidence. It is generally believed by the people that these Inspectors are subordinates of the railway department and they can not dare to write a report against their masters. This opinion has been pressed by my friend, Mr. Azhar Ali, and other speakers who spoke during the discussion on the Railway Board. This point was also pressed by the Committee which sat in London recommending a Statutory Railway Board. The Committee said in one paragraph that these Inspectors should be under a Department different from the Railway Department. You may put them under the Labour Department or the Home Department or under the Rates Tribunal as recommended by General Hammond, but the point we would like to emphasize is that they should not be under the Railway Board.

I may mention that the duty of these Inspectors does not come into operation only when there are accidents. They have their duties all the year round. They have to go all over the line, they have to see that the track is all right, that the bridges are safe, they have to examine the rolling-stock, and they have to examine the engines and everything else. Taking the case of the XB engine, I am sure that if the Railway Inspectors would have been different and not entirely subordinates of the Railway Board, they might have condemned these engines long ago and all these unnecessary committees of enquiry that were formed would have been avoided. We want men who may be able to criticize very freely the strength of the track, the strength of the bridges, the sufficiency and efficiency of the rolling stock and all the hygienic comforts of the third class passengers, and their opinion ought to prevail. But they cannot conveniently express their decisions unless they are placed under a Department different from the Railway Board. Considering the nature of their work, Inspectors must be engineering experts. They can be procured from various lines or we may import them from other countries, but at the same time, once appointed, like the Public Service Commission people, they should not be looking forward to any kind of promotion in the Railway Department. They may be appointed members of the Public Service Commission or deputed to some other work except service under the Railway Board. That is the substance of the suggestion which

[24TH FEB. 1939.]

[Dr. Sir Ziauddin Ahmad.]

we should like to make to the Railway Board and to the Honourable Member in charge,—that they should carry out the recommendations of the Railway Committee which met in London in 1933.

As regards accidents, that is an entirely different question and an abnormal one. This depends entirely upon the nature of the accident. If the accident is small, perhaps the report of the inspector might be enough, but if the accident is of a very serious nature like the Bihta accident or the Hazaribagh accident; then we will have to consider it on its own merits. In some cases there ought to be a judicial inquiry; in other cases, a committee of railway members, and in some cases we ought to associate therewith public men, and provincial representatives; that depends on the nature of the accident, and we cannot lay down a general hard and fast rule that in every case a judicial inquiry should be made. But in every case an impartial inquiry by an inspector who is not a subordinate of the Railway Board should be made first, and on his preliminary report the Government will be able to decide what kind of inquiry will be needed, and it may be as my Honourable friend, Mr. James, pointed out, that there ought to be three different methods of inquiry, depending on the gravity of the occasion. We cannot lay down a hard and fast rule in each case that it must be an inquiry of a particular type. I myself was a victim of one of the accidents but it was not of sufficient importance to demand judicial enquiry and that the report of the Inspector was quite enough. The points that have been brought out in this motion are, firstly that the Inspectors should not be under the Railway Board or the Railway Member but they should be under an entirely different Department. We are not in a position to advise definitely now what that Department should be,—it may be the Home or it may be the Labour Department. Secondly, whenever there is an accident, we should then decide after receiving the report of the impartial Inspector as to what kind of inquiry is needed, and Government will then be in a position to decide upon the point.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, we thought on this side of the House that it would be a censure motion, to censure the Government and the Railway Member for not taking measures of safety on the Railways, but it has turned out to be a motion of suggestion,—and I suspect a sinister motive behind it.

Now, we have demanded a judicial inquiry into the Hazaribagh disaster, and I fear that this is a move to whittle down that demand, for during the sixty or seventy years of the Railways' life, never a judicial inquiry has been held so far. Sir, I was involved in a railway accident. A Gurkha officer's wife died just before my eyes on my beloved Railway, the Rohilkund and Kumaon Railway. I only got a few scratches and I fell down but, fortunately, being a healthy young man then, I only got a few scratches. I did not put forward any claim. But that Gurkha was called thrice by the railway officers and twice by the district magistrate and they told him, "You are a pensioner of Government. Government pays you, and you should not put in a demand for any claim." Sir, this Inspector's inquiry which is demanded will be just like the inquiry of the sub-inspectors of police. I need not tell whether they be under this Department or that.

they are all the same sister Departments. We, of course, will only be satisfied, when those Inspectors become responsible to the responsible minister who is responsible to the people, then and then shall we be satisfied, when that position comes.

An Honourable Member from the European Group Benches: It is coming, it is coming.

Mr. Badri Dutt Pande: Yes, the day of reckoning is coming,—the comrades are coming up. Sir, nineteen thousand accidents happen every year! We have got it recorded here in this beautiful and nicely printed book with pictures, but the story is not so white. Nineteen thousand accidents every year is too much. We have got the record of the last five years. Accidents, in which cattle were involved, were 9,000, and where persons were involved, 10,000 happened every year,—and, as for my damned wretched Railway, the Rohilkund and Kumaon Railway, I cannot give the aggregate total, because they are not reported in my Railway Report and this railway does not give the total number of accidents, for they are numerous. It does not report any accidents. I have noticed myself that there are no railings all along even at centres where there might be lot of traffic. At many places there are no railings and no wires. Sir, 1,400 to 1,500 persons die every year of railway accidents. We have got that recorded in this book. Now, how much has been paid to them? That has not been recorded anywhere. We have got the record of compensation paid on account of the goods being damaged but we do not know how much compensation has been paid to the relations of those who have died or to those who were injured. That item is wanting in this beautiful report. Sir, we read in the newspapers only the other day that a lady was injured at Allahabad while the engine was shunting and she got damages of Rs. 6,000 and another gentleman connected with the royal family of Jodhpur has put in a claim for two lakhs. If these accidents continue to happen and if these claims come forward, the railway revenue will be shaken very much. The Government has not put forward any proposal for the safety of the public and, therefore, we want to condemn this Government. It is nearly a year and a half since the Bihta disaster took place and nothing has been done to allay the fears of the public. I will not say anything about the accidents but would like to quote the pungent remarks of the Indian Chamber of Commerce, Bombay. They say:

"The Committee express their deepest regret and sorrow at some of the terrible accidents which have recently occurred on some of the Railways in the country. They cannot approve of the Railways issuing the next day of the accident a report attributing such accidents to mere sabotage."

Now, the Inspector who is going to be appointed will also say that the accident was due to sabotage. But you should give us the proof how it was due to sabotage? Can sabotage be done in ten minutes? Can the rails be removed in ten minutes? To continue the quotation:

"It may be or may not be so; but what the Committee of the Chamber want to emphasise is that every time an accident happens, an authoritative and impartial inquiry must be set up by Government themselves, as the Railways are, as a member of the Legislative Assembly pointed out while the discussion was going on, in the position of an accused. At this stage, the Committee would like to point out how when such accidents happen in any of the European countries, they several times lead actually to a fall of the Ministry, which goes to show that the people there expect the Government and the Railways to take every care possible to prevent such accidents and to meet out adequate punishments to the guilty parties, whoever they may be, after an exhaustive and satisfactory enquiry."

[Mr. Badri Dutt Pande.]

What happens in this land of regrets? In England, the Railway Minister may be censured, but here, the Railway Minister in charge is promoted as a Governor of the very province where these accidents have occurred. So, the Inspector who reports sabotage will be promoted; he will be made another Governor. So, we do not want these Inspectors. We want men of the type of Justice Thom who has brought honour to England and who has restored the confidence of the Indian public by his impartial report.

Mr. F. E. James: May I draw the attention of the Honourable Member to the fact that Mr. Justice Thom belongs to Scotland and not to England.

Mr. Badri Dutt Pande: Then, he is a hillman like myself. He brought back the confidence that we had lost in the Railway Administration. He disclosed all these things. So, we want a man of that type and not a man who can write convenient reports. We do not want such Inspectors whether they are Europeans, or Indians or Muhammadans or members of any other community. We want men of higher standard who will not be influenced by the Government or by the Railway Board. In major cases, we want a judicial inquiry. In smaller cases where cattle are killed, who would not like to have a judicial inquiry but an enquiry by inspectors? You want to make all Indians cattle, the dumb driven cattle, by entrusting this work to Inspectors and Sub-inspectors, who are in the habit of saying "Taquir men aisa hi tha". We do not want such an inquiry. So many big accidents have happened all over and it is time that Government paid serious attention to this matter. The East Indian Railway is practically demoralised and it is shaking in its pantaloons. The whole administration is terror-stricken. All the trains are running late. Almost every day the trains are running late because they cannot think for themselves. They are dumb-founded.

Mr. F. E. James: May I draw the attention of the Honourable Member to the fact that I understand that on the East Indian Railway the dhoti is rather increasing.

Mr. Badri Dutt Pande: That may be on the Bengal side, but not in our parts.

Now, Sir, why have these accidents happened? Because the permanent staff has been reduced to a mere skeleton. That is why accidents are happening and the reduced permanent staff is not able to do its duty. We do not want what you call inspired Inspectors or Sub-inspectors but we want independent men. Sir, I oppose the motion.

The Honourable Sir Thomas Stewart: Sir, I must frankly confess that I have more than a little sympathy with the idea underlying the motion that has been moved by my Honourable friend, Mr. Miller. So much so, that I had indeed anticipated his motion and I have already asked that the Railway Board should put up for my consideration proposals for bringing into being a self-contained cadre of inspecting officers who would be responsible, not to the Railway Board or to any Railway Administration, but to the Government of India itself. I was moved to that action, first

of all by the same considerations as have been put forward by various Members on the floor of this House today, namely, that an independent body of Inspectors would, undoubtedly, command in the public mind much greater confidence than is commanded by a body of inspecting officers who, as is generally known, are really part and parcel of the railway system and who may be looking forward, ultimately, to promotion and advancement within that system. The second reason that moved me was that the Government of India Act contemplates that the creation of such an independent body of inspecting officers will be a feature of the future. There are, I may say, difficulties in the creation of such a separate cadre. Some of these difficulties have been mentioned this morning. It is difficult, within the four corners of a comparatively small cadre, to carve out an adequate career and it might be difficult to attract officers of the calibre that one wants in such a service. It would involve, I believe, a certain amount of duplication of work—or, at least, duplication of expert staff here at headquarters. It is for consideration later on whether this body of inspectors should be attached to the Communications Member or whether, as Mr. Joshi suggested, they should be under the direction of some other department of the Government. It would be necessary, however, for either the Communications Member or for some other Member of Government to have some sort of advice independent of the Railway Board experts. That, I think, will probably be a necessity; but I do not regard it as a valid criticism of the proposal to say, as Mr. Santhanam said this morning, that whatever be the department to which he is subordinate, whether to the Railway Board or to the Government the Inspector will carry no more conviction than the man who is now performing this work. Now, Sir, I do not regard that criticism as a valid one because we have many other cases where we have Inspectors carrying out the Government regulations and who are yet subordinate to Government, e.g., Mines Inspectors, Factories Inspectors, Electrical Inspectors, Boiler Inspectors and so on. There are a very large number of men subordinate to the Government who are carrying on their duties honourably. If I have made this suggestion it is not because I myself have seen any reason to doubt the integrity or the impartiality or the independence of the Inspectors, but no report has come to my notice in which there is any suggestion that they do not carry out their duties as they were bound to do. Sir Abdul Halim Ghuznavi, this morning, made copious quotations from, and references to, the Thom report on the Bihta disaster. These were only relevant in so far as that report demonstrated beyond any shadow of doubt the absolute independence of the officer who carried out the inspection of the accident on behalf of Government. I would not refer further to that speech except to say that it was so grossly full of inaccuracies that I feel that it requires a denial on my part. The statements made by the Honourable Member had been traversed here by Mr. Clow and in another place by Sir Guthrie Russell and I again say that the assertions that were made this morning were absolutely without foundation.

To continue on the main theme: Mr. Miller has suggested that this body, this independent cadre, should be something in the nature of a safety squad. That is indeed what our Government Inspectors are. They have not only to enquire into the cause of accidents, but they have other important duties, namely, to carry out regular inspections and to see that from the point of view of safety the railways, the permanent way, bridges, traffic arrangements, signalling equipment, etc.,

[Sir Thomas Stewart.]

are in such order as to guarantee public safety and these are the kind of duties which, in my opinion, could be transferred as a whole to the new cadre. In the course of the discussion there arose the question of judicial enquiry or no judicial enquiry. That was a question which was raised on the floor of the House a considerable time ago—I believe when Sir George Rainy was the Railway Member—and as a result of the discussion on the floor of the House, a reference was made to Local Governments as to whether, in their opinion, it was desirable that in every case where there was loss of human life a judicial enquiry should be held. Honourable Members know, I take it, that under section 83 of the Indian Railways Act a district magistrate, or any other magistrate appointed in that behalf by the Provincial Government, may hold an enquiry of his own motion. The replies we got from the Provincial Governments suggested that they were for the most part against this proposal and they were also against the proposal that assessors should be associated with the magistrates in the case of that enquiry. I have considered this matter at considerable length and I can see no reason for taking up an attitude opposed to the opinions expressed by the Provincial Governments.

Another point which was made was that there should be, in the case of loss of life, automatic compensation. That suggestion was made by two Honourable Members. But neither of them explained the principles on which they thought that this gratuitous relief should be given. My Honourable friend, Mr. Santhanam compared compensation in railway accidents with third party insurance. If he will think it over, he will probably find that there are very considerable differences between the two cases. In any case, I am telling him quite frankly that it is not a proposition to which I am prepared to agree at the present moment.

Two more matters; the speakers on behalf of the European Group suggested that these independent Inspectors should be given the power of summoning witnesses, that they should be given the power to take evidence on oath and they were also to sit with assessors, if required. So far as the summoning of witnesses is concerned, I believe that the suggestion was based on the English practice. Now, the English practice is somewhat restricted in its scope. The witnesses whom the Inspectors are entitled to summon are merely the employees of the railways concerned and not outside witnesses. I think that in an administration which is a government administration this would be quite an unnecessary power to give. We can, I am sure, guarantee that any railway servant would attend before the Inspector. So far as taking evidence on oath is concerned, I am somewhat uncertain as to whether in the course of a summary fact-finding enquiry it would be of any additional value, but I am prepared to consider that further. So far as assessors are concerned I do not quite understand the object of putting a layman to help the expert when a technical matter is under consideration. The analogous case that suggests itself to one is that of a marine inquiry, but in that particular case the lay magistrate is assisted by technical assessors.

That, Sir, is the position of Government. We actually have under consideration the question of converting the Government Inspectors' cadre from a dependent to an independent body, and I suggest that that action should satisfy my Honourable friend.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is: "That the demand under the head 'Miscellaneous Expenditure' be reduced by Rs. 101."

The motion was adopted.

DEMAND No. 1—RAILWAY BOARD—*conold.*

Railwaymen's Grievances.

Mr. N. M. Joshi: Sir, I beg to move:

"That the demand under the head 'Railway Board' be reduced by Re 1."

This motion is intended to discuss a few of the many grievances from which railwaymen in India have been suffering and still suffer. Sir, before I narrate fresh grievances I should like to refer to one point which I had raised in one of the previous discussions, namely, that promotions among the railwaymen should not be made on communal considerations. I had made that point during one of the discussions, but, unfortunately, I did not get a reply from the Member in charge. I would, therefore, before going to other grievances, ask him to give me a definite reply about the policy of the Government of India as regards promotions. Sir, during my speech I had stated that on the Great Indian Peninsula Railway misunderstanding had arisen and that misunderstanding must be removed. That misunderstanding arose on account of certain promotions on communal considerations in the Parel workshop. The Chief Mechanical Engineer wrote to the Works Manager, Parel, as under:

"With regard to the vacancy of B class Chargeman vice Mr. Dunk, it is reserved for a Muslim. Will you please let me know if there are any A or B grade Muslim fitters in any other part of the workshop who would be suitable even if they are juniors?"

Against this a protest was made by the Union to the General Manager and the General Manager replied as under:

"I am directed to state that the Chief Mechanical Engineer's letter referred to in your letter above quoted is entirely in conformity with the policy and instructions of the Railway Board in the matter of communal proportion."

The Agent of the Great Indian Peninsula Railway is under a misapprehension that the Railway Board wants promotions to be made according to communal proportions.

Dr. Sir Ziauddin Ahmad: Sir, on a point of order, what cut is the Honourable Member discussing? Is he discussing only the question of labour or of subordinates and upper subordinates also?

Mr. N. M. Joshi: I am discussing the grievances of railway employees.

Dr. Sir Ziauddin Ahmad: That is not the cut; the cut relates to labour.

Mr. N. M. Joshi: But railway employees are certainly labourers; at least that is my interpretation.

Dr. Sir Ziauddin Ahmad: Sir, on a point of order I submit that officers and upper subordinates do not come under labour which is the subject matter of the motion.

Mr. N. M. Joshi: I am talking of matters relating to the Parel workshop and whatever may be meaning of "upper subordinates" people who work in the workshops are labourers in my judgment. They are not officers or upper subordinates.

Mr. Deputy President (Mr. Akhil Chandra Datta): According to the ordinary interpretation of the word "labour" it cannot include higher officers. It refers to menial workers.

Dr. Sir Ziauddin Ahmad: Confine yourself to labour.

Mr. N. M. Joshi: That is what I am always doing. I am talking of people who are working in the workshop and they are labourers. I am not talking of officers because I am not interested in them. I want the Government of India, therefore, to make a definite statement on that point.

Then, Sir, before I come to other grievances I would also like to bring to the notice of the Railway Member the grievances of 54 employees of the Accounts Department on the Great Indian Peninsula Railway. These people were employed between the years 1929 and 1931. They do not get special compensatory allowance for Bombay which is called the Bombay allowance. The Government of India state that they do not get special allowance because their pay includes consideration for the allowance. Sir, I claim that that is not true because these people get the same salaries which people in the accounts offices in Lahore and other places get. Moreover, people working in the accounts department, and employed during this period working in Karachi, get compensatory allowance. The Government of India cannot claim that living in Karachi is more costly than living in Bombay. I would, therefore, suggest to the Honourable Member that he should give consideration to the claim made by these people belonging to the accounts department of the Great Indian Peninsula Railway. I feel that their claim is just and the Government of India should pay early attention to their claim.

Now, Sir, having placed before the Railway Member these two small points I would first like to take up the question of the provident fund which I had taken up last year. I asked that the railway employees, getting the lowest salaries, like labourers and menials, should get the benefit of the provident fund system. I have already stated that the Government of India are very generous to the people who get large salaries and poor people who really want some provision after retirement in their old age are denied any privilege. The provident fund is compulsory on Indian railways generally for those who get Rs. 30 and more, and optional for people who get between Rs. 30 and Rs. 20, or on some railways, between Rs. 30 and Rs. 15. Those who get less than fifteen rupees do not get the benefit of the provident fund at all. The Royal Commission on Indian Labour considered this question and they came to the conclusion that this is an unjust system. Therefore, they recommended that the Government of India should change it. Not only people who get less are denied the privilege; but the Government of India sometimes deny the privilege to people on the ground that they are daily-rated people, and in their case the Government of India insist that if they are to get the benefit of the provident fund, they must get more than Rs. 80 a month and they must serve at least three years before becoming eligible. I do not know why

this condition should be imposed upon them. Then the Government of India by class excludes people who are called menials. I do not know why the poor menials should be denied the benefit of provident fund. Last year, I brought forward this question and the Honourable Member admitted that there is necessity in principle: that it was good to have provident fund even for the poor people: of course, he claimed that for officers and well-paid people provident fund is essential; but in his opinion for people getting smaller salaries it may be necessary: in any case he admitted the principle, but he said if you take all the railways in India 50 lakhs of rupees will be necessary: if you take even the state-managed railways only, 27 lakhs will be necessary. His figures may be correct. But I claim first that the Indian railways are making money for the last four years: they made 141 lakhs in 1936-37 and two crores odd in each of the subsequent years. I feel that even 50 lakhs is not too large a sum to be given to railway employees of the poorest class. Suppose the Government of India do not want to do that: it is open to give effect to the recommendation of the Royal Commission by instalments. If you cannot spare 27 lakhs, spare at least ten lakhs this year, another ten lakhs next year and seven lakhs the year after and carry out the recommendations of the Royal Commission in three years' time. Then, there are the private railways. The Government of India can ask them to do similarly: I, therefore, feel that the Honourable Member is not justified in denying justice to the poor people. He told us last year in order to please the Congress Benches that if provident fund is given to the poorest classes of railway employees, what will happen to the Provincial Governments? What will happen to the third class passengers? He said he was making the travelling of third class passengers comfortable with the saving. I say he should not bring forward this argument: the Local Governments will take care of themselves: and besides, the Government of India are not spending all the money or all their savings on the comforts of third class passengers. I ask them to save a little bit of money even for the lowest classes of their employees.

Then, I come to the question of hours of work. The Government of India ratified the convention of the International Labour Conference in the year 1921. That included some categories of railway people. By ratifying that convention the Government of India undertook an international obligation to regulate the hours of work of railway employees. Till 1930, they continued to break that international agreement by not making any regulations. In 1930 they made certain regulations: I think they put into effect those regulations in 1931 or 1932. They are applying these regulations not to all railwaymen but to certain classes of railwaymen and that too by instalments. It is now 1939: still there are several main lines of railway—not small railways—to which the hours of work regulations are not applied. I think this is not playing fair by the international organisation and by the railwaymen in India. I would, therefore, suggest to them that they should immediately apply the hours of work regulations to all railways.

I go further. The Royal Commission considered this question and they suggested that besides applying these regulations to certain categories of workers the Government of India should consider the question of regulating the hours of work of all classes of railwaymen because there are some classes of railwaymen to whom the hours of work regulations do not

[Mr. N. M. Joshi.]

apply—station masters and several other classes of people. The Government of India should, therefore, consider that question also. The hours of work in India are too long. Some of the railway people work twelve hours a day. It is not done now in any civilised country. In Great Britain the hours of work are eight. Why should the hours in India be twelve in the case of certain classes of railway employees? Then, I would like the Government of India to take up the question seriously of reducing the hours of work, not only of applying the hours of work regulations, to all classes of railway people—to reduce the hours of work permitted under the hours of work regulations. I suggest that the Government of India should introduce an eight hour day for all railway people without much delay. I make this suggestion both as regards the hours of work from the point of safety. We have considered the question of safety only just now. I would like the Government of India to consider whether a tired railwayman is not a sort of danger to safety. It is wrong for the Government of India to make a driver drive continuously for ten hours. I am not suggesting that he is actually made to do it, but the law permits that he can drive for ten hours continuously: there is not even a question of ten hours because the regulation provides for a sixty-hour week and there is no daily limit at all. I would, therefore, like the Government of India to revise these regulations now from the point of view of safety, and I would remind them that recently they passed the Motor Vehicles Act. . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has got two minutes more.

Mr. N. M. Joshi: . . . and under the Motor Vehicles Act the Government of India permit only 54 hours per week and ten hours a day. If those regulations are made for motor traffic, why should not the same regulations be made for railway traffic? In any case the Government of India should do that and not be unfair to the motor traffic.

I do not wish to say anything more except this: when I spoke regarding the grievances of the third class passengers I stated that I am losing my faith in constitutional and also parliamentary methods. From the appearance of the Honourable Member I thought that he did not like my saying that I had lost faith. I would like to ask him to place himself in my place. Here is the question of hours. You break your word of honour. When you recognise that you have broken your word of honour and try to make reforms, you take eight years to apply those regulations to all classes of railway people. The Royal Commission makes recommendations. You refuse to give effect. The public safety has not much influence upon you in laying down the hours of work. Here are the poorest classes of employees getting Rs. 5 or Rs. 10 or Rs. 15 and you refuse them provident fund year after year. The question is brought before you that the Royal Commission has made a recommendation in 1930 and still you refuse to do anything. Is it any wonder that sometimes I get a feeling that we may go on voicing our grievances of these poor people before the Legislature and before the Government of India and, if in spite of that no result comes, we get into despair, and we feel that these are not the ways by which the Government of India can be made to move? Sir, I hope the Honourable Member in charge of the Department will give serious

consideration to some of the grievances which I have placed before him and before the House, and that some action will be taken as a result of this discussion.

Mr. Deputy President (Mr. Akhil Chandra Datta): Cut motion moved:

"That the demand under the head 'Railway Board' be reduced by Re. 1."

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to support the motion moved by my esteemed friend, Mr. Joshi. In a short space of time like fifteen minutes, it is not possible for me to refer to all the grievances from which the railway labour suffers, but I propose to devote all the fifteen minutes to two important topics. I shall first deal with the question of the regulation of hours of labour, to which reference was made by my friend, Mr. Joshi. As he pointed out, Sir, this international Convention was accepted by the Government of India so early as 1921, and nothing, in all these 18 good years, has been done, and even the position as summarised in the Report of the working of the Indian Railways is not entirely satisfactory. You will find, Sir, that these regulations were then in force on the North Western, East Indian, Eastern Bengal, Great Indian Peninsula and Madras and Southern Mahratta Railways, and the question of extending these regulations to the remaining principal Railways of India like the Assam Bengal, Oudh and Rohilkund and the South Indian Railways was examined by the Railway Board in consultation with the Agents and General Managers of those Railways, but no final decision was reached during the period under review. So, from 1921 up to 1938, 17 years were not enough for the Government of India to reach a final decision. And, Sir, if you refer to the number of workers employed by the Railways, you will find they are over 6,92,000, and if Government as the biggest employer does not honour the international undertaking it has given, it is scarcely possible to expect private employers like the textile employers to cheerfully accept these regulations of hours of work.

Then, Sir, there is another aspect to be remembered, that in these days when we are complaining about unemployment, if an honest policy to regulate the hours of work according to the undertaking given by the Government of India in the international conference is followed, it will certainly go a long way in relieving unemployment.

There is another point here which I should like to criticise, namely, the policy of the Government to employ contract labour. That also is a matter of very great regret, for it has worked to the disadvantage of local labour. This point was taken up very specifically by the All-India Railwaymen's Federation, and instances were given which went to show that the policy has worked not only to the detriment of the permanent staff but it has tended to increase unemployment as well. In the Report which has been published by the Railway Department, relating to the 14th Half Yearly meeting between the Railway Board and the All-India Railwaymen's Federation held in November, 1937, you will find that instances have been given where on the pretext of effecting economy the prospects of those who were already in service were adversely affected, and also enough scope and opportunity had thus been given for some sort of corruption. It will be found, Sir, that at the Lillooah workshops, 200 coolies were retrenched; similarly, at the Parel workshops, certain articles which could have been manufactured in the workshop itself were not so manufactured but were

[Mr. N. V. Gadgil.]

purchased locally. And, so far as the general policy of loading and unloading followed by the Railway is concerned, what do we find? Reference to this was made by the All-India Railwaymen's Federation to cases of loading and unloading work having been let out on contract at all big and small roadside stations, and it complained that particularly at roadside stations where traffic was practically stable the introduction of contract labour was to the detriment of luggage porters and goods coolies who would be employed and the profit which thus went to the middlemen would go to railway administrations and also there was the advantage in the former system in that luggage porters, etc., who were under the control of the station masters worked properly

Dr. Sir Ziauddin Ahmad: From what book are you reading?

Mr. N. V. Gadgil: I am reading from the Report of the proceedings of the Fourteenth half-yearly meeting between the Railway Board and the All-India Railwaymen's Federation. Therefore, Sir, the plea that all this was done to effect retrenchment was not really well founded. Even assuming that there was a small retrenchment as a result of the employment of contract labour, I think in the larger interests of the country this policy is not advisable under present circumstances.

Then, Sir, there is the eternal question of the recognition and formation of Railway Unions. This point is referred to practically every year. At least speaking for myself, I had referred to it in the year 1935, I referred to it in 1936, I did so last year, and still I am hammering at it, and I do not know for how many long years I or those who will follow me will have to do it. If you refer to statistics on the working of the Indian Trade Unions, you will find that out of the two lakhs sixty one thousand and forty-seven organised workers as shown in this Report, nearly one lakh twenty thousand and one hundred and fifty-seven belong to the Railways. That means nearly forty-five per cent. of the organized workers belong to the Railways, and if you take the number of Unions out of the 228 Unions, you will find that 58 of these Unions really are of Railway workers, but I regret to say that very few Trade Unions have been recognised by the Railway Administrations, which means that out of the organized workers of one lakh twenty thousand, according to me, not more than 20 Unions, having roughly twenty thousand members, were found to be good enough to be recognised by the Government. The Government have very coolly stated in their Report that they have been closely and consistently implementing the recommendations of the Royal Commission on Labour, and referring to the joint standing machinery for settling disputes, the Government, in November 1937, passed a Resolution to appoint a Conciliation Officer, but if you will make a reference to the terms of that Resolution, you will find that the Government have taken pretty good care to cut out or exclude unrecognised Unions altogether from the necessity of establishing contacts with the workers. This is what that Resolution says:

"That a Conciliation Officer would be appointed with headquarters at Calcutta whose duties were to establish contact with the administrations of the railways with which he was concerned, with recognised Unions catering for the employees of those Railways, with area committees, workshop committees, railway councils and any other bodies directly concerned in the relations between the administrations and their employees."

Then, Sir, if the number of membership of recognised Unions is so small in comparison with the membership of unrecognised Unions, I do not know how by laying down such a policy,—I don't call it a vindictive policy,—but it is certainly not a fair policy,—the object of establishing contact with the workers is going to be achieved. This very point was again taken up by the All-India Railwaymen's Federation in their half-yearly meeting and the replies given by the Chief Commissioner for Railways, I think, are far from satisfactory. In opening the discussion on the subject of recognition of Unions, the Federation submitted that the Railway Board has always maintained a position which, they understood, fell short of the relevant recommendations of the Royal Commission on Labour.

Here, Sir, I want to take a few minutes of the House to refer to another small point,—I don't propose to take up much time of the House by reading out long extracts,—but I merely want to show that the Royal Commission on Labour have laid down certain principles regarding recognition of Unions, and they have also pointed out that in a country where Trade Unionism has not yet succeeded to a large extent a liberal policy should be followed. It is no good saying that a particular Union cannot be recognised because the officers are all outsiders. In fact, it is a safeguard to have outside officers or office bearers in particular Unions, for it has been the experience of several workers, and in this I am sure I shall be supported by my friend, Mr. Joshi, and Professor Ranga when I say that if the workers themselves become office bearers, it is impossible for them to state their grievances with anything like frankness. So it has been recognised all the world over that there is a recognised place even for honest outsiders to work, but the result is that, under one pretext or another, such unions are not recognised because they are "not proper and fit unions". Giving an instance, I was one of the Presidents for some time and for many years I was Vice-President of the Great Indian Peninsula Railway Union, one of the biggest unions claiming a membership of nearly 15,000, but it was not recognised; whereas another union which consisted mostly of clerks, which was nicknamed 'Tatya' Union by our workers, was recognised within a very short time from its inauguration. If any worker happens to have political opinions not liked by the Agent or the Traffic Manager, it is the union that suffers. I cannot believe that such an outlook is just or is in the best interests of properly guiding labour. This is not the way to encourage healthy trade unionism. On the other hand, this is the surest way to make it still worse, as has been very well laid down by the Royal Commission on Labour.

Mr. M. S. Aney: Did you try for this recognition after we came into office?

Mr. N. V. Gadgil: May I tell my esteemed friend, Mr. Aney, that very recently the Bombay Government have passed a Bill by which recognition of union has been made more liberal, and the main factor by which recognition can be secured is a certain percentage of membership in the particular industry or trade. If such a provision is accepted here also, I have no quarrel.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has got two minutes more.

Mr. N. V. Gadgil: The point I was making was this, that by repressing these unions you are not going to encourage healthy trade unionism. On the other hand, if you have some points of contact even with extreme office bearers, the results are likely to be more encouraging than otherwise. Then the Chief Commissioner said that he was not sure that the attitude of the Board in the matter had been correctly stated by the Federation. He referred to several unions, and, ultimately, it was promised that if the Federation made certain proposals about model rules, this, that and the other, then after giving three months notice the Railway might consider. It is equally the business of the employers to see that trade unionism grows among their workers, and recognition should not be merely an unilateral act, as has been supposed to be the case so far as the railway administration is concerned. It ought to be mutual, it ought to depend upon certain minimum conditions being satisfied, and if those conditions are satisfied, recognition should follow as a matter of course. I, therefore, submit that this non-recognition of certain unions places a good deal of handicap in the ventilation of grievances by labour. I feel that the policy of the Railway Board should at least be a little more liberal,—let us hope so. But this attitude of keeping the whole thing in a sort of suspended animation has been going on for a very long time. Now, all the unions on the Great Indian Peninsula Railway are amalgamated, but nobody knows whether the combined or the composite union is recognised or not. I think such a state of things ought not to exist. With these few words, I support the cut motion.

Dr. Sir Ziauddin Ahmad: I was surprised, should I say not surprised, at the speech delivered by my Honourable friend, Mr. Joshi. We heard a remark the other day that he is an authority on every other thing except labour because he has no time to look into those questions, and his speech today is proof of that statement. While he was discussing the question of labour, I expected that he would say something about the Supervisor of Labour, that he would persist that the Supervisor of Labour should not be under the Railway Board.

Mr. N. M. Joshi: I leave it to the Muslim League, friend of the poor.

Dr. Sir Ziauddin Ahmad: Muslim League is not labour. (Interruption.)

Mr. N. M. Joshi: Muslim League is anti-labour.

Dr. Sir Ziauddin Ahmad: I expected that he would say something about the Supervisor of Labour, about the work of the Conciliation Officer, and the Conciliation Board, the manner in which they are discharging their duties, and that he would also address a few words on the labour which are engaged in the railways. But, to my disappointment, he immediately became communal. He wanted to impress upon the Railway Board that people should not be promoted on account of communal considerations, inside this House, outside this House, inside the lobby, outside the lobby; it is his one hobby. I may just tell him. (Interruption by Mr. Joshi.) What we say is that promotion of Muslims should not be stopped, simply because they are Muslims. That is the view point of us.

Mr. N. M. Joshi: You are misrepresenting me. I did not say a word about Muslim promotion at all. What I said was that the Great Indian Peninsula Railway Agent was under a misapprehension regarding the intentions of the Railway Board. I wanted the Honourable Member to state what the intentions of the Railway Board were, because I see from the letters of the Great Indian Peninsula Agent that he is misrepresenting the intentions of the Railway Board. I did not say a word about Muslim promotion. As a matter of fact, I supported your cut motion.

Dr. Sir Ziauddin Ahmad: I reply on behalf of the Railway Board, that Muslims, if they are senior,—they should be kept down on pretext of inefficiency; if they are efficient, they should be kept down on pretext of seniority. I am making a reply on behalf of the Railway Board.

Mr. S. Satyamurti (Madras City: Non-Muhammadian Urban): You cannot.

Dr. Sir Ziauddin Ahmad: Mr. Satyamurti made me a member of the Railway Board. The point that I was pressing was that Mr. Joshi is at liberty to talk whatever he likes, but he talks on everything except labour. I was really inclined to oppose the cut motion, but Mr. Gadgil came to his rescue and brought the whole debate back to the point at issue. The point that Mr. Gadgil has raised and that I also want to raise is the question of recognition of unions. What I maintain is this, that whenever a society is registered. . . .

Mr. N. M. Joshi: Not on communal lines.

An Honourable Member: Mr. Joshi is in a fighting mood today.

Dr. Sir Ziauddin Ahmad: If you want to fight, come to the lobby and we can fight.

Mr. N. M. Joshi: I am prepared.

Mr. Deputy President (Mr. Akhil Chandra Datta): This is not a place for challenge or counter challenge.

Mr. N. M. Joshi: I did not give the challenge; the challenge came from him.

Dr. Sir Ziauddin Ahmad: He wants the labour to fight with each other, that is what he is trying to do. Now, coming to this recognition of Unions, my point is, and Mr. Gadgil has also partially touched upon it, that whenever a union of railway employees is formed and registered and it has got a constitution which is not intended to spread disaffection among employees but really to safeguard the interests of the members, then for no reason whatsoever should the railway authority refuse recognition to that union. They should not refuse it on the ground that the members are fat or they weigh over two maunds or they have got a black face or wear topee. The recognition should not be refused on these small issues. When the union is registered and its intention is bona fide, then ipso facto it should receive recognition. I am glad that the Provincial Governments have taken steps in this direction and the Central Government will be wise if they take lessons from the Provincial Governments.

[Dr. Sir Ziauddin Ahmad.]

Then, we have got the Supervisor of Labour. He is under the Labour Department, if I am correct. Their recommendations ought to carry weight with the Railway Board. The hours of work, and other grievances—if any recommendations are made on these subjects, they should be accepted by the Railway Board. It would be fair if the periodical reports are published, and circulated among the Members together with the action taken on the recommendations by the Railway Board. That will give us an idea of the manner in which they are treating labour. About the conciliation staff, when the appointment was made we objected to this on the floor of the House. We were doubtful whether persons who are not familiar with labour questions would be in a position to bring about this conciliation. I would have welcomed it had Mr. Joshi been appointed. Then I would have supported this particular post, so that we have a better understanding between employers and employed. With these words, I resume my seat.

Mr. Sham Lal (Ambala Division: Non-Muhammadan): I support this cut motion and in doing so I want to place before the House the grievances of grade No. III of the Loco. running staff on the North Western Railway. I have been putting questions on the subject for the last two years and no definite replies are given. Now, I want to know whether the facts given by me are correct or not. There was great agitation for the recruitment of educated Indians in the Loco. running staff. After all, Government agreed to create grade No. III which was reserved for Indians. The minimum qualification was the matriculation examination. Grade No. IV was reserved for Europeans and Anglo-Indians. The salary was, of course, higher but the Indians were satisfied with one grade which was reserved for them and in that grade it was laid down that a new recruit should begin as apprentice for three years, then serve as a foreman for two years and as shunter for two years and, after that, he was to become a driver. There was to be automatic promotion—there was no question of vacancy. This grade was created in 1923. What happened was this. In 1926-27-28, when the Railway Department found that recruits of 1923 would become drivers, some vacancies were created in grade No. III in order to absorb Europeans and Anglo-Indians. In 1934, there were vacancies in Grade No. III and they were given to Europeans and Anglo-Indians of grade No. IV. In 1936, 33 promotions to grade No. III were withheld and given to Europeans and Anglo-Indians. The result is that the boys who had been recruited in 1923 are still working as firemen. They have not become drivers. The system of automatic promotion in grade No. IV still subsists. That is the question I want to put to the House. An assurance was given, promise was made but they have been broken. Is it not a fact that grade No. III was reserved only for Indians? Was not the principle of automatic promotion laid down and were the vacancies given to Anglo-Indians and Europeans? These questions I have been asking and no definite replies are forthcoming. How can this position be justified?

The Railway Member has given an assurance with regard to accidents—that there would be Inspectors independent of the Railway Board. I want Inspectors with regard to the assurances given by the Railway Board. Now, Mr. Joshi talked of the word of honour. There is no word of honour here. One officer gives it and another breaks it. Mr. James said that one is an Englishman and another is a Scotchman. I thought they

were all the same but we have come to know that there is a difference between an Englishman and a Scotchman. The Englishman gives a word of honour and a Scotchman breaks it and *vice versa*. My complaint is that what is reserved for Indians is being taken away and given to Europeans. What are these poor people to do? They were recruited in 1923 on the clear assurance that they would become drivers after seven years and every Tom, Dick and Harry is put in this grade III and the rights of Indians are taken away. Is this justice? Is this how you keep your word of honour? What is the value we are to attach to these assurances? The Railway Member gives a promise in all sincerity. He goes away after six months and another gentleman comes in and says something else. What are these poor people to do? I have been putting questions. I am told that these are matters of detail and no reply can be given. When you discuss it, some assurance is given but it is not kept. Of course, this is only a cut motion. I press on the Railway Member to inquire into the grievances of these people and see that justice is done. I hope they will get promotion in due course.

Prof N. G. Ranga (Guntur cum Nellore: Non-Muhammadan Rural): Sir, I wish to warn the Government seriously that the Railway Labour Unions are seething with discontent because of the continued neglect of their legitimate and minimum demands. Sir, the question of the non-recognition of labour unions has also been raised prominently by more than one speaker. I wish to state, Sir, that Government do not seem to be in any great hurry to try to recognize even those unions which have on their rolls large numbers of railway labour. There was the Bengal Nagpur Railway Union whose recognition was withdrawn as an upshot of the strike that there was there. The President of that union, who happens to be today one of the ministers of the Madras Government, tried his best to obtain recognition for that union again but he has failed. Thereafter, it was mentioned in Mr. Mudie's report that the union would be well-advised to have a different personnel for its management and for its office-bearers and so on. Another set of office-bearers came to be elected. Yet today Government has not been pleased to extend recognition to that union. Many representations have been made by that union to the Labour Officer in Calcutta known as the Conciliation Officer as well as the Agent but all in vain. Similarly, the Great Indian Peninsula Railway Union, which has on its registers large numbers of workers, has been denied recognition for more than six years; and I do not know whether there is any effective labour union on the East Indian Railway, and, if there is, whether Government have thought it fit to give it any sort of encouragement by way of recognizing it. If there is none, I do not know why Government has not taken active steps to see a full-fledged labour union brought into existence, at least from the point of view of ensuring the safety of the running of their own Railway there.

Then coming to the question of hours of work, I find that there are still four Railways which are yet to give effect to the hours of labour convention. It has been mentioned here in the report of the Railway Board that those Railways are still considering whether or not to give recognition. I do not know the latest position and I can say this much that there are very many railway drivers to whom this convention has not been applied. Their hours of labour are still not properly restricted, and although the Government have undertaken legislation here for motor drivers, they have

[24TH FEB. 1939.]

[Prof. N. G. Ranga.]

not yet thought fit to restrict the hours of labour for railway drivers, although they have been faced with an ever-increasing number of railway accidents on more than one Railway. Sir, I consider this to be a very serious failure of the Government, and unless the Government come forward, in the near future, with an assurance that they are going to extend this hours of labour convention to the drivers and see that this convention is enforced and the hours of labour properly restricted, it will not be possible for the House to believe in the *bona fides* of the Government when they say that it is really serious about ensuring the safety of railway travel.

I come now to the question of wages. We find, Sir, that the people who are treated as menials are today paid very very low wages indeed. Now, their numbers are not what are depicted here in the report. Many of them are engaged by various contractors and, naturally, their numbers are not given in this report, and all those people are being exploited by contractors, who in their turn, are able to exploit the Government at the expense of the public. I think, Sir, it is the fundamental duty of the Government to see that the minimum wages regulation is established in this country so that all these contractors will be obliged to pay minimum wages to these menial workers as well as others who are employed by them. But nothing is being done here, although, if I remember rightly and my memory does not play false with me, Government have agreed to implement the Geneva Convention that all those who are employed not only by public bodies but through contractors should be assured of decent wages whenever they are employed by them.

Then, there is the question of the provident fund. My Honourable friend, Mr. Joshi, has already made a mention of it. This has become almost an annual feature of these discussions. We always go on asking for it and Government deny it. I do not know if it is merely a question of money but I wish to remind Government of the grave danger that there is today to the railway line itself if they are to allow these lakhs and lakhs of these workers, who are called menials by the railway authorities themselves, and who are employed today in making the railway, in keeping it and in protecting it, to remain discontented; and if those people are not satisfied, then Government should not be surprised, if the railway accidents increase as often as they have done in the recent past. I do not suggest, Sir, that any worker will make himself responsible for any accident either consciously or unconsciously, but when he is not paid properly, when he is not treated honestly, when he is not looked after properly at least by the establishment of a provident fund, you cannot expect him to be adequately efficient,—and by having inefficient workers you cannot very well assure yourself of safe travel on the Railways.

Then I come to the question of discipline and security of service. I find that the revision of the railway regulations has been delayed far too long,—unconscionably long. They have not been properly revised nor have they been properly codified. I do not know when it will be finished but in the meantime lakhs and lakhs of workers are obliged to suffer from the inconveniences of many of these regulations and from the confusion that exists today in these thousands and thousands of their own rules and regulations which have cropped up during all these years and the overlapping of one regulation upon another and the various rulings given by their various officers. One particular instance has come to my notice.

It is a gross case of injustice. One booking clerk reported that one ticket was missing just when he was leaving the booking office in charge of another booking clerk: The next booking clerk did not notice anything amiss in this particular statement. Thereafter the station master fell foul of the original clerk that he found a ticket in the slot itself and, therefore, he said it was a mistake of the original booking clerk and he proceeded to frame a regular charge-sheet and, in the end, there was no proper inquiry and the booking clerk was dismissed. Sir, such things are happening; and as between one employee and another, there is any amount of bickering, any amount of indiscipline, any amount of quarrel, and as long as you allow your establishment branch to be blind here at the top and allow all the local officers to play ducks and drakes with all their subordinates according to their own whims and fancies and as long as the rules and regulations are not properly codified, you cannot very well expect a satisfactory and happy family in your railway workers and labourers.

Then there is the proper security of service for these people. If any of them dares to become a member of a railway labour union and, thereafter, gets into bad books with any higher officers or even his fellow-workers, he is put down on the black list. He shan't be surprised if he gets at any moment a dismissal order. That is why I want proper steps to be taken to assure them about the security of their service. The Royal Commission suggested that there should be a standing machinery for conciliation but the Government of India would not accept it. In its place, they published a sort of a Resolution but it was done nearly eight years after the recommendation of the Royal Commission. According to this Resolution, there is to be a Conciliation Officer. What are his duties? He has to keep himself in touch with labour, not every kind of labour, not even every registered trade union, but only with the recognised trade unions. My Honourable friend, Mr. Gadgil, has already made it perfectly clear that out of six lakhs of workers who are employed in the railways nearly 120,000 people are members of the trade unions and there are only about 25,000 people who belong to the recognised trade unions. Therefore, this Conciliation Officer has to concern himself with the welfare of workers who form not even ten per cent. of the total labour population on the railways. Is this fair, is this correct and is this right on the part of the Government of India? And yet the Government seem to be satisfied with this officer. Even this officer does not seem to have published any annual report. It is more than a year since he was appointed and we do not know what sort of work he has been doing. Several of our unions have gone to him and have made representations to him and he has simply turned them down by saying that he is going to make some representation to the authorities concerned. Till now, I have not heard anything favourable about his activities from any union in this country and I do not know what he is doing. I think a report on his work is very badly needed and I hope Government will publish it very soon. Then, I am told that there are what are known as labour supervisors. It is the business of these people to see to the conditions prevailing amongst labour. They should publish their annual reports but the last report has not yet been published. I do not know whether it is going to be published or not.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has two minutes more.

Prof. N. G. Ranga: The Payment of Wages Act is also not being properly administered as far as the railways are concerned. Even today

[Prof. N. G. Ranga.]

certain complaints were made of the failure of certain railways not to enforce the provisions of it so far as the labour on the railways is concerned. Then, there are meetings with the All-India Railwaymen's Federation. We are informed about the various items on which there was a discussion between the Railway Board and the labour leaders. But we are not told what action is being taken on the representations made by the labour leaders to the Railway Board.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

I think a report is very badly needed and I trust Government will publish it along with the other items in this particular report from year to year. I can only say this that today there is an impression among the labour union leaders that the Honourable Member has not given proper attention to their grievances.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I wish to say a few words regarding this cut. I will not use much labour on it as my Leader wants me to be brief. Anyway, it is necessary to put forward some of the grievances of the labour. Now this cut motion is a general one because it refers to the grievances of the railway labour generally and their grievances are not a few. However, some of their grievances deserve to be pointedly brought to the notice of the Honourable the Railway Member. We heard a few minutes before, the grievances of the running loco. staff and my Honourable friend, Mr. Sham Lal, had been taking interest in their case and had been putting some questions on their behalf. But I propose to put in a concise form their demands and their grievances for the consideration of the Honourable the Railway Member. I will put them very concisely. What they want is this.

All posts withheld to allow automatic promotion to grade IV should be released, thus making good the original allotment of grade III. All other posts of grade III that have already fallen vacant, besides those withheld, should be immediately filled in. Provision should be made to raise the allotment of Drivers grade III as per posts of firemen grade III so that in the usual course of time a fireman grade III may hope for promotion as Shunter and ultimately as Driver grade III as per principles of recruitment for the same staff. No Division should be allowed to surrender posts of grade III and create posts, that is, grade II and I instead, as this affects the loco. running staff grade III for no fault of theirs. Lastly, they submit and their demand is that either the strength of Driver grade IV should be raised to absorb the surpluses in that grade or the surplus staff should be dealt with in accordance with the standing orders like the surplus staff in other categories. I hope that when these demands are put so categorically and a submission is made that attention should be given to them, there will be no room for complaint on the part of my Honourable friend that his interpellations are being disregarded.

I will next address myself to the question of the provident fund for the inferior servants. The other day I put certain questions with regard to the provident fund to be given to the electric lighting staff on the railways. These poor men are being refused the benefit of the provident fund. They have been crying about it for a long time and they have put forward their case by means of questions in this House but no heed

has been paid to them. The other day, when I put certain questions with regard to them, the reply was that it was not economic to help them. That should not be the attitude of the Railway officers and of the Railway Board. Their case should be considered from all points of view and there should be no discrimination. How is it that persons who belong to the other inferior service and who draw the same pay are given the benefits of the provident fund and not these poor people? I would, therefore, submit that their case deserves consideration. Anyway, it should be considered and something done for them. The thing should be adjusted and the dissatisfaction of this particular inferior class should not be allowed to continue. On the contrary, they should be helped and encouraged.

Then, I come to the question of the unions. I have some knowledge of these unions but I find that under the present system labour is suffering because these unions are recognised in a manner which is not sound or reasonable. My Honourable friend from Bombay gave an instance of how an Union was allowed to be worked adversely. I give an instance of the North Western Railway Unions. On this railway there are really two Unions, one is a Union which is considered to be an official one, and the other is considered to be a Union of the labour public. What is happening is this. When there are Unions going on very well and put forward their case bluntly and strongly, the railway officers do not want that that should be done in that manner. Therefore, the railway authorities create some contrivance to destroy the unity of those Unions. They create a rift between the two Unions. The result is that those who are actually in Government service are asked to be at the head though that Union contains only a few members, it is recognised, and the other Union with thousands of labourers on its rolls is not recognised. This happens in the North Western Railway. This divide and rule policy should be abandoned. It is the opinion of the public that whatever a Union puts forward in the shape of legitimate demands they should be listened to and redressed. If the popular point of view is rejected, then that Union is in distress and in difficulties. We do find that a non-recognised Union in Lahore is actually put in distress. Their members are being prosecuted, and that is only because the other Unions consisting of a small group of members is in the favour of Government. These Unions get themselves registered first. There are certain conditions under which they are registered. If they are registered, why should they at all be considered undesirable. I suggest that a committee should be appointed which should lay down under what principles or conditions a Union should be recognised. If that is decided then I do not think there will be any disturbance amongst them with the railway authorities. On the contrary the railways would be saved from stay-in strikes that take place nowadays. The only way to stop these strikes is not to fight with them, but the only way would be to appease them by recognising these Unions and getting them do their work. Why should Government servants be forced to be head of these Unions? On the other hand there are among the public men many people who would give proper guidance to these Unions. These outside people have experience and they will put forward their case fearlessly and in the interest of the members of the Union. I also submit that Unions should also be allowed to put forward labour's individual cases. Of course, such individual cases are not being allowed to be put forward by the Union and in such cases there is every likelihood of trouble for the railways. With these words, I support the motion.

An Honourable Member: The question may now be put.

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

"That the question be now put."

The motion was adopted.

The Honourable Sir Thomas Stewart: Sir, the criticisms that have been put forward in the course of this latest debate may be put into three classes. First, they refer to matters of a general nature. In the second class, they refer to particularised matters and in the third class, there are a series of mere unsubstantiated assertions to the effect that Government has sinned. Now, to the second of this class, it is naturally impossible for me to give a detailed reply unless I have had some notice of the intention of Honourable Members to raise these subjects. As regards the third class there is no reply called for. On these principles, I shall answer the debate. Mr. Joshi, for the second time in the course of this budget debate, has asked a question regarding the system of promotion on the Great Indian Peninsula Railway. He has gathered the impression that promotion is being carried out on communal lines. I am not aware of the actual facts, but so far as the policy of the Government of India is concerned, the policy is that promotion should not be guided by communal considerations. He raised another particular point regarding the refusal of the Great Indian Peninsula Railway to grant compensation allowances to certain classes of clerks who had been recruited between the years 1929 and 1931. He regarded it as an injustice that they should not have been given compensatory allowance. But it must be remembered that when these men were recruited it was on the definite understanding that they would not get compensatory allowances. Compensatory allowance is, I think, given to those recruited after 1931. But I am afraid those who were recruited between 1929 and 1931 would not change to the latter category because even with compensatory allowance they would lose financially. But the fact of the matter is that it was part of the contract that they should not get compensatory allowance and of that fact they were perfectly well aware.

More than one Honourable Member has referred to the refusal of the railways to give provident fund benefits to low-paid employees. Sir, it would be a very happy dispensation indeed if every low-paid railway employee, and indeed every low-paid employee both in and outside the railways, could be guaranteed provident fund benefits. But the financial side of the question has to be taken into consideration and, as I pointed out last year, the finance involved was of some considerable magnitude. It comes to 51 lakhs for all railways and 27 lakhs for State railways. And let me mention that it is 51 lakhs per year and 27 lakhs per year, not as Mr. Joshi appeared to think a sum which once paid would ensure the grant of provident fund.

Mr. N. M. Joshi: I am not under that impression.

The Honourable Sir Thomas Stewart: The Honourable Member may not have been under that impression but when he reads his speech he will find that he proposed to liquidate the liability by paying ten lakhs this year, ten lakhs next year and seven lakhs in the third; and it was that suggestion which led me to believe that Mr. Joshi considered that the total liability was 27 lakhs. But in any case a liability of 27 lakhs per annum for a comparatively small body of individuals—small in comparison with the total population of the country—is one that we cannot possibly assume.

Reference has been made to the fact that at the present moment there are four railways which have not yet accepted the hours of employment regulations. Sir, we are not relaxing our endeavours to get those railways to come into line, but we cannot employ any absolute compulsion. But there is one thing which I would ask Honourable Members to consider and that is that although those four have not technically accepted those regulations there is no reason for thinking that the staff of those railways are hopelessly overworked.

Mr. N. V. Gadgil: They are all company-managed?

The Honourable Sir Thomas Stewart: Yes.

Mr. N. V. Gadgil: That is all the greater reason why they should be taken over.

The Honourable Sir Thomas Stewart: We have no reason to believe that there is any considerable overwork. In fact I believe it is the case that to a very great extent the actual hours of employment would come within the regulations.

As regards the recognition of trade unions the position has, I think, progressed since I last spoke on this subject. We, of course, in the railway department, have no direct relations with the trade unions; it is an accepted principle of our working that it should be left to the Agents to make their own arrangements regarding the recognition of their labour unions.

Mr. N. V. Gadgil: May I ask what the general policy of the Railway Board is in this matter?

The Honourable Sir Thomas Stewart: The general policy of the Railway Board, as I explained last year, is to leave to the discretion of the Agents the question of recognising or not recognising a union, though the Railway Board, in the event of a refusal of recognition, is prepared to receive representations. But, in any case, the Railway Board has been doing its part in an endeavour to get some sort of a *modus vivendi* which will be accepted both to the unions and to the Agents; and there has been evolved and there is now in our hands a model set of rules which we trust, after perhaps some modification will commend itself to all parties. And when that result has been achieved I trust that most of the troubles regarding non-recognition will be removed.

My Honourable friend, Prof. Ranga, made reference to the long-standing dispute between the Bengal Nagpur Union and the railway administration. I am informed that considerable progress has been made towards a reconciliation and that at the present moment there is a committee of officers of the railway in consultation with a committee of the Union with a view to arriving at a settlement suitable and acceptable to both parties.

Dr. Sir Ziauddin Ahmad: May I ask a question about this? Have the Railway Board given instructions to the Agents to recognise a particular class of union or have they left everything entirely to the Agent?

The Honourable Sir Thomas Stewart: Sir, I have explained what the policy of the Railway Board is. The discretion to recognise or not to recognise a union lies with the Agent of the railway concerned.

Reference too has been made to the Conciliation Officer and his functions and complaint has been made that he has not been allowed to get into touch with non-recognised unions. It would be a most illogical position if he were to do so. It is his function to bring into contact, in the event of a dispute, the representatives of labour and the employers. If he were to negotiate or to keep in touch with non-recognised unions he would place the Agent in a very awkward position, in fact in an intolerable position in that he would be a go-between between the Agent and a non-recognised union. His function is conciliation and he should not go beyond it. It is a matter of complaint against him that he does not take up individual cases but he is not an advocate of labour nor is he an advocate of the employer. It is his function, when a dispute breaks out, to endeavour to bring the parties together to effect a peaceful settlement.

Sir, I think I have touched on most of the general questions that have been raised. I regret that it is impossible for me to follow my Honourable friend, Mr. Sham Lal, or Mr. Lalchand Navalrai into the particular cases they mentioned; but as I have said before, any representations of this sort which are made on the floor of the House will receive our attention. It is our desire that we should have a contented labour force; we fully recognise that it is essential to our successful working, and I may assure the House that it is towards that contentment that we from our part will use our best endeavour.

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

"That the demand under the head 'Railway Board' be reduced by Re. 1."

The Assembly divided:

AYES—46.

Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Aney, Mr. M. S.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Basu, Mr. R. N.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Desai, Mr. Bhulabhai J.
Deshmukh, Mr. Govind V.
Gadgil, Mr. N. V.
Ghasuddin, Mr. M.
Gupta, Mr. K. S.
Hosmani, Mr. S. K.
Ismail Khan, Haji Chaudhury Muhammad.
Jogendra Singh, Sardar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Lalchand Navalrai, Mr.

Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Raza Ali, Sir Syed.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sham Lal, Mr.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Surya Kumar.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.

NOES—43.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
D'Souza, Mr. Frank.
Dutt, Mr. S.
Gorwala, Mr. A. D.
Greer, Mr. B. R. T.
Grigg, The Honourable Sir James.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kushalpal Singh, Raja Bahadur.
Lillie, Mr. C. J. W.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Menon, Mr. P. A.

Menon, Mr. P. M.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Mukerji, Mr. Basanta Kumar.
Nur Muhammad, Khan Bahadur Shaikh.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Shahban, Mian Ghulam Kadir Muhammad.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Sivaram, Rao Sahib N.
Spence, Mr. G. H.
Staig, Mr. B. M.
Stewart, The Honourable Sir Thomas.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Thomas, Mr. J. H.
Zafrullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

Mr. N. M. Joshi: Sir, this is the time of the unattached Members.

Honourable Members: No, no.

Dr. Sir Ziauddin Ahmad: On a point of order, Sir. The next motion stands in the name of Maulvi Abdur Rasheed Chaudhury: he is absent, and, therefore, we have to begin from the beginning.

Mr. N. M. Joshi: Sir, it is the time of the unattached Members, and, so long as I have a motion, I have every right to move it.

Mr. President (The Honourable Sir Abdur Rahim): Which motion is it?

Mr. N. M. Joshi: My motion is No. 177—demand 6E.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot make the same motion: it is barred.

Dr. Sir Ziauddin Ahmad: On a point of order, Sir. We should take the first motion on the list.

Mr. President (The Honourable Sir Abdur Rahim): If they want to move it, there will be hardly much time left.

Economy.

Mr. K. Santhanam: I move, Sir:

"That the demand under the head 'Railway Board' be reduced by Rs. 70,000" (Economy).

This amounts to five per cent. of the budget allotted to the Railway Board. I expect that if a ten per cent. cut is imposed on all salaries above

[Mr. K. Santhanam.]

Rs. 200, the Railway Board can get the Rs. 70,000. I have also the further expectation that if this motion is carried and accepted by the Government, they are bound to enforce the cut throughout all the Railway Administrations. Hitherto, the difficulty was that when the high officials had to enforce the cut, they had also to reduce their own salaries. I am confident that if this cut is carried, they will be ashamed to go to His Excellency the Viceroy and ask him to restore it, and I hope His Excellency the Viceroy also would turn them back telling them that they can very well afford to bear this small cut. Sir, in this connection I may mention that there is urgent necessity for reducing the working expenses by five per cent. In fact, I had given cuts of five per cent on every demand, which is votable by this House. If Honourable Members will look at pages 46-47 of the Explanatory Memorandum on the Railway Budget for this year, they will observe that the working expenses of the Railways are increasing, in spite of the fact that Burma has been separated from India. For instance, at page 46, you will find that the total gross receipts for 1937-38 are 1,00,46, for 1938-39, 99,88, and for 1939-40, 99,81. On the other hand, on the expenditure side you will find for 1937-38, 68,39, for 1938-39, 68,78, and for 1939-40, 69,81. In the year 1936-37 the working expenses including those of the Burma Railways came to about 68.91 crores, but now without the Burma Railways the working expenses for 1939-40 are 69.81. It will thus be seen that the working expenses have been increasing enormously, and it is time that the Government prepared themselves for another depression, the effects of which are already beginning to be felt. I think the Railway Administrations should not wait till the depression actually sets in as they did on the last occasion, because it resulted in a huge deficit, and then they began to devise means of retrenchment. The Honourable the Finance Member has also pointed out that a cut similar to the one which was imposed in 1933-34 would give the Railways nearly two crores, and a five per cent. reduction of the whole of the working expenses will yield only 2½ to three crores. I think the Railways should themselves think of effecting a five per cent. cut, and as an earnest of that cut, I move this five per cent. cut in the expenses of the Railway Board. I think, Sir, I have made out a case for a five per cent. cut in the working expenses of the Railways, and I hope it will be accepted by all sides of the House including the Government Benches.

Mr. President (The Honourable Sir Abdur Rahim): Cut motion moved: "That the demand under the head 'Railway Board' be reduced by Rs. 70,000."

Dr. Sir Ziauddin Ahmad: Sir, in this particular motion an arbitrary figure is given

Some Honourable Members: Five per cent. is proposed.

Dr. Sir Ziauddin Ahmad: Five per cent. of what?

An Honourable Member: Five per cent. of the Railway Board's demand.

Dr. Sir Ziauddin Ahmad: The Railway Board's total expenditure of five per cent. will include the salaries of the establishment also, and we have repeatedly said, on the floor of this House, that if salaries of persons below Rs. 200 are touched, then we will oppose the whole cut. Therefore,

I say that Rs. 70,000 is an arbitrary figure. Within the few minutes that I had at my disposal, I tried to work out the figures, and I find that on page 1, there is a large figure of salaries which are non-voted, and any cut that we may propose here cannot affect those salaries. In fact, the persons whose salaries you want to reduce will escape because their salaries are all non-voted, and the total figure of those salaries comes to four lakhs, 80 thousand. In this category come the Chief Commissioner, the Financial Commissioner, the Members of the Railway Board, the Secretary of the Railway Board, the Deputy Directors of the Railway Board, the Librarians of the Railway Board and also the temporary Member of the Railway Board, the Deputy Director of the Railway Board, as also the Assistant Director of the Railway Board, and the salaries of all these high officials are non-voted, and, therefore, any cut that we may propose cannot possibly affect them. So, when we are not able to cut their salaries, whom will the cut affect? Naturally it will affect those people who are drawing Rs. 200 or less. This cut is really against the motion which we carried only two days ago and we had then decided that we should not touch the salaries of people who get Rs. 200 or less, but by this particular motion we shall be cutting down the salaries of those people also, leaving the high officials free, because their salaries are all non-voted, and it will not affect them at all.

An Honourable Member: They can surrender voluntarily.

Dr. Sir Ziauddin Ahmad: If they can voluntarily surrender, then no motion of this kind is necessary at all, but we can only request them to make a surrender, but I am quite sure that if they want to surrender any portion of their salaries, it could not be done by the vote of censure, but it could be done by a request. As I pointed out, by this particular motion, we shall not be able to touch the salaries of high officers, but we shall be merely cutting down the salaries of people whom we did not want to touch. Therefore, if this motion is pressed to a division, it will be contradiction in terms. I am sure the House will be well-advised not to support this motion and be guilty of contradiction in terms, because, if it is carried, it will mean that we will reduce the salaries of people who draw Rs. 200 or less and leave alone the salaries of higher officials.

Then, Sir, if you want to propose an economic cut, we should clearly indicate what particular item or items we should reduce. We should clearly state that in particular departments or sections a cut should be imposed, but to merely say that Government should reduce expenditure by Rs. 70,000 without giving them any indication whatever as to where the cut should be imposed, is not fair.

Mr. F. E. James: I am afraid that on this occasion my Honourable friend, Mr. Santhanam, has not maintained his reputation for careful and constructive criticism and suggestion. Probably he did not expect to have an opportunity of moving this cut and, therefore, it took him completely by surprise and he had not adequately prepared his case.

The motion is that the demand under the head Railway Board be reduced by Rs. 70,000, and he has adduced no adequate reason for the precise figure that he has fixed. Even supposing his figure was based on a percentage

An Honourable Member: Five per cent.

Mr. F. E. James: I give him credit for being arithmetical in his calculations. But supposing that he has based his cut on a five per cent. basis, what are the reasons which he has adduced? Did he adduce any at all, has he proved that any economy is necessary at all?

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muham-madan Rural): We all want economy.

Mr. F. E. James: I would rather that my Honourable friend exercised economy in words. The point is that in asking for economy, there must be some reason for the economy which you wish to produce. We, on this side of the House, do not for a single moment deny that there is all the time reason for the most careful and rigid scrutiny.

Mr. M. S. Aney: Relentless.

Mr. F. E. James: Relentless, certainly. He has just come back from Wardha and he uses the word relentless!

Mr. Bhulabhai J. Desai: He has not come from Wardha.

Mr. F. E. James: He came from Calcutta very recently; all the more reason for using the word!

Mr. Bhulabhai J. Desai: He came from Lahore as a matter of fact.

Mr. F. E. James: My Honourable friend, the Leader of the Congress Nationalist Party, is rather like the American bird which is called "Huma". The translation of that is that it is a "bird which alights"; it never stays long in one place. There is no doubt that in the political tension of the present times my Honourable friend, Mr. Aney, is scurrying about the country very much more than usual. That all goes no doubt to the railway revenue. I am very surprised to hear the argument for economy coming from one side of the House when my Honourable friend, Mr. Aney, is so extravagant as to use the railways lately on so many occasions. Now, let us get back to the particular motion which is before the House. We have never concealed the view that the financial position of the railways is not satisfactory.

An Honourable Member: Question.

Mr. F. E. James: My Honourable friend says "Question"

(It being Five of the Clock.)

Mr. President (The Honourable Sir Abdur Rahim): The Chair is sorry it has to cut short the speech of the Honourable Member. The question is:

"That a reduced sum not exceeding Rs. 9,39,498, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of 'Railway Board'."

The motion was adopted.

DEMAND No. 2—AUDIT.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a sum not exceeding Rs. 14,90,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of 'Audit'."

The motion was adopted.

DEMAND No. 3—MISCELLANEOUS EXPENDITURE.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a reduced sum not exceeding Rs. 15,44,899, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of 'Miscellaneous Expenditure'."

The motion was adopted.

DEMAND No. 5—PAYMENTS TO INDIAN STATES AND COMPANIES.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a sum not exceeding Rs. 3,12,25,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of 'Payments to Indian States and Companies'."

The motion was adopted.

DEMAND No. 6-A.—WORKING EXPENSES—MAINTENANCE OF STRUCTURAL WORKS.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a sum not exceeding Rs. 7,55,85,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of 'Working Expenses—Maintenance of Structural Works'."

The motion was adopted.

DEMAND No. 6-B.—WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a reduced sum not exceeding Rs. 17,72,34,900, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

The motion was adopted.

DEMAND No. 6-C.—WORKING EXPENSES—MAINTENANCE OF CARRIAGE AND WAGON STOCK.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a sum not exceeding Rs. 5,94,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

The motion was adopted.

DEMAND No. 6-D.—WORKING EXPENSES—MAINTENANCE AND WORKING OF FERRY STEAMERS AND HARBOURS.

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

"That a sum not exceeding Rs. 27,30,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of 'Working Expenses—Maintenance and Working of Ferry Steamers and Harbours'."

The motion was adopted.

DEMAND No. 6-E.—WORKING EXPENSES—EXPENSES OF TRAFFIC DEPARTMENT.

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

"That a sum not exceeding Rs. 9,88,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of 'Working Expenses—Expenses of Traffic Department'."

The motion was adopted.

DEMAND No. 6-F.—WORKING EXPENSES—EXPENSES OF GENERAL DEPARTMENTS.

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

"That a sum not exceeding Rs. 3,85,60,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of 'Working Expenses—Expenses of General Departments'."

The motion was adopted.

DEMAND No. 6-G.—WORKING EXPENSES—MISCELLANEOUS EXPENSES.

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

"That a sum not exceeding Rs. 4,16,30,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of 'Working Expenses—Miscellaneous Expenses'."

The motion was adopted.

DEMAND No. 6-H.—WORKING EXPENSES—EXPENSES OF ELECTRICAL DEPARTMENT.

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

"That a sum not exceeding Rs. 3,79,20,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of 'Working Expenses—Expenses of Electrical Department'."

The motion was adopted.

DEMAND No. 7—WORKING EXPENSES—APPROPRIATION TO DEPRECIATION FUND.

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

"That a sum not exceeding Rs. 12,58,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of 'Working Expenses—Appropriation to Depreciation Fund'."

The motion was adopted.

DEMAND No. 8—INTEREST CHARGES.

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

"That a sum not exceeding Rs. 2,63,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of 'Interest Charges'."

The motion was adopted.

DEMAND No. 11—NEW CONSTRUCTION.

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

"That a sum not exceeding Rs. 79,60,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of 'New Construction'."

The motion was adopted.

DEMAND No. 12—OPEN LINE WORKS.

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

"That a sum not exceeding Rs. 10,19,20,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of 'Open Line Works'."

The motion was adopted.

The Assembly then adjourned till Eleven of the clock on Monday, the 27th February, 1939

LEGISLATIVE ASSEMBLY.

Monday, 27th February, 1939.

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

MEMBER SWORN.

Mr. Krishna Rama Pai, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

DIFFICULTIES OF PROVINCIAL GOVERNMENTS TO IMPOSE TWO TAXES ON INCOME OR PROFESSION.

720. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Honourable the Finance Member please state:

- (a) whether Government had correspondence from Provincial Governments regarding their difficulties to impose two taxes on income or profession, arising out of the non-repeal of the old Self-Government taxation laws; and
- (b) whether he is taking steps to clear the anomaly by issuing a definite explanation to the Provincial Governments on these matters?

The Honourable Sir James Grigg: (a) No.

(b) Does not arise.

PAY AND ALLOWANCES, ETC., OF INDIAN AND BRITISH SOLDIERS.

721. *Mr. Abdul Qaiyum: Will the Defence Secretary please state:

- (a) the pay of an Indian and British soldier per month in rupees, annas and pies;
- (b) the value of the daily rations supplied to a British and Indian soldier, respectively; and
- (c) the marriage and children's allowance of a British soldier and an Indian soldier?

Mr. C. M. G. Ogilvie: (a) As regards the Indian soldier, I refer the Honourable Member to Rule 386 of Pay and Allowance Regulations, Volume I.

As regards the British soldier, I refer the Honourable Member to Army Instruction (India), No. 112 of 1938. The rates given therein are convertible at 1s. 4d. to the rupee.

A copy of both these publications is in the Library of the House.

(b) 4'63 annas and 2'8 annas respectively.

(c) I refer the Honourable Member to Serial No. 1 of the statement laid on the table by His Excellency the Commander-in-Chief in reply to part (a) of question No. 339 asked by the Honourable Mr. B. N. Biyani in the Council of State on the 19th November, 1937.

Mr. Abdul Qaiyum: With regard to part (c) of the question, I should like the Honourable Member to tell us the details, because that answer was given in the other place.

Mr. President (The Honourable Sir Abdur Rahim): Is it published in the proceedings?

Mr. C. M. G. Ogilvie: Yes, Sir, they are published in full.

Mr. Abdul Qaiyum: With reference to part (a) of the question, instead of referring us to all these mysterious documents, could not the Honourable Member shortly tell us how much it was, whether it was in pounds or rupees? I want to know the difference between the pay of an English soldier and an Indian soldier.

Mr. President (The Honourable Sir Abdur Rahim): That information, as the Honourable the Government Member says, has already been published.

Mr. T. S. Avinashilingam Chettiar: I understood the Honourable Member to say that the exchange rate was 1s. 4d. May I know why this differentiation was made between the general rate of exchange and the exchange rate at which the soldiers are paid?

Mr. C. M. G. Ogilvie: That also has been explained several times fully in this House on the last occasion by my predecessor in, I think, 1936.

Prof. N. G. Ranga: With reference to part (b) of the question, is there any proposal before Government to reduce these daily rations supplied to both the Indian and British soldiers?

Mr. C. M. G. Ogilvie: Not that I know of.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, what is the estimated loss to the Indian exchequer by giving the pay at 1s. 4d. to the British soldiers?

Mr. C. M. G. Ogilvie: No question of loss arises; it is the way they are paid.

Mr. K. Santhanam: May I know, Sir, if Government have considered since 1936 the desirability of bringing the ratio for this purpose into conformity with the statutory exchange value?

Mr. C. M. G. Ogilvie: No, Sir.

Mr. K. Santhanam: May I know, Sir, whether it does not amount to giving a hidden subsidy from the Central revenues?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can draw the inference himself.

Mr. S. Satyamurti: What are the reasons why Government keep up this differentiation in regard to the rate of exchange, whether it is for the benefit of the Indian tax-payer or of the British soldier?

Mr. C. M. G. Ogilvie: That matter has again been fully explained in great detail by my predecessor, I think, in 1936. I have not got the exact reference with me, but if the Honourable Member so desires, I will find it and give it to him.

Mr. S. Satyamurti: May I know, Sir, why Government are now keeping up this differentiation at the expense of the Indian tax-payer, for the benefit of the British soldier?

Mr. C. M. G. Ogilvie: It is the way in which the British soldier is paid and it corresponds roughly to the overseas allowance.

Mr. T. S. Avinashilingam Chettiar: What will be the net saving to the Indian exchequer by substituting the statutory basis of exchange for the one at which the British soldier is paid?

Mr. C. M. G. Ogilvie: I should require notice.

Mr. Abdul Qaiyum: May I know, Sir, if Government propose to increase the amount paid to Indians to bring it into conformity with the rate paid to British soldier so that they may get a more liberal supply of rations?

Mr. C. M. G. Ogilvie: No, Sir, Indian rations are not as expensive as English rations. Their quality is just as good, in my opinion, probably better, but they have the additional advantage of being cheaper, and if Indians were given more than they are now given, the food would have to be thrown away.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, whether there is any direct or indirect agreement existing by which the Government are forced to give pay to British soldiers at the special rate of exchange?

Mr. C. M. G. Ogilvie: I cannot possibly answer that.

OFFICERS IN THE HOME DEPARTMENT.

722. **Mr. C. N. Muthuranga Mudaliar:** Will the Honourable the Home Member please state:

- the total number of officers of and above the rank of Assistant Secretary in the Home Department on the 1st January, 1936, and the 1st January, 1939;
- what is the percentage of increase in number and expenditure;

- (c) the reasons for the increase;
- (d) whether it is a fact that the introduction of provincial autonomy has involved the divesting of the Home Department of many functions which they were discharging before; and
- (e) if so, how the increase in the number of officers is justified?

The Honourable Sir Reginald Maxwell: (a) and (b). A statement giving the information desired is laid upon the table.

(c), (d) and (e). I would refer the Honourable Member to Chapter I of the Wheeler Report and to my reply to part (b) of Mr. Avinashilingam Chettiar's starred question No. 1160, answered on the 20th September, 1938.

Statement showing the number of officers of and above the rank of Assistant Secretary in the Home Department on 1st January, 1938, and 1st January, 1939, and the percentage of increase in number and expenditure.

Number of officers on 1st January, 1938.	Number of officers on 1st January, 1939.	Percentage increase in number on 1st January, 1939.	Percentage increase in expenditure on 1st January, 1939.
6	7	16.6%	12.49%

Prof. N. G. Ranga: With reference to part (e) of the question, how is this increase in the number of officers in the Home Department justified?

The Honourable Sir Reginald Maxwell: What is the increase the Honourable Member refers to? He has not yet seen the statement laid on the table?

Prof. N. G. Ranga: In view of the fact that the introduction of Provincial Autonomy has rendered it necessary to transfer some of the functions which the Home Department were discharging prior to the introduction of Provincial Autonomy to the provinces, why is it that so many more officers have been appointed, and how do Government justify the appointment of all these officers?

The Honourable Sir Reginald Maxwell: I explained the position in my reply to Mr. Chettiar's question to which I have referred the Honourable Member.

TRANSFER OF AGENCY FUNCTIONS TO THE HIGH COMMISSIONER FOR INDIA.

723. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable the Finance Member please state:

- (a) the agency functions which the Secretary of State for India still performs on behalf of the Government of India;
- (b) why these have not yet been transferred to the High Commissioner for India;

- (c) whether these include secret service work and expenditure thereon; and
- (d) whether Sir Ernest Burdon has submitted a report to the Government of India on the question of the transfer of agency functions to the High Commissioner for India, and if so, what decision has been reached thereon?

The Honourable Sir James Grigg: (a) The main agency functions of the India Office are those performed by the Military Department and the Military Accounts Branch of the Accountant General's Department which deal with service, financial and constitutional questions as well as with leave, passages and pensions of military officers. Besides these two Departments which account for roughly 83 per cent. of the India Office agency cost, various other departments such as the Economic and Overseas, the Public and Judicial or the Legal Adviser also perform a small proportion of agency functions.

(b) and (d). I would refer the Honourable Member to my reply to question No. 232 on the 9th February, 1939.

(c) No.

Mr. S. Satyamurti: With reference to the answer to clause (a) of the question, I thought I heard my friend say constitutional and financial questions with regard to certain of the functions discharged by the Secretary of State; may I know how they come under agency functions?

The Honourable Sir James Grigg: It is not the Military Department, it is the Military Accounts Branch.

Mr. S. Satyamurti: With regard to the Military Department, does the discharge of constitutional or financial functions of the Secretary of State come under the agency functions?

The Honourable Sir James Grigg: Do you mean to say—are they original and not agency functions?

Mr. S. Satyamurti: Yes.

The Honourable Sir James Grigg: I do not imagine the constitutional functions are a very large part of the agency functions.

Mr. S. Satyamurti: What are the criteria by which the agency functions as such are distinguished from the constitutional functions?

The Honourable Sir James Grigg: I think the Honourable Member had better put down a question. Whenever I make a statement on constitutional questions I get into trouble, and if the Honourable Member will give me notice, I shall try to give him full information.

Mr. S. Satyamurti: The Honourable Member won't have that trouble for very long! But, may I know whether there is any rule or convention by which certain functions of the Secretary of State are treated as agency functions today?

The Honourable Sir James Grigg: I suggest that the Honourable Member had better put down a question, and I will try and give him an answer.

Mr. S. Satyamurti: With regard to part (c) of the question, is this secret service work treated as a constitutional function of the Secretary of State, because, my friend said these agency functions do not include secret service work.

The Honourable Sir James Grigg: I think the Honourable Member is trying to trap me into making mutually inconsistent answers. As we do not pay the India Office for secret service work as agency functions, I think the Honourable Member should put down a question relating to other aspects of secret service expenditure.

Mr. K. Santhanam: May I know, Sir, whether in respect of agency functions the Secretary of State carries out the orders or instructions of the Government of India?

The Honourable Sir James Grigg: I think I had better put it in the shape of 'complies with the requests'.

Mr. S. Satyamurti: With regard to part (d) of the question, I think my friend said some time ago he would consider the question of publishing a Report or certain extracts therefrom for the information of the House; may I know if the Government have decided to do it?

The Honourable Sir James Grigg: I would be very grateful if the Honourable Member would give me a little more time to consider that; I have been pre-occupied with other more important things, and I have not given much time to it.

Mr. C. N. Muthuranga Mudaliar: May I know, Sir, whether . . .

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

Mr. C. N. Muthuranga Mudaliar: May I know if the Secretary of State is being given any special remuneration from the Indian revenues?

Mr. President (The Honourable Sir Abdur Rahim): The Chair has called the next question. The Honourable Member ought to have risen at the proper time.

Mr. C. N. Muthuranga Mudaliar: I was rising every time, Sir, but. . .

Mr. President (The Honourable Sir Abdur Rahim): The Chair has called the next question. Next question.

Mr. C. N. Muthuranga Mudaliar: I have already asked a supplementary question, but I have not got an answer. I do not want to put the other questions.

Mr. President (The Honourable Sir Abdur Rahim): Mr. Chettiar, Question No. 727.

Mr. C. N. Muthuranga Mudaliar: Very well. I will put my questions. No. 724.

Mr. President (The Honourable Sir Abdur Rahim): No. 724.

SIMLA EXODUS.

724. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable the Home Member please state :

- whether it is a fact that the question of the stoppage of the Simla exodus has been under the consideration of the Government of India for a number of years now;
- whether it is now under active consideration;
- what is the present stage of the consideration;
- when Government expect to reach a decision; and
- the cost of the exodus during 1936-37 and 1937-38?

The Honourable Sir Reginald Maxwell: (a), (b), (c) and (d). I would refer the Honourable Member to the replies which I gave to questions Nos. 264 and 268 on the 9th February, 1939.

(e) Information is being collected and will be laid on the table, when ready.

Mr. Lalchand Navalrai: May I know from the Honourable Member if there is going to be any reduction in the establishments going to Simla as compared with last year?

The Honourable Sir Reginald Maxwell: There is some reduction. That was mentioned in the reply to one of the previous questions which I have just mentioned.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. Honourable Members must bear in mind that it is only proper to give the questioner first opportunity to put his supplementary question.

Mr. Brojendra Narayan Chaudhury: May I know whether, in preparing the information promised in the reply to part (e) of the question, special mention will be made of those items of expenditure which were recovered by the State as railway fares?

The Honourable Sir Reginald Maxwell: I do not think the Honourable Member's question refers to the question under reply.

Mr. Brojendra Narayan Chaudhury: The Honourable Member has just said in reply to part (e) of the question that the cost of the exodus during 1936-37 and 1937-38 is being prepared. I am asking whether, in preparing the cost, special mention will be made of those items where the State recovered the sums as railway fares?

The Honourable Sir Reginald Maxwell: I have no doubt that all those points will be considered.

Mr. S. Satyamurti: In view of the fact that almost the entire establishment of the Indian Stores Department is, I understand, going to Simla this year, may I know whether, taking the entire establishment this year as compared with last year, there is going to be greater saving of expenditure on the Simla exodus or lesser saving than last year, and, if so, by how much?

The Honourable Sir Reginald Maxwell: Greater saving. That I mentioned in my reply to the previous question No. 264. The net reduction of expenditure expected this year is about Rs. 92,000, as compared with a saving of Rs. 74,750 last year.

Mr. S. Satyamurti: This, taking into account the going to the hills this year of more establishment of the Indian Stores Department than last year?

The Honourable Sir Reginald Maxwell: Yes.

DECISIONS OF GOVERNMENT ON THE REPORTS OF THE WHEELER AND MAXWELL COMMITTEES.

725. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable the Home Member please state :

- (a) the decisions of Government in respect of the Wheeler and Maxwell Committees' reports which yet remain to be given effect to, together with the reasons for the delay;
- (b) whether there are still certain conclusions regarding procedure which have not been given effect to;
- (c) whether there is an absence of uniformity in respect of procedure in the various Departments of the Secretariat;
- (d) whether Under Secretaries are required to do certain work which was formerly done by the staff; and
- (e) if so, whether this still continues to be done by the staff?

The Honourable Sir Reginald Maxwell: (a) I would refer the Honourable Member to the press note issued on the 17th November, 1937, which contained the conclusions of the Government of India on the recommendations of the Wheeler Committee. All decisions then taken are in process of implementation and are now an integral part of Government's policy in these matters. The only matter in which no conclusions have been reached is the recommendation that the deputation reserve, in the cadres of Provincial Governments, should be increased so as to bring them into closer correspondence with the probable demands upon it. This difficult and complex matter is receiving consideration.

(b) Not as a general rule, though small matters of detail remain to be adjusted.

(c) There is no absolute uniformity in matters of procedure as each Department's requirements are different, but the general principles followed are the same.

(d) No.

(e) No.

DISTURBANCE OF PEACE IN DELHI.

726. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable the Home Member please state :

- (a) whether there was a disturbance of peace in Delhi on the 21st and 22nd January, 1939, on the occasion of the celebration of the "Hyderabad Day";
- (b) whether there were casualties, and if so, their nature and extent;
- (c) the reasons for the disturbance;
- (d) whether the local administration had taken all necessary steps to prevent a fracas, and if so, what they were, and whether these included the rounding up of well-known disturbers and goondas;
- (e) the number of disturbances of a communal character since 1930; and
- (f) whether during all this time Delhi has been under the control of European Chief Commissioners and Deputy Commissioners?

The Honourable Sir Reginald Maxwell: (a)—(d). I would invite the Honourable Member's attention to the press note dated the 23rd January, 1939, issued by the Chief Commissioner, Delhi, which was duly published in the Press.

- (e) There have been nine such disturbances in Delhi since 1930.
- (f) Yes.

Dr. Sir Ziauddin Ahmad: May I ask what is this Hyderabad Day?

The Honourable Sir Reginald Maxwell: 22nd January last.

Dr. Sir Ziauddin Ahmad: Am I to understand that 22nd January will always be called a Hyderabad Day?

The Honourable Sir Reginald Maxwell: I understand that was to be for only this year.

Mr. Brojendra Narayan Chaudhury: Are Government intending to appoint any Indian Chief Commissioner for Delhi?

The Honourable Sir Reginald Maxwell: No vacancy has at present arisen.

CIRCULAR ISSUED BY THE RESERVE BANK ON THE EFFECTS OF THE LEGISLATIVE MEASURES ADOPTED TO RELIEVE AGRICULTURAL INDEBTEDNESS.

727. *Mr. T. S. Avinashilingam Othettiar: Will the Honourable the Finance Member state :

- (a) whether the Reserve Bank has issued a circular letter to all the Provinces drawing their attention to the effects of the legislative measures adopted to relieve agricultural indebtedness;
- (b) if so, whether Government are prepared to place the circular on the table of the House; and

(c) whether any replies have been received from the Provincial Governments in this matter?

The Honourable Sir James Grigg: (a) I understand so.

(b) No. It seems to me inappropriate to place on the table correspondence passing between the Reserve Bank and Provincial Governments on provincial matters.

(c) I cannot say.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government can specify any portions of the letter mentioned in part (a) for better elucidation of the matter?

The Honourable Sir James Grigg: My answer is both general and particular.

Mr. T. S. Avinashilingam Chettiar: May I know the names of the Provincial Governments to whom such a letter has been sent?

The Honourable Sir James Grigg: That is a matter for the Reserve Bank. I assume they have sent it to all of them.

Mr. S. Satyamurti: Have Government examined the contents of this letter and satisfied themselves that it is within the proper discharge of their functions that the Reserve Bank are addressing the Provincial Governments as regards the effect of legislative measures passed by their Legislatures?

The Honourable Sir James Grigg: No.

Mr. S. Satyamurti: Am I to take that Government are not concerned with the correspondence which goes on between the Reserve Bank and the Provincial Governments in relation to the effects of the legislation passed by Provincial Legislatures?

The Honourable Sir James Grigg: The Honourable Member can draw his own conclusions.

Mr. S. Satyamurti: I thought my Honourable friend said "No". Does it mean that Government have not examined the correspondence, or they refuse to answer the question?

The Honourable Sir James Grigg: The answer I gave to (b) is "No". Part (b) is, "Whether Government are prepared to place the circular on the table of the House?"

Mr. S. Satyamurti: My question is whether Government have examined the contents of this circular and have satisfied themselves that, in addressing the circular to Provincial Governments, with regard to the effects of legislation passed by the Provincial Legislatures, the Reserve Bank was acting within the proper discharge of its functions?

The Honourable Sir James Grigg: No.

Mr. K. Santhanam: May I know whether the circular was sent directly or through the Government of India?

The Honourable Sir James Grigg: Directly, I assume.

Prof. N. G. Ranga: What is the exact position in regard to the circular? Are the Government of India consulted by the Reserve Bank of India before any such circular is sent out to these Provincial Governments?

The Honourable Sir James Grigg: Certainly not if it is on a purely provincial subject.

Mr. T. S. Avinashilingam Chettiar: May I know if the Government of India agree with the statements in the circular sent out?

The Honourable Sir James Grigg: That seems to me to be a question which I do not feel called upon to answer. I do not see why I should express an opinion on a purely provincial matter.

Prof. N. G. Ranga: Are we to understand that these circulars are being treated by the Provincial Governments in the same way as any other circular or letter sent to them by any private individual or institution?

The Honourable Sir James Grigg: The Honourable Member can understand anything he likes. If he wants to find out information as to how the Provincial Governments are treating the circular, I suggest that he had better address an enquiry to the Provincial Governments themselves.

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

SUGAR EXCISE DUTY AND SUGAR FACTORIES, ETC.

†728. ***Seth Haji Sir Abdoola Haroon:** Will the Honourable the Finance Member please state the total proceeds from excise duty on sugar during the last two years, the number of factories which paid taxes, and the total amount of sugar manufactured in the country, the amount of revenue derived from the excise duty, and the import duty during the last three years?

The Honourable Sir James Grigg: A statement is laid on the table.

	Statement.		
	1935-36.	1936-37.	1937-38.
	Rs.	Rs.	Rs.
1. Gross Excise duty on sugar other than <i>khandasari</i> and palmyra	1,54,02,275	2,54,66,519	3,30,97,000
<i>Khandasari</i> sugar	74,403	47,659	51,000
Palmyra sugar	Nil	Nil	Nil
2. Gross import duty on sugar	2,95,30,213	43,87,359	25,33,000
3. Number of factories in British India which paid the excise duty—			
<i>Khandasari</i>	95	95	Not available.
Others	142	136	Not available.
4. Quantity produced—Sugar other than <i>khandasari</i> and palmyra	Tons 852,246	1,025,091	1,103,578
<i>Khandasari</i> sugar (excised issues only)	Tons 4,029	2,284	1,046
Palmyra sugar	Tons 10,968	11,673	5,366

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

1482

LEGISLATIVE ASSEMBLY.

[27TH FEB. 1939.]

ADVOCACY BY MR. M. P. GANDHI FOR COMPULSORY MIXING OF POWER ALCOHOL WITH PETROL.

†729. *Seth Haji Sir Abdoola Haroon: Will the Honourable the Finance Member please state whether his attention has been drawn to the Indian Sugar Industry 1938 Annual by Mr. M. P. Gandhi, wherein he has advocated compulsory mixing of power alcohol with petrol?

The Honourable Sir James Grigg: Yes.

RESOLUTION PASSED BY THE COORG LEGISLATIVE COUNCIL RE GRANT OF PROVINCIAL AUTONOMY TO COORG.

730. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Home Member state:

- (a) whether the Coorg Legislative Council has passed a resolution asking that they should be given provincial autonomy on the lines of those obtaining in the Provinces;
- (b) whether Government have considered that representation; and
- (c) if so, with what effect?

The Honourable Sir Reginald Maxwell: (a) and (b). Yes.

(c) Government consider that the time has not yet come for any further constitutional advance in Coorg.

Mr. T. S. Avinashilingam Chettiar: When was it considered?

The Honourable Sir Reginald Maxwell: It has been considered several times in the past.

Prof. N. G. Ranga: What was the last time when Government considered the representation?

The Honourable Sir Reginald Maxwell: The matter was fully considered before the present reforms were introduced and several discussions have also taken place since then. I cannot give the exact dates.

COMPLAINTS OF THE PEOPLE OF VILLAGE RAJOKRI IN DELHI PROVINCE AGAINST THE MAHRAULI POLICE.

731. *Mr. Sham Lal: (a) Will the Honourable the Home Member be pleased to state if it is a fact that the people of village Rajokri (Delhi Province) complained of corruption against Mahrauli Police to the Superintendent of Police, Mr. Scott?

(b) Is it a fact that Mr. Scott went to the village and tore to pieces the complaint filed by the residents of Rajokri?

(c) If so, why did he do so?

The Honourable Sir Reginald Maxwell: (a) A complaint from one Bup Chand of Rajokri village reached the office of the Senior Superintendent of Police, Delhi, in November, 1937, fifteen months ago. There was no complaint from or on behalf of the people of that village.

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

(b) Mr. Scott visited the village and destroyed the complaint after making personal enquiries.

(c) I cannot say definitely why he destroyed the complaint but it is understood that it was made two months after the alleged occurrence and that the complainant failed to produce evidence to substantiate it.

Mr. Sham Lal: May I know why Mr. Scott destroyed this complaint?

The Honourable Sir Reginald Maxwell: I have said that I cannot say definitely why he destroyed the complaint, but the presumption is that it was because the complaint was not substantiated and it was made two months after the alleged occurrence.

Mr. Sham Lal: Is an officer justified in tearing a complaint when it is made too late?

The Honourable Sir Reginald Maxwell: I said "after personal inquiries".

Mr. Lalchand Navalrai: May I know if the officer lost his temper and showed incivility in that way?

The Honourable Sir Reginald Maxwell: I have no information to that effect.

Sardar Sant Singh: May I know if any officer is justified in destroying the complaint in the presence of the complainant when he is investigating the matter?

The Honourable Sir Reginald Maxwell: I do not know whether the complainant was present or not when the complaint was destroyed.

Mr. M. S. Aney: May I know whether the rules relating to destruction of records do not apply to complaints which are made late?

The Honourable Sir Reginald Maxwell: They can be destroyed at any time after inquiries have been made.

Mr. M. Ananthasayanam Ayyangar: Is it not the practice that these records are kept for three years, and they are destroyed only at the end of three years?

The Honourable Sir Reginald Maxwell: Not so far as I am aware.

Mr. M. Ananthasayanam Ayyangar: What is the period for which these records are kept?

The Honourable Sir Reginald Maxwell: I do not know the exact period, but a document which has served its purpose can be destroyed at any time.

IMPORT DUTY ON RACE HORSES.

732. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state the amount of duty collected on the import of race horses in 1936-37, 1937-38 and 1938-39 (up to the latest date for which figures are available)?

(b) At what rate is the duty collected, and in what way is the value ascertained for the purposes of the duty, and is the rate of duty the same for ordinary animals imported for other purposes?

(c) Is there a special duty on old race horses imported into India for stud purposes?

(d) Have Government considered the proposal to increase the import duty on race horses and putting them in the class of luxury imports?

(e) Have Government received any representation on this subject from turf clubs or any other source?

(f) Is any drawback given on horses sent back? If so, what was the amount of drawback in the periods referred to in part (a)?

(g) What are the reasons which have induced Government to give this drawback?

The Honourable Sir James Grigg: This question should be addressed to the Honourable the Commerce Member.

MANAGEMENT OF BURMESE CURRENCY BY THE RESERVE BANK OF INDIA ETC.

733. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state whether there is any time limit provided for the management of Burmese currency by the Reserve Bank of India? If so, what are the details of this contract?

(b) Is any part of the gold coin and bullion of the Reserve Bank of India held in Burma? If so, how much?

(c) Have Government any information as to the demand liabilities, the time liabilities and the cash in hand, of scheduled banks in Burma?

(d) What is the total amount of Treasury Bill borrowing of the Government of Burma? How much of this is held in India and how much is held in Burma?

(e) How does the rate at which the Government of Burma borrows compare with the borrowing rate of the Government of India on Treasury Bills?

The Honourable Sir James Grigg: (a) The attention of the Honourable Member is invited to the India and Burma (Burma Monetary Arrangements) Order, 1937, and to the agreement made between the Reserve Bank and the Governor of Burma to give effect to that Order.

(b) The disposition of its gold holdings, within the limitations imposed by section 33 (5) of the Reserve Bank of India Act, is a matter for the Bank itself.

(c) The attention of the Honourable Member is invited to the weekly statement of the Scheduled Banks' position published regularly by the Reserve Bank.

(d) There are no Burma Government treasury bills outstanding at present.

(e) The last borrowing by the Burma Government on treasury bills was in October, 1937, when Rs. 30 lakhs of four months bills were issued at Re. 0-15-11 per cent. per annum. The rate of interest at which Government of India three months bills were allotted in the same week was Re. 0-11-0 per cent. per annum. The rates quoted are not, of course, comparable because of the different maturity dates of the bills.

ALLEGATIONS AGAINST BRITISH SOLDIERS IN THE ALLAHABAD FORT.

734. *Mr. Badri Dutt Pande: (a) Will the Defence Secretary please state if it is a fact that some British soldiers in the Allahabad Fort are alleged to have outraged the modesty of some women pilgrims, while going to perform puja in the Akshaibat Temple on the 20th January, 1939, during the Magh Mela?

(b) Have Government taken any disciplinary action against these offenders? If so, what?

Mr. C. M. G. Ogilvie: (a) No.

(b) Does not arise.

Mr. Badri Dutt Pande: Is it not a fact that the soldiers beat some Seva Samiti volunteers when they protested against the molestation of women in the temple?

Mr. C. M. G. Ogilvie: That hardly arises, but I should like, with the permission of the Chair, to state what actually did happen in this case:

A pilgrim was accidentally hit on the shoulder by a stick which a sergeant was forced to use as a temporary barrier. This incident was seized upon by a scout of the Seva Samiti to try to cause trouble but the efforts of the military officer on the spot calmed the crowd and no further difficulties ensued.

The Officer in Charge received the following letter from the Organising Secretary of the Seva Samiti:

I was greatly touched by your courtesy in taking the trouble of coming over to our Central head office to speak to me about the work of the volunteers of the Samiti in the Fort. It is indeed very good of you to appreciate our humble efforts in serving the pilgrims with your co-operation but allow me to say that if they were able to do their part of the duty so well, it was not without the ready co-operation and valuable assistance which we received from you and your men. Yesterday's excitement among the pilgrims, soldiers and our workers over the unfortunate incident would have destroyed all harmony of the mela and caused all round panic. If you and Mr. Willmott had not very coolly and splendidly handled the situation and I greatly appreciate your solicitude for the pilgrims. Please convey my thanks to all your men for their co-operation and understanding.

Mr. Badri Dutt Pande: In view of the fact that I have received damaging letters which I will place before the Defence Secretary that women were molested in the Fort, is it the intention of the Government to remove the soldiers and place the police there in charge of the temple?

Mr. C. M. G. Ogilvie: From all inquiries I have made, I should say that these allegations are absolutely and completely without any foundation.

Mr. M. Ananthasayanam Ayyangar: What was the sex of the pilgrim—a male or a female?

Mr. C. M. G. Ogilvie: A male, I believe.

TRANSFERS OF OFFICERS OF THE FINANCE DEPARTMENT.

†735. ***Shrimati K. Radha Bai Subbarayan:** Will the Honourable the Finance Member state :

- the number of transfers of officers of his Department during the last six months ending 31st January, 1939;
- the amount these transfers cost to the Government of India; and
- if Government are considering the necessity of minimising the expenditure on this account?

The Honourable Sir James Grigg: (a) Five.

(b) The information is being collected and will be laid on the table of the House in due course.

(c) Government always keep in view the need for economy in transferring officers.

REPRESENTATIONS FOR ENQUIRY INTO THE POSITION OF WOMEN UNDER THE EXISTING LAWS WITH REGARD TO INHERITANCE, MARRIAGE, ETC.

†736. ***Shrimati K. Radha Bai Subbarayan:** Will the Honourable the Home Member state :

- if the Government of India have received any representations from any women or their organisations regarding the urgent necessity of appointing an expert committee to examine the position of women under the existing laws with regard to inheritance, marriage, etc.; and
- if Government propose to take any steps to meet this demand?

The Honourable Sir Reginald Maxwell: (a) No recent resolution has been received.

(b) No. I would refer the Honourable Member to the Honourable the Law Member's speech on the 15th February in the debate on Mr. Jinaraja Hegde's Resolution.

EMPLOYMENT OF WOMEN IN THE FEDERAL SERVICES.

†737. ***Shrimati K. Radha Bai Subbarayan:** Will the Honourable the Home Member state :

- if any competitive examinations for recruitment into the Federal services are open to women;

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

(b) the number of women who have appeared for such examinations and have been successful in them and the offices they hold;

(c) if there is any ban against women being recruited in particular branches of Government service; and

(d) if so, what those branches are and the reasons for the ban?

The Honourable Sir Reginald Maxwell: (a) The Ministerial Service (I and II Divisions or Assistants Grade) examination, the Ministerial Service (Typist and Routine Grade Clerks) examination and the Postal Superintendents (Class II) examination, which are conducted by the Federal Public Service Commission, are open to women.

(b) No women appeared at the Ministerial Service (I and II Divisions) examination held in July, 1937, or at the Postal Superintendent's examination during 1937-38. Fourteen women appeared at the Typist and Routine Grade examination held in December, 1937, and four at the examination held in September, 1938. Of these six were successful in obtaining appointments on the results of the 1937 examination. The results for the 1938 examination have not yet been published.

(c) and (d). The attention of the Honourable Member is invited to the statement that is being placed on the table of the House, as promised in reply to her previous question No. 474 on the 25th August, 1938.

LEVY OF DEATH DUTIES.

738. ***Mr. S. Satyamurti:** Will the Honourable the Finance Member please state :

- whether any Provincial Government, or Governments, have reported to the Government of India, or to Sir Alan Lloyd, against the proposal to levy death duties;
- if so, which Provincial Governments have so reported;
- whether they have given any reasons in support of their opposition to the proposal; and
- whether he proposes to place the opinions of the Provincial Governments on the table of the House; if not, why not?

The Honourable Sir James Grigg: (a) to (d). I am unable at present to add to what I said in reply to starred questions Nos. 88, 96 and 113 on the 6th February 1939. I may add that I hope to be able to add to these answers shortly, but not just yet.

Mr. S. Satyamurti: May I know whether it will be in the course of the budget speech tomorrow?

The Honourable Sir James Grigg: I do not mind anticipating to the extent of answering "No" in reply to that question.

Mr. S. Satyamurti: In view of the interruption made by my Honourable friend the other day suggesting that the Provincial Governments are against the inclusion of death duties, will my Honourable friend see the necessity of making a statement as early as possible in order to clear up the position.

The Honourable Sir James Grigg: I shall consider very seriously the question of laying the whole report of Sir Alan Lloyd before the Assembly when it is received. I have not received it yet.

Prof. N. G. Ranga: Is it necessary that all Provincial Governments should agree to this proposal before the Central Government can take up legislative proposals for imposing this death duty?

The Honourable Sir James Grigg: It seems to me as a matter of general principle that in cases where the Central Government is called upon to introduce taxation the whole benefit of which would go to the provinces, the Central Government can at least ask for a wide measure of agreement among the provinces before they introduce the legislation.

Prof. N. G. Ranga: Are Government aware of the seriousness of the situation that if any one of the Provincial Governments were to disagree with them and oppose the introduction of any particular duty like this, it would be impossible for the Central Government to enact a legislative measure and thus give benefit to all other provinces.

The Honourable Sir James Grigg: The Honourable Member has completely misunderstood what I said. I said "a wide measure of agreement".

THE INDIAN NAVAL RESERVE FORCES (DISCIPLINE) BILL.

739. *Mr. S. Satyamurti: Will the Defence Secretary please state:

- whether Government have considered the result of the voting in the House rejecting his Naval Discipline Bill;
- whether Government propose to accept the voting of the House and drop the Bill; or
- whether Government propose to bring up the Bill before the Council of State and get it certified by the Governor General; if so, why?

I do not wish to put parts (a) and (b). I shall only put part (c).

Mr. C. M. G. Ogilvie: (c) Yes, because it is regarded as necessary for the reasons given in my speech on the 7th February, 1939.

Mr. S. Satyamurti: May I know whether Government have considered the possibility of giving the fullest possible information, and then seeking the co-operation of the leaders of parties for an agreed Bill, rather than rely upon the reserve powers of the Governor General?

Mr. C. M. G. Ogilvie: I do not see how that arises from this question.

Mr. S. Satyamurti: From the answer to clause (c).

Mr. C. M. G. Ogilvie: I have answered clause (c). I do not think there is anything to seek the co-operation of party leaders upon.

Mr. S. Satyamurti: I asked, whether Government intend to bring up the Bill before the Council of State and get it certified by the Governor General, and, if so, why? And my Honourable friend said, "yes". I am asking whether, instead of relying upon the reserve powers of the Governor General, they will give us the reasons why Government will not take the leaders of parties into confidence and bring in an agreed Bill after giving the fullest possible information.

Mr. C. M. G. Ogilvie: From what I could gather, and I think I listened very carefully, from the speeches, there was not only a blank refusal to co-operate with Government on this Bill but a refusal to co-operate with any measure of this kind from the Honourable Member's party and others.

REPORT OF THE CHATFIELD COMMITTEE.

740. *Mr. S. Satyamurti: Will the Defence Secretary please state:

- whether Government have now received a copy of the Chatfield Committee's report;
- whether they have examined it;
- whether they have made any recommendations or representations thereon to His Majesty's Government; if so, what they are; and
- whether Government can inform the House of the financial relief likely to result to the Indian exchequer on account of the acceptance of the Committee's recommendations by His Majesty's Government?

Mr. C. M. G. Ogilvie: (a) and (b). The Chatfield Committee has submitted its report to His Majesty's Government who are engaged in considering it. The report has not yet been referred officially to the Government of India.

(c) Does not arise.

(d) No.

Mr. S. Satyamurti: With reference to the answer to clause (c), may I know what exactly is the position of the Government of India? Do they propose, after having laid the evidence before the Chatfield Committee, to leave His Majesty's Government to decide this matter themselves, or do they intend at any stage to ask for and obtain an opportunity of making their own representations on the Chatfield Committee's Report before His Majesty's Government make up their minds finally on these recommendations?

Mr. C. M. G. Ogilvie: There will no doubt be full opportunities for representations before His Majesty's Government make up their minds in the matter, but, as I have said, that does not arise now. The report has not yet been officially referred to them.

[27TH FEB. 1939.]

Mr. S. Satyamurti: May I take it that the Government of India have been assured by His Majesty's Government that they will be given adequate opportunity to make their recommendations before His Majesty's Government pass final orders on the recommendations of the Chatfield Committee?

Mr. C. M. G. Ogilvie: No such assurance is necessary.

Mr. S. Satyamurti: I take it then that the Government of India assume that His Majesty's Government will give them that opportunity?

Mr. C. M. G. Ogilvie: Most certainly.

Mr. S. Satyamurti: What is the answer to clause (d) of the question?

Mr. C. M. G. Ogilvie: "No".

Mr. S. Satyamurti: Is it lack of information or lack of willingness to give the information to the House?

Mr. C. M. G. Ogilvie: It is obvious. The report has not yet been received officially and His Majesty's Government have not yet finished considering it. The information, therefore, is definitely not available.

ANTI-INDIAN FILM "GUNGA DIN" PRODUCED IN AMERICA.

741. ***Mr. S. Satyamurti:** Will the Honourable the Home Member please state:

(a) whether his attention has been drawn to the article in the columns of the *Film India* of February, 1938, on the anti-Indian film "Gunga Din" produced by the R. K. O. Radio Pictures of America;

(b) whether Government have got any information that this film is distinctly anti-Indian; and

(c) whether Government propose to take any action to draw the attention of the British Embassy in Washington to this film and stop the production or the release of this film?

The Honourable Sir Reginald Maxwell: (a) Yes.

(b) My information is that this is not the case.

(c) Does not arise.

Mr. S. Satyamurti: May I know whether my Honourable friend has pursued the article referred to in clause (a) of the question, and, secondly, what is the information on which he has come to the conclusion that this film is not definitely anti-Indian?

The Honourable Sir Reginald Maxwell: In answer to the first part of the Honourable Member's supplementary question, I have looked through the article in question and I think it takes an exaggerated view of the objectionable nature of the film. With regard to the second part of his supplementary question, we have made unofficial inquiries from the India

Office to find out whether they have examined it. The Honourable Member knows that they take great care to get into touch with any films likely to be offensive to Indian sentiment and in this particular case they say there is nothing objectionable in it, after a few excisions which were made at their instance.

Mr. S. Satyamurti: May I know whether the Government of India have seen or been informed of these excisions, and are they satisfied now that the film, as it is to be released, is not anti-Indian?

The Honourable Sir Reginald Maxwell: The Government of India cannot see these films at the time of production. I am speaking of their exhibition in England. When they come to India, they come before the Boards of Film Censors who examine them and cut out anything likely to be offensive.

Mr. S. Satyamurti: In view of the fact that anti-Indian films are even more poisonous outside India than inside India, will the Government of India take some steps to see that the India Office does examine these films with these excisions and satisfies itself and satisfies the Government of India that these films, with these excisions, are not anti-Indian?

The Honourable Sir Reginald Maxwell: As I have informed the Honourable Member, that has already been done and the film, as it stands after certain excisions, is regarded as inoffensive.

Mr. S. Satyamurti: By whom—the Secretary of State, the India Office, or somebody on behalf of the Government of India?

The Honourable Sir Reginald Maxwell: By officers of the India Office, who have examined it.

Mr. S. Satyamurti: Was there any Indian on that Committee or an Indian present at the examination of the film? It is a matter of Indian sentiment, and I put it to Government that they should take steps to secure Indian criticism of this film. Have they done so?

The Honourable Sir Reginald Maxwell: The India Office represent Indian interests in this matter; and as the Honourable Member knows, the Government of India are always very insistent on the point, and so is the Secretary of State. Not so long ago, I had occasion to mention it in reference to "The Relief of Lucknow", the production of which owing to the action of the India Office was stopped.

Mr. Lalchand Navalrai: May I know if there is any organisation on behalf of the Government of India or the British Government in America to help the censors in respect of Indian pictures before they are sent to England or elsewhere?

The Honourable Sir Reginald Maxwell: I was going to explain that in answer to the next question on the paper.

BANNING OF THE FILM "DRUM".

742. ***Mr. S. Satyamurti**: Will the Honourable the Home Member please state:

- (a) whether Government are aware that the film "Drum" was banned by several Provincial Governments some months ago;
- (b) whether Government have taken any action against the producer of the above film, as the film is being exhibited in several other countries of the world; and
- (c) whether Government propose to take steps to draw the attention of the distributors and the exhibitors of anti-Indian films in other countries, who are operating in this country, and see that they stop this propaganda against India in other countries?

The Honourable Sir Reginald Maxwell: (a) Yes: but a revised version of the film was passed by the Bombay Board of Film Censors on 20th October, 1938, and, so far as is known, no authority has taken action against this version in any part of India.

(b) No.

(c) Action is regularly taken in England by the Secretary of State to secure the modification and, if necessary, rejection by the Board of Film Censors of films offensive to Indian sentiment. In America, we have an arrangement by which His Majesty's Consul at Los Angeles uses his good offices to obtain similar modification of objectionable films. The action is usually fruitful and does help to prevent the production of films repugnant to Indian sentiment. And I have no doubt that risk of the loss of the Indian market also is a considerable deterrent.

Mr. S. Satyamurti: With reference to the answer to part (b) of the question, may I know whether Government will consider taking some action against the producers of these films in order that they may not be exhibited outside India? I can see that, so far as exhibition in India is concerned, there is ample machinery by means of the Board of Film Censors to stop them, but as regards their exhibition outside this country, will Government undertake to take adequate steps against the misrepresentation of this country by means of films?

The Honourable Sir Reginald Maxwell: Pretty strong pressure can be placed on these people not to produce objectionable films because the Board of Film Censors as a general rule will help the India Office in securing their non-production or non-exhibition, and the lead of the Board of Film Censors is usually followed throughout the Dominions: and therefore a film to which serious objection was taken would probably not be a paying proposition. We can put pressure in that way.

Mr. S. Satyamurti: May I know whether any steps are taken by the Government of India, or will they consider the question of taking some steps to prevent the exhibition of anti-Indian films in countries outside the dominions and England—such as America, Germany, France, etc.?

The Honourable Sir Reginald Maxwell: It is extremely difficult to take any direct steps against the exhibition of these films in foreign countries outside the dominions. I think the best method to pursue is the indirect pressure, which we can at present exercise and which does very materially check the production of these films. Of course, if the matter became worse, we should have to consider other action, but the matter has been gone into pretty carefully.

Mr. Lalchand Navalrai: May I know if the film "The Drum" was shown in Delhi and after that there were objections shown against it and then the owners had to go away to Ceylon?

The Honourable Sir Reginald Maxwell: I am afraid I have no exact information.

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

TREATMENT OF DEFENCE EXPENDITURE AS VOTABLE.

743. ***Sardar Mangal Singh**: Will the Honourable the Finance Member please state:

- (a) whether any part of the Defence expenditure will be treated as votable in the annual budget of 1939-40;
- (b) whether Government are aware of the strong resentment of the elected Members of the Central Legislature; and
- (c) whether Government have reviewed the position since the silent rejection of the budget last year?

The Honourable Sir James Grigg: (a) No.

(b) and (c). I would refer the Honourable Member to my reply to question No. 223 on the 16th August, 1938.

Mr. S. Satyamurti: May I know if the Government of India have examined this matter again after the vote of the House last year with regard to the Budget Demands, and whether they have satisfied themselves that the position is exactly the same as last year, and it is not open to the Governor General to throw open any part of the defence expenditure to the vote of this House?

The Honourable Sir James Grigg: The Honourable Member asked a precisely similar question on the occasion of the question to which I have referred and I would refer him to the answer I gave to him then.

Mr. S. Satyamurti: Did they examine it subsequently?

The Honourable Sir James Grigg: I refer the Honourable Member to the question and the answer which I gave to a precisely similar question.

Mr. S. Satyamurti: Will you help my weak memory? I want to know the exact answer to the question as to whether it was examined afterwards by the Government of India.

The Honourable Sir James Grigg: I will read out the answer which I gave. I see in point of fact that the immediate question was asked by the Honourable Member behind him. I answered that the Government took up the attitude that they had no option in the matter.

CENSORSHIP OF LETTERS AND PARCELS OF ACHARYA CHANDRA SHEKHAR SHASTRI.

744. *Babu Kailash Behari Lal: Will the Honourable the Home Member please state:

- (a) if it is a fact that a constant watch is kept by the Criminal Investigation Department over Acharya Chandra Shekhar Shastri on account of his publication of books of a political nature;
- (b) if it is a fact that all his mail (letters and parcels) is censored before delivery to him and since the publication of his book "Bhartya Atankwad Ka Itihas" (History of Terrorist movement in India), the censorship of his mail has been made stricter, so much so that even registered parcels are opened and then delivered to him; and
- (c) if it is a fact that a registered parcel came recently in his name from Calcutta, which was opened and he was intimated to take the delivery in that condition and he has lodged a protest in respect of that with the postal authorities?

The Honourable Sir Reginald Maxwell: (a) and (b). It is contrary to the public interest to give any information on a subject of this nature.

(c) A damaged parcel addressed to him was recently received. I understand that he satisfied himself that it was received in damaged condition, and, thereupon, took delivery.

Babu Kailash Behari Lal: Is it not a fact that he protested that the parcel was not broken by accident, but that it was deliberately opened by somebody?

The Honourable Sir Reginald Maxwell: No, Sir. My information is that he was perfectly satisfied that the parcel was accidentally damaged, and he thereupon took delivery under a clear receipt.

Babu Kailash Behari Lal: Has the Honourable Member got the information from the Department that such a protest was lodged by the person concerned?

The Honourable Sir Reginald Maxwell: Yes. I understand that he at first surmised that the article had been purposely opened by somebody.

Babu Kailash Behari Lal: Has he been satisfied as to that?

The Honourable Sir Reginald Maxwell: Yes, Sir.

Babu Kailash Behari Lal: May I know if the publication in question, "History of Terrorist Movement in India", is under censure of the Government?

The Honourable Sir Reginald Maxwell: No, Sir. I do not think there is anything against that book.

LOSS OF LIFE AND PROPERTY BY AIR RAIDS ON THE NORTH-WEST FRONTIER PROVINCE.

745. *Mr. K. S. Gupta: Will the Defence Secretary please state:

- (a) the total loss of life and property by the air raids on the North-West Frontier Province in the years 1936, 1937 and 1938; and
- (b) what is the total loss of life and property to the Hindus living in the North-West Frontier Province due to the successive raids by those living in the tribal belt; whether any compensation is paid to the sufferers by these frequent raids; if so, how much and to how many; if not, why not?

Mr. C. M. G. Ogilvie: (a) and (b). This question should have been addressed to the Foreign Secretary.

RESOLUTION PASSED BY THE EXCISE ADVISORY BOARD OF DELHI REQUESTING FOR A REVISION IN ITS CONSTITUTION, ETC.

746. *Mr. K. S. Gupta: Will the Honourable the Finance Member state whether he is aware that the Excise Advisory Board of Delhi has passed a resolution requesting for a revision of the constitution with a view to widening its scope and functions and investing it with additional powers? If so, what is the action taken or proposed to be taken in the matter?

The Honourable Sir James Grigg: The information is being obtained and will be laid on the table of the House in due course.

PROPOSAL TO CLOSE COUNTRY LIQUOR SHOPS IN CERTAIN LOCALITIES IN DELHI.

747. *Mr. K. S. Gupta: (a) Will the Honourable the Finance Member please state whether there is any move to close the country liquor shops at Subzimandi, Paharganj and Karol Bagh and suspend the licences existing in view of the growing demand by the people for total prohibition in India? If not, why not?

(b) Is the Honourable Member prepared to see that liquor shops should not be located on public thoroughfares and important bazaars? If not, why not?

The Honourable Sir James Grigg: (a) and (b). The matter is primarily one of local administration. Certain information has been called for, but I am not at present in a position to make any statement.

PENALTY FOR REFUSAL TO ACCEPT CURRENT COIN.

748. *Mr. Lalchand Nayalrai: (a) Will the Honourable the Finance Member be pleased to state if there is any penalty under any Indian law or any legal order attachable to refusal by the public to take any current coin which is a good tender?

(b) If the reply to part (a) be in the negative, do Government propose to see that some legislation or legal orders or instructions are made on the point to avoid harassment that is being caused to the public? If not, what are the reasons?

The Honourable Sir James Grigg: (a) There is no punishment provided by law for a person refusing to accept legal tender coins, but under the general law of contract such refusal would involve the loss of certain rights, e.g., the right to interest on a debt from the time payment was offered.

(b) I presume the Honourable Member is referring to the difficulty about Victoria coins, but as I have already informed the House, they are gradually being withdrawn from circulation.

Mr. Lalchand Navalrai: I am not referring to the Victoria coins and I am also not referring to the spurious coins, but I am referring to the good coins that are being refused and that cause so much harassment to the public and, I daresay, to the Honourable Member himself and his colleagues. Will Government take some action to see that the harassment is removed?

The Honourable Sir James Grigg: I would be quite glad if members of the public or shopkeepers and various people of that sort stopped refusing perfectly good coins. If the Honourable Member can suggest any effective means of ensuring this, short of their execution, I will be glad to consider them.

Mr. Lalchand Navalrai: I think the Honourable Member is cleverer than I am, and he can issue some notification or circular saying that there should be no harassment on this account, and if the coins are not spurious, people may take them. Will the Honourable Member do some such thing?

The Honourable Sir James Grigg: It seems to me that the circulation of that Notification would have to be pretty widespread, and I cannot see that it is worth printing several tens of millions of copies for the result that we should get from it.

Mr. Lalchand Navalrai: May I know if the Honourable Member himself has ever had that kind of harassment from people when they refused to take his coins?

The Honourable Sir James Grigg: No, Sir. I always entrust my cash transactions to another agency.

PAUCITY OF MUSLIMS HOLDING SUPERIOR POSTS IN THE INCOME-TAX
DEPARTMENT OF THE PUNJAB, NORTH-WEST FRONTIER PROVINCE
AND DELHI.

†749. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable the Finance Member please state:

- (a) the number of superior posts, viz., Commissioners and Assistant Commissioners of Income-tax, in the Provinces of the Punjab, North-West Frontier and Delhi; how many of these posts are held by Hindus, Muslims, Sikhs and Christians, respectively;

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

- (b) if it is a fact that since the last few years the cadre of the Assistant Commissioners has been doubled in the said Provinces without giving any representation to the Muslims; and

- (c) whether it is a fact that Mir Afzal Ali was the only Income-tax officer appointed as Assistant Commissioner after the increase in the cadre and that after his death the vacancy was filled in by a non-Muslim?

The Honourable Sir James Grigg: (a) The number of posts is four permanent and two temporary. One of them is held by a Christian, one by a Sikh and four by Hindus.

(b) The cadre of Assistant Commissioners' has not been doubled but two temporary posts have been added to three permanent ones. In one of the temporary posts a Muslim was appointed in October, 1936, but he died in December, 1937.

- (c) Yes.

PAUCITY OF MUSLIMS HOLDING SUPERIOR POSTS IN THE INCOME-TAX
DEPARTMENT OF THE PUNJAB, NORTH-WEST FRONTIER PROVINCE
AND DELHI.

†750. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable the Finance Member please state:

- (a) if there is a proposal to make additional appointments to the posts of Assistant Commissioners in execution of the scheme of the new Income-tax Act, which provides for separation of appellate and administrative functions; if so, whether Government propose to consider the desirability of filling any future appointments of Assistant Commissioner by Muslims in the Punjab, North-West Frontier and Delhi Provinces in order to reduce cent. per cent. preponderance of one community;
- (b) if it is a fact that during the financial year, until very recently, the post of the Commissioner of Income-tax in the Punjab, North-West Frontier and Delhi Provinces was held by a Sikh and the posts of Personal Assistant to the Commissioner, Office Superintendent to the Commissioner and Stenographer to the Commissioner were all held by Hindus; and
- (c) if it is a fact that in the years previous to the last the posts of Personal Assistant and Stenographers to the Commissioner of Income-tax in the Punjab, North-West Frontier and Delhi were both held by Muslims: and what were the reasons for the change of these officers?

The Honourable Sir James Grigg: (a) The answer to the first part of the question is in the affirmative. With regard to the second part appointments to the cadre of Assistant Commissioners are by promotion and qualified Muslim Income-tax Officers are considered on their merits.

- (b) Yes.

(c) The reply to the first part is in the affirmative. Transfers of such officers as those mentioned by the Honourable Member are made by the

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

1498

LEGISLATIVE ASSEMBLY. [27TH FEB. 1939.]

Commissioner of Income-tax. Transfers of public servants are made in the public interest.

PAUCITY OF MUSLIMS HOLDING SUPERIOR POSTS IN THE INCOME-TAX DEPARTMENT OF THE PUNJAB, NORTH-WEST FRONTIER PROVINCE AND DELHI.

†751. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable the Finance Member please state:

- (a) if Government are aware of the high feelings of resentment and discontent amongst the Muslims in the Punjab, North-West Frontier and Delhi Provinces, over the communal disparity and differential treatment as far as the Income-tax Department is concerned in matters of appointments, postings and general treatment with the Muslim community; and
- (b) if Government propose to consider the possibility of appointing a Muslim Officer as Personal Assistant to the Commissioner of Income-tax, in the Punjab, North-West Frontier and Delhi Provinces, in view of the cent. per cent. preponderance of non-Muslims in the personnel of the office of the Income-tax Commissioner?

The Honourable Sir James Grigg: (a) No.

(b) The choice of his Personal Assistant is made by the Commissioner of Income-tax. Government see no reason to issue a direction as suggested.

PAUCITY OF MUSLIMS HOLDING SUPERIOR POSTS IN THE INCOME-TAX DEPARTMENT OF THE PUNJAB, NORTH-WEST FRONTIER PROVINCE AND DELHI.

†752. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable the Finance Member please state:

- (a) if it is a fact that since the separation of the Income-tax Department, never a chance has been given to a Muslim Officer to be appointed Commissioner of Income-tax in the Provinces of the Punjab, North-West Frontier and Delhi in a permanent or an officiating vacancy; and
- (b) if it is a fact that the present Income-tax Commissioner of the Punjab, North-West Frontier and Delhi Provinces is shortly proceeding on long leave; if so, whether Government are prepared to consider the question of appointing some Muslim Indian Civil Service officer during this leave vacancy?

The Honourable Sir James Grigg: (a) Yes.

(b) The answer to the first part of the question is in the affirmative. With regard to the second part Government propose, as usual, to fill this vacancy from the Department.

UNDERTAKING OF BANKING LEGISLATION.

753. *Sardar Mangal Singh: Will the Honourable the Finance Member please state:

- (a) whether Government contemplate to undertake banking legislation in the near future; and

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

- (b) whether the banking interests will be consulted prior to the drafting of the Bill?

The Honourable Sir James Grigg: (a) No.

(b) Does not arise.

BIHARIS IN THE ACCOUNTANT GENERAL'S OFFICE AND LOCAL AUDIT DEPARTMENT IN BIHAR.

754. *Babu Kailash Behari Lal: Will the Honourable the Finance Member be pleased to state:

- (a) if it is a fact that in the Province of Bihar in the Accountant-General's office and Local Audit Department there are 264 posts, out of which, according to the statement furnished by the Deputy Accountant General to the Bihar Unemployment Committee, only 70 are held by men of the Province or men domiciled therein;
- (b) what the total number of posts under the Accountant General's office and Local Audit Department in Bihar is since the figure was supplied to the Bihar Unemployment Committee; and
- (c) if the Bihar Government have made any representation to the Government of India in respect of giving preference to local candidates in the matter of appointment in the Audit Department on the same principle as the Income-tax Department and Posts and Telegraphs Department have done?

The Honourable Sir James Grigg: The information is being obtained and will be laid on the table of the House in due course.

MAINTENANCE OF RECORD OF INCOME FROM FEES BY MEDICAL OFFICERS FOR INCOME-TAX PURPOSES.

755. *Mr. Sham Lal: Will the Honourable the Finance Member be pleased to state whether medical officers in charge of civil hospitals and dispensaries run by Government and Local Bodies in various parts of India are required to maintain for the inspection of income-tax authorities any prescribed form showing their fee-income from different sources, such as, fees charged by them for examining patients at their houses or at their (doctors') own residences, delicate hospital operations, examining persons seeking to be insured, and issuing certificates in medico-legal cases?

The Honourable Sir James Grigg: No.

Mr. Sham Lal: Why are they not required to keep accounts of the fees received by them?

The Honourable Sir James Grigg: The Honourable Member only asks whether they were required to keep accounts for the inspection of the income-tax authorities and that is the question I have answered.

Mr. Lalchand Navarat: May I know if these fees are assessable to income-tax?

The Honourable Sir James Grigg: Certainly.

UNSTARRED QUESTIONS AND ANSWERS.

SUPERINTENDENTS IN THE COMPTROLLER'S OFFICE AT PESHAWAR.

24. Mr. Abdul Qaiyum: Will the Honourable the Finance Member please state:

- the number of superintendents in the office of the Comptroller, North-West Frontier Province, at Peshawar;
- how many of them are Frontier men; and
- whether it is proposed to give adequate representation to Frontier men in the Subordinate Accounts Service? If so, how?

The Honourable Sir James Grigg: (a) Eight.

(b) Two.

(c) This is a matter for the clerks themselves as promotion to the grade of Superintendent depends on ability to pass the Subordinate Accounts Service Examination. So far only one Frontier man has been successful.

RETRENCHMENT OF FRONTIER MEN IN THE COMPTROLLER'S OFFICE AT PESHAWAR.

25. Mr. Abdul Qaiyum: Will the Honourable the Finance Member please state:

- whether recent economy orders will throw out a number of Frontier men from the Comptroller's office at Peshawar;
- if so, what is their number;
- whether Frontier men are already under-represented;
- whether outsiders are given special pay to serve in this department at Peshawar;
- if so, what is the special pay of each grade, and what is the total annual bill;
- since when this special pay has been paid to such outsiders, and the total amount paid so far; and
- whether Government propose to economise now by employing more *bona fide* residents instead of retrenching those already in service?

The Honourable Sir James Grigg: (a) Yes.

(b) Four.

(c) This office, originally part of the office of the Accountant General, Punjab, had to be started as a separate unit with experienced men mainly from that office. No non-Frontier man has been recruited as a clerk for the last nine years, and it is not intended that any should be recruited in future.

(d) to (f). Special pay ranging from Rs. 30 to 50 per mensem has been granted to the staff transferred from other Accounts and Audit Offices since 1929. The annual cost is about Rs. 12,000 and about a lakh of rupees has so far been paid.

(g) The experienced staff from outside is still the backbone of the Comptroller's Office and cannot be dispensed with.

(1500)

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 474 asked by Mr. T. S. Avinashilingam Chettiar (on behalf of Shrimati K. Radha Bai Subbarayan) on the 25th August, 1938.

EMPLOYMENT OF WOMEN IN THE GOVERNMENT OF INDIA DEPARTMENTS.
Statement giving certain particulars regarding the employment of women in the various Departments of the Government of India.

Name of Departments and Offices open to women.	Nature of employment for which women are eligible.	Number of women already serving.		Whether any discrimination is made between Indian and European women.	Departments or posts to which women are not admitted and the reasons for their non-admission.	Remarks.
		Indian.	European.			
1	2	3	4	5	6	7
1. Home Department Clerical.	.	(a) 2	..	No. On initial appointment women clerks get a higher rate of pay than men.	No	....
2. Office of the Director, Intelligence Bureau (Home Department).	.	(a) 4	..	Ditto	No	....
3. Office of the Principal Information Officer. (Home Department).	.	..	1	Yes	No	....
						(a) Anglo-Indians.
						8

Name of Departments and Offices open to women.		Nature of employment for which women are eligible.	Number of women already serving.			Whether women are employed on the same terms as men.	Whether any discrimination is made between Indian and European women.	Departments or posts to which women are not admitted and the reasons for their non-admission.	Remarks.
1.	2.	3.	4.	5.	6.	7.	8.		
15. Geological Survey of India (Labour Department).	Clerical.	..	..	....	..	..	..	Women are disqualified for appointment to Central Service Class I and II posts as the duties are of a very strenuous nature. Ditto.	
16. Department of Mines. (Labour Department).	Clerical.	..	..	....	..	..	..	For the reasons stated above, women are disqualified for appointment to General Central Service Class I and II posts.	
17. Department of Explosives (Labour Department).	Clerical.	..	..	....	..	..	..		
18. Indian School of Mines (Labour Department).	Clerical.	..	..	....	..	..	..		
19. Controller of Emigrant Labour. (Labour Department).	Clerical.	..	..	....	..	..	..		
20. Supervisor of Railway Labour. (Labour Department).	Clerical.	..	..	....	..	..	..		
21. Conciliation Officer (Railways) (Labour Department).	Clerical.	..	..	....	..	..	..		
22. Stationery and Printing Department. (Labour Department).	Clerical.	..	..	....	..	..	..	Women are disqualified for non-clerical appointments in the Government of India. Presses in consideration of the nature of the duties and conditions under which they are performed.	
23. Central Public Works Department. (Labour Department).	Clerical.	..	..	3 Yes	No	..	..		
24. Education, Health and Lands Department.	Clerical and certain miscellaneous posts e.g. of Lady doctor, nurse, Assistant Professor, etc.	(e) 7	(e) 2	Yes	No	..	..	Posts reserved for I. M. S., or I. M. D., Officers. Zoological Survey of India, Class I. Archaeological Department, Class I. Survey of India—Employment in these services involves obligations to serve in the field or calls for considerable powers of physical endurance.	(e) Employed in posts subordinate or attached to the Department of E., H. & L.
25. Legislative Assembly Department.	Clerical.	..	..	....	..	..	..		
26. Imperial Council of Agricultural Research Department.	Clerical and research posts.	(f) 2	..	Women clerks if any, would get a better initial rate of pay than the men.	No	..	..		(f) Employed on the Council research schemes.

Name of Department and Offices open to women.	Nature of employment for which women are eligible.	Number of women already serving.	Whether women are employed on the same terms as men.	Whether any discrimination is made between Indian and European women.	Departments or posts to which women are not admitted and the reasons for their non-admission.	Remarks.
1	2	3	4	5	6	8
27. Office of the Agricultural Marketing Adviser. (I. C. A. R. Department).	Clerical . . .	(a) 1	..	Women clerks get a better initial rate of pay in the II and III Divisions.	No	(a) Anglo-Indians.
28. Office of the Director, Imperial Institute of Sugar Technology (I. C. A. R. Department).	Clerical . . .	..	..	....	..	....
29. Communications Department.	Clerical . . .	..	..	....	..	....
30. Civil Aviation Department. (Communications Department).	Clerical . . .	(a) 2	1	Women clerks get a better initial rate of pay.	No	General Central Services, Class I and II and Subordinate Services requiring technical knowledge. Women have been excluded from these Services in consideration of the nature of duties and conditions under which they are performed.
31. All-India Radio (Communications Department).	Clerical and Programme Assistant Announcer.	3	2	..	No	....
32. Posts and Telegraphs Department (Communications Department).	Telegraphists. Telephone Operators, Clerical and other miscellaneous posts. Assistant Presidency Postmaster (Gazetted).	(g) 265	..	Yes. Except in the Post and Telegraphs Directorate women clerks are given a higher rate of initial pay.	No	(1) Services in the Superior Telegraph Engineering and Wireless Branches. (2) Engineering Supervisors (General and Telephones) and Electrical Supervisors, and Cable Supervisors. (3) Postmen and Mail Guards. Women have been excluded from these posts in consideration of the nature of duties and conditions under which they are performed. (g) Includes 179 Anglo-Indians and Domiciled Europeans.
33. Railway Department (Railway Board).	Clerical and certain miscellaneous posts.	(a) 3	..	Women clerks are given a higher rate of initial pay in the II and III Divisions and are entitled to second class T. A. (irrespective of pay) while men only get that class when their pay exceeds Rs. 200.	No	....
34. Central Standard Office (Railway Department).	Clerical . . .	..	..	....	..	....

[27TH FEB. 1939.]

1	2	3	4	5	6	7	8
Name of Department and Offices open to women.	Nature of employment for which women are eligible.	Number of women already serving.		Whether women are employed on the same terms as men.	Whether any discrimination is made between Indian and European women.	Departments or posts to which women are not admitted and the reasons for their non-admission.	Remarks.
		Indian.	European.				
35. Controller of Railway Accounts (Railway Department).	Clerical.	..	..	....	..	....	..
36. Central Publicity Office. (Railway Department).	Clerical.	(a) 1	..	Yes	No	....	(a) Anglo-Indian.
37. Reforms Office.	Clerical.	..	..	....	..	....	(b) 2 Anglo-Indians and 1 Indian Jewess-recruited prior to 1931.
38. Federal Public Service Commission.	Clerical.	..	3	Yes	No	....	Recruitment of women to the Military Accounts Department has ceased since 1931 as conditions of service include liability for field service in or out of India, a condition which cannot be satisfactorily fulfilled in the case of women.
39. Military Finance Department.	Clerical.	..	..	....	..	....	
40. Military Accounts Department (Military Finance Department).	Clerical.	(b) 3	..	Yes	No	....	

Information promised in reply to unstarred question No. 28 asked by Mr. Muhammad Azhar Ali on the 31st August, 1938.

OFFICIATING ALLOWANCE PAID TO NON-GAZETTED STAFF ON THE NORTH WESTERN RAILWAY.

(a) Officiating allowance is given in case (i), but not in cases (ii) to (iv). In case (iii), however, compensation is given for the loss of mileage or overtime allowance that would otherwise have been earned.

(b) Running staff taken off their regular duties are deprived of the opportunities they would otherwise have had of earning mileage or overtime allowances.

(c) Rule 138 of the State Railway Establishment Code, a copy of which is in the Library of the House.

Information promised in reply to a supplementary question asked by Mr. S. Satyamurti to Mr. Brojendra Narayan Chaudhury's starred question No. 1105 on the 16th September, 1938.

CLAIMS FOR COMPENSATION ON ACCOUNT OF THE BIHTA RAILWAY ACCIDENT.

The following are the particulars asked for in regard to claims for compensation on account of the Bihta accident :—

- | | |
|---|--|
| (b) (i) Number of persons who have claimed compensation and the total amounts thereof. | Claims have been received as under :—
In respect of 42 killed and 75 injured totalling Rs. 16,10,327
In respect of 56 killed and 30 injured—
No specific amount stated.
Total 98 killed and 105 injured. |
| (ii) Number of persons who have received compensation amicably and the total amounts thereof. | 97 claims covering 58 killed and 72 injured have been settled amicably for a total amount of Rs. 1,39,82. |
| (iii) Number of persons who have applied to courts for compensation. | One. |
| (iv) Number of persons whose claims are still pending before courts. | One. |
| (v) Number of persons who have secured court decrees, and the total amounts. | Nil. |
| (vi) Number of persons whose decrees have been paid off within a year of the happening of the injury, and the amounts involved. | Nil. |
| (vii) Number of persons whose decrees have been paid off after a year of the happening of the injury. | Nil. |
| (c) (i) Number of persons whose claims are still pending. | Offers of compensation made and under negotiation—25 claims covering 14 killed and 17 injured.
Under investigation—3 claims covering 7 killed and 4 injured.
Repudiated—19 claims covering 19 killed and 12 injured. |
| (ii) Number of decrees outstanding, and the amounts involved. | Nil. |

Information promised in reply to starred question No. 1108 asked by Mr. Brojendra Narayan Chaudhury on the 16th September, 1938.

AFFAIRS OF THE ASSAM-BENGAL RAILWAY.

(a) and (e). The Agent and General Manager, Assam-Bengal Railway, states the facts are as follows:

In November, 1937, about 100 students of the Nilmani High School, Karimgunj, endeavoured to force their way on to the platform while two trains were standing at the station. They refused to purchase platform tickets and became abusive and later violent. Stone-throwing took place, people were hit, and damage to railway property was the result. A case was instituted. The Head Master of the School expressed the repentance of his students for what they had done and asked that they be dealt with under School discipline. The trying Magistrate favoured this suggestion and the Railway Police at his request withdrew the case.

(b) Yes.

(c) Yes.

(d) Those who have business with the booking office, parcels office and Station Master's office, are allowed to enter without platform tickets.

(f) As a result of the Head Master refusing to make good the financial loss to the Railway Administration the latter informed the Head Master that the students of his School would not be eligible for School concession tickets for a period of two years. This embargo has since been withdrawn.

(g) Does not arise.

Information promised in reply to starred questions No. 1273 asked by Mr. T. S. Avinashilingam Chettiar on the 15th November, 1938, and Nos. 1841 and 1842 asked by Pandit Sri Krishna Dutta Pathwal on the 6th December, 1938.

NOTIFICATION TO VILLAGERS FOR HOLDING MILITARY MANŒUVRES.

Starred question No. 1273.—(a) Yes.

(b) No. The facts are as follows:

Firing practice was carried out by the 17th (Agra) Field Battery, A. F. I. on the 6th and 7th May 1938 and again on the 25th to 27th October 1938. No hardship is reported to have been caused to the villagers.

(c) No damage was caused by the practice held in May 1938. Claims for compensation for damages alleged to have been caused in October 1938, have recently been filed and are being scrutinised by the local civil authorities.

(d) In accordance with sub-section (4) of section 9 of the Manœuvres, Field Firing and Artillery Practice Act, 1938.

EVACUATION OF CERTAIN VILLAGES IN AGRA DISTRICT FOR MILITARY MANŒUVRES.

Starred question No. 1841.—(a) The Honourable Member is referred to the reply to part (a) of starred question No. 1273.

(b) No. The reasons are not known to the Government of India.

(c) The United Provinces Government have reported that action was taken by them in accordance with the instructions contained in the Appendix to Chapter LXXV of the United Provinces Revenue Manual, Volume II.

EVACUATION OF CERTAIN VILLAGES IN AGRA DISTRICT FOR MILITARY MANŒUVRES.

Starred question No. 1842.—(a) to (c). The Honourable Member to the reply to part (c) of starred question No. 1273.

(d) Yes.

(e) The Honourable Member to the reply to part (b) of starred question No. 1841.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to unstarred question No. 109 asked by Mr. Satya Narayan Sinha on the 29th November, 1938.

GRIEVANCES OF THE EAST INDIAN RAILWAY STAFF SERVING IN THE DELHI DIVISION.

(a) Yes, except that the statement referred to was made in 1927 (not 1937).

(b) No.

(c) The information required is as follows:—

Category.	Number not yet promoted to higher grades.
Station Master	1
Cabin Assistant Station Master	1
Assistant Station Master	2
Train clerks	7
Ticket collectors	2
Booking clerks	15
Parcel clerks	17
Goods clerks	6
Exchange operator	1
Correspondence clerks	3
Office clerks	5
Time-keeper	1

These employees have not been promoted to higher grades either for want of vacancies, or because they have been considered unfit for promotion.

Information promised in reply to starred question No. 9 asked by Mr. Brojendra Narayan Chaudhury on the 3rd February, 1939.

PURCHASE OF A HAWAII SLAVE BY THE NAGAS.

(a), (b) and (c). The Government of India have no information. Maimong village where a human sacrifice is alleged to have taken place is within the Tribal Area of Burma and the matter is therefore not the concern of the Governor-General in Council.

Information promised in reply to part (c) of starred question No. 10 asked by Mr. Brojendra Narayan Chaudhury on the 3rd February, 1939.

PERSONS KILLED BY RUNNING TRAINS IN SYLHET DISTRICT.

(c) Twelve persons were killed by running trains in Sylhet district from the 1st April, 1938, to the 31st January, 1939.

Information promised in reply to starred question No. 176 asked by Mr. Badri Dutt Pande on the 7th February, 1939.

PROVISION OF INTERMEDIATE CLASS WAITING ROOMS AT THE DEHRA DUN AND SAHARANPUR RAILWAY STATIONS.

(a) to (c). Intermediate class waiting rooms exist at Saharanpur station and are being provided at Dehra Dun as part of the remodelling now in progress.

Mr. President (The Honourable Sir Abdur Rahim): I have received several notices of motions of adjournment of the business of the Assembly, but as one motion has already been fixed for today, they will be considered on the next sitting day.

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

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects with which the Labour Department is concerned."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects with which the Labour Department is concerned."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of Members for the Standing Committee for the Labour Department the Notice Office will be open to receive nominations upto 12 Noon on Tuesday, the 7th March, 1939, and that the election, if necessary, will take place on Thursday, the 9th March, 1939. The election which will be conducted in accordance with the principle of proportionate representation by means of the single transferable vote will, as usual, be held in the Assistant Secretary's room in the Council House, New Delhi, between the hours of 10-30 A.M. and 1 P.M.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I move for leave to introduce a Bill further to amend the Workmen's Compensation Act, 1923, for a certain purpose.

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

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

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I introduce the Bill.

THE CHITTAGONG PORT (AMENDMENT) BILL.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I move for leave to introduce a Bill further to amend the Chittagong Port Act, 1914, for a certain purpose.

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

"That leave be granted to introduce a Bill further to amend the Chittagong Port Act, 1914, for a certain purpose."

The motion was adopted.

The Honourable Sir Thomas Stewart: Sir, I introduce the Bill.

THE INDIAN RUBBER CONTROL (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I move for leave to introduce a Bill further to amend the Indian Rubber Control Act, 1934.

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

"That leave be granted to introduce a Bill further to amend the Indian Rubber Control Act, 1934."

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I introduce the Bill.

THE COTTON GINNING AND PRESSING FACTORIES (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I move for leave to introduce a Bill to amend the Cotton Ginning and Pressing Factories Act, 1925, for certain purposes.

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

"That leave be granted to introduce a Bill to amend the Cotton Ginning and Pressing Factories Act, 1925, for certain purposes."

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I introduce the Bill.

THE STANDARDS OF WEIGHT BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I beg to move:

"That the Bill to establish standards of weight throughout British India be taken into consideration."

Sir, the effort to establish uniform standards of weight throughout India has had a long history and in 1871 the Indian Weights and Measures of Capacity Act was passed, but it has remained inoperative, no notification having been issued under it, as it was hoped that weights and

[Sir Muhammad Zafrullah Khan.]

measures based on the statutory units would be gradually and generally adopted without further intervention on the part of the Government. In 1913, the Government of India appointed the Weights and Measures Committee to investigate the feasibility of introducing uniform weights and measures throughout British India. The Committee reported in 1914, but owing to the war the consideration of its recommendations was deferred. After the war in consultation with Local Governments and administrations, the Government of India issued a Resolution in 1922, which embodied the decisions arrived at by them. These decisions were influenced by the consideration that under the Government of India Act, 1919, the constitutional position had altered as weights and measures became a transferred provincial subject, subject to legislation by the Indian Legislature as regards standards. The position with regard to this matter under the Government of India Act, 1935, is that under Item 51 in the Federal legislative list in the Seventh Schedule of the Act, the Central Government is responsible only for the establishment of standards of weights, while Provincial Governments are concerned with 'weights and measures', *vide* item 30 in the Provincial legislative list. So far as concerns weights, therefore, it is for the Central Government to prescribe the standards. The enforcement of the use of weights based on these standards is a matter for the Provincial Governments.

The handicaps to trade and the hardships to cultivators arising from the unsatisfactory character of weights in use, in various part of India, are well-known. It has been urged that the cultivator is frequently defrauded through the use by the buyers of (a) unauthorised weights bearing no known relation to the weights commonly used in railways and commerce, and (b) grossly inaccurate weights. It is further pointed out that in different markets, such a variety of weights and measures is used that a proper comparison of the prices is practically impossible. This question has also received the consideration of the Eighth Industries Conference which emphasised the need for all India standards of weight based on a forty seer maund and an eighty tola seer. It has further been represented to the Government of India that some provinces have their Weights and Measures Bills ready for introduction as soon as the Central Government's Act, establishing standards of weights, is passed. Taking all these factors into consideration, the Government of India have decided to undertake legislation. The Bill provides for certain standard weights, namely, the tola, the seer, the maund, the pound, the ounce, the hundredweight and the ton which are at present commonly in use in railways and in commerce. Opportunity is also taken to repeal the Indian Weights and Measures Capacity Act, 1871, in so far as it relates to the establishment of standards of weight. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved: "That the Bill to establish standards of weight throughout British India be taken into consideration."

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhaimmadan Rural): Sir, I am glad that the Government have at last brought forward this legislative measure. As the Honourable Sir Muhammad Zafrullah Khan has made it clear, legislation on these lines is very badly needed and should have been brought forward and passed years ago. All these years the sufferings of the cultivators have not been unknown to the Govern-

ment of India, and yet, for their own purposes, they have neglected this obvious duty of prescribing standard weights and measures. Now, they come and say that as far as the measures are concerned, they have no responsibility, because it has been devolved upon the Provincial Governments. But even with regard to the weights, I wish to point out to them that this Bill does not go far enough, and for these reasons. It is not enough simply to prescribe the weights for a hundredweight or a ton. It is most essential that the weights for certain standard quantities of grain that are being sold in the various markets should also be prescribed. It is a fact that in the international market, there is a certain standard weight for cotton bale, and unless Indian exports of cotton also conform themselves to these weights, it would not be possible for proper quotations to be obtained for Indian cotton. That is why, from Bombay, especially, all the cotton bales that are exported are kept down to the weight of 400 lbs. (interruption) or to 480 lbs. as my Honourable friend informs me, per bale. There is still some uncertainty in regard to this kind of weight of the cotton bale that is being sold in Indian markets for internal consumption purposes, and, therefore, there is need for prescribing some specific weight for a cotton bale, that weight being the one which rules in the international market either at Lancashire or in America. There is one particular weight for paddy. In all these paddy markets, we find that it is the two maunds weight that is accepted as the standard weight. But unfortunately when the cultivators have to sell their grain or paddy they are obliged to agree to any local weight that can be insisted upon as a standard weight for a bag of paddy with the result that from place to place the weight for a bag of paddy varies from 166 lbs. to 186 lbs. The exact weight that is insisted upon in any particular market depends upon the bargaining capacity of the local *kisans* as well as the local merchants. This is causing considerable amount of loss as well as anxiety to our *kisans*. Various representations have been made to the Provincial Governments concerned by our *kisan sabhas* both in written representations and by way of marches but we were given the same answer that since this was a matter for the Central Government, it required Central legislation and that their hands were tied and that they were helpless. In this particular Bill, no mention is made at all of any such weights. It is not enough simply to tell the *kisans* that a standard weight for a hundredweight is definitely fixed as 112 standard pounds. These *kisans* simply go to the market and present the merchants with their bag of paddy containing two cwts. of paddy. The merchants say, "We are not concerned with one cwt. or two cwts. We are only concerned with a bag of paddy, and each bag, according to us, should weigh 182 lbs. instead of 166 lbs. or 176 lbs.", or any particular figure that they may choose to fix. In such a case, the *kisans* are at the mercy of these merchants. One can understand that if the price of a bag of paddy is made dependent upon the exact weight of a bag of paddy, it is not very material for the *kisans* whether the particular bag contains 166 lbs. or 176 lbs. or even 186 lbs. Because, the price can be expected to vary in accordance with the exact number of pounds of paddy that is contained in it. But it usually happens, and it is a fact in most of our own paddy markets, that there is one specific and known value for a bag of paddy as such. The exact bag of paddy becomes very relevant indeed for our consideration and it is most essential that Government should take this particular opportunity of prescribing the standard weight for a bag of paddy and also for a bale of cotton.

Mr. M. S. Aney (Berar: Non-Muhammadan): Is not the bag weighed?

Prof. N. G. Ranga: The bag containing the quantity is weighed, but properly speaking the standard weight is supposed to be 166 12 Noon. pounds, but it varies from market to market running up to 186 pounds also.

Sardar Sant Singh (West Punjab: Sikh): Are not the prices fixed.

Prof. N. G. Ranga: Not in relation to the exact number of pounds of grain that is contained in the bag but simply in relation to the bag itself. So much is the paddy and so much is the price for each bag. Only the merchant gets the sum and he gets a price which ought to be paid for 166 pounds but which really comes to be a price for 186 pounds. Therefore, it is necessary that Government should bestow some thought and care to these various standard weights for various quantities of grain or agricultural produce that are generally sold in our various markets and see that *kisans* are helped as against these merchants and the exploitation of these people is prevented by taking suitable action at this stage. It is not relevant in this connection for anybody to maintain that it is only a matter of measurements and it should be left to the Provincial Governments. Sir, except in the case of payments made in terms of grain as between *kisans* and their agricultural hawkers or for some other local purposes, measures today are not of such paramount importance. But it is the weight really which is the most important thing in our agricultural economy and our agricultural produce is being sold in various markets not according to measures but according to their weight. Therefore, I suggest for the consideration of Government that they should fix some of the most important multiples of these weights also stating what is meant to be the weight of a standard bag of paddy and what is meant to be the weight of a standard bale of cotton and so on.

Mr. K. Santhanam (Tanjore cum Trichinopoly: Non-Muhammadan Rural): Sir, this is a simple and welcome Bill and so I do not want to take much time of the House; but there are a few points which I should like to impress upon the House. After all, standards of weight are valuable only to the extent they are used and I suggest that the Central Government should take prompt and immediate steps to see that these standards of weight are used by all agencies under their control. For instance, they must insist that the railways should utilise and use only the standards of weight in their measurements. In the Advisory Committee of the Madras and Southern Mahratta Railway they sent a proposal using seers in two different senses. A railway seer consists of nearly 82 tolas but there is also a seer which consists of 24 tolas; and when we asked the Agent why they should be using a seer of 24 tolas, instead of the usual seer of 82 tolas, he said he would consider the matter and see that there are only uniform weights hereafter. Similarly, in the quotations which are supplied by the All-India Radio, every night, they should see that they should conform only to these standards of weight or to the integral multiples of these standards of weight. For instance, I heard the other day

of a bale of cotton consisting of 654 pounds which is not an integral multiple of a maund or a hundredweight or of anything else. And so they can issue immediate instructions to say that only those quotations will be given to the public which conform to these standards of weight or their integral multiples.

The second point I should like to urge is that one of the major difficulties of the prevalence of these standards of weight is the existence of other weights in the form of metal pieces. I think there should be an arrangement by which all the other standards of weight can be handed over to a public agency and the shopkeepers should get in return the existing standards of weight either free of cost or at a nominal cost. For instance, in my province every one has got weights of a 24 tola seer. He has invested some two or three rupees and that is the standard of weight. So long as he possesses these weights it will be very difficult to induce him to use the new standards of weight. Therefore, the Government of India must consult the Provincial Governments and bring about an agency by which all the other standards of weights, throughout the country and specially in the villages, are replaced by these standards of weight. Of course, it may be said that this is a matter for the Provincial Governments. Technically it is so but unless the Central Government also take steps to secure their co-operation in regard to this Bill it may happen to be a dead letter.

This leads me to the third point I want to urge, and that is that there should be a proper and well equipped factory to prepare these standards of weight and the integral multiples and sub-multiples and supply them at the cheapest possible price all over the country. I think a subsidised factory for the manufacture of these weights will go a long way to make these weights prevail. Again, Sir, these names are used for measures also. I think steps should be taken to see that these names which are used for standards of weights are not used for standards of measures. For instance, a seer and sometimes even a maund is used as a measure. In our parts oil is measured in seers and it is called seers; and there is a confusion when we come to Northern India where a seer of oil is weighed to us whereas in the South it is measured to us. Therefore, there should be some way of ensuring that the names of these standards of weight are not used for measures. I think the Central Government should impress upon the Provincial Governments to see that these names are not used for any purpose other than the standard of weight mentioned.

Sir, I have given one or two amendments which I intend to press when we come to the clauses in detail, but I should like to point out the importance of seeing that these standards prevail not only in British India but in all the Indian States and all the foreign settlements in this country so that there may be complete uniformity. In fact our country is honeycombed with these Indian States and unless they adopt these standards of weight our attempt, throughout British India, is not calculated to succeed. Therefore, I suggest that after passing this measure they should take immediate steps to make these standards of weight prevail uniformly throughout the country.

The Honourable Sir Muhammad Zaftrullah Khan: Sir, I have only a word or two to say with regard to the points raised by Prof. Ranga and Mr. Santhanam. Prof. Ranga has stressed the necessity of laying down

[Sir Muhammad Zafrullah Khan.]

a standard weight for a bale of cotton and for a bag of paddy. His argument if analysed comes to this that the provisions of this Act should be supplemented by something in the nature of a marketing measure which should regulate the weights of these and possibly other commodities. I am afraid that would not properly come within entry 51 of the Federal list. Standards of weight are being established by this Bill; the enforcement of these standards and their application to particular commodities would not be the function of the Central Government but would properly be the function of Provincial Governments, and as a matter of fact in some provinces action is already being taken in that direction by way of marketing legislation. With regard to Mr. Santhanam's points, it is to be hoped that after this Bill becomes law every effort will be made to see that uniformity prevails. Only, those measures will have to be taken by Provincial Governments, but from correspondence that has been going on on this subject, it appears Provincial Governments are only too anxious to enforce uniform standards of weight and I am sure that within a short time most of the provinces will have taken action to enforce uniformity of standards. With regard to measures, Mr. Santhanam is aware, as he has himself recognised, that the establishment even of standards of measures is not a central subject; but let us hope that once these standards of weight become established, any competing standards of measures that are likely to cause confusion will be so adjusted that the kind of difficulty to which he has pointed does not arise.

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

"That the Bill to establish standards of weight throughout British India be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That clause 3 stand part of the Bill."

Mr. K. Santhanam: Sir, I move:

"That in sub-clause (2) of clause 3 of the Bill, for the words 'or be designated' the word 'used' be substituted."

The reason for the amendment is that the right of designation rests with the Central Legislature and we do not want that integral multiples and sub-multiples should be given a separate name or be designated as a standard weight as if there were other standard weights besides those mentioned in the Bill. Here, though it does not positively confer that right, yet if it is left as it is will mean that integral multiples and sub-multiples may be designated as standard weights: that is to say, they may take five or seven pounds or tolas and call it by a new name and then that standard of weight may come to be used. We do not want that any such development should take place and, therefore, my amendment is in the nature of an abundant caution to prevent any such thing. Sir, I move:

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

"That in sub-clause (2) of clause 3 of the Bill, for the words 'or be designated' the word 'used' be substituted."

The Honourable Sir Muhammad Zafrullah Khan: Sir, I have no objection to the use of the word 'used'. My only apprehension is that it might be held that that was beyond the power of the Central Legislature under the entry to which I have already referred, that this is, an attempt to enforce these standards rather than to prescribe them. I merely want to utter that warning. Subject to that so far as I am concerned, I have no objection.

Mr. K. Santhanam: May I point out that the words "as a standard weight" qualify the word 'used'?

The Honourable Sir Muhammad Zafrullah Khan: I really cannot at the moment give a definite opinion whether this is or is not within the scope of the Bill. As I have said, if, after this warning, Mr. Santhanam insists and the House desires that this change shall be made, I have no objection.

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

"That in sub-clause (2) of clause 3 of the Bill, for the words 'or be designated' the word 'used' be substituted."

The motion was adopted.

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

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

"That clause 4 stand part of the Bill."

Mr. K. Santhanam: Sir, I move:

"That after sub-clause (2) of clause 4 of the Bill, the following new sub-clause be added:

"(3) The Central Government shall cause similar sets of weight, similarly authenticated, to be prepared and shall supply one set to the government of any Indian State or foreign settlement situated in India which applies for it and pays the price fixed by the Central Government."

This is more or less a propagandist amendment. I have already indicated its need in my speech, and so I move.

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

"That after sub-clause (2) of clause 4 of the Bill, the following new sub-clause be added:

"(3) The Central Government shall cause similar sets of weight, similarly authenticated, to be prepared and shall supply one set to the government of any Indian State or foreign settlement situated in India which applies for it and pays the price fixed by the Central Government."

The Honourable Sir Muhammad Zafrullah Khan: Sir, I have no objection to the amendment.

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

"That after sub-clause (2) of clause 4 of the Bill, the following new sub-clause be added:

(3) The Central Government shall cause similar sets of weight, similarly authenticated, to be prepared and shall supply one set to the government of any Indian State or foreign settlement situated in India which applies for it and pays the price fixed by the Central Government."

The motion was adopted.

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

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

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

"That clause 5 stand part of the Bill."

Mr. K. Santhanam: Sir, I move:

"That in part (c) of sub-clause (2) of clause 5 of the Bill, after the word 'Provincial' the words 'and other' be inserted."

This is a consequential amendment to the amendment which has just been accepted.

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

"That in part (c) of sub-clause (2) of clause 5 of the Bill, after the word 'Provincial' the words 'and other' be inserted."

The motion was adopted.

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

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I intervene to get some information from the Honourable the Commerce Member. I find that in some provinces there are at present standard weights and I would like to know if those weights are introduced under any particular Acts and whether those Acts do remain still in force there? As regards Sind, I may inform the Honourable Member that weights and measures have been appointed on behalf of the Government and on behalf of the local bodies and they are carrying on their duties. Have they done that under any Act or is it done in anticipation of this central legislation? If there are

certain Acts already in force in the provinces, then will they simultaneously remain in force? I feel that the Government of Sind could not have introduced the standard weights and measures and actually appointed officers to go round in the districts without legal authority. These standard weights are being sold to the people who have to pay some duty for them. I should like to know how the matter stands.

Prof. N. G. Ranga: Sir, I find there are no penalties provided for any one who tries to employ any other weights than those mentioned here as standard weights. It is left evidently to the Provincial Governments to enforce the corresponding provisions of the Indian Penal Code and so on. Therefore, Sir, it is necessary that the Government of India should take care and review the position from time to time when they meet in the Industrial Conference and see how far this particular measure, when it becomes an Act, is really being enforced in the various Provinces and to what extent satisfaction is being obtained for the agriculturist in this country. Secondly, Sir, the Honourable Member suggested that it is for the Provincial Governments to pass the necessary Marketing Acts and incorporate provisions similar to the suggestions I have made on the floor of the House today. Sir, I want to know if the Government of India will take some initiative in this matter and see that all the Provincial Governments follow a uniform policy in regard to this and pass the necessary legislation, because there are several provinces which are interested in the production of paddy; for instance, if one province prescribes one weight for a bag of paddy and another province prescribes a different weight, and so on, there will be any amount of indefiniteness in regard to weight, and therefore, it is reasonable to expect the Government of India to sound the view of the various Provincial Governments when they meet either at the next session of the Industries Conference or at some other conference that may be specially convened by the Government of India and to suggest to these Local Governments, if possible, to follow the same uniform practice in regard to prescribing standard weights.

I would also like to suggest that the Government of India should take the initiative in this matter and try to pull up some of the provinces which may be lagging behind by not formulating even legislative proposals till now and help the Indian agriculturist by seeing that uniform legislation is passed either at the same time or during the same year throughout India, or the Government of India should themselves come forward on the agreement of all these various Provincial Governments with the necessary legislative proposals and thus help our cultivators. Therefore, I hope the Government of India will publish a periodical review of the manner in which this particular Act will be enforced in the various Provincial Governments.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I shall not detain the House for more than one minute. My friend, Prof. Ranga, has raised certain points in regard to the marketing of agricultural commodities. To the extent that that marketing may be affected by this legislation, I can assure him that those points are already receiving the consideration of the Imperial Council of Agricultural Research.

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

"That the Bill, as amended, be passed."

The motion was adopted.

THE INDIAN MERCHANT SHIPPING (SECOND AMENDMENT) BILL.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, for a certain purpose (Second Amendment) be taken into consideration."

As Honourable Members will have seen from the Statement of Objects and Reasons, Sir, this is designed to bring our law into conformity with the International Sanitary Convention, and the amendment has the approval of the Standing Haj Committee which, as you are aware, Sir, looks after the interests of Muslim pilgrims. Sir, I move.

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

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, for a certain purpose (Second Amendment) be taken into consideration."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): Sir, one objection that was raised against this was that the shipping companies, who are engaged in the pilgrim traffic, are likely to increase their rates and fares, because by this amendment the provision made for including two children for calculation as one pilgrim has been taken away. Even a child below one year has to be allotted a certain amount of space, and therefore a lot of space will have to be allotted by the shipping companies to various passengers who travel with small children, though no fares could be charged for such children. It is feared that the rates now in vogue will be increased considerably. There are, however, some suggestions from certain quarters that if instead of 16 sq. ft. space which is allotted to a passenger, it is reduced to 14 sq. ft. the rates may not be increased. I am only asking the Honourable Member in charge of the Bill to see that by so decreasing the space the health of the passengers is not adversely affected, there may be no hardship by the rates being increased. The space allotted to each passenger may be reduced to a slight extent to admit of children being carried.

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadian Rural): Sir, if the area of 16 sq. ft. that is mentioned here is to be meticulously worked out for a human being to lie down on a deck, you will find that, if we take the standard height of a human being as 6 ft., he will hardly get just 2 ft. space in width in which he can move about when he lies down at night time. Sir, 16 ft. space that is provided is bad enough, and, according to me, it is already too small, and it is too narrow. After all, how would it be possible for a man to lie down on an upper deck, which is only 1½ ft. wide, and spend even a night, and when a man has to travel by these pilgrim ships for a number of days and he has to rest during day and sleep during night, one can realise how inadequate even 2 ft. space would be for a man. Therefore, I cannot agree with my friend's suggestion that the space area should be reduced to 14 ft. instead of the 16 ft. which is provided already.

Sir Girja Shankar Bajpai: Sir, I do not think it is necessary for me to detain the House with a long speech. I must leave Mr. Ananthasayanam Ayyangar and Professor Ranga to settle their differences, but we cannot make it 14 sq. ft. for the very simple reason that the International Convention prescribes the space as 16 sq. ft.

(1522)

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

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, for a certain purpose (Second Amendment) be taken into consideration."

The motion was adopted.

Clauses 1, 2 and 3 were added to the Bill.

The Title and the Preamble were added to the Bill.

Sir Girja Shankar Bajpai: Sir, I beg to move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE INSURANCE (AMENDMENT) BILL.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I beg to move:

"That the Bill to amend the Insurance Act, 1938, as reported by the Select Committee, be taken into consideration."

Honourable Members have presumably read the Report of the Select Committee. They will find from that not only the nature of the amendments, but also, what I am pleased to state, that it is an unanimous Report of the Select Committee, subject to a note of dissent by Mr. Sri Prakasa about a particular matter. Well, Sir, we had the opportunity of considering that matter after the Select Committee had concluded its deliberations, and I can state to the House that we shall be quite agreeable to accept the amendment suggested by Mr. Sri Prakasa to bring out what is stated in his minute of dissent. I do not think, Sir, I need detain the Members of the Select Committee and for the way in which we were able to thrash out the matter completely so as to produce a unanimous Report before the House. Sir, I move.

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

"That the Bill to amend the Insurance Act, 1938, as reported by the Select Committee, be taken into consideration."

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore cum North Arcot: Non-Muhammadian Rural): I am glad that this Bill has come out in an improved form in that it has omitted certain objectionable features which were in the original Bill. I am glad that clauses 6 and 17 have been omitted as had been suggested; we are also glad that the material portion of clause 10 of the original Bill has been omitted. Clause 10 referred to the concessions that might be given to insurance companies which may be started in Indian States. That has been omitted, I understand, in view of section 116. Today the purpose of my intervention in this debate is to point out certain features of section 116 of the original Act which provides

[Mr. T. S. Avinashilingam Chettiar.]

Government with power to exempt from certain requirements companies registered under Indian States legislation. That section says:

"The Central Government may, by notification in the official Gazette, exempt any insurer constituted, incorporated or domiciled in an Indian State from the provisions of section 6 relating to deposits or from the provisions of sub-section (2) of section 27 relating to the keeping of assets in India either absolutely or subject to such conditions or modifications as may be specified in the notification."

I do not think that there is any fear that they will make such exemptions absolutely. The Government may prescribe some conditions over insurance companies that may be started in Indian States. The point which I would like to impress upon the Government in this matter is this. There are States and States. Some of the companies which may be started in Indian States may, according to their Law, have to give securities belonging to those States themselves. I know that recently legislation has been introduced in Mysore providing for provisions similar to those that are in our law which we passed last year. Without referring to any single State, I may mention that securities of the States may not be of the same value, and I do think that simply because a company incorporated in a State has deposited some securities with reference to that State it should not be reason enough for the Government to allow that company to operate in British India, for the very good reason that those securities do not always have their face value. As I mentioned sometime previously, all States securities do not have the same value as the securities of the Government of India or of the Provincial Government. For this reason I think that it is good that the Government of India should guide themselves by certain rules in this matter and prescribe the minimum amount of securities that a company should have in the Government of India securities or the Provincial Governments securities before it can get any exemption under section 116 of the Insurance Act. I hope that the Government of India will prescribe certain rules laying down the minimum qualification in this respect of having Government of India or Provincial Governments securities or securities under the relevant sections of the Insurance Act of 1938. With these words, I support the motion.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): It is no doubt true that various clauses have been introduced to cure omissions which are more or less of a verbal character, but I take serious objection to the introduction of the proposed section 2B. Proposed section 2A is enacted for the purpose of making all insurers liable so long as their liabilities in British India, in respect of business of the particular class, remain unsatisfied or not otherwise provided for. Until the last policyholder remains unsatisfied the provisions of this Act will apply under proposed section 2A. But exception is made under proposed section 2B regarding those companies which are incorporated outside British India but carry on that business in British India. So far as those companies or individuals are concerned, proposed section 2B makes an exception in their favour. If they cease to do business of that class before the coming into force of this Act—even though new business may not be transacted after the coming into force of this Act, the old policies will remain in force and a lot of obligations will remain outstanding which have to be discharged, and still the provisions of this Act are not made applicable. The previous Act has been repealed by virtue of this Act. Therefore, so far as those companies are concerned, who may

have got a lot of obligations towards the present policyholders and a lot of other things more to be done by insurance companies, they are not regulated either by this Act or by the old Act. I wonder why an exception has been made in favour of those persons by exempting from the obligations under the proposed section 2A which provides wholesome conditions for safeguarding the interests of the policyholders until the last policyholder remains unsatisfied. That is a point of substance, and I hope the Leader of the House would agree to the deletion of proposed section 2B, making proposed section 2A applicable to all companies whether they cease to do business before the coming into force of this Act or not, so long as the policies issued by those companies still remain operative and obligations under them still remain unfulfilled.

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

"That the Bill to amend the Insurance Act, 1938, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2, 2A, 3, 4, and 5 were added to the Bill.

Clauses *7, 8, 9, 10, 11, 12 and 13 were added to the Bill.

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

"That clause 14 stand part of the Bill."

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I move:

"That after part (iii) of clause 14(a), the following be inserted:

"(iv) at the end, the following proviso shall be added:

"Provided that where the insurer maintains one or more places of business in British India, such notice shall be delivered only at the place in British India mentioned in the policy for the purpose or at his principal place of business in British India."

According to the Act as passed, a notice in writing of the transfer or assignment shall be delivered at the principal place of business. An insurer may have several places of business and some foreign companies may have no principal place of business. Therefore, in the amending Bill, the words 'at his principal place of business' have been deleted but this deletion introduces another complication. The policyholder may deliver his assignment at one office and take a loan at another office, causing confusion and fraud and therefore in order to avoid that I have moved this amendment, which makes the clause complete. Sir, I move.

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

"That after part (iii) of clause 14(a), the following be inserted:

"(iv) at the end, the following proviso shall be added:

"Provided that where the insurer maintains one or more places of business in British India, such notice shall be delivered only at the place in British India mentioned in the policy for the purpose or at his principal place of business in British India."

I understand this is agreed to.

The Honourable Sir Nripendra Sircar: Yes.

*Clause 6 was deleted by the Select Committee,—*N. of D.*

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

"That after part (iii) of clause 14(a), the following be inserted:

(iv) at the end, the following proviso shall be added.

"Provided that where the insurer maintains one or more places of business in British India, such notice shall be delivered only at the place in British India mentioned in the policy for the purpose or at his principal place of business in British India."

The motion was adopted.

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

"That clause 14, as amended, stand part of the Bill."

The motion was adopted.

Clause 14, as amended, was added to the Bill.

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

"That clause 15 stand part of the Bill."

Mr. T. Chapman-Mortimer (Bengal: European): Sir, I move:

"That in sub-clause (a) of clause 15 of the Bill, after the words 'the words', occurring in the second line, the words 'on his own life' be inserted."

This is a purely verbal and drafting amendment and gives effect to the point dealt with in sub-clauses (d) and (e) of this same section. The point at issue is simply this—that it should be made quite clear that the intention is only to give power of nomination to the assured and not to any other holder of the policy. That was accepted by the Select Committee and given effect to, as I say, in sub-clauses (d) and (e). This is the same point. Sir, I move.

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

"That in sub-clause (a) of clause 15 of the Bill, after the words 'the words', occurring in the second line, the words 'on his own life' be inserted."

Mr. M. Ananthasayanam Ayyangar: I think neither this amendment nor the original amendment is necessary. In sub-section (1) the words, 'not being an absolute assignee of the benefits under the policy' are sought to be introduced and the present amendment seeks to add the words 'on his own life'. In my view the addition is unnecessary, because the concluding words of this sub-section say: the money secured by the policy shall be paid in the event of his death. That makes the position quite clear and therefore neither this amendment nor the original amendment is necessary.

The Honourable Sir Nripendra Sircar: I accept the amendment. I understand Mr. Ayyangar is not objecting to the amendment. He only thinks it is unnecessary. I believe this will be an improvement for removing any doubts which may exist. I accept the amendment.

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

"That in sub-clause (a) of clause 15 of the Bill, after the words 'the words', occurring in the second line, the words 'on his own life' be inserted."

The motion was adopted.

Mr. T. Chapman-Mortimer: Sir, I beg to move:

"That in sub-clause (b) of clause 15 of the Bill, for the words 'his records' the words 'records of the insurer' be substituted."

This is a drafting amendment to make it quite clear to whose records the reference is made. Sir, I move.

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

"That in sub-clause (b) of clause 15 of the Bill, for the words 'his records' the words 'records of the insurer' be substituted."

The Honourable Sir Nripendra Sircar: I accept the amendment.

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

"That in sub-clause (b) of clause 15 of the Bill, for the words 'his records' the words 'records of the insurer' be substituted."

The motion was adopted.

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

"That clause 15, as amended, stand part of the Bill."

The motion was adopted.

Clause 15, as amended, was added to the Bill.

Clause 16 was added to the Bill.

Clauses 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. T. Chapman-Mortimer: Sir, I beg to move:

"That for clause 20 of the Bill the following be substituted:

"For section 50 of the said Act the following shall be substituted, namely:

"50. An insurer shall, before the expiry of three months from the date on which a premium or premiums in respect of a policy of life insurance fall due but remain unpaid, give notice to the policy-holder informing him of the options available to him."

Sir, I understand that the Government would suggest that the words "a premium or premiums" should be inserted, and that is also acceptable to others with whom I have discussed the matter. It simply makes it quite clear that in the case of more than one premium the section would apply. Sir, this again is a drafting amendment and I do not think it necessary for me to argue it on the floor of the Assembly. It simply gives effect to the intention of the Select Committee when they inserted the words "were payable but not paid". Sir, I move.

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

"That for clause 20 of the Bill the following be substituted:

"For section 50 of the said Act the following shall be substituted, namely:

"50. An insurer shall, before the expiry of three months from the date on which a premium or premiums in respect of a policy of life insurance fall due but remain unpaid, give notice to the policy-holder informing him of the options available to him."

Mr. K. Santhanam: Sir, I would have no objection, but I want to know whether the term "fall due" will cover the thirty days of grace because,

*Clause 17 was deleted by the Select Committee—E. of D.

[Mr. K. Santhanam.]

if the original amendment made by the Select Committee to insert the words "were payable but not paid" were taken out, then it would be payable within the thirty days of grace. But, probably, the term "fall due" will exclude that period. If so, I think this amendment should not be pressed; otherwise, if the term includes the thirty days of grace, I have no objection.

The Honourable Sir Nripendra Sircar: Sir, I have no objection to accepting the amendment, but in answer to the query which has been put by my Honourable friend, Mr. Santhanam, I think that the amendment, in my opinion, as drafted, will exclude the period of grace.

Mr. K. Santhanam: Then we must object to the amendment.

Mr. M. Ananthasayanam Ayyangar: Sir, I would like to know how this improves the clause. Is it the intention that even though a default of one premium is committed, the insurer is to go on giving notice three months after the committing of default in respect of later periods also? If a default is committed in respect of one premium, he must give notice within three months. If so, even though he commits a default and does not exercise the option, and the insurer gives notice three months from the committing of the default, is the insurer to go on giving him notice as and when further instalments of premium fall due? If so, to what extent, and for what period?

The Honourable Sir Nripendra Sircar: I understand this has been put in to cover a case like this. In addition to the usual and ordinary premium there may be an extra premium payable either on the ground of residence outside or on some other ground and it is to cover such cases that this has been put in.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadian Rural): Sir, I owe a word of explanation to my Honourable friends of the European Group. We did not quite notice the fact that the change would involve shortening of the period excluding the days of grace by the use of the words "falls due", because it might be said that though the due date may be as in the contract, the time by way of grace may be allowed for payment during which the operation of the lapse of the policies would not occur, and the original words in the Bill were "were payable but not paid". At all events the words "were payable" in contrast to the words "fall due" would include the days of grace. That is the explanation I offer, so that my Honourable friends may not think that I am withdrawing any assent I gave.

Mr. T. Chapman-Mortimer: Sir, in view of the arguments advanced by my Honourable friend, the Leader of the Opposition, and in view of the expression of opinion which my Honourable friend, the Leader of the House, gave, I ask for leave to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Clause 20 was added to the Bill.

Clauses 21 to 37 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Nripendra Sircar: Sir, I beg to move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

THE INDIAN PATENTS AND DESIGNS (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I beg to move:

"That the Bill further to amend the law relating to the protection of Inventions and Designs, as reported by the Select Committee, be taken into consideration."

Sir, it would perhaps help Honourable Members in the consideration of the Bill if I were to give them the previous history of the law relating to the protection of inventions and designs. The Indian Patents and Designs Act, 1911, came into force from the 1st January, 1912, when it replaced the Inventions and Designs Act, 1888. The existing Act is largely based on the United Kingdom Patents and Designs Act, 1907, with certain additions and alterations suited to Indian conditions. Broadly speaking, the objects of the 1911 Act were two-fold—first, the reorganization of the procedure of the Patent Office in respect of the grant of patents and the registration of designs and their existence and operation, including the delegation of suitable powers to the Controller of Patents and Designs, and, secondly, the encouragement of inventions giving at the same time effective protection to the inventor and the public. The Act was amended in 1920 to bring India into the inter-Imperial arrangement for the protection of inventions and designs within the Empire. The Act was last amended in 1930 with a view to incorporating such provisions of the United Kingdom Patents and Designs (Amendment) Act of 1919 as were suited to Indian conditions and to make other amendments called for as a result of the experience of the working of the Act.

As was sought to be explained by me at the time of moving for reference to Select Committee, the principal object of the present Bill is to put a stop to the import of goods bearing designs which constitute infringements of designs registered under the Act. In this connection, attention is invited to clause 22 of the present Bill which proposes to insert an additional clause in section 18 of the Sea Customs Act, 1878, so as to secure the object in view. The question of preventing importation of goods bearing pirated designs, which has been the subject of numerous complaints from the commercial public, has been under the consideration of Government since 1933. The proposal was considered to be open to no objection in principle as it would merely extend to registered designs the same protection as already exists for copyright under the provisions of the Indian Copyright Act, 1914. This proposal was circulated to Provincial Governments and the opinions received from them, as well as the commercial bodies who were consulted, were generally in favour of the necessary legislation being undertaken. In course of examination it was found that clause 22 of the Bill, amending section 18 of the Sea Customs Act, will not in itself give the person injured any civil remedy, that the mere importation of goods with pirated designs was not sufficient to bring the act

[Sir Muhammad Zafrullah Khan.]

within the mischief of the existing section 53 of the Indian Patents and Designs Act, but it was further necessary to prove that the importer caused the pirated design to be applied to the goods. It was considered that it was extremely difficult for the owner of the design to get satisfactory evidence on the latter point, that is, to prove that the importer had prior knowledge of the design being pirated. It was, therefore, decided after very careful consideration to add a clause (aa) to section 53 (1) of the Patents and Designs Act as in clause 13 (a) of the Bill to provide specifically against importation for the purposes of sale without the consent of the registered proprietor of any article to which the design or any fraudulent or obvious imitation thereof has been applied. This provides the owner with a remedy against the importer of a pirated design without being required to prove that the importer was aware that the design was pirated. It will be observed that all that is provided is a civil remedy and it is no infringement of any principle of law to provide that where a person either with or without knowledge injures another person's civil rights, he should be liable in damages. Secondly, a limit has been imposed on the total sum recoverable in respect of each infringement under section 53 (2). Thirdly, it is possible for any person interested in any article, on payment of Rs. 2 only, in case he can furnish the registration number of the design, and Rs. 10 in other cases, to ascertain whether the registration of a design exists in respect of that article. It cannot, therefore, be said that a person who wants to deal in any article with a new design cannot be reasonably expected to be aware of the infringement of the right of the registered proprietor. While the Act was to be amended for this purpose, it was thought that advantage should be taken of the opportunity to include certain other amendments for improvement of the law. I have already referred to these amendments at the time of making my motion for Select Committee and I do not want to repeat now what I said on that occasion.

A comparison of the Bill, as it has emerged from the Select Committee, with the Bill as originally introduced in the House, will show that a number of changes have been made by the Select Committee, and although none of them radically alter the nature of the Bill, it will be agreed that the changes made by the Select Committee are designed to effect considerable improvement upon the Bill as it originally stood. I do not desire to make any detailed comments on the changes as the report of the Select Committee gives reasons for them.

Notice has now been given of further amendments to be moved in the House today and, while I would welcome any amendment which will improve the Bill, I should like to sound a note of caution. The subject which we are dealing with is highly technical. The expressions used in the Act have acquired a special meaning by usage and a considerable amount of Case Law has grown up concerning them. Honourable Members will, therefore, appreciate that mere verbal amendments which ostensibly make certain textual improvements may be found to cause embarrassment to those who have to administer the Act and to the commercial public who have to deal with it. Sir, I move.

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

"That the Bill further to amend the law relating to the protection of Inventions and Designs, as reported by the Select Committee, be taken into consideration."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): Sir, the Bill as it has emerged from the Select Committee has made a number of improvements on the original Bill as it was drafted and I would like to say here that the Honourable Member in charge was only too willing to accept such amendments as were reasonable, and without much difficulty the amendments went through in the Select Committee. No doubt, notice of a number of amendments has been given now, many of which were considered in the Select Committee, but the House may take a different view so far as those matters are concerned.

The one improvement that has been made in the Bill, as it has emerged from the Select Committee, is that in the original Bill as it was introduced in the House it was intended to give enormous powers to the Controller or the Examiner to reject the application and to refuse the patent on grounds which normally are taken for the purpose of the revocation of a patent after it has been granted. The jurisdiction to revoke is conferred usually on the High Courts and not even on the District Courts before which the suit for the infringement of a patent or a design is filed for damages or compensation. But the District Courts have not been conferred with the jurisdiction of revoking a patent. That is exclusively conferred upon a High Court. Therefore, it is not proper to allow the Controller to have the powers of refusing a patent on the very grounds which have to be proved to exist for the revocation of the patent after it is granted. Those powers have been removed and to that extent there has been an improvement in the Select Committee. Sir, I do not know with all the best intentions of the Honourable the Mover, the Member in charge, whether this improvement of the Bill is going to be useful to our country. It may not be soon that we are going to have a number of patents or new inventions or discoveries in this country. The Bill, therefore, seeks to safeguard the inventions that may be brought into existence in England for which provision is already made in the original Bill and some more provision is made in the new Bill for safeguarding those interests. If Japan were to counterfeit some of those designs in our market which have got the patents registered in this country and which really belong to the United Kingdom, the United Kingdom may get the greater benefit. Although this Bill will not be of immediate use to us, we hope that in the long run it will prove useful.

Then, Sir, I wish to say a few words about the new officer who is sought to be created in this Bill. Up to this time, it was the Controller to whom an application had to be made for a patent. It was his duty to examine the application and consider all the relevant facts and it is open to him to accept or reject it in case it was not a new invention. That power to some extent has been transferred to a new officer who is called the Examiner. As soon as the application is presented to the Controller, it is obligatory on him to refer it to the Examiner who will examine it. But in the Bill it is not provided that the Examiner should address himself to all those facts which under the old Act the Controller had to examine.

The Honourable Sir Muhammad Zafrullah Khan: Which is the new office that the Honourable Member is referring to?

Mr. M. Ananthasayanam Ayyangar: Examiners.

The Honourable Sir Muhammad Zafrullah Khan: There are already examiners.

Mr. M. Ananthasayanam Ayyangar: I am told there are already examiners in the office. But these examiners under the Act will become statutory officers hereafter. The Examiner is clothed with the power of examining and reporting to the Controller and the Controller has to rely on this report. I hope that no new office will be created. If the existing officer is made a statutory officer and clothed with statutory powers, that is enough.

Then, Sir, we were not able to carry one thing through in the Select Committee and I hope that that would be remedied here. It was on financial considerations. The present Bill is a copy of the English Act, but under the English Act it is obligatory on the Controller or the Examiner to search the records of his own office for a period of fifty years and find out if there has already been registration of similar patent before the Controller comes to the conclusion whether the particular patent is a new one or not. He has *prima facie* to consider one thing, that is, whether similar invention or design has already been registered in his office or not. The Controller is expected to have the best kind of information in his own office. Instead of roaming about in the country or looking into the newspapers or consulting agencies for obtaining information about a particular patent as to whether it is a new one, this valuable information can be obtained from the records and registers in the Controller's office. But, under the present Bill, it is not obligatory upon him to search all these records as is provided for in the English Act. We, therefore, wanted that this provision should be made compulsory in the Act, that is for a period of fifty years the records in the office relating to patents and designs ought to be searched to find out if a certain patent is a new one or not. The objection that was raised to this provision was on the ground of financial considerations. It was said that it would cost additional establishment of six or seven new Examiners and experts which would mean an addition of nearly one lakh of rupees in expenditure. I suggest that that ought not to stand in the way of adopting a wholesome procedure of finding out whether an invention is a new one or an old one. I hope the House would set right this omission and it would not shirk the responsibility of sanctioning additional establishment costing nearly a lakh of rupees, when the Central Government are already spending nearly 93 crores a year on various departments of administration.

The next point I would submit is that it ought not to be understood that there is any difference of opinion on substantial matters so far as this Bill is concerned. We are all agreed that so far as most of the matters are concerned, there should be unanimity of opinion and most of the amendments that have been suggested were gladly accepted by the Honourable Member in charge of the Bill. But I submit there is always scope for improvement and in view of the several amendments that have been given notice of, I hope the Bill will be further improved in those directions. There is an appeal now provided to the Central Government from the refusal of the Controller to grant a patent. It will be better if the appeal lies direct to the High Court. It is no doubt true that objections could be raised to this suggestion, on the ground that the person who applies for patent may not afford to incur all the expenses that may be necessary for the litigation. That is no doubt true, but it may be that in important matters the man may prefer to appeal to the High Court rather than to the Central Government.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can resume his speech after Lunch.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, before you adjourn the House for Lunch, I wish to draw the attention of the Leader of the House to one thing which I represented to him, namely, that tomorrow is a day of mourning, and it is not possible for Muslim Members to participate in the business set down for tomorrow. Therefore, I have requested him, if he could possibly oblige by not taking up any business tomorrow.

Mr. President (The Honourable Sir Abdur Rahim): Why was not this mentioned before?

Mr. M. A. Jinnah: My attention was drawn to it only yesterday.

Mr. President (The Honourable Sir Abdur Rahim): What the Chair means to say is that it ought to have been found out long before that today was the eighth day of Muharram. It is highly inconvenient to dislocate the whole business.

Mr. M. A. Jinnah: I understand that it is only two days ago that these public holidays were declared in Delhi.

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands that in Delhi the eighth day of Muharram is always observed as a local holiday.

Mr. M. Asaf Ali (Delhi: General): The tenth day is supposed to be the last day.

Mr. President (The Honourable Sir Abdur Rahim): So far as the observance of holidays is concerned, the practice has always been that we proceed by the list of holidays in Delhi. So far as the Chair is concerned, it is not prepared to add to that list. The eighth day of Muharram has always been declared a holiday. If that is so, the Chair cannot understand why this was not discovered before and mentioned in the House when the business of the House was arranged.

The Honourable Sir Nripendra Sircar (Leader of the House): May I point out, Sir, that the Chair seems to be under some misapprehension. What has happened is this. It is only on the 22nd of this month that the list of gazetted holidays was changed and not before. Now, at the present moment, 28th has been declared a holiday.

The Honourable Sir Muhammad Zafrullah Khan: It was due to the earlier appearance of the moon.

Mr. President (The Honourable Sir Abdur Rahim): Why was it not mentioned before?

Mr. M. A. Jinnah: I do not wish to pretend that there is no delay on our part. There is a certain amount of delay, I admit. As you know, Sir,

[Mr. M. A. Jinnah.]

these matters filter down gradually and a few days were lost. I quite agree that we could have drawn the attention of the Chair as well as the Leaders of Parties and Government earlier. Frankly speaking, the delay is there. It is after all only a delay of a few days. If we had been more active we could have brought this thing to the notice of the House earlier.

Mr. President (The Honourable Sir Abdur Rahim): If the entire House agrees, what the Chair is prepared to do is to direct that there shall be no sitting of the Assembly tomorrow.

Mr. M. A. Jinnah: I consulted the Leader of the House and the Leader of the Congress Party. I had no time to consult the Leader of the Congress Nationalist Party and the Leader of the European Group. I had just time to mention it only to the Leader of the House and I consulted my Honourable friend, Mr. Bhulabhai Desai, just now.

Mr. President (The Honourable Sir Abdur Rahim): The Budget has to be presented tomorrow and this has been fixed by the Governor General, and the Chair cannot alter that.

Mr. M. A. Jinnah: That also, I understand, the Government are prepared to adjust.

The Honourable Sir James Grigg (Finance Member): Let me make the position clear so far as the Budget is concerned. The actual presentation of the Budget on the 28th February cannot be stopped. In view of the various concomitant arrangements which have had to be made all over India, the date of presentation of the Budget cannot be altered at such short notice. What I understand was the desire, or what was conveyed to me, as the desire of the Muslim League Party was that the ordinary day's business should be postponed for tomorrow, that the general discussion of the budget should start on 3rd March and be finished on 7th March and that the business which is to be postponed should be taken up on the 8th March.

Mr. President (The Honourable Sir Abdur Rahim): Is it desired to have a meeting on the 3rd?

The Honourable Sir James Grigg: That was the suggestion conveyed to me. If there is any suggestion of the actual postponement of the budget and the Finance Bill, that with the best desire in the world is absolutely impossible.

Mr. M. A. Jinnah: I certainly would not have mentioned this matter but the Leader of the House assured me that even the presentation of the budget can be adjusted.

The Honourable Sir Nripendra Sircar: I meant the general discussion and in fact I may tell my Honourable friend, Mr. Jinnah, that this matter was brought to my notice really by Dr. Ziauddin. He was pressing it day before yesterday and I got a telephone message from him in which he said that if necessary his Party would not mind sitting at 5 o'clock for a short time for the purpose of the budget. I think my friend will bear me out.

Mr. President (The Honourable Sir Abdur Rahim): If the House so desires, the Chair will direct that there will be no sitting of the House till 5 o'clock tomorrow and at 5 o'clock the House will meet for the presentation of the budget.

Mr. Bhulabhai J. Desai: Then is it to be a condition that we have to meet on the 3rd? In that case the residual business of the House is such

The Honourable Sir Muhammad Zafrullah Khan: The whole trouble is due to the fact that owing to the moon becoming visible a day earlier than compilers of diaries and calendars had fixed the *ashura*, i.e., the tenth day of Mohurrum now falls on the second instead of on the third; and therefore if the 8th, 9th and 10th days of Mohurrum are to be holidays they must be on the 28th February and 1st and 2nd March. Therefore, the 3rd becomes an ordinary working day. That is why the suggestion was made that if no official business is to be transacted tomorrow the general discussion might take place on the 3rd and 7th instead of on the 7th and 8th, and the 8th would then become residual for official business. Otherwise there is no excuse for not sitting on the 3rd which is an ordinary working day.

Mr. Bhulabhai J. Desai: The third has been already declared to be a *dies non* and we cannot agree to the change.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not know if Government will agree that there should be no sitting on the 3rd.

The Honourable Sir Nripendra Sircar: We are already a little late and if you will please give us time till 2-45 p. m. we can have another talk and see if we can compose our differences.

Mr. M. A. Jinnah: I do not think any useful purpose will be served and I do ask Government not to press for a sitting on the third.

The Honourable Sir Nripendra Sircar: We will not press it if the House does not want it.

Mr. M. A. Jinnah: I take it that tomorrow no official business will be done except the presentation of the budget.

The Honourable Sir Nripendra Sircar: It is not necessary to mention the matter again. I have said that I am not pressing my point with regard to the third.

Mr. President (The Honourable Sir Abdur Rahim): Then, there will be no meeting on the 3rd. The House will meet tomorrow only at 5 o'clock for presentation of the budget; there will be no other official business on that day.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. S. Satyamurti (one of the Panel of Chairmen) in the Chair.

Mr. M. Ananthasayanam Ayyangar: Sir, I was referring to the provision already existing in the Act for appeals to the Central Government

1536

LEGISLATIVE ASSEMBLY.

[27TH FEB. 1939.]

[Mr. M. Ananthasayanam Ayyangar.]

The question for consideration would be as to whether there should not be a provision for an appeal to be preferred to the High Court in cases where the party chooses it as an alternative. The third point to which some attention has to be devoted by the House is regarding the right of a defendant to counter claim by petition for revocation in cases of suits for infringement of patents. In the English Act it is the High Court that has got jurisdiction to consider the petition for revocation; and it is also in the High Court that a suit for infringement for damages can be filed. Therefore, in both kinds of suits the High Court alone has jurisdiction. But here under the Indian law the High Court has got exclusive jurisdiction to decide questions of revocation. The district court has got jurisdiction only to try suits for infringement for damage. Therefore, if he filed a counter claim that a patent ought to be revoked, any suit for damages or infringement of patent, that jurisdiction should be conferred on a district court whereas the present law is that the High Court has exclusive jurisdiction in matters of revocation.

Therefore, there will be a conflict of jurisdictions. To avoid that, if the privilege is to be conferred on the defendant it is necessary to allow him to plead it in the district court and to have the proceedings transferred to the High Court where the same matter might be pending. As regards the penal provision, for the purpose of fighting piracy regarding patents and designs, I would say, through oversight, due provision was not made in the Select Committee to avoid even innocent persons coming within the pale of the law. It is, therefore, necessary to add the words suggested in the amendment. There may be cases where a foreign patent may be registered in this country also; but an article might not be of universal use and the person who imports it from a different country may not have the knowledge that it has already been registered in India and quite unwittingly he might commit an offence under this Act. No person should be found guilty unless he has knowledge and wants deliberately to circumvent a local patent this by importing a similar article from a foreign country. It is, therefore, necessary that this amendment should be accepted.

A suggestion was made that persons carrying things of a description for which a patent has already been obtained in the country, even though they may not import those things, should be punished. There will be only a few cases coming under that description and, therefore, such persons ought not to be liable to punishment if they have such things with them in their possession. An exception ought, likewise, to be made in the case of persons who import them without the knowledge that a similar article has already been registered in this country.

So far as the grounds are concerned on which revocation can be obtained of a patent in the High Court, it has been considerably improved in the present Bill by the Select Committee. After the Patents Act of 1911 the Act in England has undergone considerable modification. Similar provision for revocation has been enlarged on various grounds which practice and experience have shown to be necessary. These grounds have been incorporated and almost word for word the several sub-clauses in clause 7 of the Bill have been taken from the English Act. There is thus a decided improvement in this direction. The other modifications are of a formal nature. I support the motion for consideration.

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadian Rural): Sir, my objections to this Bill are a little more fundamental. I am not at all in favour of conferring this particular right upon any individual to gain a monopoly of all the profits that may be derived from any particular invention or design at the expense of the whole society. But, at the same time, now that this Bill has come to us from the Select Committee, I wish to state that it is the duty of the State, if this particular power is to be given to a particular person at all, to safeguard the interests of the public. The Honourable Member in charge of the Bill himself has stated that one of the two main objects with which the Act was passed and the Bill has been brought forward is the safeguarding of the interests of the public. But I find that not sufficient care has been taken either at the stage of preparing the Bill or in the Select Committee to see that the interests of the public are sufficiently safeguarded. If we only turn to clause 6 of the Bill, we find it says:

“(5) The Central Government or the High Court to which a petition is referred shall in considering the petition have regard to the nature and merits of the invention in relation to the public, to the profits made on the patent and to all the circumstances of the case.

(6) If it appears to the Central Government or to the High Court when the petition is referred to it, that the patent has not been sufficiently remunerative, the Central Government or the High Court, as the case may be, may by order extend the term of the patent for a further term not exceeding five or in exceptional cases ten years or may order the grant of a new patent for such term as may be specified in the order and subject to any restriction, conditions and provisions which the Central Government or the High Court, as the case may be, may think fit.”

Even if we concede the right to any particular individual to take out a patent for the first period of 16 years, as is provided in the Act itself, I do not see the reason why it should be extended; and even if it is extended it is to be extended for either five years or ten years and so on. Then there is the extreme case—“or may order the grant of a new patent for such term as may be specified in the order”. Supposing it is proved to the satisfaction of the High Court or the Central Government that a particular portion of a patent or design has produced sufficient profits for the patentee and therefore need not be renewed again, then a new patent may be granted for another portion of the outstanding portion of that particular description that might be placed before the High Court or the Central Government. Therefore, I find that this amendment ought to be made. If it is not made, I cannot consider it to be really in the interests of the public.

Then, I come to the question of fees. There is section 57 of the Act itself. There power is given to the Central Government to prescribe what fees it may think fit to collect from various applicants who ask for patents. I do not know on what basis these fees are being prescribed today or are to be prescribed in future. I wish to make one suggestion that if such a monopoly power is to be given to any of these patentees at all, then we must recognise the fact that the State also should come in as a profit sharer, in any profits or advantages that may be derived from that particular patent, and therefore the fees that may be prescribed ought to be ranged in accordance not only with the utility of the patent but also the profits that may be derived from that particular patent

An Honourable Member: A profit tax!

Prof. N. G. Ranga: That may be a more general thing; but in regard to this particular thing even at the stage when the application is made for a patent, the patentee or the applicant should be expected to state what profits he expects to make from it; he will not make it, I know. Then it will be the duty of the officer who is appointed by the Central Government to make an estimate of the profits that may be derived and then prescribe what particular proportion of the profits should be placed at the disposal of the Central Government. It may be that he has got to work out all these details, but I make this suggestion for what it is worth; and I want the Central Government to take the earliest possible steps to come forward with a definite scheme for giving the benefit of part of the profits to be derived from any of these patents to the State itself. Any how, Sir, when we come to the question of renewing any particular patent for any further period, the difficulty must be much less in regard to the making of an estimate of profits to be derived, because Government will have had in their possession all the figures and facts relating to that particular patent. Therefore, in these cases at least they must certainly insist upon the State coming in as a profit sharer.

Then, thirdly, Sir, I find in section 21 of the Act that the State is placed in the same position as an ordinary subject of the country *vis-a-vis* the patentee. This is a wrong position to take, in my view. I personally consider that the State should have the first claim in regard to the benefits to be derived from any particular patent. Therefore, Sir, power should be given to the Crown or to the State to insist upon making any particular design or invention a public property if necessary by paying adequate compensation or remuneration, not to the man who offers to manufacture the instruments that have been invented, but to the man who has invented the very idea itself, and who has placed it before the particular businessman who may appear as an applicant. I want that the State should insist upon this particular right and it should exercise it as freely as possible so that all those inventions, which can be considered to be of public advantage or of use to the public at large, should be taken up by the State itself, and the profits therefrom appropriated by the people themselves.

Then, Sir, applications are made for any and every kind of patent. There are some inventions which would be useful to the public and some which may be distinctly harmful also. We all know the scandal about patent medicines. All kinds of patent medicines are being flooded today in the market including huge advertisements in support of their efficacy, with the result that the public blindly go in for those medicines and injure their health and waste their money also. Therefore, I consider, Sir, that it is the duty of the State to see that the public utility of any particular application that may be made for any particular patent is examined very carefully and care also is taken to see that no patent is given for any particular design or invention which is calculated to do any harm to any particular section of the public. Sir, I find support for this particular principle in the Act itself. There is section 21A which gives power to the State to insist that all those inventions which have anything to do with defence problems should first of all be submitted to the State, and the State alone should have the right to take the profit or to use them. Of course, the State may pay some compensation to the inventor. Now, Sir, I want that principle to be applied to every invention that may be

made and for which a patent may be asked for, and only if the State is satisfied that no harm will result from the advantage of giving a patent for any particular invention, should a patent be given at all, and then when the patent is given, the State should make an attempt to estimate the public benefit that may be derived therefrom and the monopoly or the profit that may be made by the inventor himself. If in the opinion of the State the profit is so much that it ought not to be allowed to be made by any particular person concerned, then it must be the business of the State to insist that the State itself should exercise the first right of appropriating it as a State device, of course, after paying a suitable compensation or remuneration to the inventor concerned. Subject to these remarks and suggestions, I support the principle of the Bill generally.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That the Bill further to amend the law relating to the protection of Inventions and Designs, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That clause 3 stand part of the Bill."

The Chair finds there are amendments by Mr. K. Santhanam.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I want to move amendment No. 1 in the Supplementary List No. 1.

Mr. Chairman (Mr. S. Satyamurti): The Honourable Member is not moving Amendment No. 1 in the printed list?

Mr. K. Santhanam: No, Sir. Sir, I move:

"That in Part (iii) of sub-clause (a) of clause 3 of the Bill, in the proposed clause (g), the words 'in the country' be omitted."

It is stated that "in the case of an application claiming priority under section 78A, etc., the specification describes and claims an invention substantially larger than or substantially different from the invention disclosed in the specification filed with the application made in the country outside British India by virtue of which priority is claimed." 78A includes States in India. I do not want that even by inadvertence a State in India should be called a country outside British India. Therefore, I am making this motion so as to make it clear that the States are also included.

Mr. Chairman (Mr. S. Satyamurti): Amendment moved:

"That in Part (iii) of sub-clause (a) of clause 3 of the Bill, in the proposed clause (g), the words 'in the country' be omitted."

The Honourable Sir Muhammad Zafrullah Khan: I have no objection to accepting this amendment.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That in Part (iii) of sub-clause (a) of clause 3 of the Bill, in the proposed clause (g), the words 'in the country' be omitted."

The motion was adopted.

Mr. Chairman (Mr. S. Satyamurti): There is another amendment in the name of Mr. Santhanam.

1540

LEGISLATIVE ASSEMBLY.

[27TH FEB. 1939.]

Mr. K. Santhanam: I am not moving amendment No. 2 in the printed list, but I want to move No. 2 in the Supplementary list.

Sir, I move:

"That in part (iii) of sub-clause (a) of clause 3 of the Bill, in the proposed clause (h), for the words 'original specification' the words 'specification of the original patent' be substituted."

Now, it is stated that "in the case of an application for a patent of addition under section 15A, the invention described and claimed in the specification is not an improvement or modification of that described and claimed in the original specification." Sir, the original specification may be amended either under section 5 or under section 17. What is wanted is that it should be an improvement not of the original specification, but of the specification of the original patent, and therefore I have made this amendment. There has been a doubt whether the words 'original patent' will cover the case of those patents which are merely under application and for which patent has not been granted, but reading section 15A to which the clause makes a specific reference, the words 'original patent' are there, and therefore as this has reference to the same section, there can be no doubt about that, and so I move this amendment.

Mr. Chairman (Mr. S. Satyamurti): Amendment moved:

"That in part (iii) of sub-clause (a) of clause 3 of the Bill, in the proposed clause (h), for the words 'original specification' the words 'specification of the original patent' be substituted."

The Honourable Sir Muhammad Zafrullah Khan: Sir, I understand that the amendment moved by the Honourable Member will really make the clause inept. Section 15A to which the clause refers deals with two kinds of patents; (1) a patent that has been applied for and may not be granted, and (2) a patent which has been applied for and granted. The amendment proposed by Mr. Santhanam will not cover the case of a patent which has been applied for and has not been granted.

Mr. K. Santhanam: You have not heard my speech.

The Honourable Sir Muhammad Zafrullah Khan: Therefore, I would suggest that the Honourable Member should withdraw his amendment.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That in part (iii) of sub-clause (a) of clause 3 of the Bill, in the proposed clause (h), for the words 'original specification' the words 'specification of the original patent' be substituted."

The motion was negatived.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 and 5 were added to the Bill.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That clause 6 stand part of the Bill."

Mr. K. Santhanam: I move No. 3 in the Supplementary List No. 1. I move:

"That in clause 6 of the Bill, in the proposed sub-section (6), after the words 'such term', occurring in the ninth line, the words 'not exceeding ten years' be inserted."

The point has been already referred to. As the clause stands, the Central Government or the High Court can renew a patent for an indefinite term, perhaps, even for a term longer than the original term of sixteen years. I understand that this was not the intention of the Government. The latter part of the clause has been put in because sometimes Government take so much time in considering an application that the patent expires and they have to issue a fresh patent, and, I understand, that they do not want to extend it for more than ten years which has been fixed in the first part. Therefore, this amendment is intended to make it clear that neither the Central Government nor the High Court shall have power to renew a patent for more than ten years at the longest.

The Honourable Sir Muhammad Zafrullah Khan: I have no objection.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That in clause 6 of the Bill, in the proposed sub-section (6), after the words 'such term', occurring in the ninth line, the words 'not exceeding ten years' be inserted."

The motion was adopted.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That clause 7 stand part of the Bill."

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North-Arcot: Non-Muhammadan Rural): With your permission, I would like to move the amendment standing in my name a little corrected, and I believe you have got a copy of the corrected one. I move:

"That in clause 7 of the Bill, in the proposed sub-section (1), after the words 'petition to', occurring in the second line, the words 'or on a counter claim in a suit for infringement before' be inserted."

Mr. Chairman (Mr. S. Satyamurti): The Chair takes it that the Honourable Sir Muhammad Zafrullah Khan has got a copy of the amendment. This is only a verbal correction. The Chair allows it to be moved.

Mr. T. S. Avinashilingam Chettiar: This is to remove a serious anomaly that has crept into the Act as it is. According to the present Act, any suit for revocation of a patent should be brought in a High Court, but the suit for an infringement is brought in a District Court. In a suit for infringement it is not open under the Act to set up a claim that the patent is not valid, and because of that, certain confusion has arisen. When the matter went up to High Court, while dismissing a suit for infringement, it has been held that certain patents are not valid. But though the High Court held a patent as not valid, it is not open to the

[Mr. T. S. Avinashilingam Chettiar.]

High Court to give a direction that the patent should be revoked. Owing to this a lot of confusion has arisen. I shall quote to you the opinion of the Honourable the Chief Justice of the High Court of Patna:

"By some accident of drafting in the Act of 1911 there is no provision that a defendant in an action for infringement may petition for the revocation of a patent as he may in the United Kingdom. It is rarely than an original petition for revocation is lodged and such a petition has I think never been presented in India. A plaintiff seeking to enforce a patent may bring his suit in any one of the High Courts where he may find an infringer and there is nothing to prevent the High Court from arriving at its own individual conclusion. Thus in one High Court the patent may be held valid but not infringed. In another High Court it may be held that had the patent been valid it would have been infringed but that the patent is invalid. In a third it may be held that the patent is valid but has not been infringed."

To remove this anomaly an amendment is necessary. This amendment removes the anomaly in that in a suit for infringement a counter petition can be filed that the patent is invalid. Sir, I move.

The Honourable Sir Muhammad Zafrullah Khan: I have no objection.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That in clause 7 of the Bill, in the proposed sub-section (1), after the words 'petition to', occurring in the second line, the words 'or on a counter claim in a suit for infringement before' be inserted."

The motion was adopted.

Mr. T. S. Avinashilingam Chettiar: I move:

"That in clause 7 of the Bill, after clause (k) of the proposed sub-section (1), the following be inserted:

"(1) that the specification does not disclose the best method of performance of the invention known to the applicant for the patent at the time when the specification was left at the patent office."

Sir, in the present amending Bill they have taken the section wholesale from the English amending Act of Patents of 1932. They have taken almost all the provisions of that Act, but they have omitted this provision which has been held in the courts in that country to be one of the necessary grounds for revocation of a patent, and I do think that we should add that also to this section. Sir, I move.

The Honourable Sir Muhammad Zafrullah Khan: I have no objection.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That in clause 7 of the Bill, after clause (k) of the proposed sub-section (1), the following be inserted:

"(1) that the specification does not disclose the best method of performance of the invention known to the applicant for the patent at the time when the specification was left at the patent office."

The motion was adopted.

Mr. Chairman (Mr. S. Satyamurti): There is one consequential amendment, the Chair does not know if the Government propose to bring it up now or later. (1) will have to be re-lettered as (m). They may correct it in the other place. There being no other amendment on the Order Paper, the question is:

"That clause 7, as amended stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That clause 8 stand part of the Bill."

Mr. T. S. Avinashilingam Chettiar: Sir, I should like to move my amendment to clause 8 in a slightly amended form, of which I have given notice. Sir, I move:

"That clause 8 of the Bill be re-numbered as sub-clause (b) of clause 8, and before the clause, as so re-numbered, the following new sub-clause be inserted:

"(a) To sub-section (1) of section 29 of the said Act, the following proviso shall be added, namely:

"Provided that where a counterclaim for revocation of the patent is made by the defendant, the suit, along with the counterclaim, shall be transferred to the High Court for decision."

Clause 8 refers to section 29 of the Act and if section 29 of the Act is referred to, it will be seen that it refers to suits for infringement of patents. Such suits should be brought in the district court but we have provided in clause 7 that whenever there is a suit for infringement and there is a counter petition for revocation, such counter petition should come before the High Court for the reason that every suit for revocation can be filed only in a High Court. Section 29 provides that where there is no counter petition for revocation, the suit will continue to be heard in the district court but where there is a counter petition for revocation the suit should be transferred to the High Court, so that the High Court could adjudicate upon both the infringement and the matter of revocation of the patent. This is merely a consequential amendment to what I have moved to clause 7. Sir, I move.

Mr. Chairman (Mr. S. Satyamurti): Amendment moved:

"That clause 8 of the Bill be re-numbered as sub-clause (b) of clause 8, and before the clause, as so re-numbered, the following new sub-clause be inserted:

"(a) To sub-section (1) of section 29 of the said Act, the following proviso shall be added, namely:

"Provided that where a counter claim for revocation of the patent is made by the defendant, the suit, along with the counterclaim, shall be transferred to the High Court for decision."

The Honourable Sir Muhammad Zafrullah Khan: I agree.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That clause 8 of the Bill be re-numbered as sub-clause (b) of clause 8, and before the clause, as so re-numbered, the following new sub-clause be inserted:

"(a) To sub-section (1) of section 29 of the said Act, the following proviso shall be added, namely:

"Provided that where a counter claim for revocation of the patent is made by the defendant, the suit, along with the counterclaim, shall be transferred to the High Court for decision."

The motion was adopted.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That clause 9 stand part of the Bill."

Mr. K. Santhanam: Sir, I move:

"That in clause 9 of the Bill, in the proposed section 38, after the word 'inventor', wherever it occurs, the words 'or his legal representative or assign' be inserted."

This is a purely consequential amendment, more or less. Sir, I move.

Mr. Chairman (Mr. S. Satyamurti): Amendment moved:

"That in clause 9 of the Bill, in the proposed section 38, after the word 'inventor', wherever it occurs, the words 'or his legal representative or assign' be inserted."

The Honourable Sir Muhammad Zafrullah Khan: No objection.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That in clause 9 of the Bill, in the proposed section 38, after the word 'inventor', wherever it occurs, the words 'or his legal representative or assign' be inserted."

The motion was adopted.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That clause 9, as amended, stand part of the Bill."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Clauses 10, 11 and 12 were added to the Bill.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That clause 13 stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar: Sir I move:

"That in sub-clause (a) of clause 13 of the Bill, in the proposed clause (aa), after the words 'imitation thereof' the following be added:

'with the knowledge that the article bears the registered design or a fraudulent or obvious imitation thereof'."

The object of the amendment is to make penal even the importation of an article to which the design is affixed fraudulently, which design has already been registered in this country. Under the existing section 53, it is only in two cases that an infringement of the copyright becomes unlawful, namely, when a person applies or causes to be applied to any article in any class of goods in which the design is registered the design of any fraudulent or obvious imitation thereof and secondly when a person, knowing that the design or any fraudulent or obvious imitation thereof has been applied to any article without the consent of the registered proprietor, publishes or exposes or causes to be published or exposed for sale that article. Under this Bill, we introduce a new category of offences by which a person is liable to punishment even if he imports an article for sale to which a design has been affixed fraudulently. The amendment I seek to introduce makes him liable in all cases where he imports with knowledge that a fraudulent design has been affixed. If he sells that without knowledge of that kind, then he should not be liable to punishment. Under clause (b) of section 53 it is obligatory on the prosecution to establish that he sells the article to which the design has been attached, knowing that it is a fraudulent design or an obvious imitation thereof. In order therefore to bring the new amendment into line with the older one, I think it is necessary to say that if a man imports an article, knowing that

a fraudulent design has been attached to it, then he should be liable to punishment and his action ought to be made unlawful. For these reasons, I have moved my amendment and I hope the House would accept it.

Mr. Chairman (Mr. S. Satyamurti): Amendment moved:

"That in sub-clause (a) of clause 13 of the Bill, in the proposed clause (aa), after the words 'imitation thereof' the following be added:

'with the knowledge that the article bears the registered design or a fraudulent or obvious imitation thereof'."

The Honourable Sir Muhammad Zafrullah Khan: I regret that I have to oppose this amendment. As the House is aware there have been frequent complaints and I have had many questions to answer regarding piracy of designs and it has been repeatedly pressed upon the Government that effective and adequate measures should be taken to put an end to this kind of practice. Now, the clause seeks to provide that wherever anybody has imported for purpose of sale without the consent of the registered proprietor any article belonging to the class in which the design has been registered and having applied to it the design or any fraudulent or obvious imitation thereof shall be subject to an action for damages. I think the Honourable Member who has made himself responsible for this amendment said that we were creating a new offence. We are not creating a new offence. We are creating a new cause of action for a civil action, and the difference between him and the Government is this, that we propose that, wherever a person imports such articles, he shall be liable to an action at the instance of the person whose civil right has been infringed. And I submit, Sir, that in such a case, it really is immaterial whether he has imported these articles designedly or has done so without the knowledge that the rights in a registered design have been infringed. After all, the same provisions apply with regard to the infringement of a patent. Wherever a person infringes a patent, that is to say, either manufactures or sells articles which amount to a contravention of somebody else's patent right, he is liable to be sued for damages irrespective of the fact whether he had acted with knowledge or without knowledge of the existence of the patent. I would therefore submit that, in the first place, there is really no contravention of any legal principle in leaving this clause as it is without the amendment suggested by the Honourable Member. Secondly, if the amendment proposed by the Honourable Member were accepted, the remedy really would become nugatory. It would be absolutely impossible to prove that a person had imported certain articles with the knowledge that a registered design had been infringed—unless one proved conspiracy and Honourable Members with their experience of these matters know how difficult it is to prove conspiracy. My Honourable friend, Mr. Asaf Ali, will certainly bear me out in this. Thirdly, anybody who intends to import articles of a particular description can easily protect himself at very little cost by paying—as I explained in my speech on the motion for the consideration of the Bill—two rupees if he can supply the number of the registration and by paying ten rupees if he cannot whether the article is subject to a registered design or not. I submit, Sir, that there is no hardship in the law being modified as suggested in this clause. If we do not do so, the commercial community will not obtain the protection that they desire. If it were a question of creating a new offence, as probably the Honourable

Member thought we were doing, I think his argument would be very relevant—that unless there is an intention or knowledge, there should be no offence but we are only creating a new civil remedy.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir, I wish to say a few words in support of this amendment which has been moved. I claim to have some little knowledge of matters of this kind, and hence I think it my duty to put before the House the considerations which show that the amendment is needed. The original section is this—irrespective of the question whether it is a new cause of action or a new offence: that is hardly the distinction that matters. Let us look at the original section:

“53. (1) During the existence of copyright in any design it shall not be lawful for any person—

- (a) for the purpose of sale to apply or cause to be applied to any article in any class of goods in which the design is registered the design or any fraudulent or obvious imitation thereof, except with the license or written consent of the registered proprietor, or to do anything with a view to enable the design to be so applied; or,
- (b) knowing that the design or any fraudulent or obvious imitation thereof has been applied to any article without the consent of the registered proprietor, to publish or expose or cause to be published or exposed for sale that article.”

In other words, when it came to sale, I can understand, because a man who himself believes it, that is the first case where no question of knowledge arises, but where it comes to the person who sells it, the law considers, as the Act now stands, the necessity of his having knowledge, otherwise his selling it is no offence, no cause of action. That is how the original section has been drafted. It is not intended to omit allegation of knowledge and the proof, so far as (b) is concerned, namely to publish or expose or cause to be published or exposed for sale that article.

They want to create a third category of persons situated in even a less difficult position than the person who sells, namely, the person who imports; that is to say, to import for the purpose of sale without the consent of the registered proprietor any article belonging to the articles in respect of which the design has been registered.

In other words, they wish to place the importer in a more difficult position than the person who actually exhibits it for sale. And therefore it rather beats me how that distinction can stand with any common-sense person.—that whereas a person who sells the article, if he can show that he did not know that the design on it was an imitation of a registered design, it is not a cause of action and yet the man who imported it without such knowledge has created a cause of action against him. It absolutely beats me.

As regards the merits of the matter, I can say this. There are always two classes of cases. One class of case is where the importer generally places an order with a foreign manufacturer and he himself provides a design to be put upon it. In such a case, of course, the question is easy to prove and in fact has been proved. In most cases take the importation of watches in numerous cases, as my Honourable friend, Sir Zafar Khan, himself knows, what they do is they first find either the registered patent or the popular trade mark as the case may be. Having done that, they themselves find out some colourable imitation of it, and the foreign manufacturer is more often than not thoroughly innocent because he under-

takes to manufacture the article according to the specifications which have been provided to him. Therefore, in the case in which the man himself sends out the marks to be put, in that case knowledge exists—it is what my friend calls “conspiracy”—because the foreign manufacturer might have no knowledge whatever of that either by way of the right acquired by means of a trade mark or by registration; there may be no conspiracy, but a man may import among many articles which a Japanese or some other merchant has manufactured something,—when he imports it, it is an offence without his knowing it, but when it gets to the seller, unless he has knowledge he can sell it,—well, I really think you cannot defend that position at all; and if my Honourable friend says this that it is a cause of action, let us see the section. Now for instance, a man says, “I am an agent in India of a manufacturer in another country—France, England or Italy”. He puts some mark on it. I merely take it here without the least knowledge of what the marks are, they are not always described, the goods are described but not the marks, except where the importer himself is the seller. The man who is always an intermediary has no knowledge of the general description of the goods and he does not know whether the importer is himself the seller. Then only he knows actually what are the marks put upon it and if any person acts in contravention of this section, he shall be liable to pay to the registered proprietor a certain sum. He need not get any injunction, if it is worth his while to get Rs. 500 for a perfectly innocent act,—and my Honourable friend says that he has a cause of action! All I can say is that if by the original Act the seller was not liable to a cause of action unless he had knowledge, because you must read the other one.

Then, sub-clause (b) says that if the proprietor elects to bring a suit for the recovery of damages for any such contravention or injunction, he may be awarded. In other words, he has no cause of action against the seller until it can be proved that the seller knew that the ~~infringed~~ mark was put upon it, and yet the importer who merely passed on the goods to the seller without any knowledge is to have attached to him a penalty. This is certainly far from being satisfactory. I, therefore, support the amendment.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I have listened to the argument of the Honourable the Leader of the Opposition. He has pointed out that there is some contradiction in the original section 53 (b) of the Act and the proposed amendment in this particular clause. That is, there is a difference between the importer and the person who sells the articles. I think there ought to be some difference between the two. A seller in a countryside really does not know how things are purchased and how they are manufactured. He only knows the importer at the seaport and purchases his articles from him. The importers of the articles alone can know whether a particular design has been patented or not or whether an article is only an imitation. Very often it happens that an article is patented in one particular place and another man imitates it and sells it at a cheaper rate.

Mr. Bhulabhai J. Desai: It has nothing to do with the patent nor has it anything to do with the trade mark.

Dr. Sir Ziauddin Ahmad: If anything of the same design is imitated by somebody else and is sold at a cheaper rate, then the importer will

[Dr. Sir Ziauddin Ahmad.]

probably find out what is the cause of the sale at a cheaper rate and he will also be able to find out whether the article itself is a real one or it is only an imitation. I think, therefore, that the importers are supposed to know these things much better than the sellers in a countryside who know nothing about the method of importing of these articles and also how they are patented. If you go to an ordinary shopkeeper in the Chandni Chouk, he will not be able to say that there is such a thing as the Indian Patents and Designs Act, and, therefore, you cannot expect him to be a person of as much intelligence as the importers are.

Mr. M. S. Aney: Chandni Chouk is not a countryside.

Dr. Sir Ziauddin Ahmad: As compared to Calcutta and Bombay, it is. Then, there is another thing which I would like to say. Suppose I have a counterfeit note. It is not necessary for me that I should know that it is counterfeit. The mere fact that I possess it is sufficient for my prosecution. Therefore, I submit that the clause as it has been drafted by the Select Committee is a proper one and this addition, to my mind, is unnecessary.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That in sub-clause (a) of clause 13 of the Bill, in the proposed clause (aa), after the words 'imitation thereof' the following be added:

'with the knowledge that the article bears the registered design or a fraudulent or obvious imitation thereof'."

The motion was negatived.

Clause 13 was added to the Bill.

Clause 14 was added to the Bill.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That clause 16* stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar: Sir, I move:

"That in clause 16 of the Bill, for the words 'and realizing costs' the following be substituted:

'costs and such award shall be executable in any court having jurisdiction as if it were a decree of that court'."

Power has been given to the Controller to act as if he were a court and also to award costs. The provision regarding realisation of costs is unworkable. The cost might not be realised inasmuch as the Controller is no court and has no establishment and therefore it is not possible for him to realise the costs, which can be realised only if they form part of the decree of a court. In the latter case, the movable and the immovable property can be attached in execution of the decree. Therefore, this amendment is necessary in order to make the order awarding the costs by the Controller executable in any court as if it were a decree of that court, so that as soon as a copy of this award is filed in the court, it will automatically become a decree of that court and then it will be executable under the Code of Civil Procedure. The addition of these words makes the amendment complete.

*Clause 15 was deleted by the Select Committee—E. of D.

Mr. Chairman (Mr. S. Satyamurti): Amendment moved:

"That in clause 16 of the Bill, for the words 'and realizing costs' the following be substituted:

'costs and such award shall be executable in any court having jurisdiction as if it were a decree of that court'."

The Honourable Sir Muhammad Zafrullah Khan: There is no objection to the amendment.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That in clause 16 of the Bill, for the words 'and realizing costs' the following be substituted:

'costs and such award shall be executable in any court having jurisdiction as if it were a decree of that court'."

The motion was adopted.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That clause 16, as amended, stand part of the Bill."

The motion was adopted.

Clause 16, as amended, was added to the Bill.

Clauses 17 to 22 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. G. H. Spence (Secretary, Legislative Department): Sir, have I your permission to move the consequential amendment which you yourself referred to as necessary?

(At this point, Mr. Chairman nodded his assent.)

Sir, I move:

"That the necessary re-numbering and re-lettering of the clauses be made consequent to the amendments passed by the Assembly."

I move in this form, because you will notice, Sir, that the House has deleted certain clauses and, therefore, the subsequent clauses have got to be re-numbered. Sir, I move.

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That the necessary re-numbering and re-lettering of the clauses be made consequent to the amendments passed by the Assembly."

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I move:

"That the Bill, as amended, be passed."

Mr. Chairman (Mr. S. Satyamurti): The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

THE COAL MINES (STOWING) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I beg to move:

"That the Bill to make further provision for safety in coal mines, as reported by the Select Committee, be taken into consideration."

Sir, when speaking on the occasion of reference to Select Committee, I pointed out that there are two main provisions in this Bill—one seeks to confer on the Mining Inspectorate power to enforce stowing or the execution of the protective works where such measures are necessary in the interests of the safety of the workers.

The other is that relating to the creation of a fund by the levy of an excise duty for assistance towards stowing. I do not think that it is necessary for me to dwell at length on the need for this measure. The Report of the Coal Mining Committee contains full justification for it. The two main coalfields, Jharia and Raniganj, from which more than 70 per cent. of the total output of coal in India is obtained have now reached the stage of working at which a large proportion of the coal is obtained from pillars left in the first working of the coal seams. In both of these coalfields the seams are of considerable thickness and in many mines the percentage of coal left in the pillars in the first working is too small to ensure stability during pillar extraction. Further the extraction of pillars from a thick seam of good quality coal is generally followed by spontaneous heating and fires whether the pillars are substantial or not. The extraction of pillars in both these coalfields has thus resulted in numerous collapses and fires and in many accidents involving loss of life. It was estimated in 1936 that there were 47 fires in 29 different collieries. It is now estimated that the total number of fires in these coalfields has risen to 74 fires in 56 mines, two of which are situated in the Central Provinces. These fires constitute a source of grave danger not only to the mine in which they are raging but also to adjoining mines, as owing to the thinness of the barrier between adjoining properties fires spread from one mine to another. I will give you an example. A fire broke out at Khas Jharia colliery in 1931 after a collapse of the old workings had occurred. Shortly afterwards this property was relinquished. This fire traversed the adjoining mines of Khas Jharia, Sonalibad and New Khas Jharia and is at present burning vigorously near the Dhanbad-Jharia and Suratand branch lines. The Railway authorities have already spent over Rs. 50,000 in an endeavour to safeguard the railway and railway stations, but further protective measures are necessary to prevent the fire spreading to the railway, into adjoining properties and extending further towards Jharia town. It is feared that unless protective measures are adopted, the fire will spread to other properties involving considerable loss of valuable coal and property and danger to life. The position in the coalfields is thus one of serious danger to the workers employed in the mines and involves also substantial loss of coal.

Stowing is the only satisfactory remedy for this state of affairs. As observed by the Committee in their report, stowing does away with most of the dangers from premature collapses, subsidences, fires, inundations and explosions; it ensures the maximum percentage of recovery without waste or loss of other unworked coal and makes working conditions generally

much safer for the miner. Some of the mines have voluntarily taken to stowing but owing to the heavy cost of the operation and the competitive disadvantage imposed thereby, the voluntary adoption of the operation is not made much progress. It is therefore proposed in the Bill to confer powers on the Mining Inspectorate to enforce stowing and other protective measures where the interests of safety render such a course necessary, and to raise a fund for assisting such stowing by the levy of an excise duty on coal and coke. A suggestion was made by a few witnesses who appeared before the Coal Mining Committee that individual collieries which needed stowing should bear the charges connected with it themselves and that if such collieries were unable to continue working under this added burden, they should close down. The Coal Mining Committee have observed in its connection in their report as follows:

"We are definitely of opinion that this is not practical politics more especially as it would prejudice safety because the mines that were shut down would not be inspected and no one would know what was going on inside them."

Stowing is required in a number of the coal mines and if all such mines were to be required to adopt stowing compulsorily and have to cease operations owing to their inability to meet the cost, it will not only involve hardship on the workers who will be thrown out of employment, it might also affect the output of coal with the result that the consumers might eventually have to pay much more for their requirements of coal than the additional liability imposed on them by the excise duty which is proposed to be levied under this Bill. It is necessary that the excise duty should be imposed not only in Jharia and Raniganj coalfields but also on coal produced in the other coalfields, as otherwise the Jharia and Raniganj coal would be placed at a great competitive disadvantage vis-à-vis the coal produced in other areas.

The only areas which it is proposed to exclude at present are Assam and the Punjab. In both these areas stowing is unnecessary in view of the special method of working in force in Assam in the case of the thicker seams and the thinness of the seams elsewhere in that province and in the Punjab. Further, the coal produced in these provinces is consumed locally and does not compete effectively with the coal produced elsewhere in the market.

The Coal Mining Committee was appointed to report on the measures which should be taken not only to secure the safety of those employed on the work but also to prevent avoidable waste of coal. The Committee have recommended the general adoption of compulsory stowing both in the interests of safety of workers as well as for securing conservation of coal. The primary object of the Bill which I have put forward is the safety of the persons employed in mines. But the proposals in the Bill will, I think, go a long way towards securing conservation. As remarked by the Committee conservation and safety are connected together as closely as two sides of a coin. I may add that legislation for stowing is an entirely new experiment and it is desirable that we should have experience of the working of the new measure before we consider the question of extending its scope in other directions.

[Sir Muhammad Zafrullah Khan.]

Sir, the Select Committee have made certain improvements in the Bill. As a matter of fact the agreement over this measure in the Select Committee was remarkable. We were able to get through our work in a surprisingly short time. Now that the Bill has come back to the House, after it has emerged from the Select Committee, a large number of amendments have been given notice of, but I am hoping that it might be possible to reduce the effective amendments, that is to say, those which are really going to be pressed, to a much smaller number than appears on the order paper. I do hope that the same unanimity with regard to the main provisions of the Bill will continue to prevail in the House as prevailed in the Select Committee. Sir, I move:

Mr. Chairman (Mr. S. Satyamurti): Motion moved:

"That the Bill to make further provision for safety in coal mines, as reported by the Select Committee, be taken into consideration."

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, while supporting the motion for the consideration of the Select Committee report I hope the Government will accept the amendments that have been tabled from this side of the House. . . .

Mr. N. M. Joshi (Nominated Non-Official): What about amendments tabled from this side?

Mr. B. Das: I will come to them later on.

My only regret is that that excellent report known as the Coal Mining committee's report never had any chance with the Government. The Commerce Members of the Government went on changing from year to year. Last year my Honourable friend, Sir Thomas Stewart, was piloting or rather step-fathering the report, and this year it is my Honourable friend, Sir Muhammad Zafrullah Khan, and probably next year there will be another gentleman in charge of this subject. I am afraid that none of them has become wiser. The recommendations of the Coal Mining committee remain as they are. Sir Frank Noyce when he piloted the amendments to the Mining Bill assured us that there would soon be a comprehensive Bill before the House. My Honourable friend, Sir Thomas Stewart, also assured the House to the same effect. But the present Bill does not cover the major recommendations of the Indian Mining committee. What is the use of thinking only of conservation.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

This question has not been handled properly. The Honourable Member said that the present stowing Bill will indirectly do conservation. One passage in the recommendations of that report says that while the coal in India will last about 60 years, the iron ores and the big steel industries will last 80 to 90 years, and the coal mining committee has pointed out the extravagance in mining by some of the mine owners who are not responsible to the country, but who want to make the most of the present collieries and then to leave the collieries to their fate. The concomitant result has been that most of the collieries are catching fire. I wish the Commerce Department has paid sufficient attention to this and studied the report and brought forward a comprehensive measure. We are placed in the

situation where we find ourselves at the mercy of the Government; they are only half heartedly looking after the safety of the miners that are employed in the mines and also the safety of the coal mines which are so very essential to the development of industries in India.

Sir, the amendments which have been tabled will be discussed shortly and I hope that the Government will agree to most of the amendments which have resulted from the note of dissent of the Congress Party. If the Honourable Member in charge of the measure agrees to accept them, there will be no long discussion on the floor of the House.

Somehow the Government of India do not seem to recognise the responsibilities of the Provincial Governments about the safety in mines. I have pointed this out in the Minute of Dissent that it is as much the responsibility of the Provincial Governments to look after the safety of miners as it is of the Government of India. Above all the Government of India may find that stowing boards or similar bodies cannot take executive action when there is subsidence over a large area and it is only the Bengal Government or the Bihar Government that will supply the men and funds for rescue. Therefore, we have suggested that the Bihar Government representative and the Bengal Government representative should find a place on these boards.

My Honourable friend, Mr. Joshi, interrupted me and asked me whether we will accept his amendments. I will request him to place a little more trust in the Provincial Governments who are more concerned with the safety of mines and miners than perhaps big labour leaders some of whom may never have visited these coal mines.

Mr. N. M. Joshi: No, no; don't say that.

Mr. B. Das: My Honourable friend may have visited them because he is a big labour leader. At the same time I think the Governments of Bengal and Bihar are more interested in their safety. Sir, I particularly commend to the House one amendment which my Honourable friend, Mr. Chettiar, has brought, that a coal research bureau be established. That was one of the important recommendations of the Coal Mining Committee, but as I pointed out earlier, the Coal Mining Committee's recommendations never got a chance of being considered by Government properly or even being considered by the House in a comprehensive measure. I do also hope my Honourable friend the Commerce Member will follow the salutary practice which the Honourable the Law Member introduced,—and he is going to be the Law Member shortly, after a few months. When the rules under the Insurance Act were prepared they were placed on the table of the House; and as these rules will affect the safety of mines and miners and the conservation of coal which is so very necessary for the industrial development of India they should be placed on the table of both Houses so that they may be amended in any way that may be deemed necessary. Sir, I support the motion for consideration of this Bill.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, as I find that to give effect to this Bill some of the sections of Indian Mines Act have been referred to here, I think it would be better if this were brought in as an amending Bill to the Indian Mines Act itself. That would have avoided multiplicity of

[Mr. T. S. Avinashilingam Chettiar.]

legislation. Even here I find that Government are anxious that this Bill should be confined to a particular type of safety legislation and that is stowing. To avoid multiplicity of Acts we would think that a Bill like this should apply to all safety purposes and among the many measures of safety in coal mines stowing will, of course, have a predominant place. And so I do think that this Bill could have been an amending Bill to the Indian Mines Act. But in the present circumstances it should at least be enlarged to include further safety measures which might in future be brought forward as amending Bills to this legislation. Clause 3 of the Bill refers to the constitution of the Board. In the report of the Coal Mining Committee they have advised a different sort of Board to be formed. They were not in favour of giving representation to the mining interests but of forming an expert and a technical body of men who know their business. I do not want to enter into the reasons which might have led Government not to accept that view and to take the view which they have taken in this Bill. Then I would like to refer to clause 8 of the Bill which refers to the application of the money that this Board may acquire by the imposition of the excise duty in clause 5. In that they have given the provisions for which the money that comes out of the imposition of the excise duty can be spent. Apart from the administrative expenses they specify only one preventive measure and that is stowing

(It being now Four of the Clock.)

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The House will now take up the motion for adjournment.

MOTION FOR ADJOURNMENT.

REJECTION OF THE DELHI MUNICIPAL COMMITTEE'S APPLICATION FOR A DISTRIBUTING LICENCE UNDER THE INDIAN ELECTRICITY ACT.

Mr. M. Asaf Ali (Delhi: General): Sir, I move:

"That the House do now adjourn."

The occasion for this adjournment would never have arisen but for the fact that Government have gone and passed an order which is wholly unjust not merely to Old Delhi, but I think in the long run to New Delhi also. The question of the rates of energy has been a standing scandal for a number of years, and it was in 1936 that my Honourable friend, Sir Girja Shankar Bajpai, was persuaded, after a great deal of agitation by the Old Delhi Municipality, to agree to the appointment of a committee to go into facts and figures and to reach certain conclusions. Eventually the Pitkeathly Committee was appointed and I regret to say that that committee totally ignored the representations of the Old Delhi Municipal Committee. However, they reached certain conclusions and it was the disappointment caused by the conclusions reached by the Pitkeathly Committee which persuaded the Old Delhi Municipal Committee to apply for a distributing license to the Local Government. They knew full well that according to the recommendations of the Pitkeathly Committee Government were going to bring into being a central generating authority because the whole of the urban area of Delhi, i.e., New Delhi, Old Delhi, Notified Area Committee and perhaps also Shandara, the New

Cantonment, the Fort Area,—all these really constituted one big urban area, for which the generation of electricity must be centralised if the cost was to be brought down. So far the conclusions of the Pitkeathly Committee were perfectly correct, with the result that they came to the conclusion that if generation were centralised the cost of generating electricity would be reduced to 402 annas per unit, i.e., much less than two pice. To make it simpler I shall refer to it as 4 annas. The Old Delhi Municipal Committee happens to be the largest consumer of electricity in the whole of this area, because the total number of units which Old Delhi consumes amount, I think, today to about 23 million. If I am not mistaken, these are the figures given by the Pitkeathly Committee. In 1940 Old Delhi would be consuming something like 23 million units while New Delhi would be consuming 21 million units; and in 1945 Old Delhi would be consuming something like 49 million units, while New Delhi would be consuming only 25 million units. Naturally, Old Delhi represented to the Pitkeathly Committee that in so far as the question of distribution was concerned, because New Delhi had the authority to distribute its own electricity, from the Central authority, Old Delhi also should be allowed to distribute its own electricity and they wanted a distributing license. This was a perfectly legitimate demand. They made this demand in view of the fact that the company which has been operating in Old Delhi has been charging us 7.2 annas in 1923 and in 1925 and they have gone on reducing the charge till now it is six annas in 1925 and they have gone on reducing the charge till now it is just more than 3½ annas per unit. The net figure should be 3.15 annas—it makes very little difference. They are now buying from the central authority in New Delhi at 4 per unit.....

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): The central authority has not yet started operations.

Mr. M. Asaf Ali: I am sorry that my Honourable friend has not been able to establish the central generating authority up to this date, although the Pitkeathly Committee imagined that the authority would be established in 1937. That means they have been sleeping over it for two years. Does this or does this not deserve condemnation for that reason alone? For two years the central generating authority has not come into existence. Even if they are buying from the New Delhi Municipal Committee it is still somewhere in the neighbourhood of 46 annas per unit which is less than two pice, and according to our experts—we have consulted our experts—the total cost of distribution cannot possibly go beyond, say, another two pice per unit, which means at the outset it should be available, if no profits are made, at one anna per unit. Instead of that we, private consumers, are paying over three annas per unit and the Delhi Municipal Committee are paying for their street lighting more than two annas per unit; and the Old Delhi Municipal Committee consume something not less than .75 million units a year. I ask, is it conscionable or is it unconscionable? I say that in not allowing the Old Delhi Municipal Committee to have its own license the Local Government or whoever it may be has really gone and sold us to this company, because, in 1947, their license will expire—at any rate in 1947 the Delhi Municipal Committee will have the option of purchasing the entire concern. It is only a question of another eight years, and during these eight years we intended not merely to take over the street lighting but also to distribute electric energy to our newly developed areas which may easily amount to a population of 50,000 or 60,000 beings,

[Mr. M. Asaf Ali.]

which means that in 1947, when the time comes for us to exercise the option under section 7 of the Indian Electricity Act, we shall be just ready to take over the whole organisation and supply to Delhi electricity at perhaps less than one anna per unit; and even if we were making a profit it would go back to the improvement of the city. But where is all this profit going now? According to the Pitkeathly Report, even after having agreed to the maximum rates to which they have been beaten down by the Local Government, according to the Local Government's communication, this company will be making no less than Rs. 5,10,000 a year net profit. On what investment? The original investment was £1,00,000. This original investment has been doubled by now because they have distributed another £1,00,000 worth of bonus shares which means that they are really making today, even after the reduced rates, something like 38 per cent. net profit on their original investment. You can refer to the balance sheet if you like: it is to be found in the Pitkeathly Report. In any case the point remains that if we had been allowed to have a distributing license we would not have to generate our electricity: we would simply buy it from the central generating authority which is bound to come into existence before long, because it means a great deal of saving to the Government of India—to all of us and to all Government employees—and everybody will benefit by it. If we had been allowed to have a license we would have been able to effect very large savings as far as street lighting was concerned and we would have been in a position to take over the organisation of this company when the time came. By refusing to grant us this license the Local Government, as I have said, practically sold us bound hand and foot to this company. Now, what is our lever? Where is our lever? How can we bring these rates further down? According to the Pitkeathly Report, even after having reached this maximum, this company should be able to scale down the rates further by 25 per cent. within a year or so, which means that there is still room for this company to make profits after having reduced these rates further by another 25 per cent. Under these circumstances, I put to the Government a very simple proposition. If they give me an assurance even now that they will reconsider the whole thing in consultation with the Old Delhi Municipal Committee and reconsider the question of granting a license to us for the newly developed areas and for street lighting, I may or may not press this to a division. I will tell you the reason. My reason is to be found in the Report.....

Mr. F. E. James (Madras: European): Make just a token record.

Mr. M. Asaf Ali: But if they are not prepared to grant us a license, I should certainly press the motion to a division. With these few words, Sir, I move that the House do now adjourn.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved: "That the House do now adjourn."

The Honourable Sir Muhammad Zafrullah Khan: Sir, may I be permitted to state that it is unfortunate that the Honourable the Mover of the motion should be suffering from a somewhat painful disability this afternoon, but if it is any comfort to him, may I tell him that I am also suffering from a disability, though not so painful as his,—I have had a hoarse throat for three days, but I shall nevertheless try to carry on, and if occasionally

my voice breaks or does not reach the farthest part of the House, I hope I shall be excused.

Sir, the Honourable the Mover of the motion has, naturally, been disappointed over the postponement of the scheme which, obviously, he and his fellow municipal councillors had persuaded themselves to believe was a good scheme on the advice of some expert whose identity has not been disclosed, but that surely is no reason for censuring the Government for the decision arrived at by them in this matter. Let me supplement some of the facts which Mr. Asaf Ali has given to the House. When the Municipal Committee made this application for a license, an inquiry was ordered to be made by Mr. Redclift, who is the Chief Electrical Engineer, Bengal, and is also Electrical Adviser to the Bengal Government. This gentleman had had nothing whatever to do with the Pitkeathly Committee, and, therefore, was an entirely independent authority. He went into the whole matter and found that the proposition that the Delhi Municipality wanted to put into practice was wholly impracticable for the following reasons: No. 1. The Delhi Electric Company's license is to run up to 1947 in any case.

Mr. M. Asaf Ali: That does not preclude our getting a license.

The Honourable Sir Muhammad Zafrullah Khan: Have I said so?

And then, there may or may not be an option available to the Delhi Municipal Committee to buy out this company. I have said there may or may not be an option, because under section 7 of the Electricity Act, to which Mr. Asaf Ali has referred, the option arises if the whole area, being served by the company, is within the jurisdiction of the single local authority which seeks to buy out the company. As it happens, the area being served by this company is within the jurisdiction of two local authorities, at the moment at any rate,—the Notified Area Committee of the Civil Station and the Delhi Municipal Committee. It is a legal question, and I will not enter further into it, but I will say this, that it is by no means certain that the Delhi Municipal Committee will have the legal power to acquire the license of the Delhi Electric company in 1947, and, in any case, there is no question that they cannot acquire it before 1947. Now, the Delhi Municipal Committee's position is that that should not preclude the Government from granting them a license. Technically and legally it is correct that a distributing license can, nevertheless, be granted to the Committee, but the effect of it would be this. If they wanted to distribute electricity within the area served by this company, which would include the whole of the town of Delhi, they would have throughout to duplicate the transmission system.....

Mr. M. Asaf Ali: No, Sir.

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir, the company say all the poles belong to them.

Mr. M. Asaf Ali: They do not.

The Honourable Sir Muhammad Zafrullah Khan: As a matter of fact, in the representation made by the Municipal Committee themselves to Mr. Redclift, they have said that there are some poles owned by the Municipality

[Sir Muhammad Zafrullah Khan.]

and, some combined poles, whatever that may mean, and some owned by the company. And even with regard to those that are alleged by the Municipality to be owned by them, the company's allegation is that that is not correct, that they are owned by the company. In any case, there would have to be double wiring, and in the narrow streets of Delhi, double lines of electrically charged wires would be a most impracticable proposition from the point of view of safety as well as from a good many other technical points. There are streets so narrow in the area to be served that it would be impossible to carry a double set of wires through them unless the Municipality propose to carry their system underground which would add enormously to the cost. That was the first objection.

The second objection was that the Delhi Municipality had no detailed technical or financial plan for putting the license into operation and supplying electricity. The third was that under the circumstances, that is to say that up till 1947, in any case, they would have to carry on in keen competition with the Delhi Electric Company, the scheme was not financially and economically advisable.....

Mr. M. Asaf Ali: For the company, and not for us.

The Honourable Sir Muhammad Zafrullah Khan: For the Municipality too; eventually the ratepayers would have to bear the loss.

Mr. M. Asaf Ali: There is no question of any loss.

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member keeps up a running commentary, I shall not be able to proceed.

Mr. M. Asaf Ali: I am sorry, Sir.

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member has said that .4 annas or so would be the cost of obtaining electricity from the new generating authority. That may or may not be so; I am informed it would be .5 annas and I shall assume it would be half an anna. He, then says the cost of distribution, according to the advice of their expert, would be only half an anna and they would be able to supply electricity at one anna per unit. There, I am afraid, I must differ from my friend. In an Annexure to this Report by Mr. Redclift, some very interesting figures are given. We have been informed by Mr. Asaf Ali that within the area served by the Delhi Electric Company, the total demand is nearly 30 million units.....

Mr. M. Asaf Ali: It is 22 million units.

The Honourable Sir Muhammad Zafrullah Khan: Here are figures relating to three very large areas in the United Kingdom; Manchester which purchases 581 million units, Birmingham which purchases 699 million units and Glasgow which purchases 394 units, bulk supply, from central generating agencies, and they pay only .28 pence, .31 pence and .37 pence per unit, and in each case the rates are from three to five times the cost of the electricity to the company and that with such enormous loads fifteen

to twenty five times the loads that have been mentioned by the Honourable Member. I think he is under a serious misapprehension with regard to the cost of distribution, and, in addition, to the cost of distribution, even if no profits are made by the Municipality,—they certainly would have to pay some interest on the investment made by them. An alternative suggestion was made that the Municipality would not attempt to supply the Old Town at all, but would supply electricity only to themselves for purposes of street lighting and also to the new areas where it has not been supplied by the Electric Company. Sir, if they set up a whole distributing system for that purpose only, the proposition would be still less financially justifiable. Mr. Redclift in his Report made an alternative suggestion that the application of the Municipality should be turned down out of hand or may be kept pending, and may be used as Mr. Asaf Ali has described, as a lever to force the company to reduce their rates. Mr. Redclift was of the opinion, and the Chief Commissioner agreed with him, that there was a good deal in the allegation that there was room for further reduction of rates by the Delhi Electric Company in respect of the current supplied by them. As Mr. Asaf Ali has himself pointed out, this company began supplying current at 7.2 annas in 1923.

Mr. M. Asaf Ali: They started operations in 1908.

The Honourable Sir Muhammad Zafrullah Khan: I beg the Honourable Member's pardon. We have got the figures only from 1923. In 1923-24 they supplied current at 7.2 annas net that is to say, after allowing for the discount given for prompt payment; from 1925 to 1928 they supplied the current at five annas; in 1929 at 4½ annas net; 1930-33 at 3.6 annas net; 1934-38, 3.15 annas net. Surely, this state of affairs cannot be described as scandalous. The charge today, that is, 3.15 annas is considerably less than half of the charge in 1923.

An Honourable Member: What do they pay for it themselves?

The Honourable Sir Muhammad Zafrullah Khan: I do not know. But even if you assume that they are paying half an anna or so for the current, there is no ground for the assumption that only an additional half an anna is required for its distribution.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Then how much?

The Honourable Sir Muhammad Zafrullah Khan: I have given the figures with regard to certain big towns in the United Kingdom and they show that from three to five times the cost of the current is required for the cost of distribution. We must also remember that this is the highest rate at which current is being supplied by this company, that is to say, to the domestic consumer. It is being supplied at a lesser rate to the Municipality, and at a still lesser rate, for power to the factory owners and for cooking and heating. For cooking and heating the charge is 1½ annas net per unit. To the power users the highest charge is 1½ annas, and then it goes on tapering down for large loads, so that you have got to take the average of the whole. The Chief Commissioner, finding himself in that position, sent for the General Manager of the Company and put the position before him. It was made quite clear to him that, if

[Sir Muhammad Zafrullah Khan.]

the company was not willing to make substantial reductions in its rates, in accordance with the report of the Pitkeathly Committee, the Chief Commissioner, in spite of the inconveniences that might be involved, would report to the Government of India that he could not recommend that the application of the Committee should be turned down out of hand and that he could not say what the result might be. In other words, it was conveyed very clearly to the General Manager that it was quite on the cards that the Municipality might get a distribution license, whatever the inconveniences resulting therefrom might be. The General Manager said that he had no authority in this matter but that he would communicate with the Home Directors. He did so communicate and two of them came out. They had several meetings with the Chief Commissioner and tried to persuade him that no action in the direction of reducing the rates was necessary or was called for till the Central Generating Authority had started operations and the Electric Company's contract with that authority was settled so that they would know where they stood, how much they would have to pay for the supply, what reduction they could make. But, they were told that unless they were prepared to make reductions now, the application of the Municipal Committee would have to be further considered. Eventually, they agreed to make reductions from May next. At present, current is being supplied to the Municipal Committee for street lighting at the rate of three annas per unit up to 500,000 units and at the rate of two annas per unit above 500,000 units. They have now agreed to supply the Municipal Committee at the rate of two annas per unit, a reduction of fifty per cent., up to 500,000 units, and one and a half annas per unit, a reduction of twenty five per cent., beyond 500,000 units; and this includes maintenance and replacement of lamps and breakages, etc. With regard to domestic consumption, the present rate is $3\frac{1}{2}$ annas per unit subject to a ten per cent. discount, that is to say, 3.15 annas net. The Company have now agreed to supply as from May next to domestic consumers current at 2.75 annas net.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): High voltage or low voltage?

The Honourable Sir Muhammad Zafrullah Khan: I could not tell you. I am not a technician. These rates I would submit to the House—and I am sure Honourable Members can refer to their own experiences, they come from all parts of the country, and are aware of rates in all big towns—I venture to submit that those rates compare very favourably indeed with rates prevailing in other areas, similarly situated, or even more favourably situated than Delhi. Indeed, many of us would consider ourselves lucky if we could obtain current at those rates.

An Honourable Member: What is the dividend that the company is making?

The Honourable Sir Muhammad Zafrullah Khan: The dividend is certainly not what Mr. Asaf Ali has suggested to the House.

An Honourable Member: Then what is it?

The Honourable Sir Muhammad Zafrullah Khan: I have not looked into the dividends of the company, but I will say this.....

Mr. M. Asaf Ali: The dividend is 12 per cent. which they are actually paying now.

The Honourable Sir Muhammad Zafrullah Khan: That may be the Honourable Member's information. I said I have not looked into it. My Honourable friend was not able to give it at the time he was making his speech. I do not dispute the fact that they must be making profits; they must be, otherwise they would not be in a position to reduce the rates. To sum up, the position is this. When this license was applied for, it could only have been used, if it had been granted, at least for the next eight years, within a very restricted area, at a very high initial cost of laying down a system for distribution. It would have brought about a very undesirable state of affairs, and even a dangerous state of affairs in narrow and congested streets as the results of duplication. There was no developed scheme which the Municipality could put forward, and from all the consideration that Mr. Redcliff was able to give it, it was not an economic proposition. Therefore, it was bound to be rejected in any case. But the Chief Commissioner took advantage of the fact that the Municipality were keen upon taking the distribution upon themselves, to use that position for the benefit of the ratepayers and to persuade the company to reduce the rates as I have described. I submit that the consumers in Delhi have made a very good business out of it. Sir, I oppose the motion.

Dr. Sir Ziauddin Ahmad: When I heard the speech of my Honourable friend, Mr. Asaf Ali, it reminded me of my own experience of an examination at a town which I would not like to mention. I asked the students to measure the height of the tower of Juma mosque there. One student calculated the height up to 13 places of decimals but the whole number was 12 feet. He wanted to be very accurate, but he could not see that 12 feet could not be the height of the minaret of the Juma mosque which my Honourable friend, the Education Member, must have seen many times. The same thing with my friend, Mr. Asaf Ali. He has given the cost of generating per unit as 42.

Mr. M. Asaf Ali: 402.

Dr. Sir Ziauddin Ahmad: Very well 402. There are probably two or three important points which my Honourable friend never took into consideration, which is like the full number in the height of the tower. The figure probably has been arrived at, as I myself have seen calculations while estimating the cost of a generating plant for the Aligarh University—that they only calculate the prices of coal and also the price of a unit generated at a very high voltage at the Power House. Whenever electricity is generated at a high voltage of 5,000 volts it is more easy to transmit, but whenever it is transformed to a smaller voltage like 220 volts, the amount of waste is enormous. If electricity is sold at the place where it is generated at a high voltage, I dare say they can sell it at an anna per unit. But we have to consider the amount of wastage in taking electricity from the place of generation to various houses. I may give an example from my own experience.

Mr. M. Asaf Ali: These are not my calculations. These are the calculations of the Pitkeathly Committee.

Dr. Sir Ziauddin Ahmad: I am not talking of the figures. They may be anybody's. The amount of wastage is enormous. If you have your meter outside at the pole and have another inside the house and you take the difference of the units consumed, you will find that the difference is sometimes as 2 to 1. I can speak from personal experience on this point. This factor of wastage has, therefore, to be taken into consideration and it is an important factor. In calculating the cost of generation and sale price, we should consider two points, (1) wastage in transmission, (2) transformation of high voltage to low one. Now, I come to the principal point in this motion. If my Honourable friend says goodbye to the company and takes up the generation also, I can understand his point of view, but the municipality simply wants to be the distributors and God save us from these distributors. We have got in Aligarh a company which has only distributing function. It takes electricity from the Government hydro-electric scheme and distributes it to consumers, and they are selling it at enormously high prices. The price is horrible. It is six annas per unit. If we give the municipality only a licence for distribution, then they are bound to charge a very high price and they will come forward and demand a monopoly. Then the same rate war will begin as we have had enough experience of rate wars. The Company may reduce the price but the municipality will not be able to reduce its price and it will try to make it up by charging high prices from the consumers. Therefore, in the interests of the consumers, it is highly undesirable that any municipality should be given a licence for distribution. It may have licence for generation coupled with distribution. If they want licence for generating electricity, I don't mind but I think it is very undesirable that any municipality should enter into a trade or business of this kind.

An Honourable Member: It is the company which is doing it.

Dr. Sir Ziauddin Ahmad: The municipality may do it or they may have an agent in the shape of companies or individuals to do the work. I make no difference between the two. Deputy Commissioner has already succeeded in getting the rates lowered and I think their rates compare very favourably with those prevailing in other places and I do not think there is any place where you can get electricity in 220 voltage for 1½ annas a unit.

An Honourable Member: Who is selling at 1½ annas?

Dr. Sir Ziauddin Ahmad: This is what I was told, that in future the arrangement is that for units up to 500 thousand, the municipality will pay two annas per unit and if it is above 500,000 it will pay at the rate of 1½ annas per unit.

Mr. M. Asaf Ali: What about the private consumer?

Dr. Sir Ziauddin Ahmad: For private consumers, I understand they are reducing from 8-15 to 2-7½ annas and I challenge any other company in the whole of India to charge private consumers less than 2-7½. If the Member had said that the municipality wanted to take over the whole work of

generation and distribution, then there is something in it but if the municipality takes up only the distribution, then the middlemen's profit comes in and the cost will fall on the consumers. I think the real thing which my friend should have attacked and which he failed to attack is the Electricity Act. We have fixed a general maximum of six annas and I should very much like the Electricity Act to be changed, saying that, in future, the maximum charge will be three annas or 3½ annas. Make this change not only as regards Delhi but all other places like Aligarh where we are paying six annas. My friend has got hold of the wrong end of the stick. He should change the Electricity Act and not only take up the work of distribution but also that of generation.

The Honourable Sir Nripendra Sircar (Law Member): I desire to point out only one matter which has not been brought out in the debate so far. That relates to how far the Delhi Municipal Committee believes that they will be able to supply energy at the rate of one anna per unit. We get light on that from their own application. In their application they annex a draft licence and I am reading clause 5:

"The rates to be charged by the licensee for energy supplied by him shall not exceed the following maxima:

1. Lighting and fans at annas six a unit and for domestic use six annas."

Already I hear my friend, Mr. Asaf Ali, murmuring the word maximum. Only six annas was the maximum. If they had any real conviction that they will supply at one anna per unit, the maximum would have had some relation to that conviction and the fact that they ask for six annas shows that they really do not expect to supply energy at the rate of one anna. The poor residents of Delhi have been saved from that disaster, namely, supply at six annas.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I do feel that my Honourable friend, Sir Ziauddin Ahmad, and also my esteemed friend, the Law Member, tried to side-track the issue which my Honourable friend, Mr. Asaf Ali, has brought on the floor of the House. It is the inherent right of every municipality and municipal corporation to own all public utility concerns and the obligation laid down in the Indian Electricity Act is not solely on the municipality but it also devolves on the Government. In this case, the Delhi Province is the Local Government and whenever a licensee charges high rates for electricity and earns heavy dividends, the Local Government has the right to intervene and reduce the rates for electricity.

Sir, we are living in times when we know from newspapers that every province is agitating to reduce the electricity rates. We found the Government of Bihar appointing a Committee to examine the electricity rates at Patna. We found it at Calcutta, and my Honourable friend, the Law Member, on his return after retirement, will find that his electricity bill there has gone down much lower than he was accustomed to pay before he came to Delhi and Simla. Sir, the same thing has happened in Bombay and the Bombay Government has been trying to reduce the rates and the consumers of Bombay city are paying a low rate now. So I was rather surprised when my Honourable friend, the Commerce Member, replied in that heartless way without realizing the responsibility that devolves by the Electricity Act on the Government. He was speaking on behalf of the Chief Commissioner of Delhi, probably my Honourable friend, Sir Reginald

[Mr. B. Das.]

Maxwell, should have spoken on behalf of the Chief Commissioner, but he ought to realize that Government have a sense of responsibility towards the people. No company which enjoys a license has a right of exploitation, and if my Honourable friend, Mr. Asaf Ali, is right when he says that this company is enjoying 38 per cent, as dividend, that is too big a sum. (*Cries of "No, no."*) On the top of it, the company has doubled its capital by presenting one share per share held without any cash payment. Sir, the thing should not be lightly turned down. There is a clamour everywhere in every town which has an electric supply, that the consumers should get electricity at a low rate, and what my Honourable friend, Mr. Asaf Ali, wants is that either the Municipality should own the electric supply company, or the Government should exercise their inherent power that they enjoy and compel the electric company not to enjoy a dividend more than seven per cent. If it has been done in Bombay, if it has been done in Calcutta, and if it has been done in Patna, I do not understand why the Government of India should not compel this electric supply company to limit to a dividend of not more than seven per cent, and return the excess earning to the consumers by reduction of electricity rates, and thereby my Honourable friend, Sir Muhammad Zafrullah Khan, will find that the consumer will get his electricity at two annas and not at two annas and nine pies which the directors of the Delhi Electric Supply Company have agreed with the Chief Commissioner. Therefore, I think that the Government of India should revise their views about their own responsibilities and they should see the viewpoint of the Delhi Municipality as advocated by my Honourable friend, Mr. Asaf Ali.

Several Honourable Members: The question may now be put.

Mr. M. Asaf Ali: Mr. President, I have never been more disappointed in my life than in the course that the debate has followed today. In so far as the question of ignorance is concerned, it will have to be beaten, after the exhibition that has been made by some of the most learned persons in this House. Particularly in a certain quarter a reference was made to a certain examination. I do not know what that particular examination was, but the evidence that was supplied of the skill of the examiner, I am afraid, will go down in history as the highest tribute that can be paid to the greatest fool living. Mr. President, something was said about high voltage and low voltage,—and I am absolutely positive that Dr. Sir Ziauddin Ahmad did not know the alphabets of what he was talking about. He was referring to certain calculations of which he had not the ghost of an idea. Nothing will please me more than if Dr. Sir Ziauddin is going into the other Lobby, because then I shall be able to turn to Delhi and say, "these are the representatives who have turned you down". There is no man in Delhi today who does not feel keenly on this point. I can assure you of that,—and you can realize the feeling of the people of Delhi from the fact that in the municipality, for the first time in the history of that municipality, there was a unanimous vote of censure passed by the municipality in which participated—who?—all the nominated members including all the **Khan Bahadurs** and **Rai Bahadurs**. The motion itself was tabled by a leading light of the Muslim League—**Khan Bahadur Rasheed Ahmed** and it was carried unanimously. Now, it is open to my friend, Dr. Sir Ziauddin, to turn him down and to turn the whole of Delhi down if he wants to.

Now, I shall turn to two other points that were raised in the debate. I should first invite the attention of the House to a certain remark made by the Honourable the Law Member. I am afraid the Honourable the Law Member, like the clever lawyer that he is, naturally rivetted his eye to something which caught his eye and forgot to mention something very much more important which appears in the Pitkeathly Committee's Report—in which report you will find a body of evidence given by the representatives of the Delhi Municipal Committee. You will find that on page 3 of Volume II of the Pitkeathly Report and this is what the Delhi Municipal Committee said on that occasion. This is what exactly the Delhi Municipal Committee meant and this is what they now stand by. They said:

"If for some reasons the proposal to form a Joint Board falls through, we request that a supply from the Power House at Delhi Gate be secured to us at cost price for our street lighting and Municipal Buildings at least. We have a far better claim to it than the Electric Supply Company has. The savings effected will go towards the betterment of the city. The generating cost of the New Delhi Municipal Committee is .46 annas per unit and since we will take connection at their High Tension Bus Bars the New Delhi Municipal Committee should supply us current at their cost since it slightly improves their Load Factor. Assuming that we will get supply from New Delhi Municipal Committee at this rate our total cost per unit will be 1.03 annas."

The Honourable Sir Nripendra Sircar: That is cost price.

Mr. M. Asaf Ali: And again, supposing this is cost price, even if we were to sell energy at the same rate as the company is selling, all the profit that we shall be making will go back to the improvement of your own town. We shall not be pocketing it, whereas all the profit that is being made now by the company is going elsewhere,—as you know very well. My Honourable friend, Sir Zafrullah Khan, was not quite certain that the figure which I quoted was a correct one, namely, that this company was making a profit of 38 per cent. on their investment. Well, Sir, you can calculate it for yourself. The original investment was £100,000. I am very glad the Honourable the Finance Member is here; if I am wrong he can correct me straightaway. Their original investment was £100,000. After about fifteen years, they distributed £50,000. In the meanwhile they were distributing dividends which ranged between 9 per cent. and 12 per cent.

Sir Abdul Halim Ghaznavi: That is not 37 per cent.?

Mr. M. Asaf Ali: If you do not know mathematics, please do not interrupt. Sir, today they have doubled their capital to £200,000—and on that, according to the Pitkeathly Committee's report, on that they will be making, after having made all possible allowances for reserve fund, depreciation and for all sorts of things and visible and invisible elements, they will still be making a profit of Rs. 5,10,000 a year. I ask you to calculate it yourself and it will straightaway come to 38 per cent. profit. If this is not profiteering, I should like to know what it is. If, in spite of this profiteering, you still want the Government not to grant us the licence, you are welcome to it, and Delhi will know where you stand.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I shall not detain the House very long. I shall only stress two points. In the first place, though Mr. Asaf Ali did say that the Honourable the Law Member had not cast his eye on the Pitkeathly report, he had not one word to say why the Delhi Municipal Committee wanted to secure the power to charge as high a rate as 6 annas per unit if they were so sure that they could supply electricity at as low a rate as one anna per unit. After all, as the Honourable the Law Member pointed out, there must be some relation between their expectations and the power that they wanted under their licence. In the

[Sir Muhammad Zafrullah Khan.]

second place, the Honourable Mover of the motion said that supply is available from the New Delhi Electric Power House, which is very cheap and therefore it should be given at a much cheaper rate to Delhi. Now, Sir, in New Delhi itself, the New Delhi Municipality are the distributors. So, the condition is parallel with that which the Delhi Municipality wanted to bring about in Delhi. That is to say, there are no middlemen and no profits are being made.

Mr. M. Asaf Ali: There are profits being made. They are making a profit of more than 3 lakhs a year.

The Honourable Sir Muhammad Zafrullah Khan: For whom?

Mr. M. Asaf Ali: The New Delhi Municipality is making a net profit of more than 3 lakhs a year and they are paying something to the Sinking Fund and they are also paying the interest charges.

The Honourable Sir Muhammad Zafrullah Khan: Am I, therefore, to understand that the Delhi Municipality propose to pay no interest charges upon the capital which they must invest in the shape of their distributing system and that it is only by paying no interest charges on the huge outlay that might be necessary that they will be able to supply electricity at cheap rates?

Mr. M. Asaf Ali: On a point of personal explanation . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not giving way.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I have nothing more to say.

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

"That the House do now adjourn."

The Assembly divided:

AYES—44.

Abdul Qayyum, Mr.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bass, Mr. R. N.
Chatteropadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Ayinashillingam.
Chetty, Mr. Sami Vencatachelam.
Das, Mr. B.
Das, Pandit Nilakantha.
Dessai, Mr. Bhulabhai J.
Deshmukh, Mr. Govind V.
Gadgil, Mr. N. V.
Gupta, Mr. K. S.
Hada Raj, Raizada.
Hosamani, Mr. S. K.
Joshi, Mr. K. M.
Joshi, Mr. S. S.
Kailash, Mr. Lal, Babu.

Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Mitra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muchuranga.
Muhammad Ahmad Kasmi, Qazi.
Paude, Mr. Badri Dutt.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Rang, Prof. N. G.
Rao, Mr. M. Thirumala.
Sant Singh, Sardar.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sheoprasad Daga, Seth.
Singh, Mr. Gauri Shankar.
Sinha, Mr. Satya Narayan.
Soni, Mr. Suresh Kumar.
Subbarayan, Mr. S. S. S. S. S.

NOES—56.

Abdul Ghani, Maulvi Muhammad.
Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chapman-Mortimer, Mr. T.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
D'Souza, Mr. Frank.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Ghuznavi, Sir Abdul Halim.
Gorwala, Mr. A. D.
Greer, Mr. B. R. T.
Grigg, The Honourable Sir James.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jehangir, Sir Cowasji.
Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lillie, Mr. C. J. W.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.

The motion was negatived.

Menon, Mr. P. A.
Menon, Mr. P. M.
Metcalfe, Sir Aubrey.
Miller, Mr. C. C.
Mukerji, Mr. Basanta Kumar.
Nur Muhammad, Khan Bahadur Shaikh.
Rafuiddin Ahmad Siddiquee, Shaikh.
Rahman, Lieut.-Col. M. A.
Rama Pai, Mr. K.
Raza Ali, Sir Syed.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Shahban, Mian Ghulam Kadir Muhammad.
Sher Muhammad Khan, Captain Sardar Sir.
Siddique Ali Khan, Khan Bahadur Nawab.
Sircar, The Honourable Sir Nripendra.
Sivaram, Rao Sahib N.
Spence, Mr. G. H.
Staig, Mr. B. M.
Stewart, The Honourable Sir Thomas.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Thomas, Mr. J. H.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.
Zafrullah Khan, The Honourable Sir Muhammad.
Ziauddin Ahmad, Dr. Sir.

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

Mr. President (The Honourable Sir Abdur Rahim): After the announcement regarding the arrangements made for the election of members to the Standing Committee for the Labour Department was made in the House to-day, it has been represented that the date of election for the Committee will not suit a large number of Members of the Assembly. In order to remove this difficulty I have to announce, in supersession of the previous announcement, that the nominations for the Committee will be received upto 12 Noon on Tuesday, the 7th March, and that the election, if necessary, will be held in the Assistant Secretary's Room on Wednesday, the 15th March, 1939, between the hours of 10-30 A.M. and 1 P.M.

The Assembly then adjourned till Five of the Clock of Tuesday, the 28th February, 1939.

LEGISLATIVE ASSEMBLY.

Tuesday, 28th February, 1939.

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

TRANSFERRED QUESTIONS AND ANSWERS.†

SPREAD OF EDUCATION IN THE TRIBAL AREAS.

756. *Mr. Abdul Qaiyum: Will the Foreign Secretary please state:

- the number of schools opened in the tribal area in each of the years 1937 and 1938;
- the amount spent on education in the latest financial year for which figures are available;
- the amount set apart for education for that area in the year 1938-39; and
- the steps taken or proposed to banish illiteracy from the tribal areas?

Sir Aubrey Metcalfe:

North-West Frontier.

- None.
- Rs. 1,28,055.
- Rs. 1,32,200.

The figures for the North-West Frontier under (b) and (c) do not include expenditure on the Islamia College, Peshawar, and other institutions in British India, where many sons of tribesmen receive their education.

- The number of schools in tribal territory was doubled in the decade ending 1936-37, and the expenditure on education was considerably more than doubled. The increase has been greatest in Waziristan, where it is remarkable that in spite of the disturbed conditions of 1937-38, school attendance in that year only fell slightly in one Agency, and actually increased in the other.

None.
Rs. 54,171.
Rs. 52,092.

RAILWAY CONCESSIONS FOR TRANSIT OF GRAINS AND FODDER.

757. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Railway Member state:

- from how many Provinces applications have been received for Railway concessions for transit of grains and fodder on account of famine in the course of the financial year;
- to how many Provinces such concessions were given; and
- what is the extent of concessions given in such cases?

The Honourable Sir Thomas Stewart: (a) and (b). The question, so far as it relates to the carriage of fodder to areas where there is a fodder scarcity, should be addressed to the Honourable Member who represents the Department of Education, Health and Lands in this House. No applications have been received in this Department for concession rates for grains to famine areas.

- A statement, showing the concessions to the consignor on the broad, meter and narrow gauges, is laid on the table.

† The meeting of the Assembly that was to be held at Eleven of the Clock today having been cancelled, the answers to starred questions for that meeting were, in pursuance of convention, laid on the table of the House during the afternoon sitting — E. of D.

Gauge.	Four-wheelers.			Six-wheelers.			Bogies.			Remarks.
	Special rates.	Concession rate (to be paid by traders).	Difference (to be paid by Government).	Special rates.	Concession rate (to be paid by traders).	Difference (to be paid by Government).	Special rates.	Concession rate (to be paid by traders).	Difference (to be paid by Government).	
1	2	3	4	5	6	7	8	9	10	11
	Per mile.	Per mile.	Per mile.	Per mile.	Per mile.	Per mile.	Per mile.	Per mile.	Per mile.	
	As. P.	As. P.	As. P.	As. P.	As. P.	As. P.	As. P.	As. P.	As. P.	
	3 6	1 0	2 6	5 3	1 6	3 9	7 0	2 0	5 0	The minimum charge is Rs. 10 for 4-wheelers, Rs. 15 for 6-wheelers and Rs. 20 for bogies.
	2 4	0 9	1 7	3 6	1 1½	2 4½	4 1	1 6	3 2	The minimum charge is Rs. 5 for four-wheelers, Rs. 7-8-0 for six-wheelers and Rs. 10 for bogies.
	1 1	0 6	1 3	2 7½	0 9	1 10½	3 6	1 0	2 6	

INSUFFICIENT LIGHTING ON PLATFORMS OF SOME RAILWAY STATIONS.

758. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

- whether he is aware that the platforms of many stations on the East Indian Railway and other Railways generally are not sufficiently lighted to enable passengers to pick up the class of compartment they wish to travel in, and whether this causes anxiety, hurry and even failure to board, particularly when the halt is short;
- whether the Railways are proposed to be asked to provide better lighting at all the stations without delay as part of their programme in the coming year;
- whether he is aware that the station officers generally are not very helpful in assisting passengers in finding their carriages, particularly in a rush; and
- whether the 'class' cannot be exhibited through lighted windows as in the case of female compartments on certain Railways?

The Honourable Sir Thomas Stewart: (a) I realise that the lighting of many platforms on Railways generally is not perfect, but am not aware that this has led to the harrowing conditions mentioned by the Honourable Member.

(b) Railways are alive to the advantages of a better lighting of platforms, as they are to the improving of other amenities of travel, but this is obviously a matter of cost and can only be done gradually. I will, however, bring the question to the notice of the Railway Administrations.

(c) No.

(d) The benefit to be derived by passengers from the provision of illuminated panels showing classes would not in the opinion of Government justify the heavy outlay their provision would involve.

FREE CARRIAGE OF POSTAL MAIL AND BUSES, ETC., OVER FERRIES.

759. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

- whether postal mail bags, mail runners and mail buses are carried free of charge over Provincial ferries;
- if so, whether the free carriage over ferries is claimed as of right by the Central Government, or given as a concession;
- the authority under which it is claimed as a right, or the reason for the concession;
- whether the mail buses are allowed to carry passengers; and
- if so, whether Government have considered the injury they do to rival passenger carriers who have to pay the toll?

The Honourable Sir Thomas Stewart: (a) and (b). The practice, as regards free carriage of mail buses, etc., over provincial ferries varies from province to province. Free carriage is not claimed as a right and the concession is given at the discretion of Provincial Governments.

(c) Does not arise.

(d) Yes.

(e) I understand that the ordinary practice is for mail buses to pay toll when they carry passengers.

TELEPHONE RATES IN THE BENGAL AND ASSAM POSTAL CIRCLE AND IN BURMA.

760. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Communications Member please state:

(a) the monthly rates of telephone rents in the Bengal and Assam Circle and the rates charged by the Telephone Company in Calcutta, as also the rates in Burma;

(b) whether he is considering the revision of rates for rents and calls;

(c) the surplus revenue from the Telephone Branch in the last two years; and

(d) whether the Telephone Department is treated as a commercial department from the financial standpoint?

The Honourable Sir Thomas Stewart: (a) A statement giving the scales of charges of telephones is laid on the table.

(b) No.

(c) The surplus revenue from the Telephone Branch in the last two years is as follows:—

1936-37 Rs. 19.79 lakhs.

1937-38 Rs. 28.10 lakhs.

(d) The Telephone Department is a branch of the Posts and Telegraphs Department which as a whole is treated as a commercial department.

Statement showing the scale of charges for telephones in India, Burma and those charged by the Bengal Telephone Corporation Limited, Calcutta.

Scale of charges for connections to a Departmental Exchange in India.

Radial distance from Exchange.	Rates payable in advance.	
	Monthly, subject to a discount of 10 per cent. for prompt payment.	Annually.
	Rs.	Rs.
Within one mile	18	168
Within two miles	19	180
Within three miles	20	192

Statement showing the scale of charges for telephones in India, Burma and those charged by the Bengal Telephone Corporation Limited, Calcutta—contd.

The scale of charges in Burma is identical with the above, except in the case of certain rural exchanges.

For certain larger exchanges in India, e.g. Regent, Barrackpore, Calcutta West, and Storeyard (Alipore) and for Rangoon in Burma—	Rs. 20	Rs. 192
Within three miles		
For Exchanges which are not connected to the general telephone trunk system—		
Within half a mile	17	156

Current tariff for connections to Exchanges owned by the Bengal Telephone Corporation Limited, Calcutta.

Fixed rental to a point within four miles radius of the Exchange Rs. 10 per mensem.

Call Charges 12 calls per rupee.
Provided that if less than ninety calls are made within any one month the Subscriber shall be entitled to a refund of Rs. 2 from the fixed rental but shall pay for calls at ten to the rupee.

A discount of 17½ per cent. from the charge for Calls is allowed for prompt payment.

INDIANISATION OF THE FRONTIER IRREGULAR CORPS.

761. *Mr. Abdul Qayyum: Will the Foreign Secretary please state:

(a) the number of King's and Indian Commissioned Officers in the Frontier Irregular Corps—the latest available figures;

(b) how many of these are Indians;

(c) whether any Indian was appointed to this corps in 1938, if so, how many;

(d) the reasons for the paucity of Indians in these corps; and

(e) how it is proposed to rapidly Indianise these corps?

Sir Aubrey Metcalfe: (a) and (b). The Honourable Member is referred to the reply given to parts (a)—(b) of his question No. 1920 asked on the 7th December, 1938.

(c) Yes, one.

(d) Lack of applicants possessing the necessary qualifications. In this connection the Honourable Member is referred to the reply given to part (b) of his question No. 421 asked on the 23rd August, 1938.

(e) The Honourable Member is referred to the reply given to part (e) of his question No. 421 asked on the 23rd August, 1938.

DISCUSSIONS REGARDING SAFETY MEASURES AGAINST RAILWAY
DERAILMENT AT PATNA.

762. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

- whether the Senior Government Inspector of Railways and the Chief Engineer, East Indian Railway, visited Patna on the 21st January, 1939, and discussed with the local Police officials matters relating to the recent Hazaribagh Road Railway accident; and
- whether safety measures against Railway derailment by sabotage or otherwise were discussed by them; if so, whether any and what additional measures are contemplated?

The Honourable Sir Thomas Stewart: (a) Government have no information.

(b) In view of the reply given to (a) above, the first part of this question does not arise. As regards the reply to the second part, Government understand that a system of patrols has been started.

TELEGRAPHIC CONNECTION WITH MUNSHIGANJ.

763. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Communications please state:

- whether the telegraphic connection with Munshiganj, which serves the progressive area of Bikrampur Pergana in East Bengal, is by cable, and whether the cable has not been working for some time;
- if so, for how long it has not been working, and the reasons for the breakdown;
- when the restoration of the cable communication may be expected;
- whether telegrams sent from Munshiganj at twelve noon are sometimes delivered in Calcutta after 9 A.M. the next morning as against letters posted at Munshiganj at the same time delivered at 9 A.M. in Calcutta; and
- the passage of telegrams from Munshiganj to Calcutta at present?

The Honourable Sir Thomas Stewart: (a) and (b). Telegraphic communication between Narayanganj and Munshiganj is maintained partly by aerial wires and partly by underwater cable. The cable has not been interrupted, but the aerial wires over the river Booriganga failed sometime ago as a result of the erosion of the river bank at Gopechar. Owing to the banks of the river bank being in an unsettled condition and to the fact that the river course is widening, it has not so far been practicable to replace the aerial wires by a new overhead crossing. It will probably be necessary to lay a second underwater cable.

(c) It is hoped to make arrangements to restore telegraphic communication between Munshiganj and Narayanganj soon.

(d) It has not been possible to trace any message which has been delayed to the extent alleged.

(e) Messages from Munshiganj to Calcutta and *vice versa* are conveyed by the steamer service operating between Narayanganj and Mirkadam. This service runs approximately every two hours each way on week days between 7-30 A.M. and 7-30 P.M. There are two services on Sundays.

HOURS OF WORK OF DRIVERS ON RAILWAYS.

764. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Railway Member state:

- the maximum number of hours that engine drivers are working on the Indian Railways;
- whether Government have any uniform regulations in this matter; and
- whether Government have investigated the matter whether working for a larger number of hours may be a possible contributory cause for the recent accidents on the railways?

The Honourable Sir Thomas Stewart: (a) Such information as Government have will be found in the paragraph "Running Staff" appearing on page 109 of the Railway Board's memorandum for the Royal Commission on Labour (a copy of which is in the Library of the House).

(b) No.

(c) No investigation has been considered necessary as in such reports as have been submitted to Government in connection with recent accidents there has been no suggestion that any accident has been due to the time an employee was on duty.

RENTS CHARGED FROM REFRESHMENT ROOMS ON THE NORTH WESTERN RAILWAY.

765. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Railway Member state:

- whether in the North Western Railway the refreshment rooms are charged no rent at all;
- how many of them are European and how many of them are Indian;
- whether he is aware that the European refreshment rooms are mostly used by well-to-do people; and
- what will be the income to the administration if they are charged economic rents?

The Honourable Sir Thomas Stewart: (a) and (b). I would refer the Honourable Member to the statement laid on the table of this House on 7th February, 1939, in connection with Mr. S. Satyamurti's starred question No. 1088 of 16th September, 1938.

(c) I am prepared to take the Honourable Member's statement as correct.

(d) Government have no information.

DAMAGE TO PROPERTY THROUGH RAIDS FROM THE TRIBAL AREAS.

766. *Mr. Manu Subedar: (a) Will the Secretary for External Affairs please state whether Government have any information in a summarised form, showing the amount of (i) damage to property, and (ii) loot through the raids from the Tribal Area in British India?

(b) Have any negotiations taken place with the heads of the Tribes who are suspected of making these raids for the settlement of issues of dispute with them?

Sir Aubrey Metcalfe: (a) A statement for the year ending the 31st December, 1938, so far as raids from the tribal areas into the North-West Frontier Province are concerned, is placed on the table. For previous years the Honourable Member is referred to the annual Border Administration Reports of the North-West Frontier Province.

(b) Tribes on the Frontier are regularly called to account through their headmen for raids committed by their members.

Statement showing the amount of damage to property and loot in the North-West Frontier Province through raids from Tribal Areas during the year ending 31st December, 1938.

District.	Amount of Damage to property.		Amount of loot.	
	Rs.	A. P.	Rs.	A. P.
1. Dera Ismail Khan	..	..	35,328	0 0
2. Bannu	15,250	0 0	2,57,088	0 0
3. Peshawar	..	..	3,923	0 0
4. Kohat	..	..	2,069	0 0
5. Hazara	..	..	7,883	0 0
Total	15,250	0 0	3,06,291	0 0

INCONVENIENCE DUE TO THE LATE ARRIVAL OF THE 8 DOWN TOOFAN EXPRESS AT CALCUTTA.

767. *Mr. Manu Subedar: (a) Will the Honourable the Railway Member please state why it is that, while the 7 Up Toofan Express from Calcutta to Delhi takes about 25½ hours, the corresponding return train, viz., the 8 Down from Delhi to Calcutta, takes about one hour more?

(b) Has the attention of Government been drawn to the inconvenience felt by Indian passengers on account of the train reaching Calcutta at 9 P.M.?

(c) Have any complaints been received by Government that the time when the train reaches Calcutta is inconvenient to Indian passengers on account of their inability to secure suitable food on the way and on account of the time when they reach home being too late for an Indian meal?

(d) Do Government propose to consider the desirability of changing the timing so as to make this train reach Calcutta in 25½ hours corresponding to the time taken by the outward journey?

(e) Has this subject been discussed in the Calcutta and the United Provinces Advisory Committees of the East Indian Railway? If not, do Government propose to discuss it?

The Honourable Sir Thomas Stewart: (a) and (d). It is not practicable for Government to take any part in arranging for train services on individual railways.

(b) and (c). No.

(e) Such matters are discussed by the Advisory Committees without reference to Government. The timings of the train in question were discussed at the Time Table Advisory Committee meeting held at Lucknow on the 13th January, 1937.

LOSS OF LIFE AND PROPERTY OF INDIANS IN CHINESE TURKISTAN.

768. *Mr. Manu Subedar: Will the Secretary for External Affairs please state:

(a) whether the reports of the loss of life and property to Indian residents in Chinese Turkistan have been seen by Government;

(b) whether there is a representative of His Majesty's Government in Sinkiang and, if so, whether any despatches have been received from him through His Majesty's Government or otherwise as to the present position in that territory; and

(c) what steps Government propose to take for safeguarding the life and property of Indians in those parts?

Sir Aubrey Metcalfe: (a) I do not know to what reports the Honourable Member refers. Some reports of loss of property to Indian residents have been received by Government, but I have seen no recent reports of loss of life.

(b) Yes.

(c) Strong representations have been and will continue to be made both to the Chinese Central Government and to the local authorities in Sinkiang.

IMPORTATION OF RADIOS AND RADIO PARTS.

769. *Mr. Manu Subedar: (a) Will the Honourable the Communications Member please state what is the importation of (i) radios, and (ii) radio parts, during the official year 1937-38 and during the current official year (up-to the latest date for which figures are available)?

(b) Have Government examined the possibility of assembling radios in this country?

(c) Has any representation been received by Government on this subject?

The Honourable Sir Thomas Stewart: (a) The attention of the Honourable Member is invited to the reply given by me on the 10th February, 1939, to part (a) of Mr. Mohan Lal Saksena's starred question No. 299.

(b) and (c). Government have recently received certain proposals on the subject which are at present under consideration.

PAY OF PROBATIONER TRAIN EXAMINERS ON THE NORTH WESTERN RAILWAY.

770. *Mr. Sham Lal: Will the Honourable the Railway Member be pleased to state:

(a) whether it is a fact that in the year 1922, certain men were appointed by the North Western Railway Administration, as probationer Train Examiners, on a stipend of Rs. 110—10—130, *vide* Subsidiary Rule 2(15) of the Fundamental Rules;

(b) whether it is a fact that these probationers, on completion of their satisfactory probation in 1925, were adversely affected, inasmuch as they were confirmed on the maximum of their probationary rate of pay, *viz.*, Rs. 130 and fitted in a lower grade, *viz.*, Rs. 75—5—130;

(c) whether it is a fact that no warning at the time of appointment was given to these probationers that, on completion of their probationary period, they would be confirmed and fitted in a lower grade, *viz.*, Rs. 75—5—130 instead of on Rs. 150—10—250—disadvantageous to them; and

(d) under which circumstances the probationer Train Examiners were debarred by the Agent from their proper grade, *viz.*, 150—10—250?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) No. In 1922 there were two scales of pay in grade I, *viz.*, Rs. 75-5-130 and Rs. 110-10-130. The latter scale was abolished in 1925 and probationary train examiners recruited in 1922 on Rs. 110-10-130 were confirmed in 1925 as train examiners on Rs. 130, the maximum applicable to both scales of pay in that grade.

(c) No warning was called for.

(d) Promotion to the next higher grade, *viz.*, grade II (Rs. 150-10-250), is made by selection.

SHIFTING OF THE OFFICE OF THE DISTRICT COMMERCIAL OFFICER AT KHURDA ON THE BENGAL NAGPUR RAILWAY.

771. *Mr. K. S. Gupta: (a) Will the Honourable Member for Railways please state when the office of the D. C. O., Khurda, Bengal Nagpur Railway, was shifted from Waltair and why?

(b) When was the very office (D. C. O.) taken to Waltair and for what reasons?

(c) Are there any special reasons for this shifting and reshifting of the D. C. Os' office from Khurda to Waltair and from Waltair to Khurda?

The Honourable Sir Thomas Stewart: (a) to (c). The office of the District Commercial Officer was transferred from Waltair to Khurda Road

in March, 1938, as commercial interests at Vizagapatam Harbour, on account of which this office was in June, 1927, moved from Khurda Road to Waltair, had developed to a stage at which a District Commercial Officer at Waltair was no longer necessary. Moreover, the greater portion of the District Commercial Officer's jurisdiction is in the province of Orissa, and it was considered desirable that he should have his office at a station nearer Cuttack, the capital of the province, to enable him to keep in touch with both the Orissa Government and mercantile interests.

ALLOTMENT OF QUARTERS IN THE SAIDPUR WORKSHOPS, EASTERN BENGAL RAILWAY, TO HINDUS.

772. *Mr. Muhammad Nauman: Is the Honourable Member for Railways aware of the fact that 99 per cent. quarters are allotted to Hindus in the Saidpur Workshops, Eastern Bengal Railway? If so, why?

The Honourable Sir Thomas Stewart: The reply to the first part is in the negative, and the second part does not, therefore, arise.

RECRUITMENT OF TRACERS AND DRAUGHTSMEN ON THE EASTERN BENGAL RAILWAY.

773. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Railways be pleased to state how many Tracers and Draughtsmen were recruited on the Eastern Bengal Railway? How many Muslims have been absorbed against permanent vacancies? How many Muslims are still working as substitutes in casual leave vacancies with breaks in service?

(b) Is it not a fact that all Hindus recruited as Tracers and Draughtsmen on the Eastern Bengal Railway have been absorbed against permanent vacancies?

The Honourable Sir Thomas Stewart: (a) 51 tracers and 81 drafts-men have been recruited since 1st April, 1936. One Muslim draftsman and three Muslim tracers have been made permanent, and five Muslim draftsman and 18 Muslim tracers are at present working temporarily.

(b) No.

NON-PROMOTION OF MUSLIMS AS GUARDS AND STATION MASTERS IN THE PAKSEY AND KATHIHAR DISTRICTS ON THE EASTERN BENGAL RAILWAY.

774. *Mr. Muhammad Nauman: (a) Is the Honourable Member for Railways aware of the fact that in the Paksey and Kathihar Districts on the Eastern Bengal Railway no Muslim has been promoted to the posts of guards and station masters during the period from the year 1935 to 1938, and the Muslims who have been working as guards and station masters from 10 to 15 years have been declared unsuitable for the said posts and their names have never been forwarded to Traffic Selection Committees?

(b) If the reply to part (a) be in the negative, will the Honourable Member be pleased to mention the name and designation of Muslims who have been promoted as Guards and Station Masters in the Paksey and Katihar Districts on Eastern Bengal Railway during the period from the year 1935 to 1938?

The Honourable Sir Thomas Stewart: (a) As regards guards, on the Paksey District no Muslim was promoted as there was no one considered by the Selection Committee to be fit for such promotion. On the Katihar District four Muslims were promoted as guards, two in 1937 permanently and two in 1938 temporarily.

No Muslim was promoted to the post of station master as the only one sufficiently senior to be considered by the Selection Committee was not found suitable.

No Muslim guard or station master having ten to fifteen years' service has been declared unsuitable for the post held by him.

(b) Mohammad Afzal and F. Rahman (from the Crew Staff); A. Rauf (Ticket Collector) and A. Awal (Trains Clerk).

RUNNING OF THIRD CLASS DINING CARS ON RAILWAYS.

775. *Mr. S. Satyamurti: Will the Honourable Member for Railways please state:

- whether any action is proposed to be taken to improve the catering arrangements for third class passengers and other Indian passengers who want Indian food travelling in second or first class;
- whether there is any proposal to run good well furnished third class dining cars, supplying good food in long distance trains for passengers of all classes;
- whether Government have examined the cost and the likely return on these proposals; and
- whether Government are prepared to take immediate and effective steps in this direction; if not, why not?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the reply given to part (d) of Mr. Manu Subedar's starred question No. 572 of 2nd March, 1938.

(b) Railway Administrations already provide restaurant cars and buffet cars to cater for all classes of passengers on important services. The Honourable Member's attention is invited to details given on pages 116-118 in the Railway Board's Annual Report on Indian Railways for 1937-38, Volume I, a copy of which is in the Library of this House.

(c) It is not possible to estimate what additional traffic, if any, is attracted to the railways by the provision of these amenities.

(d) Does not arise.

NON-GRANT OF BENEFITS OF PENSION TO MECHANICS AND MISTRIES EMPLOYED IN THE TELEGRAPH DEPARTMENT.

776. *Mr. S. Satyamurti: Will the Honourable Member for Communications please state:

- if it is a fact that mechanics and mistries employed in the Telegraph Department are not granted the benefits of pension;
- whether telephone operators were granted this benefit three years ago;
- whether Government have received any representations in this behalf from the mechanics and mistries;
- whether Government are considering this question; and
- when they propose to pass orders giving the benefit of pension to mechanics and mistries also; if not, why not?

The Honourable Sir Thomas Stewart: (a) to (d). Yes.

(e) Orders on the subject will issue shortly.

ATTEMPT TO DERAIL CERTAIN TRAINS ON THE EAST INDIAN RAILWAY.

777. *Mr. S. Satyamurti: Will the Honourable Member for Railways please state:

- whether it is a fact that an attempt was made to derail trains by placing two big heavy stones on the Up line between Koilkhuntah and Gomudham stations on the Bhagalpur-Dhownee Mandar Hill Branch of the East Indian Railway on or about 8th February, 1939;
- what are the facts ascertained in respect of this matter by Government;
- whether it is a fact that a similar incident happened, in which an attempt was made at removing eight fish-plates from the Down line between Jamui and Gidhaur on the East Indian Railway about a fortnight ago while the 14 Down Express was about to cross that spot; and
- whether Government have considered the question of taking special steps in co-operation with Provincial Governments concerned for protecting the line in this area in view of the frequent accidents in the past?

The Honourable Sir Thomas Stewart: (a) and (b). Government understand that the facts are as stated by the Honourable Member and that the Police have immediately started investigation under section 128 of the Indian Railways Act. The date of the occurrence was 6th February, 1939.

(c) I would refer the Honourable Member to the reply given to Sardar Mangal Singh's starred question No. 426 of the 15th February, 1939.

(d) I would refer the Honourable Member to the reply given to parts (d) and (e) of his starred question No. 649 of the 24th February, 1939.

DAY PROGRAMMES FOR THE MADRAS BROADCASTING STATION AND POSITION REGARDING THE USE OF "BROADCASTING" FOR POLITICAL PROPAGANDA, ETC.

778. *Mr. S. Satyamurti: Will the Honourable Member for Communications please state :

- (a) when it is proposed to enable the Madras All-India Radio station to give all day programmes;
- (b) what are the numbers of licences which were in existence at the time the station was opened;
- (c) what are the numbers of licences now in the City of Madras;
- (d) whether Government are still of opinion that there should be no kind of advertisements through broadcasting, or any kind of commercial broadcasting; if so, why;
- (e) whether Government have recently reconsidered their position that broadcasting should not be used for political propaganda;
- (f) whether the attention of Government has been drawn to the statement of Mr. Lionel Fielden to the effect:
"that the undertaking of Government that all subjects of political or industrial controversy should be avoided is one which must deny vitality to broadcasting in a country where politics are the breath of life". *Madras Mail*, 3rd February 1959; and
- (g) whether Government propose to reconsider the whole position; if not, why not?

The Honourable Sir Thomas Stewart: (a) The matter is under consideration.

(b) and (c). The Station opened on the 16th June, 1938, and the number of licences issued in Madras city and in force on 31st May 1958, was 1,084: the number on 31st December, 1958, was 1,867.

(d) Yes. Government consider it the soundest and most wholesome policy in all the circumstances of broadcasting in India.

(e) No.

(f) Yes.

(g) No, Sir. Government adhere to the view, many times expressed before, that the time is not yet ripe for a change involving so many fundamental and important difficulties.

DISCOURTESY OF THE BENGAL AND NORTH WESTERN RAILWAY AUTHORITIES TO THE MEMBERS OF THE BIHAR LABOUR ENQUIRY COMMITTEE.

779. *Babu Kailash Behari Lal: Will the Honourable Member for Railways please state :

- (a) if Government are aware that the members of the Bihar Labour Enquiry Committee appointed by the Bihar Government have been treated with discourtesy by the authorities of the Bengal and North Western Railway; and
- (b) if the authorities of the Bengal and North Western Railway have not co-operated with the Bihar Labour Enquiry Committee during their recent visit to North Bihar for obtaining evidence regarding labour conditions?

The Honourable Sir Thomas Stewart: (a) and (b). No. There appears to have been some misunderstanding due to no reference having been made either by the Committee or the Provincial Government to the Agent and General Manager of the Railway who has since explained the position to the Provincial Government.

NON-FURNISHING OF CERTAIN INFORMATION BY THE EAST INDIAN RAILWAY TO THE BIHAR UNEMPLOYMENT COMMITTEE.

780. *Babu Kailash Behari Lal: Will the Honourable Member for Railways be pleased to state :

- (a) if it is a fact that the Bihar Unemployment Committee requested the different Railways to furnish certain figures and information regarding unemployment of Biharis;
- (b) if it is a fact that all other Railways, except the East Indian Railway, furnished the information required by the Unemployment Committee;
- (c) what was the information and figures that the Unemployment Committee wanted from the Railways; and
- (d) why the East Indian Railway did not furnish the information required by the Unemployment Committee?

The Honourable Sir Thomas Stewart: (a) to (d). Government have no information as regards any Railway other than the East Indian, the General Manager of which states that he was asked by the Director of Industries, Bihar, for particulars to be given in a form sent by the Director. I am laying on the table a copy of this form. The General Manager has already arranged for the compilation of such information as is available in regard to the larger workshops. In advising the Director of Industries to this effect, the General Manager also stated that he could not collect details in respect of all the small workshops, running sheds etc., or give the information required in columns 3, 5, 6 and 7 of the form, as this would have involved much extra labour.

Statement showing the details of posts and persons employed.

Departments.	Classes of employees.	General or special qualifications of each class of employee.	Total number of employees of each class.	Biharis.	Non-Beharics.	Reasons why non-Beharics are employed.	Where the present employees received their training if any.	Salary or Wages per month.	Methods of new recruitments.	Likely annual vacancies.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12
	(a) Officers				(a)						
	(b) Clerks										
	(c) Workmen										
	(d) Apprentices										
	(e) Cooks and others.										

CONSTITUTION OF THE POSTAL INSURANCE FUND.

781. *Mr. Akhil Chandra Datta: (a) Will the Honourable Member for Communications please state what the constitution of the Postal Fund is?

(b) Is it a Government concern? Are Government liable to make good the loss if the policy-holders incur any?

(c) Is there a separate staff to work for that Fund? Are the postal employees required to do any work for running the Fund? To whom are the advantages of the said Fund available?

(d) Is the said Fund exempted from payment of (i) postage, (ii) special adhesive policies and (iii) income-tax on profit?

(e) Are all material facts of the Fund published in the Indian Year Book (Insurance)?

(f) Are the balance sheets and valuation reports of the Fund published?

(g) Will Government be pleased to lay on the table the last balance sheet and valuation report of the Fund?

The Honourable Sir Thomas Stewart: (a), (b) and (c). The Post Office Insurance Fund was instituted by the Government of India for the benefit of Government and some quasi-Government employees, and is administered by the Director General of Posts and Telegraphs. The policies issued guarantee the policy holders the payments due on the policies. The Fund meets the cost of administration by the Posts and Telegraphs Department as well as the cost of the separate staff maintained by the Audit Department.

The Rules of the Post Office Insurance Fund, a copy of which is in the Library, contain the necessary details about categories of persons eligible to the benefits of the Fund.

(d) (i) No.

(ii) I am unable to follow the question.

(iii) Yes.

(e) Yes.

(f) and (g). A summary of the valuation report is published in the Indian Insurance Year Book, 1937, a copy of which is in the Library of the House. The accounts of the Fund are published in the Annual Report of the Director General of Posts and Telegraphs, copies of which are also in the Library of the House. The preparation of the balance sheet is considered unnecessary.

LICENCE FEE DEMANDED FROM THE HINDU REFRESHMENT ROOM CONTRACTORS AT DELHI.

782. *Mr. Satya Narayan Sinha: Will the Honourable Member for Railways please refer to the reply given to part (a) of unstarred question No. 112, asked on the 23rd March, 1938, and state—

(a) whether it is a fact that Hindu refreshment room contractors at Delhi have been called upon to pay the licence fees for 1938-40;

- (b) whether European and other Indian contractors have also been called upon to pay the said fees; if not, the reasons therefor and for such differential treatment on one and the same Railway;
- (c) whether it is a fact that the Hindu refreshment room contractors at Delhi represented to the General Manager, North Western Railway, in the spirit of the reply given to part (a) of unstarred question No. 126, asked on the 28th March, 1938, and prayed to withhold payments till such time a decision by the Government is made;
- (d) whether it is a fact that the Divisional Superintendent, Delhi, forwarded the said representation with a strong recommendation to withhold payments and also to refund the payments made by them since February, 1937;
- (e) whether it is a fact that the General Manager, ordered that in case they do not make the payments, their contract should be given to the largest vending contractor of Delhi station and thereby to terminate their contract; if so, under what rules, regulations or policy;
- (f) the reasons for charging this particular contractor the fees year by year when no other European or Indian refreshment room contractors are charged; and
- (g) whether Government now propose to exempt this contractor from the payments; if not, why not?

The Honourable Sir Thomas Stewart: (a) and (b). No.

(c) Yes.

(d) Yes, except that there was no recommendation to the effect that payments made in the past should be refunded.

(e) to (g). Do not arise, in view of the reply given to parts (a) and (b) above.

VENDING AND REFRESHMENT ROOM CONTRACTS ON THE NORTH WESTERN RAILWAY.

783. *Sardar Sant Singh: Will the Honourable Member for Railways please state :

- (a) whether the General Manager, North Western Railway, laid down the policy that vending and refreshment room contracts should not be given to one and the same contractor;
- (b) whether the General Manager in December, 1938, or in January, 1939, has ordered that vending contracts should not be given in the name of a firm;
- (c) whether that policy and that order are carried out by the Divisional Superintendents; if not, why not; and
- (d) whether Government propose to give effect to that policy and that order on other State-managed Railways also; if not, why not?

The Honourable Sir Thomas Stewart: (a) and (b). No.

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

LEVY OF LICENCE FEE ON INDIAN REFRESHMENT ROOMS ON THE NORTH WESTERN RAILWAY.

784. *Sardar Mangal Singh: Will the Honourable Member for Railways please refer to the reply given to part (a) of unstarred question No. 126, asked on the 28th March 1938 and state the result of the decision by the Government on the policy to be generally followed in respect of the proposals for the levy of licence fees on contracts?

The Honourable Sir Thomas Stewart: The matter is under consideration.

GRIEVANCES OF THE EAST INDIAN RAILWAY STAFF SERVING IN THE DELHI DIVISION.

785. *Sardar Mangal Singh: Will the Honourable Member for Railways please refer to the reply given to unstarred question No. 109, asked on the 29th November, 1938 regarding grievances of the East Indian Railway staff serving in the Delhi Division, and state the date on which the promised information was published in the Debates of this Honourable House and the reasons for its delay?

The Honourable Sir Thomas Stewart: The information was sent to the Legislative Assembly Department on the 23rd instant. The delay was due to the particulars asked for by the Honourable Member not being readily available.

ACCEPTANCE OF TENDERS ON THE BENGAL NAGPUR AND MADRAS AND SOUTHERN MAHRATTA RAILWAYS.

786. *Mr. K. S. Gupta: (a) Will the Honourable Member for Railways please state if it is a fact that the lowest tenders for works on the Bengal Nagpur Railway and Madras and Southern Mahratta Railway are generally accepted?

(b) What is the object of the following clause in the notice for calling of tenders from contractors "It is not binding on the District Engineers to accept tenders offered on low rates and option lies with the District Engineer"?

The Honourable Sir Thomas Stewart: (a) Government have no information but such a practice would be consistent with the rules.

(b) The right to reject a tender without assigning a reason is a usual provision in the terms of any call for tenders, as it may happen that the lowest tender received is not acceptable for reasons such as the capability or financial status of the tenderer.

UNIFORMS SUPPLIED TO CERTAIN STAFF ON THE NORTH WESTERN RAILWAY.

787. *Mr. Lalchand Navalrai: Will the Honourable Member for Railways be pleased to state on what basis uniforms are supplied to the station staff and the staff working in yards by the North Western Railway? Do

Government propose to supply the train clerks with suitable uniforms? If not, why not?

The Honourable Sir Thomas Stewart: Uniforms, overcoats and waterproof coats are issued to such of the staff referred to:

- (i) whose duties bring them into contact with passengers, to facilitate their being easily identified;
- (ii) whose duties expose them to extreme cold or to rain on sections where the rainfall is heavy.

Train clerks are given overcoats on all sections, and waterproof coats if posted to areas with a heavy rainfall. There is no justification for the supply of uniforms to them as their duties do not require them to have any dealings with passengers.

MEMORIAL OF TRAIN CLERKS OF THE NORTH WESTERN RAILWAY.

788. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state what action has been taken by the General Manager, North Western Railway, Lahore, on the memorial of the train clerks submitted to him on the 15th January, 1939, which is also published in the *Daily Tribune*, Lahore, of the 19th January, 1939, on page 12, *Daily Herald*, Lahore, of the 4th February, 1939, on page 6?

(b) Is it a fact that train clerks are promoted as Yard Foremen on the same pay and grade after competing with menial shunting staff who are often given priority over train clerks? If so, do Government propose to stop this process in the interests of the train clerks?

(c) Is it a fact that the promotion for special Ticket Examiner's job is purely reserved for ticket collectors? If so, why are they allowed to share with the train clerks for the promotion of guards?

The Honourable Sir Thomas Stewart: (a) The memorials are under consideration by the General Manager.

(b) Yes, but the competition is confined to the lowest grade of Yard Foremen and priority is determined by merit. The reply to the latter part is in the negative.

(c) The reply to the first part is in the affirmative. As regards the second part, Government see no reason why a ticket collector should not be eligible for the post of a guard.

SYSTEM OF STATION TO STATION RATES REGISTERS ON RAILWAYS.

789. ***Bhai Parma Nand:** (a) Will the Honourable the Railway Member please state if it is a fact that the system of station to station Rates Registers, introduced over the North Western Railway as an experimental measure in 1929, was scrutinised by the Wedgwood Committee and was recommended by them to be adopted universally over all the Railways in India to derive full benefits of the scheme?

(b) Were these recommendations further scrutinised by the Indian Railway Conference Association and accepted by them in their last autumn conference?

(c) How many railways have adopted the scheme?

(d) Has the scheme, in force over the North Western Railway since 1929, been confirmed? If so, from which date?

(e) What is the strength of the staff employed on this scheme over the North Western Railway, including officers? How many of them are temporary? Were they all appointed for this scheme?

(f) Have these temporary men been confirmed? If so, when? If not, will Government be pleased to state the reasons for this delay and whether they propose to take early steps to confirm these men?

The Honourable Sir Thomas Stewart: (a) and (b). Yes.

(c) Of the State-managed Railways, the North Western Railway has adopted the scheme. As regards the Company-managed Railways, Government understand that the Assam Bengal Railway have taken action for the introduction of Rate Registers.

(d) Yes, from 1st April, 1938.

(e) The total strength of the staff is 35. No officer is exclusively employed on this work. 22 are temporary. Government have no information as to whether these men were originally appointed in connection with the preparation of Rate Registers.

(f) No. Government understand that the question of their confirmation is under examination and that a final decision will be reached shortly.

ADVERSE TREATMENT OF THE OLD EAST INDIAN RAILWAY STAFF TRANSFERRED TO THE NORTH WESTERN RAILWAY.

790. ***Bhai Parma Nand:** (a) Will the Honourable Member for Railways be pleased to state when the D. U. K. portion of the North Western Railway was taken over by the North Western Railway from the East Indian Railway?

(b) Did the North Western Railway take over any Station Masters or Assistant Station Masters, as well as the time of transfer of the control from the East Indian Railway to the North Western Railway?

(c) If so, how many and on what conditions?

(d) Has any of them ever been promoted to Station Master's grade C (110-5-140), or have they been kept junior to the North Western Railway staff?

(e) Is it a fact that the then administration advanced an assurance to these Station Masters or Assistant Station Masters that their seniority will be fixed in accordance with the number of years of permanent service they had rendered in the grade and not with reference to the rate of pay they might be drawing?

(f) If so, has any representation been made in Delhi Division by the old East Indian Railway staff due to adverse treatment? If so, what action was taken in the matter?

The Honourable Sir Thomas Stewart: (a) 1st April, 1925.

(b) Yes.

(c) 42 Station Masters and 111 Assistant Station Masters were taken over by the North Western Railway on the understanding that they would be returned to the East Indian Railway as vacancies on that line permitted. As up to April, 1927, the East Indian Railway had taken back only a very small number, the North Western Railway Administration decided to give the remaining staff the option of either remaining permanently on the North Western Railway on the scales of pay in force on that line or being

available for transfer to the East Indian Railway as opportunity offered. In the latter case, they would continue to be on the scales of pay in force on the East Indian Railway and could not look for advancement on the North Western Railway.

(d) Two were temporarily promoted: one of these has since retired, and the other has been reverted.

(e) and (f). I have called for certain information and will place a further reply on the table of the House when it is received.

APPOINTMENT OF WIRELESS INSPECTORS IN THE UNITED PROVINCES POSTAL CIRCLE.

791. *Bhai Parma Nand: (a) Will the Honourable Member for Communications be pleased to state if it is a fact that five temporary posts of Wireless Inspectors and one temporary post of Wireless Investigating Inspector are sanctioned for the United Provinces Circle, and whether four of these appointments have been conferred on Christians and two on Muslims? If so, on which date or dates were these appointments made, and why was no Hindu appointed?

(b) Is it also a fact that the Director General's orders were that the appointments should be made in the following order of preference:

- (a) retired or retrenched men of Telegraph Engineering;
- (b) retired or retrenched men of Telegraphs;
- (c) retired or retrenched men of Post Offices;
- (d) outsiders?

(e) Is it also a fact that the Director General's orders were to observe communal rotation in making these appointments?

(d) Is it a fact that some retired Hindu Post Office officials who possessed all necessary qualifications, applied for the posts?

(e) Is it a fact that out of those who have been appointed, one is an outsider (i.e., not a retired hand) and one is an official who went on invalid pension? If so, why were these officials selected as against physically strong and active retired and retrenched Post Office officials who were duly qualified for the appointment?

(f) Will Government also be pleased to state why the majority community was ignored in making these selections, and whether they are now prepared to review the selection orders? Is it also a fact that Anglo-Indian officers form the majority of the Selection Board members of the Postmaster General's office, United Provinces?

The Honourable Sir Thomas Stewart: (a) The reply to the first two parts is in the affirmative. All these appointments were made between the 22nd January, 1937, and 22nd September, 1938. No Hindu was appointed because other candidates were considered more suitable.

(b) The orders are that in filling the posts preference should always be given to retired Telegraphists, Telegraph Masters, Engineering and Wireless Supervisors, Telephone Operators and Inspectors of Post Offices who are vigorous, active and suitable but that suitable recruits from outside may be appointed.

(c) Yes, in making appointments of Wireless License Inspectors.

(d) The few retired Hindu Post Office officials who applied for the posts of Wireless License Inspectors were not considered suitable.

(e) Yes. They were appointed because they were regarded as the most suitable. The official who retired on invalid pension had been subsequently declared as physically fit by the Civil Surgeon.

(f) As regards the first part of the question the Honourable Member is referred to the reply given to parts (a) and (e). The reply to the second and third parts is in the negative.

LIST OF ASSISTANTS AND CLERKS FIT FOR PROMOTION IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

792. *Maulana Zafar Ali Khan: (a) Will the Honourable the Communications Member please state whether it is a fact that Mr. Ghulam Muhammad, while investigating into the reorganisation of the office of the Director General of Posts and Telegraphs prepared a list of efficient Assistants, Second Division clerks and Third Division clerks fit for promotion to the grades of Superintendents, Assistants and Second Division clerks, respectively, and handed over the same to the Director General?

(b) Is it also a fact that he prepared the said lists in consultation with the Sectional Officers of the Directorate after going through the personal files and character sheets of each and every official?

(c) Were the said lists (in original) placed before the Secretary, Communications, along with the Report of Mr. Ghulam Muhammad for orders?

The Honourable Sir Thomas Stewart: (a) and (b). Yes.

(c) I am not prepared to discuss what departmental action was taken.

GRANT OF PENSIONABLE STATUS TO CERTAIN STAFF IN THE POSTS AND TELEGRAPHS DEPARTMENT.

793. *Maulana Zafar Ali Khan: (a) Will the Honourable Member for Communications please state whether it is a fact that the question of grant of pensionable status to non-pensionable personnel of the Posts and Telegraphs Department has been under the consideration of Government for a very long time?

(b) If the reply to part (a) be in the affirmative, will Government kindly state how the case exactly stands at present?

(c) Will Government kindly state how long more will they take to come to a final decision?

The Honourable Sir Thomas Stewart: (a) to (c). I would refer the Honourable Member to the reply I have given today to Mr. Satyapuri's starred question No. 776.

NON-GRANT OF AN ALLOWANCE TO THE ASSISTANTS IN CHARGE OF CERTAIN SECTIONS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

794. *Maulana Zafar Ali Khan: (a) Will the Honourable Member for Communications please state whether it is a fact that the Assistants in charge of Rates and Cash sections of the office of the Director General of Posts and Telegraphs do not get any charge allowance or increase in pay?

(b) Is it a fact that the Assistants in charge have to supervise the work of the sections concerned, submit weekly and monthly lists, etc., like the Superintendents of other sections of the office?

(c) Is it a fact that the Accountants recently imported in the office of the Director General of Posts and Telegraphs from the Audit Office get an allowance of Rs. 80 per mensem without having any supervision work to do?

(d) Is it a fact that the Accountants in charge of Budget and Statistics sections of the office of the Director General of Posts and Telegraphs get an allowance of Rs. 100 and Rs. 50 respectively, per mensem?

(e) If the replies to the preceding parts be in the affirmative, will Government kindly state the reasons for not granting an allowance or increase in pay to the Assistants in charge of Rates and Cash sections?

The Honourable Sir Thomas Stewart: (a) and (b). Yes.

(c) Yes but only Senior Accountants get a special pay of Rs. 80 per mensem.

(d) Yes.

(e) Because Government do not consider any allowance or increase in pay justified having regard to the nature of the duties and responsibilities involved.

THE BUDGET FOR 1939-40.

The Honourable Sir James Grigg (Finance Member): Sir, one of the few satisfactory features about the budgetary history of the year 1938-39 was the fact that when I originally presented my proposals to the House I prefaced my remarks with the warning that India was a disappointing country for prophets and thereby forestalled possible future accusations of inaccurate budgeting. This anticipatory caution on my part is in keeping with the practice of one of the greatest of Chancellors of the Exchequer, who always inserted safeguarding or hedging phrases in his speeches, so that when Opposition Members tried to quote him against himself he could safely invite them to read the full text, secure in the knowledge that the precautionary words would be there. But in anything so serious as my last Budget speech I must not be flippant, and so I plunge without further ado into the flood of prosaic facts and figures which I have to put before you.

FINANCIAL YEAR 1937-38.

2. In our revised estimates for 1937-38 we anticipated that we should need to draw Rs. 1.09 lakhs from the Revenue Reserve Fund in order to balance our accounts, leaving in the Fund Rs. 75 lakhs to be carried forward to 1938-39. The actual amount required was however only Rs. 78 lakhs, for expenditure was Rs. 9 lakhs less than the revised estimates and revenue Rs. 22 lakhs better. The main variations in revenue were increases of Rs. 83 lakhs from Taxes on Income (including Rs. 43 lakhs on account of Corporation Tax) and Rs. 14 lakhs in the net receipts from Posts and Telegraphs, counterbalanced by decreases of Rs. 82 lakhs under Customs and Rs. 10 lakhs in Mint profits. The rather spectacular increase in receipts from Taxes on Income seems to have been partly due to an acceleration of the process of assessment and partly to overcautious estimating at a time when trade activity was diminishing.

The main benefit of the Income Tax (as opposed to the Corporation Tax) part of the increase accrued of course to the Provinces and so augmented their share of the divisible pool under the Niemeyer Award. In our revised estimates for 1937-38 we assumed that this share would be Rs. 1.38 lakhs but in the middle of March of that year it looked as if Railway receipts were declining and we therefore decided to distribute Rs. 1.25 lakhs only. In the event however the reduction in the Railway surplus was no more than Rs. 8 lakhs while on the other hand the divisible pool of Income Tax increased by Rs. 33 lakhs so that the true Provincial share of Income Tax turned out to be Rs. 1.63 lakhs. Thus against the additional Rs. 31 lakhs available in the Revenue Reserve Fund we must set off this balance of Rs. 38 lakhs of Income Tax which will have to be paid to the Provinces together with the amounts to be distributed on account of the current year.

The fall in customs revenue was general. As was mentioned in my Budget Speech last year the previous upward movement had come to a halt in January and there soon developed a decline which was steeper than anything we anticipated. A rapid falling off in the import trade accounted for the shortfall in the closing months of the last financial year, of Rs. 82 lakhs and revealed the tendency which was to become so marked a feature of the first half of the current financial year.

FINANCIAL YEAR 1938-39.

3. Our revised estimates for the current year show a net deterioration of Rs. 2.92 lakhs in revenue, and this is more than accounted for by the severe fall in the receipts from Customs Duties. At the time of framing the Budget we had, it is true, anticipated a reversal of the previous rise and had accordingly reduced our estimates by Rs. 60 lakhs as compared with the revised figure for 1937-38. But the trade recession was much sharper than we feared though happily it showed signs of being shorter than usual. Its effects on the customs revenue in consequence proved much worse than we had had reason to expect and reduced the receipts in the earlier months of the year to such an extent that though there has since been a certain improvement, the reduction over the year is now estimated at Rs. 3.67 lakhs. Under expenditure there is a net diminution of Rs. 18 lakhs made up of a reduction of Rs. 1.18 lakhs in the Civil estimates mainly due to the special economy measures, counterbalanced by an increase of Rs. 1.00 lakhs for the Defence Services. The result is that instead of realising a surplus of Rs. 9 lakhs we have to reckon on a deficit of about Rs. 2.65 lakhs.

Revenue.

4. Apart from the shortage of Rs. 3.67 lakhs under Customs referred to above the other main changes in the budget figures are decreases of Rs. 18 lakhs under Currency and Mint and of Rs. 51 lakhs in the Railway contribution, as against improvements of Rs. 49 lakhs under Central Excise Duties, Rs. 32 lakhs under Corporation Tax, Rs. 47 lakhs under Taxes on Income other than Corporation Tax and Rs. 8 lakhs under Opium. Let me explain these variations in more detail.

5. *Customs and Central Excise Duties.*—As I have already said there is a total shortage of Rs. 3.67 lakhs under Customs and an excess of Rs. 40 lakhs under Central Excise Duties. Under Customs the steady increase in the imports of machinery has provided Rs. 21 lakhs more than our estimates, and imports of raw cotton, which were expected to yield Rs. 60 lakhs, are now expected to provide Rs. 20 lakhs more. But under most of the other heads there has been a shortfall, which is particularly heavy in the case of artificial silk fabrics and yarn and certain other textile items including cotton fabrics.

[Sir James Grigg.]

of British manufacture. It is worth while to observe that, from the purely revenue point of view, the replacement of imports of consumers' goods by imports of plant and raw material of an equivalent value but subject to lower rates of duty results in a lower yield. This factor has been in operation concurrently with the setback in international trade. The yield of the export duty on jute, both raw and manufactured, though low in the first months of the year, has made a marked recovery and is now expected to reach the budget figure of Rs. 4,20 lakhs, so that the payments made on this account to the jute-growing Provinces are also likely to reach the budget estimates. Our revised estimates for motor spirit and kerosene, taking customs and excise together, are very much lower than the budget estimates but are still Rs. 24 and Rs. 6 lakhs respectively above the actuals of the previous year. Under Central Excise Duties the main rise has been under Sugar, where in spite of a smaller volume of factory production, high prices and under-stocked markets have stimulated the rapid clearance of finished sugar, and have incidentally provided an eloquent refutation of most of the arguments which were levelled against the increase of the excise duty two years ago.

6. *Taxes on Income.*—Our total revised estimate including Corporation Tax and other elements entirely Central is Rs. 16,04 lakhs compared with the budget estimate of Rs. 15,25 lakhs. The rise of Rs. 79 lakhs is of course a reflection into 1938-39 of the improvement which took place in the closing months of 1937-38. It includes increases of Rs. 32 lakhs under Corporation Tax and Rs. 12 lakhs in the portion attributable to the emoluments of officers serving under the Central Government and to centrally administered areas. The remaining Rs. 35 lakhs go to increase the pool of income-tax to be divided among the Provinces, but, as Honourable Members have learnt from the Railway Member, the estimated contribution from the railways to central revenues has been reduced from Rs. 2,56 lakhs to Rs. 2,05 lakhs and the amount payable to the Provinces on account of this year accordingly becomes Rs. 1,12 lakhs as compared to the budget forecast of Rs. 1,28 lakhs. On the other hand there is, as I have explained, a carry forward of Rs. 38 lakhs which will raise the total to be distributed to Rs. 1,50 lakhs.

7. *Other Revenue Heads.*—There is a small decrease of Rs. 2 lakhs under Salt, and an increase of Rs. 8 lakhs under Opium owing to increased demands for excise opium from Provincial Governments and Indian States. Under Mint there is a decrease of Rs. 27 lakhs, the profits from the circulation of small coin having declined. In the first seven months of the year there was a particularly heavy return of all denominations of nickel coin, partly by way of reaction to the exceptionally heavy demand of the year before and partly as a result of the general decline in trade; and though this return of coin has since November given place to seasonal absorption on a normal scale, the amount of nickel and bronze coins passed into circulation during the year will now be a great deal less than anticipated. The variation under Currency is due to an increase of Rs. 10 lakhs in the Government's share of the Reserve Bank's profits.

8. *Posts and Telegraphs.*—The budget and revised estimates for the Posts and Telegraphs Department are as follows:—

	Budget, 1938-39.	Revised, 1938-39.
	(In lakhs).	
Gross receipts	11,70	11,52
Working expenses and interest charges	11,70	11,51

Indications of decline in revenue appeared early in the year, and steps were immediately taken to effect such reductions in expenditure as could be made without curtailing the existing facilities to the public. New projects were postponed and certain desirable activities, provision for which had been made in the budget, had to be abandoned. Thus, although we anticipate a fall of Rs. 18 lakhs in revenue we are still able to hope that the Department will end the year with a balanced account.

Expenditure.

9. *Defence Services.*—The only increase on the expenditure side of the 1938-39 estimates arises under Defence Services which are expected to cost Rs. 1,00 lakhs more than the Budget estimate of Rs. 45,18 lakhs. The sum of Rs. 1,00 lakhs is the net result of increases aggregating Rs. 2,16 lakhs, and reductions totalling Rs. 1,16 lakhs. The main items of increase are:—

Improved conditions of service for British military personnel consequent on decisions taken by His Majesty's Government	Rs. 1,15 lakhs.
Waziristan operations	Rs. 45 lakhs.
Increased requirements of Ordnance Services	Rs. 32 lakhs.

As regards the first item, I should explain that it includes a sum of Rs. 25 lakhs which is still the subject of discussion with His Majesty's Government.

The principal decreases are:—

Abandonment of the scheme for the conversion of 4 British Battalions into Machine Gun Units	Rs. 48 lakhs.
Slowing-down of the programme of mechanization of British Cavalry Units and of other reorganisation measures	Rs. 26 lakhs.
Withdrawal of 4 British Battalions	Rs. 16 lakhs.

10. *Civil Estimates.*—In connection with the decrease of Rs. 1,18 lakhs in the Civil estimates it will be appropriate if I give a brief account of the various economy measures undertaken by Government during the course of the present year in order to reduce the deficit that was bound to occur once customs receipts began to show a serious decline. As long ago as last April, when the recession in trade showed the first indications of hardening into a considerable depression, all new schemes, even though they had been provided for in the Budget, were ruthlessly excised, and orders were issued that no proposal for fresh expenditure would be entertained unless it was absolutely inescapable or definitely remunerative. As the trade recession deepened and our customs revenue declined still further, a special committee of Secretaries, presided over by the Home Member, was set up to examine expenditure in detail and to propose further economies in the sanctioned grants. As an emergency measure orders were issued restricting officiating promotions and the recruitment of outsiders. Grants for travelling allowance and contingencies were cut by ten per cent, and all possible economies that did not involve the retrenchment of permanent staff or the cessation of valuable activities on the part of Government institutions were enforced. As the result of these measures savings amounting to Rs. 1,18 lakhs were achieved. After deduction of that part of the savings relating to the Posts and Telegraphs Department which went to balance the decrease in their receipts and so made no net contribution to our problem, the revised estimates show a net reduction of Rs. 94 lakhs as compared with our budget estimates. This is

[Sir James Grigg.]

spread over practically all heads, though the largest reduction appears under Civil Works owing to the abandonment or postponement of building projects previously sanctioned.

11. *Interest.*—The remainder of the reduction in expenditure is accounted for by a net diminution of Rs. 24 lakhs under the Interest head. In the first place there is a reduction of Rs. 48 lakhs on account of Bonus on Post Office Cash Certificates. As the House knows, our disbursements on this account have been exceptionally heavy in recent years with the result that the fund maintained to assist in meeting this liability had become exhausted. Accrued interest on certificates presented for encashment has had therefore to be met entirely from revenue. Contrariwise a reduction in the accrued interest payable produces a direct budget saving. During the present year not only has there been a diminution in the volume of certificates presented for payment but many of those presented have carried a lower rate of interest. A further element is a saving of Rs. 18 lakhs in interest on Postal Savings Bank Deposits due to the reduction in the rate of interest last December from 2 per cent to $1\frac{1}{2}$ per cent. This rate is still $\frac{1}{2}$ per cent above that payable by the Imperial Bank, and we considered that the reduction might be made without materially affecting the steady increase in these Savings Bank Deposits, the outstanding balance of which has risen from Rs. 43 crores in 1933 to over Rs. 77 crores at the beginning of this financial year. Against these reductions there has been an increase of Rs. 26 lakhs in the discount on Treasury Bills due mainly to the higher rates of interest now current in the bill market, and various minor additions which I need not particularise.

Position as at 31st March 1939.

12. So on the basis of these figures we are faced with a deficit of Rs. 2.65 lakhs in the current year. As the amount provided for the reduction or avoidance of debt was Rs. 3 crores, this means that there will virtually be no debt repayment from revenue during the year though fortunately there will be no net addition to indebtedness. However in this connection I may point out with a certain consciousness of rectitude that, according to the decision explained in my Budget Speech last year, the sum of Rs. 1.02 lakhs paid to general revenues on the 1st April 1938 out of the balance in the Renewals Reserve Fund of the Posts and Telegraphs Department has been taken to reduction of debt outside the revenue account, whereas it might have been shown in reduction of our current deficit. If the latter course had been followed we should have exposed a deficit of only Rs. 1.63 lakhs.

FINANCIAL YEAR 1939-40.

13. I come now to the financial year 1939-40. Our total revenue estimates amount to Rs. 82.15 lakhs as compared to Rs. 83.00 lakhs in the revised estimates for this year.

Revenue.

14. *Customs and Central Excise Duties.*—Next year's budget estimates for customs is Rs. 40.10 lakhs against the current year's revised of Rs. 40.14 lakhs. It has, however, been decided on the recommendation of the Public Accounts Committee that with effect from next year the amount payable to the States of Cochin and Travancore as their share of the customs revenue of the Cochin Port is to be treated as a deduction from revenue and not as expenditure. This involves a reduction of Rs. 39 lakhs under both revenue and expenditure and so we are really budgeting under customs for an increase of Rs. 35 lakhs. This is based on the assumption of increasing yields from such items

as petrol and machinery, which continue to show a steady growth in spite of fluctuations in trade conditions, and of further reductions in the receipts from artificial silk fabrics and yarns and other textile fabrics. For the rest we have taken no more than the revised estimates for the current year. There are signs, notably the revival of confidence in the stock and commodity markets that took place last June, and the improvement in the foreign trade position that has continued since then, that the present depression will not be so prolonged as the last and should in the ordinary course give way to a general trade revival. On the other hand there is the continued uncertainty of the international political situation, and it would perhaps be unduly optimistic to count on any marked revival in time to affect materially the accounts of next year. Thus, though the customs returns of the last few months have shown an improvement on those of the earlier part of the year, and the figures for India's favourable balance of trade have been consistently better than those of the corresponding months of the previous year, conditions do not appear to justify our raising our general estimates above the level of the returns of the current year.

15. Our estimates for Central Excise duties, which amount to Rs. 8.28 lakhs, also follow our revised estimates except for minor variations. The main component of this figure is the estimate of Rs. 4.00 lakhs from the duty on sugar. I have adopted Rs. 4.00 lakhs as a nominal figure on a review of various conflicting considerations and in conjunction with a figure of Rs. 20 lakhs, also largely nominal, which has been included in the Customs estimates. I am aware that the outturn of the cane crop for the present crushing season points to a considerable shortage in the production of factory sugar during that season. On this basis it would be reasonable to adopt a much lower forecast of the yield of the excise. The financial year however bestrides two crushing seasons and there are other elements of uncertainty in the situation. In the first place, the continuance of high prices for refined sugar must have a depressing effect on the volume of consumption. Secondly, a shortage of factory production can be made up by an expansion of *khandari* production as well as by imports of foreign sugar. To the extent that *khandari* production supplies the deficiency the result is that little or no compensation accrues to the revenue for the loss of the excise from factory sugar. On the other hand, imports of foreign sugar more than compensate for the loss of revenue from indigenous supplies. On a careful review of the various conflicting and indeterminate factors in the problem I have come to the conclusion that I should not be justified in assuming a total revenue from both Excise and Customs duties on sugar of more than Rs. 4.20 lakhs. I have not made any attempt at a precise apportionment of the revenue to these two heads; the figures under Excise and under Customs are alike nominal. I do however attach considerable importance to the gross figure which represents a considered decision of what we can safely expect from this source.

16. It will be convenient at this point to say something about the change which we intend to introduce in regard to the levy of Excise duty on *khandari* sugar. Here we are introducing legislation which will extend the liability to pay duty and will at the same time enable us to reduce the rate of duty. The estimated quantity of *khandari* sugar produced annually in British India has at various times fluctuated from 100,000 tons to upwards of 200,000 tons. Yet the yield of excise duty at the present rate of Rs. 1 per cwt. is not more than Rs. 50,000; in other words, the quantity of *khandari* sugar on which duty is paid is less than 2 per cent of the total production. This is due largely to the definition of a "factory" in the Sugar Excise Duty Act, 1926, which confines the charge of the duty to sugar produced in premises employing 20 or more workmen. This liability is easily avoided by the common practice of

[Sir James Grigg.]

splitting up the process of manufacture and having the different processes performed in separate premises. The result is not only a loss of revenue, but an inequitable incidence of taxation which has given rise to numerous complaints from the sugar mills of unfair competition. It is therefore intended to amend the definition of "factory" in section 2 (a) of the Sugar Excise Duty Act, 1934, so as to omit any reference to the number of workers employed. I should make it clear that there will be no extra burden on the small agriculturist who does not employ mechanical power in any of the processes of sugar production. We propose at the same time to reduce the rate of excise duty on *khandsari* sugar from Re. 1 to annas eight per cwt. We estimate that this change will yield an increase in revenue of approximately Rs. 5½ lakhs, but this figure is included in the general estimate of the Excise revenue from sugar.

17. *Taxes on Income.*—As already mentioned we have put up our revised estimates for 1938-39 by Rs. 79 lakhs over the budget figure. The preceding year had been on the whole a prosperous one and the decline in trade did not appear until the last few months of it. As I have pointed out the trade recession which then set in was sharp, and we estimate that the effect of this on our figures for 1939-40 will be a reduction of Rs. 81 lakhs, which wipes out the gain shown in the revised estimates for 1938-39. Of this fall Rs. 20 lakhs is on account of Corporation Tax. On the other hand we have to reckon on the increases that are expected to result from the introduction of the provisions of the Income-tax (Amendment) Bill, together with the application of a new scale based on what is called the Slab System.

18. The new scale of rates, which will appear in the Finance Bill, is that shown in Appendix 2 of the Income-Tax Enquiry Report of 1936, with no alteration other than that Hindu Undivided Families with more than one adult married male member are treated in the same way as other Hindu Undivided Families, that is to say, the rates of tax will be the same for them as for individuals. I need not describe the scale in detail now because it was fully present to the minds of Honourable Members throughout the recent debates on the Income-tax Bill. It is also proposed to abolish the Rs. 50,000 exemption limit for Company super-tax.

19. Provision is made in the Finance Bill, as in past years, for the previous year's rates to be applied to incomes from salaries, interest on securities, and company dividends, but this year, owing to the change from the Step to the Slab System, the provision is more complicated and involves the application of the old rates to the total income if more than half the total income is from these sources.

20. I have already told the House that the majority of individual assesses will gain by the introduction of the Slab System. For individuals we expect a decrease of Rs. 93 lakhs in income-tax and an increase of Rs. 1,17 lakhs in super-tax. From companies we hope to get increases of Rs. 31 lakhs in Income-tax and (after allowing for the removal of the Rs. 50,000 exemption limit) of Rs. 21 lakhs in super-tax.

21. From the legislative changes contained in the actual Income-tax Bill, i.e., apart from the changes of scale to be provided for in the Finance Bill, but including the withdrawal of the leave pay exemption, we hope to get in round figures Rs. 50 lakhs. This may appear to Honourable Members a very modest sum after all the alarms and excursions which have attended the passage of this legislation. But it is at any rate a good start and in succeeding years, when its provisions have had time to become fully effective, we may hope for much larger sums.

22. All told the combined effect of the legislative and quasi-legislative changes is an increase of Rs. 1,31 lakhs of which Rs. 21 lakhs is under Corporation Tax. Taking into account also the reduction due to the fall in profits we arrive at final estimates of Rs. 1,88 lakhs for Corporation Tax and Rs. 14,66 lakhs for Taxes on Income other than Corporation Tax—the latter figure representing an increase of Rs. 49 lakhs over the revised estimate for 1938-39. Of the Rs. 14,66 lakhs, Rs. 12,65 lakhs represents the divisible pool for Niemeyer purposes and Rs. 2,01 lakhs the purely Central share. As the Railway contribution has been estimated by the Railway Member at Rs. 2,13 lakhs, the Provincial share of Income Tax comes to Rs. 1,78 lakhs, which is Rs. 66 lakhs more than the revised estimate for 1938-39.

23. *Posts and Telegraphs.*—For the next year the revenue of the Posts and Telegraphs Department is expected to be Rs. 11,64 lakhs, and expenditure Rs. 11,63 lakhs. Although recent months have indicated a slight improvement in certain classes of traffic, the general economic conditions in the country do not warrant anything more than a small increase of Rs. 12 lakhs in revenue. The estimated expenditure is also Rs. 12 lakhs above the revised estimate for the current year; the rise is mainly accounted for by increases of about Rs. 8 lakhs due to normal increments of salaries and of Rs. 3 lakhs in pensionary charges.

Expenditure.

24. The total figure for expenditure is Rs. 82,65 lakhs, or Rs. 3,00 lakhs less than the revised estimates for the current year. This somewhat startling reduction is explained by decreases of Rs. 1,73 lakhs under Interest and Rs. 1,00 lakhs under Defence, coupled with the fact that the special economic enforced this year are being continued in the budget for next year.

25. *Defence Services.*—The Defence Budget for 1939-40 stands at Rs. 45,18 lakhs. This is the same figure as the Budget Estimate for the current year, but Rs. 1,00 lakhs less than the Revised Estimates.

I do not suppose that there is another important country in the world whose Defence Budget for 1939-40 will not show an increase, and, in some cases, a very large increase, over the Budget for 1938-39. Whatever may be the true position in this respect, it does not admit of doubt that no other country of importance has been able to escape with such modest increases in Defence expenditure as has this country during the past four years.

I have not concealed from the House in my previous Budget speeches that the sums, which it has been possible to allocate to the Defence Services in recent years, have not corresponded with military necessities or the international situation; rather have they been determined by financial exigencies.

The same is true of the Budget Estimate for 1939-40. The total sum proposed provides merely for standing charges and commitments. Even so, we have been able to keep down to Rs. 45,18 lakhs only as a result of—

(i) The receipt of the addition of £500,000 to the Gairan contribution which I announced on the 13th of September last;

(ii) The transfer to the Imperial Establishment of 4 British Battalions, 1 Cavalry Regiment and 5 Tank Companies, which have already left India, or will have left by the end of the present trooping season;

(iii) Drawing of military Sinking Funds to the extent of Rs. 49 lakhs for purposes other than those for which they were set up.

[Sir James Grigg.]

The Budget Estimate also allows for the receipt of £2,150,000, being the first part of the capital grant of £5 million which I announced at the same time as the additional recurring grant of £500,000 just mentioned. As the House will remember, this capital grant was related only to certain British and Indian Units in India: it falls far short of the sums required if our Military and Naval Forces are not to be left in a condition far inferior to the Defence Forces of other countries. I can only express the hope that the decisions of His Majesty's Government on the Report of the Expert Committee on Indian Defence under the Chairmanship of Lord Chatfield will result in further substantial sums becoming available to give us those modern Defence Forces which are required by recent developments in military science and are dictated by the present world situation.

26. *Interest.*—The decrease in next year's estimate under Interest, as compared to this year's budget estimate, is no less than Rs. 1,96 lakhs. The main elements which go to make up this large saving are as follows:—First, there is a reduction of Rs. 1,60 lakhs in the amount payable as bonus on Post Office Cash Certificates. This is due to the fact that the certificates now falling due were issued at considerably lower rates of interest and are also less in amount than the exceptionally heavy maturities of recent years. The high interest certificates were all issued in years prior to that beginning on the 1st April 1934. With a lowering of the rate the value of new certificates sold naturally decreased. During the year 1934-35 the average rate of interest was 3 per cent. whereas at one time it had been as high as 5½ per cent., and the value of certificates sold was under Rs. 10 crores as opposed to over Rs. 13 crores in the previous year. It is the certificates sold in the year 1934-35 which ordinarily fall in for payment in 1939-40 and we are able therefore to reduce our estimate for the amount payable as bonus on certificates due to be discharged to Rs. 2,25 lakhs as compared with last year's budget estimate of Rs. 3,85 lakhs and a revised estimate of Rs. 3,37 lakhs. Then there are savings of Rs. 35 lakhs on account of the conversion operation of last summer, over and above of course a substantial saving to the Railways, of Rs. 37 lakhs, being a full year's consequence of the reduction in interest on Post Office Savings Bank Deposits which I have already mentioned, and of Rs. 15 lakhs in interest on sterling Family Pension Funds due to their transfer to the Family Pension Fund Commissioners in London. Against these savings there is increased expenditure of Rs. 28 lakhs on Treasury Bills owing partly to the larger balance outstanding at the start of the year but mainly to the rise in rates, an increase of Rs. 9 lakhs in the interest on Provident Funds due to normal growth in deposits, and extra interest amounting to Rs. 22 lakhs earned on the larger balances in the Railway Depreciation Fund.

27. Perhaps the House will bear with me if I turn aside and point the moral of this huge reduction in our interest charges. It is due largely to careful management of our public debt on the part of my predecessor and also of course to the policy of sound finance which has been pursued by the Government of India over a number of years. And if there are Honourable Members who are inclined to jeer at what they conceive to be the undue orthodoxy of the policy I hope they will reflect upon the very remarkable fruit which it is now bearing in enhanced credit and reduced debt charges. I make no apology for dwelling a little on this question for, as I have said, the main responsibility for the results lies at the door of my predecessor.

28. *Other Expenditure heads.*—As I mentioned in connection with the Budget Estimate, there is a decrease of Rs. 39 lakhs under sundries, due to the payments on account of the Cochin Port being treated as deductions from

revenue. The expenditure under the remaining heads has on the whole been kept at the level of the reduced amounts shown in the revised estimates by the prolongation of the economy measures brought into operation this year. Such unavoidable increases as have had to be provided for have been counter-balanced by extra savings from some of the economies which could not produce their full effect till next year.

Position as at the 31st March 1940.

29. Thus, on the basis of the adoption of the new rates for Income-tax, etc., and of the maintenance of existing taxation otherwise we arrive at the following result:—

Revenue	Rs. 82,15 lakhs.
Expenditure	Rs. 82,65 lakhs.
Prospective deficit	Rs. 50 lakhs.

Before I proceed to deal with the question of making up this deficit I must turn aside and give the usual review of our Ways and Means position.

WAYS AND MEANS.

30. *New Loan.*—During the current year the Government of India made a combined cash and conversion issue of 3 per cent. 1963-65 stock at 98. The 5½ per cent. 1938-40 and the 5 per cent. 1939-44 loans were accepted at Rs. 101.12 and Rs. 104 respectively. The issue, which was oversubscribed within 5 minutes of its opening, produced Rs. 26,31 lakhs of which Rs. 19,98 lakhs represented conversions. The unconverted part of the 5½ per cent. 1938-40 loan was notified for discharge on October 1st. Next year we shall have the option of redeeming the remainder of the Government of India 5 per cent. 1939-44 loan, the outstanding balance of which is a little over Rs. 20 crores. The time and manner of the redemption will of course depend on market conditions and on our Ways and Means position.

31. *Sterling Liabilities.*—With the decline in our balance of trade that occurred during the earlier part of last year and a certain increase in private remittance for purposes of investment the amount of sterling offered to the Reserve Bank has until recently been comparatively low. In the first ten months of the current year the Bank's purchases amounted to £12 millions as compared to £15 millions in the corresponding period of the previous year, but in the last two months the amounts purchased have been considerably larger than those of the corresponding weeks of last year. I have not got the figures for February but the Reserve Bank has been getting something of the order of £2 millions a week and in some weeks more than £2 millions. With the trade balance rising again there is good reason to expect that by the end of the year a much more satisfactory shewing will have been made. In the year a further £3 millions of sterling Railway Debentures are being discharged and we also expect to complete the transfer of our outstanding liabilities in respect of sterling family pensions, amounting to about £6 millions. These further repayments of sterling debt will bring the total amount repatriated since 1935 to something like Rs. 65 crores. Next year our sterling requirements are estimated at a little over £27 millions as compared to £36 millions in the current year, £37 millions in 1937-38 and £41 millions in 1936-37. This reduced remittance programme should offer us no difficulty.

32. *Treasury Bills.*—In 1938-39 we had reckoned on an increase of Rs. 5 crores in the value of treasury bills outstanding. Actually the figure looks like being Rs. 6,70 lakhs with the result that the total amount outstanding

[Sir James Grigg.]

at the end of 1938-39 will be between Rs. 44 and 45 crores. Next year, however, in spite of the virtual certainty of our having to pay for a further 5 crores of silver rupees returned by the Reserve Bank, we expect to be able to reduce this balance by some Rs. 6 crores. Taking both years together, we shall have made only a trifling addition to our floating debt in spite of an increase of Rs. 10 crores in the silver debt and of having had to make a special remittance of about Rs. 8 crores on account of the Family Pension Funds.

33. I may add that it has been found satisfactory to all the parties concerned to continue the arrangement by which, instead of the Provinces competing for the supply of treasury bills sold each week by public tender, the bills required for the investment of their surplus balances are provided by the Reserve Bank from its own holding. Of the total amount of treasury bills at present outstanding approximately Rs. 4½ crores represent bills transferred in this way to the Provincial Governments.

34. *Post Office Cash Certificates and Savings Bank Deposits.*—Our revised ways and means estimate allows for a net repayment of Rs. 82 lakhs only in respect of Cash Certificates as compared with the budget estimate of Rs. 3½ crores. Encashments have been slightly less than anticipated while sales have now begun to show a distinct improvement. This is no doubt due to the effect of the recent reduction in the rate of interest on Post Office Savings Bank deposits in increasing the relative popularity of the Certificates. Our estimate for the net repayment next year is therefore taken at no higher figure than Rs. 50 lakhs. On the other hand the rate of increase in Savings Bank deposits has fallen off though, as I said earlier, there is no sign of a reversal of the process which has resulted in a steady rise in the total deposits since 1933 from Rs. 43 to Rs. 77 crores. In fact, as against an increase of Rs. 5 crores (excluding interest of course) assumed in the budget, our latest estimates provide for an increase of Rs. 3.30 lakhs this year and of Rs. 3.75 lakhs next year.

I now return to the prospective deficit of Rs. 50 lakhs. In present circumstances our resources in the way of new taxation are somewhat circumscribed. The yield of increased Income-tax goes mainly to the Provinces; even over the revenue part of the field Customs Duties in general are as high as is consistent with a maximum yield, while over the protective part the return is rapidly declining. So far as Excises are concerned a delicate situation has been created by the judgment of the Federal Court which amounts to saying that there is concurrent power in the realm of internal indirect taxation. The full implications of this judgment are not yet apparent to me but one of the most important of them has been pointed out by the Chief Justice himself *viz.*, the need for mutual forbearance in this sphere lest the taxing authorities should by the simultaneous exercise of their powers raise the price of the article taxed to a height at which consumption is seriously curtailed. There is also the reminder of the Chief Justice that, in the absence of this mutual forbearance, the ability of the Centre to continue to make or to make new devolutions under section 140 of the Government of India Act will be jeopardised. The first subject chosen for the exercise of the concurrent taxing power is of course Motor Spirit and, if I may say so, the obiter dicta of the Chief Justice apply with great force in this instance. Certainly for my part I do not propose to meet our own deficit by an increase in the taxation on Motor Spirit.

However I must not tax your curiosity any longer—particularly as it will yield no revenue—and so I say that I have finally come down in favour of increasing the taxation on one of the extremely few items of the Customs tariff which shows an expanding yield *viz.*, that relating to Raw Cotton, and I propose that the duty should be doubled. I shall no doubt be told that by this measure I am indulging my usual vendetta against indigenous industry. I might with a good deal more justice retort that perhaps the increased duty would do something to promote the growing of the longer staples of cotton in India and this is no contemptible objective when we remember that Indian Mills are importing over 700,000 bales of these varieties a year. However, I take neither the blame nor the credit for either of these objectives. My design is simply to balance the budget by the least burdensome means open to me and that I claim to be doing. The increased duty will operate as from tomorrow and we can, I think, safely put the extra yield at Rs. 55 lakhs a year. With this addition to the revenue our final figures become:—

Revenue	82.70 lakhs.
Expenditure	82.65 lakhs.
Surplus	5 lakhs.

At this stage I suppose I ought to review the whole financial history of my five years of office or at any rate to try to draw its moral. But I shall do nothing of the sort. For India, as for the rest of the world, the future is much more important than the past. The political outlook has many menacing features both in India and outside. Many difficult problems face those responsible for the conduct of affairs in India and elsewhere. For India as for the rest of the world there is no hope save in a release of the stresses which operate between race and race and between community and community. If that release can take place India will not only be more prosperous in itself, it will also share in the very much increased prosperity of the world at large and in both cases the potential growth of economic welfare is almost limitless. And I would like the last words of my last budget speech to be simply a restatement of the obvious truth that without political reconciliation—the word appeasement has perhaps become too hackneyed—Central and Provincial Governments alike in India must fail in the great task allotted to them of raising the standards of life of the people.

THE INDIAN FINANCE BILL.

The Honourable Sir James Grigg (Finance Member): Sir, I move for leave to introduce the Indian Finance Bill, 1939.

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

"That leave be granted to introduce the Indian Finance Bill, 1939."

The motion was adopted.

The Honourable Sir James Grigg: Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 7th March, 1939.

LEGISLATIVE ASSEMBLY.

Tuesday, 7th March, 1939.

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

MEMBERS SWORN.

Mr. Mead Slade, C.I.E., M.L.A. (Government of India: Nominated Official);

Mr. James Snelson Hardman, M.L.A. (Government of India: Nominated Official); and

Mr. Kshinath Yashwant Bhandarkar, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

REPORT OF MR. J. D. TYSON ON THE ECONOMIC CONDITION OF INDIANS IN THE BRITISH WEST INDIES.

795. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether Mr. J. D. Tyson has finished his investigation of the economic condition of Indians in the British West Indies;
- (b) whether he has found out how many of the 25,000 Indians there desire repatriation, and when his report will be available to the Government of India; and
- (c) whether the report will be placed on the table of this House?

Sir Girja Shankar Bajpai: (a) The object of Mr. Tyson's deputation to the West Indies is stated in a Press Communiqué dated the 17th October, 1938, copies of which are available in the Library of the House. Mr. Tyson's work in the West Indies has not yet concluded.

(b) Presumably the Honourable Member refers to the number of ex-indentured Indians wishing to be repatriated from Jamaica: Mr. Tyson estimates this number at 1,200.

(c) Government will consider the Honourable Member's suggestion.

Mr. La'chand Navalrai: What is the objection to repatriating them?

Sir Girja Shankar Bajpai: Who is to support them when they come back?

Mr. La'chand Navalrai: Government might do something to support them. Will the Honourable Member at least take that question into consideration and come to some settlement about it?

Sir Girja Shankar Bajpai: We have considered that question before.

Mr. Abdul Qaiyum: What about the Government of the Colony concerned?

Sir Girja Shankar Bajpai: The Government of the Colony concerned has no responsibility for supporting people who choose to come away from the Colony to this country.

PROHIBITION OF ILLICIT EMIGRATION.

796. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Secretary for Education, Health and Lands be pleased to state:

- whether his attention has been drawn to the remark in the annual report on the working of the Indian Emigration Act in 1937 at Bombay that the difficulty in the control of illicit emigration is due largely to the passport and passenger brokers who book passages, obtain passports and assist emigrants leaving India without complying with the requirements of the Indian Emigration Act;
- whether Government propose to examine this question and take steps to see that illicit emigration is prohibited completely in Bombay, as well as in other ports; and
- whether the Government of India propose to take steps to procure the fullest co-operation of the Provincial Governments in this behalf?

Sir Girja Shankar Bajpai: (a)–(c). I would invite the attention of the Honourable Member to reply given by me on the 24th February, 1939, to Seth Govind Das's starred question No. 684.

Mr. Abdul Qaiyum: With reference to part (a) of the question, may I know whether these passport and passenger brokers do exist, and what are the checks imposed by the Government on their activities?

Sir Girja Shankar Bajpai: Passport brokers do exist and it is because we wish to check their activities that we are contemplating the issue of rules governing the trade in these passports.

NON-REPRESENTATION OF INDIANS ON THE BOARD TO ADVISE ON IMMIGRATION QUESTIONS IN KENYA.

797. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Secretary for Education, Health and Lands be pleased to state:

- whether it is a fact that the Government of Kenya propose to establish a Board under the chairmanship of the Commissioner of Land and Settlement, for the purpose of advising the Commissioner of Police on such matters as may be referred to it, for immigration into Kenya;
- whether it is a fact that there is no mention of Indian representation on the Board, and the Indian community is completely in the dark about its scope and functions;

- whether the functions of the Board include, or it is proposed that they should include, Jewish and Indian immigration; and
- whether the Government of India have taken up, or will take up, this matter with the Government of Kenya or with the Secretary of State for the Colonies and press on them that in the constitution of such a Board there should be effective and adequate Indian representation on the Board to protect Indian interests?

Sir Girja Shankar Bajpai: (a) to (c). The attention of the Honourable Member is invited to the reply given by me on the 8th February, 1939, to Mr. K. Santhanam's starred question No. 209.

(d) I would invite the attention of the Honourable Member to the reply given by me on the 4th February, 1939, to part (d) of Seth Govind Das's starred question No. 56.

INDEBTEDNESS OF CANE-GROWERS IN FIJI.

798. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Secretary for Education, Health and Lands be pleased to state:

- whether his attention has been drawn to the report of Sir Frank Stockdale, Agricultural Adviser to the Secretary of State for the Colonies, who visited Fiji recently and who states in his report that cane-growers are severely handicapped by their serious indebtedness and the prevailing high rates of interest charged by moneylenders from the Punjab in the Colony; and
- whether Government propose to take any steps in the matter and, if so, what steps?

Sir Girja Shankar Bajpai: (a) and (b). I would invite the attention of the Honourable Member to the reply given by me on the 16th February, 1939, to parts (a) and (b) of Seth Govind Das's starred question No. 452.

INDIANS IN JAMAICA.

799. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Secretary for Education, Health and Lands be pleased to state:

- the number of Indians in Jamaica;
- whether the Government of that country are following a policy of repatriating Indians;
- whether the Government of India are pressing upon that Government that, instead of being repatriated, these Indians should be enabled to settle on land there, free land being granted to them; and
- what the result of the representation is?

Sir Girja Shankar Bajpai: (a) The Indian population was estimated at 18,669 on the 31st December, 1938.

(b) Not so far as Government are aware.

(c) and (d). There are now no Indians in Jamaica eligible for assisted repatriation under the Immigration Law, but Government understand that some Indians have applied to the Colonial Government for facilities for repatriation. The question of making representations in the matter is under consideration.

Mr. Abdul Qaiyum: What about the second part of part (c) of the question—the grant of lands to such people as desire to stay on in the Colony?

Sir Girja Shankar Bajpai: That is the point which Mr. Tyson is including in the representation to the West Indies Commission.

COMPENSATION TO INDIANS FOR LOSSES IN THE BURMA RIOTS.

800. *Mr. Abdul Qaiyum: Will the Secretary for Education, Health and Lands please state:

- whether the Burma Riot Enquiry Committee has published any *interim* report;
- whether they have assessed the losses suffered by Indians during the recent racial riots in Burma; if so, what is their valuation;
- whether the Government of Burma have come to any decision on the question of compensating Indians; if so, the nature thereof; and
- what steps the Indian Government have taken to obtain compensation for Indian victims of the riots?

Sir Girja Shankar Bajpai: (a) Yes.

(b) No.

(c) and (d). The attention of the Honourable Member is invited to the reply given by me on the 13th February, 1939, to Mr. Akhil Chandra Datta's starred question No. 328 and the supplementaries thereto.

Mr. Abdul Qaiyum: With reference to part (b) of the question, may I know why in this *interim* report the question of the estimate of losses suffered by Indian settlers in Burma was not considered?

Sir Girja Shankar Bajpai: I believe that the Commission has not yet completed examination of all the evidence on the subject: that is the reason why.

Mr. Abdul Qaiyum: May I know if the Government of India have received information on this point from some other source—from their Agent or from any representative body of Indians?

Sir Girja Shankar Bajpai: No. I have not received any representation or information from any source as to the reason why the *interim* report does not make any mention of the amount of losses suffered.

Mr. Abdul Qaiyum: May I know how long it will be before the Government of India know or come to assess the loss suffered by Indians in these almost chronic riots which are taking place there?

Sir Girja Shankar Bajpai: I informed the House in reply to one of the supplementaries asked on the 13th of February that we were told by the Government of Burma that report of the Braund Committee was expected some time by the end of February or the beginning of this month.

Dr. Sir Ziauddin Ahmad: Have Government got any information from any other source about the losses sustained by the Indians?

Sir Girja Shankar Bajpai: I have already informed the House that according to my recollection, in a memorandum which has been presented on behalf of the Indian community to the Braund Committee, the loss has been estimated at something like Rs. 60 lakhs.

Mr. Mannu Subedar: May I know whether Government have secured the acknowledgment of the principle from the Burma Government that compensation would be given to the Indians?

Sir Girja Shankar Bajpai: Not yet, Sir.

Mr. Abdul Qaiyum: May I know if the Government of India will issue a communiqué if and when they receive the correct information about the losses suffered by Indians?

Sir Girja Shankar Bajpai: Only the amount or the question of compensation as well?

Mr. Abdul Qaiyum: Not only the amount, but whether the Government of Burma agree or disagree with the suggestion for compensating Indians?

Sir Girja Shankar Bajpai: I shall certainly consider my Honourable friend's suggestion.

INDIANS LEAVING BURMA ON ACCOUNT OF RIOTS.

801. *Mr. Abdul Qaiyum: Will the Secretary for Education, Health and Lands please state:

- the total number of Indians who had to leave Burma on account of the riots there; and
- how many of them have since returned?

Sir Girja Shankar Bajpai: (a) Approximately 11,000 persons were assisted to return to India.

(b) The information is not available.

Mr. Lalchand Navalrai: What is the condition of these riots in Burma?

Sir Girja Shankar Bajpai: Only the other day we had a press note issued on the subject. Unfortunately the rioting in Rangoon now is not between Burmans and Indians, but between Hindus and Muslims.

Dr. Sir Ziauddin Ahmad: What are the causes of this riot? Have Government received any information?

Sir Girja Shankar Bajpai: I was informed by the Government of Burma that the riots arose out of a private quarrel between a Gurkha and a Muhammadan woman, and then presumably communal feelings just flamed up and there was trouble all over.

Dr. Sir Ziauddin Ahmad: And the Hindus sided with the Gurkhas who are not Indians?

Sir Girja Shankar Bajpai: That is a question which the Hindus alone could answer: I cannot.

Mr. Lalchand Navalrai: Have the Government of Burma taken any steps to see that these riots on account of Hindu Muslim friction come to a settlement?

Sir Girja Shankar Bajpai: They have taken such action as presumably is open to them.

Mr. Lalchand Navalrai: Is there any committee appointed to intercede?

Sir Girja Shankar Bajpai: I do not think that the Government of Burma have appointed a committee, but I have seen press reports to the effect that the leaders of the two communities have constituted a committee of their own.

INDIANS IN BURMA.

802. *Mr. Abdul Qaiyum: Will the Secretary for Education, Health and Lands please state:

- (a) the latest figures about the number of Indians in Burma; and
- (b) the number of Indians who entered Burma in the years 1936, 1937 and 1938, respectively?

Sir Girja Shankar Bajpai: (a) Latest figures are not available but Government understand that the Indian population is a little over one million.

(b) 219,000, 199,000 and 189,000 Indians entered Burma during the years ending August 1935-36, 1936-37 and 1937-38 respectively.

Mr. Abdul Qaiyum: With reference to part (b) of this question, may I know whether the Government of India can inform this House as to the reason why these numbers are going down year after year?

Sir Girja Shankar Bajpai: I do not think there has been what might be called a constant figure of immigration into Burma over a period of years at all. I think it depends very much on the extent of employment that is available in Burma.

MUNICIPALITIES AND CANTONMENT BOARDS POSSESSING FIRE BRIGADES IN THE CENTRALLY ADMINISTERED AREAS.

803. *Mr. Brojendra Narayan Chaudhury (on behalf of Mr. Sham Lal): Will the Secretary for Education, Health and Lands be pleased to state:

- (a) the number of municipalities and Cantonment Boards possessing fire brigades in the centrally administered territories;

(b) whether there are any Government officers to supervise different fire brigades and co-ordinate the resources of different Boards suffering from paucity of funds by getting suitable fire brigades stationed at central places for a suitable number of areas; and

(c) whether menial staffs of different Boards are being given any training in suppressing fire and incendiarism through fire brigades and other fire extinguishers?

Sir Girja Shankar Bajpai: (a) Fire brigades exist in two municipalities in the Delhi Province, in one municipality in Baluchistan, and in three cantonments. The Delhi fire brigades are available to other local bodies in the Province on payment of prescribed charges.

(b) No.

(c) No, only the fire brigade staff is trained.

PROPOSAL TO LICENSE BEGGARS IN THE CENTRALLY ADMINISTERED AREAS.

804. *Mr. Brojendra Narayan Chaudhury (on behalf of Mr. Sham Lal): Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether there is any proposal for Municipalities, District and Cantonment Boards, of the centrally administered territories to license beggars under certain restrictions; and
- (b) if so, how far this proposal has matured?

Sir Girja Shankar Bajpai: (a) Not so far as Government are aware
(b) Does not arise.

Mr. Brojendra Narayan Chaudhury: Don't Government consider it desirable to license beggars from the point of view of public health?

Sir Girja Shankar Bajpai: That, Sir, seems to me to be asking for an expression of opinion.

EXEMPTIONS FROM SCHOOL FEES OF THE CHILDREN OF AGRICULTURISTS IN DELHI PROVINCE.

805. *Mr. Brojendra Narayan Chaudhury (on behalf of Mr. Sham Lal): Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether it is a fact that the sons of notified agriculturists paying land revenue between Rs. 200 and 250 every year are in the enjoyment of full or half fee concessions in primary and middle departments of Government-subsidized, District Board Vernacular schools of the Province of Delhi; and
- (b) if so, what the limits of land revenue are for exemptions from school fees in the case of children of notified agriculturists in these schools?

Sir Girja Shankar Bajpai: (a) No.

(b) Children of notified agriculturists are exempt from the payment of fees in primary classes of all recognised schools and are required to pay

only half fees in secondary classes of Government and Board Anglo-Vernacular Schools or Government Intermediate Colleges as also in the English classes of Government or Board Vernacular Middle Schools, provided that their parents pay less than Rs. 50 per annum as land revenue.

AGRICULTURIST ELECTED MEMBERS OF THE DELHI DISTRICT BOARD.

806. *Mr. Brojendra Narayan Chaudhury (on behalf of Mr. Sham Lal): Will the Secretary for Education, Health and Lands be pleased to state:

- whether it is a fact that statutory agriculturists number more as present than non-agriculturists among elected members of the District Board, Delhi; and
- if so, whether the balance between representatives of different interests is being maintained by nominations?

Sir Girja Shankar Bajpai: (a) and (b). All the present members of the Delhi District Board who have been elected or appointed by name are statutory agriculturists, but they do, in fact, represent a variety of professions and interests.

Mr. Brojendra Narayan Chaudhury: Is it not the policy of the Central Government to make up by nomination for the deficiency of representation of any interests in these Boards?

Sir Girja Shankar Bajpai: Sir, I have already informed the House that although the members may belong to the class of statutory agriculturists, they do represent a variety of interests and professions.

Mr. Brojendra Narayan Chaudhury: Do I understand the Honourable Member to say that statutory agriculturists also represent the interest of non-agriculturists?

Sir Girja Shankar Bajpai: Well, Sir, if they happen to be something else professionally, it may be assumed and presumed that they do represent those interests as well.

SUGAR-CANE CRUSHED IN FACTORIES, ETC.

807. *Seth Haji Sir Abdoola Haroon: Will the Secretary for Education, Health and Lands be pleased to state the quantity of sugar-cane crushed in sugar factories, the quantity used for the manufacture of gur, the quantity of cane used for khandsari, and for chewing and planting, etc., since 1934-35 to 1937-38, along with official estimate and the total cane crop for each of these years?

Sir Girja Shankar Bajpai: A statement is laid on the table.

Statement showing the utilisation of cane crop in India.

Year.	Cane used in factories.		Cane equivalent of gur used in refineries.		Cane used for gur manufacture.	
	Quantity to the nearest 1,000 tons.	Per cent.	Quantity to the nearest 1,000 tons.	Per cent.	Tons.	Per cent.
Nov./Oct—						
1935-36	9,802,000	16.0	875,000	1.4	39,018,000	63.8
1936-37	11,874,000	17.6	316,000	0.5	43,723,000	64.9
1937-38	*9,916,000	*17.8	278,000	0.5	34,481,000	62.6

Year.	Cane used for chewing, setts and khandsari sugar.		Total cane crop.	
	Tons.	Per cent.	Tons.	Per cent.
1935-36	11,507,000	18.8	61,202,000	100
1936-37	11,409,000	16.9	67,322,000	100
1937-38	10,962,000	19.7	*55,637,000	*100

*Excluding Burma.

PRODUCTION AND CONSUMPTION OF GUR.

808. *Seth Haji Sir Abdoola Haroon: Will the Secretary for Education, Health and Lands be pleased to lay on the table a statement showing the gur production and consumption during the last four years, showing the average price of gur and the quantity of cane consumed for the manufacture of gur?

Sir Girja Shankar Bajpai: Information, as far as available, is given in the statements placed on the table of the House.

I.—Production of gur.

Year.	Calculated net production of gur. Tons.
1934-35	3,701,000
1935-36	4,101,000
1936-37	4,268,000 (revised)
1937-38	3,394,000

Figures for net production of gur are calculated from the figures for total yield of gur in the 'Final General Memorandum' each year allowing for the

gur equivalent of cane used for other purposes. As regards consumption, it may be pointed out that whatever *gur* is produced in the country is available for consumption, the export and import of *gur* being negligible. As regards the quantity of cane consumed for the manufacture of *gur* the Honourable Member's attention is invited to the statement laid on the table in reply to his starred question No. 807.

II.—Average price of *gur* per maund:

Gur market.	1935.			1936.			1937.			1938 (10 months).		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
1. Lyallpur	4	15	0	3	13	0	3	0	0	3	9	10
2. Meerut	4	5	7	3	6	5	2	10	11	3	7	4
3. Siwa Bazar	3	7	6	2	10	6	1	7	2	2	3	6
4. Bhagalpur	4	4	0	2	15	10	2	1	1	3	10	5
5. Calcutta	4	8	9	3	5	0	4	0	7	5	6	8
6. Dacca	5	3	4	4	0	11	4	9	9	7	1	8
7. Madras	5	10	11	3	14	2	3	1	8	4	13	2
8. Ahmednagar	6	1	2	3	14	1	3	4	2	5	12	5

MANUFACTURE OF POWER ALCOHOL FROM MOLASSES.

809. *Seth Haji Sir Abdoola Haroon: Is the Secretary for Education, Health and Lands aware that Mysore has started the manufacture of power alcohol from molasses for use in internal combustion engines, and that it has been attended with success?

Sir Girja Shankar Bajpai: I am not in a position to appraise the results of the Mysore experiment.

Mr. Manu Subedar: Are Government themselves considering the possibility of manufacturing power alcohol from molasses, and have they received the Report of the Bihar Committee?

Sir Girja Shankar Bajpai: It was a Joint Committee appointed by the Government of Bihar and the Government of the U. P., and the Governments of those provinces have not themselves formulated any conclusions so far, nor have they communicated their views to the Government of India.

Dr. Sir Ziauddin Ahmad: Have the Government of India got their sugar technologists at Cawnpore to consider this problem?

Sir Girja Shankar Bajpai: Not the question of power alcohol.

MANUFACTURE OF POWER ALCOHOL FROM MOLASSES.

810. *Seth Haji Sir Abdoola Haroon: Will the Secretary for Education, Health and Lands be pleased to state whether the attention of Government has been drawn to the views of the Provincial Governments of the United Provinces and Bihar for promoting the manufacture of power alcohol and the necessity of suitable legislation for compulsory admixture of power alcohol with petrol?

Sir Girja Shankar Bajpai: So far as the Government of India are aware the Governments of the United Provinces and Bihar have not yet formulated any views.

TRAVELLING ALLOWANCE OF INSPECTORS ATTACHED TO THE OFFICE OF THE SUPERVISOR OF RAILWAY LABOUR.

†811. *Pandit Sri Krishna Dutta Paliwal: (a) Will the Honourable Member for Labour please state the amount of the travelling allowance earned by the Inspectors attached to the office of the Supervisor of Railway Labour? Are they paid fixed travelling allowance like others?

(b) Why are they not paid daily allowance according to the number of days they are out of their headquarters?

The Honourable Sir Muhammad Zafarullah Khan: (a) No travelling allowance is paid as they travel on warrants.

(b) They are paid a consolidated allowance of Rs. 50 a month on the assumption that they will be absent from headquarters on an average of 20 days a month.

ARTICLES FOUND MISSING FROM THE BIOCHEMISTRY DEPARTMENT OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

812. *Mr. C. N. Muthuranga Mudaliar: (a) Will the Secretary for Education, Health and Lands please state whether it is a fact that Government audited the accounts of the Science Institute, Bangalore?

(b) Is it a fact that several valuable articles, including platinum wire, etc., have been found to be missing from the Department of Biochemistry? If so, what action was taken thereon?

Sir Girja Shankar Bajpai: (a) The accounts of the Institute are audited by an Auditor appointed by His Excellency the Visitor. He last audited the accounts for the half year ending 30th September, 1938.

(b) Government have no information.

CONSIDERATION OF THE RESOLUTION RE INDIA'S WITHDRAWAL FROM THE LEAGUE OF NATIONS.

†813. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Law Member state:

(a) whether Government have considered the Resolution passed by the Assembly recommending that notice of India's intention to leave the League of Nations be given:

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

(b) if so, to what conclusion they have come; and

(c) what action they have taken in view of that Resolution?

The Honourable Sir Nripendra Sircar: (a) to (c). I would refer the Honourable Member to my reply to Sardar Mangal Singh's question No. 716 on the 24th February, 1939.

DELEGATIONS TO THE LEAGUE OF NATIONS.

814. *Mr. Manu Subedar: (a) Will the Honourable the Leader of the House please state the cost which Government have incurred in respect of delegations to the League of Nations during the last five years, including the nine months of 1938-39?

(b) Has there been any complaint from any delegate as to the inadequacy of the arrangements or of the allowances?

(c) Is the selection of the delegates made by the Government of India or by His Excellency the Governor General? If it is by the former, on what principles is it done in the case of delegates (i) to the League sessions and (ii) to the International Labour Conference?

(d) Have there been any differences between delegates and, if so, in what form and where are they recorded?

The Honourable Sir Nripendra Sircar: (a) For the figures up to the 31st March, 1936, the Honourable Member is referred to the statement laid on the table on the 4th September, 1936, in reply to starred question No. 1648, asked by Mr. Ananthasayanam Ayyangar on the 16th April, 1936. Figures for the subsequent period are being collected and will be laid on the table in due course.

(b) No.

(c) Delegates are appointed by the Secretary of State acting in consultation with the Government of India. Subject to the provisions of Article 389 of the Peace Treaty in the case of non-Government delegates to the International Labour Conference, the principle of selection followed is the desirability of securing the most suitable delegation available.

(d) Government are aware of no differences between Government delegates.

Mr. Manu Subedar: With regard to part (c) of the question, Sir, may I know on what principle are the delegates selected to the League of Nations?

The Honourable Sir Nripendra Sircar: I may repeat the answer I just gave, namely, the principle of selection followed is the desirability of securing the most suitable delegation available.

VISIT OF SIR LEONARD WOOLLEY TO INDIA.

815. *Mr. K. S. Gupta: (a) Will the Education Secretary please state when the archaeological expert, Sir Leonard Woolley, set his foot in India?

(b) When did he leave the shores of India?

(c) What are the places visited by him? What is the work done by him?

(d) Is there any report submitted by him? If so, will it be available to the Members of this House?

(e) What is the total cost to the treasury on account of this expert's visit and survey?

Sir Girja Shankar Bajpai: (a) The historic moment has not been precisely recorded.

(b) My reply to (a) covers this part also.

(c) As regards the first part, a statement is laid on the table. As regards the second part, the objects of the visit were detailed in a press communiqué dated the 16th June, 1938, a copy of which is laid on the table.

(d) The report is awaited. The question of making it available to the Honourable Members of the House will be considered on its receipt.

(e) Attention is invited to the reply given to part (d) of starred question No. 63 asked by Mr. K. Santhanam answered on the 9th August, 1938.

Statement showing the places in India visited by Sir Leonard Woolley.

Taxila.	Paithan.
Peshawar.	Hyderabad.
Sardhari.	Madras and sites in the neighbourhoods.
Swat Valley.	Mahavalipuram.
Lahore.	Bombay and Elephanta.
Kala Shah Kaku.	Maski (Hyderabad).
Harappa.	Bellary.
Mohenjodaro.	Kudatini.
Rohtak.	Hampi.
Moradabad.	Coimbatore and sites in the neighbourhood
Ramnagar (Bareilly District).	Ootacamund.
Muttra.	Madura.
Agra.	Tinnevely.
Fatehpur-Sikri.	Adichinallur.
Allahabad.	Tenkasi.
Kosam.	Courtallam.
Benares.	Trichinopoly.
Sarnath.	Nagarjunikonda.
Nalanda.	Calcutta.
Rajgir.	Paharpur.
Ajanta.	Lucknow.
Ellora.	Delhi.
Aurangabad.	

GOVERNMENT OF INDIA.

DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

Simla, the 16th June, 1938.

Press Communiqué.

The extensive excavations carried out by the Archaeological Survey of India at Mohenjodaro, Harappa, and other places have revealed the existence in these regions of a widespread ancient civilisation similar in many respects to the Sumerian Civilization of the Near East with which it had established contacts. In order to provide for fruitful co-operation in this particular field of exploration between archaeologists in India and archaeologists working in the Near East, it appeared desirable to the Government of India that the Archaeological Survey of India should have the benefit of the services of some eminent, archaeologist who had worked on Sumerian exploration in Iraq and other countries of the Near East. They have accordingly invited Sir Leonard Woolley to spend next winter in India. Sir Leonard who has accepted the invitation will arrive in India by the end of October and stay in the country till the middle of January. During this period he will visit Mohenjodaro and Harappa, Chanhudaro and Amri, Taxila and Sarnath, Nalanda and Paharpur and other centres of archaeological activity in Northern and Southern India. This will enable officers of the Archaeological Survey of India to exchange views with him as regards the technique of exploration. Advantage will also be taken of Sir Leonard's visit to utilize his vast experience of exploration for the purpose of suggesting sites which promise the best results from intensive exploration. In a country of the size and archaeological wealth of India, selective exploration is essential for deriving the maximum benefit from the limited funds that are likely to be available for expenditure on this kind of activity.

Sir Leonard Woolley is one of the most eminent living British archaeologists and his qualifications for the work before him are well known to the world in general. His achievements in the Near East culminating in his notable work at Ur have focussed upon him the attention of archaeologists throughout the world. He has recently been engaged on an exploratory survey in North West Syria with a view to obtaining links between the Mesopotamian and Cretan cultures and will continue this work after his visit to India.

(Sd.) G. S. BAJPAI,

Secretary to the Government of India.

†816*.

REPAIR OF ROAD ROLLERS OF THE CENTRAL PUBLIC WORKS DEPARTMENT,
NEW DELHI.

817. *Dr. Sir Ziauddin Ahmad (on behalf of Maulvi Muhammad Abdul Ghani): Will the Honourable the Labour Member please state:

- whether it is a fact that there are some road rollers under the Provincial Division, Central Public Works Department, New Delhi; if so, the total number of such road rollers;
- whether it is a fact that these road rollers are frequently got repaired on the recommendation of the Chief Inspector of Boilers, Delhi;
- whether quotations are called for the repairs of these road rollers; if so, on how many occasions during the last three years quotations were called;
- the amount spent on such repairs during the last three years;
- whether it is a fact that representations have been made to the higher authorities by some boiler repairing firms, protesting against monopoly of contract by one firm only; and

†This question was postponed to be answered on the 17th March, 1939.

STARRED QUESTIONS AND ANSWERS.

1619

- (f) whether it is a fact that some local boiler repairing firm has brought serious allegations against the officers of the Boiler Inspectorate and the Central Public Works Department, New Delhi; if so, the action taken on such allegations?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes. Twelve steam rollers and six of other types.

(b) Yes.

(c) It is not obligatory under the departmental orders to call for tenders for any work costing below Rs. 2,500 and the cost of repairing the road rollers has not exceeded that figure on any occasion during the last three years. Quotations were, however, called for in eight cases during that period.

(d) Rs. 15,352.

(e) Yes.

(f) Yes, but the allegations were withdrawn when the Superintending Engineer, Delhi Provincial Circle, enquired into the matter.

RESTRICTION ON THE CONSTRUCTION OF GATES TO RESIDENTIAL HOUSES IN
NEW DELHI.

818. *Mr. Brojendra Narayan Chaudhury: Will the Education Secretary please state:

- the number of ornamental high gates (over nine feet height) in New Delhi to residential houses, and whether there are any restrictions upon the size and architecture of gates of private houses;
- whether the permission to build such gates is a privilege confined to certain rulers of States;
- whether the privilege is allowed to the ruler of any State;
- whether there are any rules concerning gates, if so, what;
- whether Government have considered the abolition of all restrictions on gates; and
- whether he is aware that high ornamental gates are a common feature of houses with a compound in Calcutta?

Sir Girja Shankar Bajpai: (a) The total number of gates in New Delhi answering to the description given by the Honourable Member is thirty. The only restrictions are those imposed by the standard perpetual lease, which provides that all buildings must conform to architectural and structural specifications approved by Government.

(b), (c) and (d). No. Cases are dealt with on purely architectural grounds, according to the size and location of the proposed building.

(e) No.

(f) Government have no information.

Mr. Brojendra Narayan Chaudhury: May I know, Sir, whether in preparing those architectural specifications for the gates, the traditions of the Moghul Empire were kept in view?

Sir Girja Shankar Bajpai: I confess, Sir, that I cannot easily find the relation between the gates constructed in 1939 and the Moghul Empire.

Mr. Brojendra Narayan Chaudhury: Is it a fact that only the houses of the Crown Representative, the Commander-in-Chief and Princes of higher status have gates answering to the description given in (a)?

Sir Girja Shankar Bajpai: I have already answered this question. I have stated that there is no consideration of snobbery which governs the decision of Government, but only considerations of aesthetics.

Mr. Brojendra Narayan Chaudhury: May I know, Sir, whether these ornamental high gates are an indication of any higher political status of the rulers or officers?

Sir Girja Shankar Bajpai: No, Sir; none whatsoever.

REPRESENTATION FOR THE RESERVATION OF TERRITORIES IN AFRICA FOR THE SETTLEMENT OF INDIANS.

819. *Mr. Brojendra Narayan Chaudhury: Will the Secretary for Education, Health and Lands please state:

- (a) whether the Government of India ever made representations to His Majesty's Government for the reservation of suitable and adequate territories in the British possessions of Africa for the settlement of Indians; if so, when and with what result;
- (b) whether the Government of India have come to the conclusion that no 'colony' is necessary for the expansion of the Indian population;
- (c) whether they propose to finance the settlement of Indians on land in any part of the British Empire;
- (d) whether the Government Committee has recently proposed an increase in the White settlement in Kenya and recommended that the Government of Kenya should raise a loan of a quarter million sterling for financing such schemes; assistance may be in the form of 90 per cent. of the purchase price of land; other schemes provide attractive terms on which retiring civil servants may be induced to settle in the country; and
- (e) whether the Government of India intend to take similar measures for Indians in Kenya and other British possessions?

Sir Girja Shankar Bajpai: (a) No.

(b) Government have come to no such conclusion.

(c) No such proposal is under consideration.

(d) A report to this effect appeared recently in the Press, and it says that assistance may be in the form of advances up to a maximum of 20 per cent. of the purchase price of land.

(e) No.

Mr. Brojendra Narayan Chaudhury: Have Government ever considered the needs of the growing Indian population in relation to the unemployment problem, and have they ever considered the question of setting apart a separate colony for Indians?

Sir Girja Shankar Bajpai: No, Sir.

SANITATION AND WATER SUPPLY OF AJMER.

820. *Rai Bahadur Seth Bhagchand Soni: (a) Will the Secretary for Education, Health and Lands refer to my questions Nos. 192 and 204, asked on the 25th January, 1937, and the answers given thereto and state whether the question of Ajmer sanitation and water supply has been fully reviewed and considered by him?

(b) If so, what steps have been taken so far?

(c) Will a detailed statement be laid on the table regarding any schemes or proposals that have been decided upon for the improvement of the sanitation and water supply of Ajmer?

Sir Girja Shankar Bajpai: (a), (b) and (c). The matter is under review and no measures have yet been decided on.

Rai Bahadur Seth Bhagchand Soni: How long is it going to remain under review?

Sir Girja Shankar Bajpai: The report of the officer reached us only at the end of last month. I cannot say how long it will take to consider the report.

Rai Bahadur Seth Bhagchand Soni: Will Government expedite the matter as far as this question is concerned?

Sir Girja Shankar Bajpai: We will certainly consider the report as soon as circumstances and work permit.

SCARCITY OF WATER IN AJMER AND BEAWAR.

821. *Rai Bahadur Seth Bhagchand Soni: (a) Is the Secretary for Education, Health and Lands aware that, owing to failure of monsoon, there is an acute scarcity of water in Ajmer and Beawar, which is causing much anxiety to the public for the coming hot weather?

(b) Do Government propose to relieve this anxiety and devise means for meeting this scarcity?

(c) Will Government state whether such scarcity of water has been experienced before in Ajmer and when?

(d) Have Government considered the advisability of adopting some permanent means to combat this difficulty?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The local authorities are taking steps to meet the scarcity.

(c) Yes. A similar situation arose in 1923-24.

(d) Government have just received the report of a departmental enquiry regarding public health conditions of Ajmer city, including that of water supply. They have not yet had time to examine the report and are unable to say whether it would be feasible to make any permanent provision against water scarcity due to the failure of the monsoon and, if so, how they could intervene in a matter which is primarily the responsibility of the local bodies concerned.

ENQUIRY INTO THE SANITARY AND HOUSING CONDITIONS OF AJMER.

822. *Rai Bahadur Seth Bhagchand Soni: (a) Will the Secretary for Education, Health and Lands state if a special officer was appointed to enquire into the sanitary and housing conditions of Ajmer and suggest measures for improvement of Ajmer by constituting an Ajmer Improvement Trust?

(b) Has he completed his enquiry and submitted his report?

(c) Will the report be published and, if not, why not?

(d) Have Government considered this report, and what action is proposed to be taken?

Sir Girja Shankar Bajpai: (a) A special officer was appointed to hold a departmental enquiry and bring together all facts bearing on the public health conditions in Ajmer City.

(b), (c) and (d). Government have just received a copy of the report and have not had time yet to examine it. They are unable to say at present whether the report will be published.

SCHEMES FOR WATER SUPPLY AND DRAINAGE FOR AJMER.

823. *Rai Bahadur Seth Bhagchand Soni: (a) Will the Secretary for Education, Health and Lands refer to his reply to part (c) of my question No. 192, asked on the 25th January, 1937, and state if advice has been sought from the Superintending Engineer, Health Services, Delhi, by the Local Government of Ajmer-Merwara?

(b) Is it a fact that when this officer was requested by the Ajmer Municipality to give his advice, specialist's fee was demanded from the Municipality?

(c) Has such fees been charged from other Municipalities of Delhi, the Punjab and the United Provinces?

Sir Girja Shankar Bajpai: (a) to (c). I have asked for information and shall supply it to the House as soon as it is available.

SCHEMES FOR WATER SUPPLY AND DRAINAGE FOR AJMER.

824. *Rai Bahadur Seth Bhagchand Soni: (a) Will the Secretary for Education, Health and Lands be pleased to state whether it is a fact that a whole time Superintending Engineer for Health Services is being appointed under the Central Public Works Department?

(b) Do Government propose to consider the advisability of asking this officer to prepare schemes for water supply and drainage for Ajmer?

Sir Girja Shankar Bajpai: (a) No.

(b) The preparation of the schemes referred to by the Honourable Member is the concern of the Ajmer Municipal Committee which can secure, on payment of the usual departmental charges, expert advice in all engineering matters including public health from the Central Public Works Department.

RAISING OF THE RATE OF CESS LEVIABLE ON TEA EXPORTED FROM INDIA.

825. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Commerce Member please state, with reference to his replies to starred question No. 459, dated the 16th February, 1939, by Mr. Akhil Chandra Datta:

(a) whether he proposes specifically to hold an inquiry into the affairs of the Tea Market Expansion Board regarding waste of money and inadequate employment of Indians, disclosed in this House during the debate on the motion to add a member to the Board; if not, why not;

(b) the approximate additional amount that will be available if the increased rate of cess proposed is sanctioned;

(c) the reasons given by the Board in asking for increase in rate of the cess;

(d) if he will place on the table of the House the communication from the Board asking for the increase; and

(e) whether Government have definitely decided that the House will not be consulted about increasing the rate; if so, why?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government do not consider that an inquiry is called for. They have, however, called for up-to-date information regarding the employment of Indians by the Board.

(b) About Rs. 4 lakhs per year.

(c) The main reasons are the growing needs of the propaganda both abroad and in India and the necessity for the Board to increase its balance so as to meet its regular expenditure during that part of the year when no receipts are coming in.

(d) No, but the proposals of the Board have been circulated for the opinion of all recognised Chambers of Commerce and commercial associations.

(e) No. Under section 3 of the Indian Tea Cess Act, Government are competent to prescribe a rate of cess not exceeding Rs. 1/8 per 100 lbs. on the Board's recommendation.

SUPERSESSIONS OF MUSLIMS IN THE ARCHAEOLOGICAL DEPARTMENT.

826. *Maulvi Muhammad Abdul Ghani: (a) Will the Secretary for Education, Health and Lands please state how many supersessions of Muslims by Hindus have been sanctioned in the Archaeological Department since April, 1935, in gazetted and non-gazetted services?

(b) Were the grounds of supersessions communicated to the persons concerned?

(c) Did the Honourable Member himself examine these cases of supersessions?

Sir Girja Shankar Bajpai: (a) Two Muslim gazetted officers were superseded when the officer, now the Director General of Archaeology, was appointed to his present post. Complete information regarding non-gazetted posts is not available but is being obtained and will be communicated to the House as soon as possible.

(b) No.

(c) The selection referred to in (a) was made by the Governor General in Council.

Dr. Sir Ziauddin Ahmad: May I ask whether there has been any instance in this Archaeological Department where a Muslim got a higher appointment by means of supersession?

Sir Girja Shankar Bajpai: I cannot say. I would like to have notice.

Dr. Sir Ziauddin Ahmad: Is it not a fact that in the eyes of the Archaeological Department all the Mussalmans are incompetent?

Sir Girja Shankar Bajpai: That is an insinuation, not a question.

Dr. Sir Ziauddin Ahmad: Is it a fact? It is not an insinuation. Is it a fact that in the eyes of the Archaeological Department all the Mussalmans are incompetent?

Sir Girja Shankar Bajpai: No, Sir. I should not say so.

Dr. Sir Ziauddin Ahmad: If it is not a fact that Muslims in the Archaeological Department...

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

INCLUSION OF A WOMAN AS DELEGATE TO THE INTERNATIONAL LABOUR CONFERENCE.

827. *Shrimati K. Radha Bai Subbarayan: Will the Honourable Member for Labour be pleased to state:

- whether the Government of India included women in their delegation to the International Labour Conferences in 1936, 1937, 1938; and if not, why not;
- whether the International Labour Bureau have drawn the attention of the Government of India to the importance of the inclusion of women in their delegation to the Conference; and
- whether Government propose to include women in their delegation to the session of the Conference this year; and if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) No. None of the items discussed at the International Labour Conferences in 1936, 1937 and 1938 specially affected women to such an extent as to attract the recommendation in paragraph 2 of Article 809 of the Treaty of Versailles relating to the appointment of a woman as Adviser.

(b) No, except to the extent of inviting attention of Governments to the fact that women are equally eligible with men for nomination.

(c) No, for the reason given in answer to (a).

Shrimati K. Radha Bai Subbarayan: May I ask, does it mean that Government think that women are not interested in any matters which do not relate to them in particular?

The Honourable Sir Muhammad Zafrullah Khan: No. Women may be equally interested in many matters that relate both to men and women.

Shrimati K. Radha Bai Subbarayan: Will Government consider the advisability of including women in their delegations to the International Labour Conferences?

The Honourable Sir Muhammad Zafrullah Khan: They have always had that advisability in view, but the principle on which they are prepared to include women in the delegations is stated in my reply to part (a) of the question.

Mr. Abdul Qaiyum: Will they extend this principle to the Executive Council?

(No reply.)

INDIAN SETTLERS REPATRIATED TO INDIA.

828. *Shrimati K. Radha Bai Subbarayan: Will the Secretary for Education, Health and Lands be pleased to state:

- the number of Indian settlers, men, women and children who have been repatriated to India during the years 1937 and 1938 ending 31st December, 1938;
- the countries from which they have returned;
- whether their return was voluntary, or because of pressure from the Governments of those countries; and, if this Government have made detailed investigation into the causes of their return;
- whether the Government of India, or the Government of other countries, gave any financial assistance to these people for migration, and if the Government of India give any assistance to them on their arrival in India; and if so, in what form;
- whether the Government of India have any definite policy on the subject of repatriation; and if not, why not; and
- whether Government have considered the question of appointing a Central Board with representatives from all the Provinces, to look after the interests of repatriated Indians and to advise the Government of India on the subject?

Sir Girja Shankar Bajpai: (a) and (b). On the assumption that the Honourable lady refers to countries within the British Empire, a statement containing the available information is laid on the table of the House.

(c) So far as Government are aware, these people returned to this country voluntarily.

(d) The Government of India gave no financial assistance to these people to return to India. The Governments of the countries concerned offer certain facilities to intending repatriates such as the grant of free passages, payment of bonuses, pensions, etc. In India, the Protector of Emigrants at each port of disembarkation receives the repatriates and arranges to have them sent to their homes. He also keeps in safe custody

monies brought by them, if requested to do so, and generally renders such assistance as he can by way of securing temporary or permanent relief to the repatriates. In the case of persons returning to India from South Africa under the Assisted Emigration Scheme, which has practically exhausted itself, the Provincial Government concerned assist the repatriates in obtaining employment.

(e) Conditions are different in different countries but as a matter of general policy Government consider the repatriation of Indians, who are unable to support themselves or without friends or relations who would do so, to be undesirable in the interests of the repatriates themselves.

(f) The need for such a central organisation has not been felt so far.

Statement showing the number of Indians repatriated during the years 1937 and 1938 and the countries from which they embarked.

Countries.	Number of persons returned.							
	1937				1938			
	Men.	Women.	Children.	Total.	Men.	Women.	Children.	Total.
South Africa	185	48	31	264	136	32	32	200
Fiji	118	22	30	170	*	*	*	195
Mauritius	33	3	..	36	..	..	..	..
British Guiana	..	..	..	..	528	239	100	867
Trinidad	..	..	..	..	..	..	..	..
Surinam	..	..	..	..	11	2	..	13
Malaya	3,484	1,314	1,773	6,571	20,561†	8,492	..	29,043
Ceylon	3,714	3,371	3,237	10,322	2,070†	934	..	3,004

NOTE.—* Details not yet available.

† No. of adults : separate figures of males and females not yet available.

LEGISLATION TO RELIEVE RURAL INDEBTEDNESS IN THE CENTRALLY ADMINISTERED AREAS.

†829. *Mr. T. S. Avinashilingam Chettiar: Will the Education Secretary state whether Government propose introducing legislation to relieve rural indebtedness in the centrally administered areas or in the Commissioners Provinces?

Sir Girja Shankar Bajpai: The Honourable Member's attention is invited to the reply given to parts (b) and (c) of Sardar Mangal Singh's starred question No. 461 on the 16th February, 1939.

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

DENIAL OF RIGHTS OF CITIZENSHIP TO INDIANS IN MALAYA.

830. *Mr. K. S. Gupta: (a) Will the Education Secretary please state whether there are no citizenship rights to Indians in Malaya? If so, why not?

(b) Is there any demand for a guarantee of citizenship rights to Indian labourers and rights both of entry and citizenship to Indians of non-labouring classes? If so, what has been done to meet the same?

(c) Is there any move to lift the ban on the emigration of Indian labourers to Malaya?

(d) Is there any representation from the Government of Malaya to lift the ban?

(e) Is there any undertaking by the Government of Malaya with regard to (i) the wages of labourers, (ii) the quarters provided for their residence, (iii) medical attention for the labourers and their families, (iv) educational facilities for their children, and (v) repatriation? If so, is the undertaking a mere formal one, or was it strictly adhered to by both the parties?

(f) Are the Government of Malaya disallowing the entry of Indians of non-labouring classes to Malaya? If so, why?

(g) Is it a fact that in pursuance of a policy of so-called decentralisation introduced by the British Government, Indians born in the Malayan States and resident therein for long are declared aliens for all time, and subject to banishment at the will of the British Resident?

(h) How many Indians were banished from Malaya States and the Straits Settlements during the period between 1911 and 1931, as the result of the so-called decentralisation scheme?

(i) Are Government prepared to demand a written convention from the Government of Malaya on the model of covenants now in existence among the various countries of Europe, reserving and guaranteeing the rights of Indians of the non-labouring classes?

(j) Is it a fact that under the Passenger Restriction Ordinance, an incoming Indian can be denied admission into the Straits Settlements without any reason being assigned? If so, what is the action, reciprocal or otherwise, taken or proposed to be taken by the Government of India?

Sir Girja Shankar Bajpai: (a), (f) and (j). There is no law of domicile in the Federated and Unfederated Malay States and no British subjects in these States irrespective of race or the country of origin can acquire the status of Malays.

Subject to the provisions of the Passengers Restriction Ordinance of 1919, which is of general application Indians of all classes are permitted to enter Malaya.

(c) No.

(b), (d) and (i). As the Honourable Member is aware, the question of emigration to Malaya and other connected matters including those raised by the Honourable Member in this question are under review.

(e) There have been undertakings on the various points mentioned by the Honourable Member and they have been generally observed.

(g) The law of Banishment is applicable to all non-Malay residents in the Malay States; the Resident has the power to banish any person if there

are reasonable grounds for believing that such banishment is conducive to the good of the State. Government are not aware that this enactment has any connection with any policy of decentralisation.

(h) The information has been called for from the Agent of the Government of India in Malaya and will be furnished to the Honourable Member in due course.

EXCLUSION OF INDIANS IN CEYLON FROM THE FRANCHISE.

831. *Mr. K. S. Gupta: (a) Will the Education Secretary please state whether it is a fact that Indians in Ceylon were excluded from the franchise? If so, why?

(b) Is the Honourable Member aware that the Minister for Labour, Industry and Commerce blamed Indian residents in Ceylon for creating ill-feeling between India and Ceylon by misrepresentation of facts to the Government of India and the Indian leaders? If so, have the Government of India repudiated the remarks of the above said Minister?

(c) How many Indians are there settled in Ceylon?

(d) Is it a fact that the Indians in Ceylon are subjected to anti-Indian policy—both legislative and administrative—of the Ceylon Government? If so, what is the protection offered by the Government of India to the Indians in Ceylon? If none, why not?

(e) Are Government aware that there is a feeling of insecurity amongst Indians as a minority since the inauguration of the Donoughmore Constitution?

(f) Is it a fact that the Indian estate labourers in Ceylon are denied the village committee franchise which isolates them? If so, what is done by the Government of India to prevent such isolation?

Sir Girja Shankar Bajpai: (a) If the Honourable Member refers to political franchise, the reply is in the negative. As regards franchise for village committees, the attention of the Honourable Member is invited to the reply given by me to Mr. Satyamurti's starred question No. 1300 on the 17th November, 1938.

(b) Government have seen a press report of an interview given to the press by the Minister of Labour, Industry and Commerce, on his return to Ceylon. Government do not think that his remarks call for any action on their part.

(c) Of the 800,000 Indians in Ceylon at the end of 1937, 70 to 80 per cent. are estimated to be permanently settled there.

(d) The House is aware of the position of the Indian community in Ceylon. The Government of India are always doing what they can to protect legitimate Indian interests in that country.

(e) Government have seen a resolution passed by the Ceylon Indian Association referring to the existence of such a feeling amongst Indians in the Colony.

(f) and (g). The attention of the Honourable Member is invited to the reply given by me to Mr. S. Satyamurti's starred question No. 73 on the 4th February, 1939, and to the supplementaries arising out of it.

PERSONS APPLYING FOR COMPENSATION FOR LOSSES IN THE BURMA RIOTS.

832. *Mr. Brojendra Narayan Chaudhury: Will the Secretary for Education, Health and Lands please state:

(a) the number of persons who have applied for compensation for (i) loss of life or limb, and (ii) loss of property, arising out of anti-Indian riots in Burma in the current year;

(b) whether any machinery has been set up for the award of compensation, if so, what;

(c) the number of cases in which an award has been given; the total of such awards as against claims;

(d) of the applicants, how many are (i) Bengali Hindus and (ii) Bengali Muslims; and

(e) the number of wounded sent to hospitals?

Sir Girja Shankar Bajpai: (a) to (d). The attention of the Honourable Member is invited to the replies given by me to Mr. Akhil Chandra Datta's starred question No. 328 and Mr. C. N. Muthuranga Mudaliar's starred question No. 474 on the 13th and 16th February, 1939, respectively.

(e) The information is not available.

Mr. Manu Subedar: May I know whether, in September last, when the riots started, the Government of India wrote to the Government of Burma asking them to accept the principle of compensation for injury to Indians?

Sir Girja Shankar Bajpai: I have already informed the House that the Government of India have asked His Majesty's Secretary of State for India who is also the Secretary of State for Burma to accept the principle of payment of compensation for the loss suffered by Indians.

Mr. Manu Subedar: When was that request made and may I know why no reply has been received all these months?

Sir Girja Shankar Bajpai: The fact that the reply has not yet been received has already been communicated by me to the House. We are reminding the Secretary of State.

Mr. Manu Subedar: When was the request made?

Sir Girja Shankar Bajpai: Speaking from memory, I think it was made early in October.

Mr. Manu Subedar: May I know if Government have sent any reminders since then, as many months have passed since then?

Sir Girja Shankar Bajpai: Two reminders.

Mr. Manu Subedar: May I know what Government propose to do in order to get the acceptance of the principle of compensation?

Sir Girja Shankar Bajpai: My Honourable friend has already been informed and the House has been informed that the Braund Committee has been asked to assess the amount of damage done. That report is not yet available. Presumably the question of the acceptance of the principle and the application of that principle are dependent upon the availability of that report.

Dr. Sir Ziauddin Ahmad: With reference to part (e) of the question, may I know whether the Honourable Secretary said that the Government of India did not even know the number of persons who were wounded and sent to hospital?

Sir Girja Shankar Bajpai: What I told the House was that the information is not available. I asked the Agent General in Burma on receipt of this question to obtain the information for us and his reply has not yet reached us.

Dr. Sir Ziauddin Ahmad: Then, do I understand that Government took no action to find out this information until the receipt of this question.

Sir Girja Shankar Bajpai: With regard to the questions relating to casualties and so on, I have given the House such information as I have. This question refers not to the total number of persons wounded or killed but the total number of persons who were wounded and admitted to hospital. My Honourable friend knows that these disturbances were not confined to Rangoon. They occurred over a considerable area. I said that on this question I asked the Agent General to obtain the information. We have not got it yet. I do not know how the Government of India could have done more than what they have done.

Mr. Brojendra Narayan Chaudhury: Will the Honourable Member communicate the information to the House when the reply is received?

Sir Girja Shankar Bajpai: When we get the information, I shall certainly communicate it to the House.

Dr. Sir Ziauddin Ahmad: Does it mean that the Government of India took no action to find the number of wounded who were admitted to hospital until the receipt of this question?

Sir Girja Shankar Bajpai: The Honourable Member is not justified in drawing any such inference. This question relates to the number of people who were admitted to hospital. It is only in regard to that that we have asked for information. With regard to the number of people wounded, we have statistics.

CORRESPONDENCE WITH THE GOVERNMENT OF ASSAM REGARDING THE BURROWS COMMITTEE'S REPORT ON SAFETY AND CONSERVATION OF COAL.

833. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Commerce Member please state whether his Department had any correspondence with the Government of Assam relating to the subject-matter of the Burrows Committee's report on safety and conservation in coal mines and the Coal Mines (Stowing) Bill now before the Assembly? If so, will he place copies of the correspondence with the Assam Government on the table?

The Honourable Sir Muhammad Zafrullah Khan: Yes. Copies of the circular letter issued by the Government of India on the 7th July, 1938, and the Assam Government's reply thereto are in the Library of the House.

LOSS OF UNIQUE ANTIQUITIES DISCOVERED AT SARDHERI.

834. *Mian Ghulam Kadir Muhammad Shahban: (a) Will the Secretary for Education, Health and Lands please state whether the loss of unique antiquities (discovered at Sardheri) by the Draftsman of the office of the Director General of Archaeology was brought to the notice of the authorities?

(b) Was the subordinate who reported the loss discharged?

(c) Will the Secretary kindly place on the table a copy of the report of the discharged subordinate and of further proceedings in the case?

Sir Girja Shankar Bajpai: (a) No antiquities discovered at Sardheri were reported to be lost by the Draftsman but certain articles found by Dr. Simone Corbiau during a tour in the North-West Frontier Province were reported to be missing. On enquiry it was found that these so-called missing objects had been rejected as being of no archaeological importance.

(b) The services of the subordinate were terminated on completion of the work for which he was engaged and had nothing to do with the matter referred to in part (a).

(c) No.

Dr. Sir Ziauddin Ahmad: May I ask whether the Government of India received a report from the head of the Archaeological Department that these things which are reported to have been missing were found in broken form somewhere?

Sir Girja Shankar Bajpai: I have given the House the information that I have received from the head of the Department, namely, that there were no losses. Only certain articles were considered to be of no archaeological importance, and they were rejected.

Dr. Sir Ziauddin Ahmad: Is it a fact that these archaeological articles are really important things and they were found missing?

Sir Girja Shankar Bajpai: I have already informed my Honourable friend that nothing was missing in the sense of having been stolen or taken away. Certain things were considered to be of no value and they were rejected.

SUPERSESSIONS OF MUSLIMS AND CHRISTIANS IN THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

835. *Dr. Sir Ziauddin Ahmad (on behalf of Khan Bahadur Nawab Siddique Ali Khan): (a) Will the Secretary for Education, Health and Lands please state how many supersessions of Muslims and Christians by Hindus and Sikhs have been sanctioned in the Department of Education, Health and Lands since April 1935?

(b) Were the grounds of supersessions communicated to the persons concerned?

(c) Did the Honourable Member himself examine these cases of supersessions?

Sir Girja Shankar Bajpai: (a) A statement containing the information is laid on the table.

(b) No, it is not usual to do this. Departmental promotions are made by selection and do not depend merely on seniority.

(c) Yes.

Statement showing Supersessions in the Department of Education, Health and Lands as a result of permanent promotions since April 1935.

No. of permanent promotions.				No. of persons superseded in consequence of the promotions referred to in column 1.			
Hindus.	Muslims.	Sikhs.	Christians.	Hindus.	Muslims.	Sikhs.	Christians.
1	1	1	Nil.	Nil.	1	Nil.	Nil.
1	Nil.	Nil.	Nil.	3	3	2	Nil.
1	Nil.	Nil.	Nil.	6	4	1	Nil.

Dr. Sir Ziauddin Ahmad: In this particular case also, I would like to know whether there has ever been a case where a Muslim got a higher post by means of supersession?

Sir Girja Shankar Bajpai: If my Honourable friend will look at the statement, he will find his question answered in the affirmative.

MONUMENTS, ETC., TAKEN UNDER PROTECTION BY THE ARCHÆOLOGICAL DEPARTMENT.

836. *Dr. Sir Ziauddin Ahmad (on behalf of Khan Bahadur Shaikh Fazl-i-Haq Piracha): (a) Will the Secretary for Education, Health and Lands please state how many ancient monuments, sites, etc., in India have been taken under protection by the Archæological Department during the last two years?

(b) How many of them are Muhammadan monuments?

Sir Girja Shankar Bajpai: (a) 18 monuments and 30 sites have been declared protected.

(b) Of the 18 monuments only ten can be said to be of a religious character; of these four are Muslim and six Hindu. The sites are for purposes of excavation and, as excavation has not been started it is impossible to classify these communally.

Mr. R. N. Basu: Is there a communal basis for applying this Act?

Dr. Sir Ziauddin Ahmad: The Archæological Department is administered on communal basis.

CASES OF FRAUDULENT DRAWAL OF TRAVELLING ALLOWANCE BY SUBORDINATES IN THE ARCHÆOLOGICAL DEPARTMENT.

837. *Dr. Sir Ziauddin Ahmad (on behalf of Khan Bahadur Shaikh Fazl-i-Haq Piracha): Will the Secretary for Education, Health and Lands please state how many cases of fraudulent drawal of travelling allowance by subordinates in the Archæological Department have been reported during the last two or three years, and what punishments have been given in each case?

Sir Girja Shankar Bajpai: Allegations of fraudulent drawing of travelling allowance were made against two subordinates but were not proved.

Dr. Sir Ziauddin Ahmad: Is it not a fact that there is great confusion about this one man, Majumdar, who is a draftsman and who was in charge when all these things were lost. Is it a fact that he was in debt and the Government of India put this man to distribute the money?

Sir Girja Shankar Bajpai: This question relates to fraudulent travelling allowance. As to whether any particular individual is in debt, and, if so, what his financial condition is, I am unable to say without notice.

Dr. Sir Ziauddin Ahmad: Is it not a fact that this man was in debt?

Sir Girja Shankar Bajpai: If the Honourable Member will give me notice, I will obtain the answer. I cannot say offhand.

ARCHÆOLOGICAL EXCAVATIONS AT SAR DHERI NEAR PESHAWAR.

838. *Dr. Sir Ziauddin Ahmad (on behalf of Khan Bahadur Shaikh Fazl-i-Haq Piracha): (a) Will the Secretary for Education, Health and Lands please state if the excavations at Sar Dheri near Peshawar were carried out by the Draftsman attached to the office of the Director General of Archæology? If so, will the Honourable Member please state if he is a qualified excavator?

(b) Is it one of the functions of the Draftsman to be independently in charge of excavations? How many drawings has he prepared since his appointment in May or June 1937?

(c) Is it a fact that he was never put in charge of any excavations during the period of his previous employment as Draftsman in the Department before retrenchment, viz., 1926-31?

Sir Girja Shankar Bajpai: (a) Yes, under the supervision of the Director General of Archæology and with the scientific advice of Dr. Simone Corbiau. The Draftsman has experience of excavation work.

(b) As regards the first part, it is part of his duty to act as excavation assistant when required to do so. As regards the second part, he has prepared numerous drawings but no record of the number of drawings prepared by draftsmen is maintained.

(c) Yes, but he has assisted in the supervision of excavation work.

Dr. Sir Ziauddin Ahmad: Why was this draftsman selected when they had an executive assistant present and was available?

Sir Girja Shankar Bajpai: There is only one executive assistant for the whole of this circle and he was employed elsewhere.

Dr. Sir Ziauddin Ahmad: Is this the same draftsman that I have been speaking of, who was frightfully in debt? I ask, is he the same person mentioned in the previous question?

Sardar Sant Singh: May I know, Sir, if a question can be asked in this House about an individual in office?

Mr. President (The Honourable Sir Abdur Rahim): If it is a matter of public concern, it can be asked.

Sir Girja Shankar Bajpai: Well, Sir, so far as I know, the question relating to travelling allowance relates to a gentleman called "Mazumdar", and the question with regard to excavations relates to a man called "Mookerji" so the two are not identical.

DEMAND FOR DAFTRIES QUARTERS IN NEW DELHI.

839. *Mr. Manu Subedar (on behalf of Prof. N. G. Ranga): Will the Honourable the Labour Member be pleased to state:

- whether it is a fact that the demand of daftries' quarters in New Delhi is 468;
- whether it is a fact that there are only 234 such quarters in New Delhi at present;
- whether the Honourable Member will refer to his supplementary answer to question No. 568, asked in this House on the 29th August, 1938, and state whether the figure 488 is correct; and
- whether Government propose to consider the advisability of providing each dafttry with a quarter, or to give to each man who is not provided with a quarter a house rent allowance of not less than Rs. 12 per mensem?

The Honourable Sir Muhammad Zafrullah Khan: (a) The demand fluctuates from year to year; it was 462 for the current winter season.

(b) and (c). The correct figure is 234.

(d) No.

Mr. Manu Subedar: May I know, with regard to part (c) of the question, if the figure "488" is correct?

The Honourable Sir Muhammad Zafrullah Khan: No—I am afraid that was a mistake.

Mr. Manu Subedar: May I ask whether it is a fact that as regards the dafttries, who are receiving a little higher salary and who are doing a superior kind of work, these quarters were originally reserved for them but that these quarters are now being raided by another cadre of the service?

The Honourable Sir Muhammad Zafrullah Khan: There is a question down to that effect—I think it is the next question.

Mr. Manu Subedar: May I ask what monthly allowance for rent is given to these dafttries?

The Honourable Sir Muhammad Zafrullah Khan: I cannot say without notice.

Mr. Abdul Qayyum: Is it a fact that they are charged Rs. 8 and paid Rs. 1-8 on account of rent?

The Honourable Sir Muhammad Zafrullah Khan: I cannot give a reply with regard to figures without notice.

Mr. Abdul Qayyum: Will the Honourable Member please look into the question that they are being charged Rs. 8 and paid Rs. 1-8 only which is a very disproportionate sum?

The Honourable Sir Muhammad Zafrullah Khan: I do not know whether the figures given by the Honourable Member are correct.

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

ALLOTMENT OF DAFTTRY QUARTERS TO JAMADARS IN NEW DELHI.

840. *Mr. Manu Subedar (on behalf of Prof. N. G. Ranga): Will the Honourable the Labour Member be pleased to state:

- whether it is a fact that dafttry quarters will be allotted to jamadars for the next year;
- whether these quarters were constructed for the use of dafttries only; if so, why they will be allotted to jamadars;
- whether Government propose to consider the advisability of providing dafttries with 'E' type quarters, if dafttry quarters are being taken away from them and allotted to jamadars; and
- under what rules the quarters are allotted to jamadars?

The Honourable Sir Muhammad Zafrullah Khan: (a) Jamadars are now eligible for the same type of quarters as dafttries and record sorters.

(b) The quarters were intended for dafttries and record sorters. The status and pay of jamadars and of dafttries or record sorters are more or less the same, and Government see no reason why a difference should be made any longer between these classes of servants in the matter of residential accommodation.

(c) No.

(d) There are no rules governing the allotment of quarters to jamadars. The practice, however, is that quarters for inferior servants, including jamadars, are distributed to the various departments *pro rata* on the basis of their demands and allotments to individuals are left to the discretion of each Department.

Mr. Manu Subedar: Is the Honourable Member satisfied that there is, on the whole, a shortage in these quarters for these poor employees of Government?

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member means by "shortage" that there are not enough quarters to go round, that is so.

Mr. Manu Subedar: In that case, may I inquire if the Honourable Member is satisfied that when a person cannot get quarters, there is a general shortage and many a man has to fend for himself; and in that case, may I know if there is an adequate house-rent allowance?

The Honourable Sir Muhammad Zafrullah Khan: The question of house-rent allowance does not arise on this question.

Mr. Manu Subedar: Will the Honourable Member look into the question?

The Honourable Sir Muhammad Zafrullah Khan: I will not look into a question which does not arise.

Mr. Manu Subedar: May I know what steps the Government propose to take in order to make up for this inadequacy?

The Honourable Sir Muhammad Zafrullah Khan: I have already submitted that the question of the adequacy or inadequacy of the house-allowance does not arise.

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

Mr. Manu Subedar: Sir, I merely ask the Honourable Member what steps he is taking in order to make up for the deficiency of the house accommodation. Will he build more quarters?

The Honourable Sir Muhammad Zafrullah Khan: We will build more quarters when we have money to build them.

REPAIR OF BOILERS OF THE CENTRAL PUBLIC WORKS DEPARTMENT, NEW DELHI.

841. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Labour be pleased to state:

- the total number of boilers under the Central Public Works Department, Delhi, and the total number of boilers repaired during the last three years;
- the name or designation of the authority under whose instructions boilers are repaired;
- whether quotations, if any, have been called for from the boiler repairing firms of Delhi during the last three years; if so, the names of the firms who gave the highest and lowest quotations for repairs of such boilers during the last three years;
- the names of the firms whose quotations were approved by the authority concerned during the last three years;
- the authority which approved quotations of various boiler-repairing firms in Delhi; and
- the authority which certified the repair works done by boiler-repairing firms during the last three years?

The Honourable Sir Muhammad Zafrullah Khan: Information has been called for and will be supplied in due course.

CENTRAL INSTITUTIONS AND BOARDS CHARGED WITH THE ADMINISTRATION OF CERTAIN SUBJECTS UNDER THE GOVERNMENT OF INDIA ACT.

842. *Mr. K. S. Gupta (on behalf of Mr. C. N. Muthuranga Mudaliar): Will the Education Secretary please state:

- the number and names of Central Institutes and Institutions and Boards under the Government of India which are charged with the duty of administering and transacting business in any way connected with subjects which are under the Government of India Act, 1935, declared to be 'Provincial';
- in whom the control in respect of appointments in these bodies vests; and
- whether the Government of India propose to consider the desirability of making arrangements in respect of all these bodies similar to those which now exist in respect of the Imperial Council of Agricultural Research?

Sir Girja Shankar Bajpai: (a) and (b). A statement is laid on the table.

(c) Government are not aware of defects in the constitution of these bodies which call for any change.

Statement regarding Central Institutes and Institutions and Boards under the Government of India which deal with matters in any way connected with provincial subjects.

Serial No.	Names of Institutes and Institutions or Boards	Authority vested with the control of appointments to the Board or Institute.
1.	Indian Medical Council	Appointment is made under sections 3 and 10 of the Indian Medical Council Act, 1933, to which a reference is invited.
2.	Central Advisory Board of Health	Appointment is made under the Department of Education, Health and Lands Resolution No. 52-79/36-H., dated the 13th February, 1937, to which a reference is invited.
3.	Central Advisory Board of Education.	Appointment is made under the Department of Education, Health and Lands Resolution No. F-122-3/35-E., dated the 8th August, 1935, to which a reference is invited.
4.	Central Research Institute, Kasauli.	These are under the direct control of the Government of India.
5.	All-India Institute of Hygiene and Public Health, Calcutta.	
6.	Bio-Chemical Standardisation Laboratory, Calcutta.	
7.	Forest Research Institute and College, Dehra Dun.	
8.	Imperial Agricultural Research Institute, Delhi.	
9.	Imperial Veterinary Research Institute, Muktesar.	
10.	Imperial Dairy Institute, Bangalore.	
11.	Imperial Institute of Sugar Technology, Cawnpore.	
12.	Industrial Research Bureau, Delhi	
13.	Central Irrigation and Hydro-Dynamic Research Station at Poona.	
14.	Board of Forestry	
15.	Central Board and Bureau of Irrigation.	

The Government of India and Provincial Governments nominate their respective representatives. The Board consists of Chief Engineers of Irrigation who are members.

IMPORT DUTY ON RACE HORSES.

843. *Mr. Manu Subedar: (a) Will the Honourable the Commerce Member please state the amount of duty collected on the import of race horses in 1936-37, 1937-38 and 1938-39 (up-to the latest date for which figures are available)?

(b) At what rate is the duty collected, and in what way is the value ascertained for the purposes of the duty, and is the rate of duty the same for ordinary animals imported for other purposes?

(c) Is there a special duty on old race horses imported into India for stud purposes?

(d) Have Government considered the proposal to increase the import duty on race horses and putting them in the class of luxury imports?

(e) Have Government received any representation on this subject from turf clubs or any other source?

(f) Is any drawback given on horses sent back? If so, what was the amount of drawback in the periods referred to in part (a)?

(g) What are the reasons which have induced Government to give this drawback?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b), (c), (f) and (g). No duty is leviable on living animals. Parts (a), (b), (c), (f) and (g), therefore, do not arise.

(d) and (e). It has not hitherto been part of the tariff policy of the Government of India to levy duty on live animals and previous suggestions for the imposition of a duty on horses have after consideration been rejected. It is not possible administratively to differentiate between race horses and horses used for other purposes.

Mr. Manu Subedar: Have Government had this question examined as to whether it is possible to differentiate between them or not by any technical staff, for example, the animal husbandry expert or anybody else?

The Honourable Sir Muhammad Zafrullah Khan: Does the Honourable Member think that it is possible to distinguish, on importation, between horses intended to be used for racing and those not intended to be so used?

Mr. Manu Subedar: Is it not possible to take a declaration from the importer that these horses will not be used for racing here, and that otherwise they will have to pay a duty?

The Honourable Sir Muhammad Zafrullah Khan: Supposing he gives that declaration and next day sells the horse to somebody who will not be bound by that declaration?

Mr. President (The Honourable Sir Abdur Rahim): We cannot have any discussion.

UNSTARRED QUESTIONS AND ANSWERS.

SUPERSESSIONS IN THE BINDING DEPARTMENT OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

26. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable the Labour Member please state whether it is a fact that since the abolition of the piece system in the Binding Department of the Delhi Press, all the 19 posts of the Piece-Binders transferred from Calcutta Press have been merged into permanent fixed establishment of the Bindery Department, with the result that the new recruits, who were temporarily appointed on piece rates were confirmed on permanent establishment on Rs. 25 per mensem, superseding their seniors who have had 10 to 15 years' services at their credit and getting Rs. 22 per mensem only?

(b) If the above be a fact, do Government propose to consider the claims of the senior employees in the light of the facts explained in their memorials, which were submitted to the Controller of Printing and Stationery?

The Honourable Sir Muhammad Zafrullah Khan: (a) The posts of binders in question were distinct from the salaried posts and did not lie in the normal range of promotion of the salaried staff in the Bindery. In 1938, the piece posts were converted into salaried ones without any change in their incumbents whose salary was fixed on the basis of their class rates while on piece. Other employees in the Bindery had no claim on these posts and there has, therefore, been no supersession.

(b) Does not arise.

EXTENSION OF THE AREA OF DAFTRY QUARTERS IN NEW DELHI.

27. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable the Labour Member please state whether it is a fact that the memorials to extend the area of daftry quarters were forwarded to the Government of India? If so, were the prayers of the memorialists considered, and if so, what steps, if any, were taken by Government?

(b) Is the Honourable Member prepared to depute an officer to see the condition of the courtyard of the existing daftry quarters of the Delhi Press and make necessary arrangements to extend the area?

The Honourable Sir Muhammad Zafrullah Khan: (a) Representations were received from the Imperial Secretariat Record Sorters and Daftries Association requesting an extension of the courtyards attached to Daftry quarters. I, along with the Secretary, Labour Department, and the Chief Engineer, inspected the quarters and have given instructions for certain remedial action to be taken; but it is not possible to provide any additional accommodation outside the present buildings.

(b) As the daftry quarters attached to the New Delhi Press are similar to those inspected, I do not consider it necessary to depute an officer to inspect them.

MOTIONS FOR ADJOURNMENT.

GRANT OF COMPLETE INDEPENDENCE TO PALESTINE.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Chair has received several notices of motions for adjournment. One is from Mr. Abdul Qaiyum "to discuss a definite matter of urgent public importance and of recent occurrence, namely, the refusal of the British Government to grant immediately complete independence to Palestine and their refusal to accede to the Arab demand for complete stoppage of Jewish immigration into Palestine". The Chair understands that negotiations are still going on. Is not that so? It was so given out in the papers.

Mr. Abdul Qaiyum (North-West Frontier Province: General): That was the view of the British Government.

Mr. President (The Honourable Sir Abdur Rahim): Negotiations are still proceeding with the Arab and Jewish delegates. The Chair disallows this motion. It is out of order.

POSITION OF INDIAN NATIONALS IN KENYA.

Mr. President (The Honourable Sir Abdur Rahim): The next one is from the same Honourable Member, Mr. Abdul Qaiyum, who wants "to discuss a definite matter of urgent public importance and of recent occurrence, namely, the failure of the Government of India to secure the annulment of the existing practice with regard to alienation and transfer of lands in Kenya highlands to Indians as disclosed in their recent communiqué, and the disquieting fact that non-British subjects of the European race will receive preferential treatment as against Indians".

Is there any objection?

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): No, Sir. I have no objection.

Mr. President (The Honourable Sir Abdur Rahim): The motion will be taken up at 4 o'clock.

THE GENERAL BUDGET—GENERAL DISCUSSION.

FIRST STAGE.

Mr. President (The Honourable Sir Abdur Rahim): The House will now proceed to the general discussion of the Budget. Under rule 46 (3) of the Indian Legislative Rules, I fix fifteen minutes as the time-limit for the discussion of the Budget for Honourable Members, twenty minutes for Leaders of Parties, and one hour or more, if necessary, for the Government Member to reply.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, in an atmosphere of oppression, when the life of the greatest Indian is in jeopardy and when we are asked to solve a conundrum (1840).

as to what is the "normal action" of the Crown Representative, it is impossible to attend, with that keenness, to the matters of the Budget of Sir James Grigg as it might otherwise have been. All the same; we have been taught to do our duty, and I will do so as well as I can

The Honourable Sir Nripendra Sircar (Law Member): I rise to a point of order. Is it in order to say anything about the action or inaction of the Crown Representative?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not pass any reflection on the Crown Representative; the Honourable Member is not justified in saying anything by way of criticism about the action of the Crown Representative. . . .

Mr. Manu Subedar: I am merely referring to a conundrum.

The Honourable Sir Nripendra Sircar: Your name will be published in the papers and so you have got what you want.

Mr. Manu Subedar: Sir, there are various points on which I would have complimented my Honourable friend, Sir James Grigg—for instance, with regard to the structural reforms in the finances of this country, in the matter of submitting accounts, in the matter of the elimination of separate statements of expenditure incurred in England, in the matter of the separation of the central excises, in the matter of the amalgamation of interest on debts and other obligations, in the matter of the creation of a major head known as the Corporation tax. Sir, my Honourable friend has broken up the Foreign and Political Department into several heads and some of these changes were doubtless due to the need of conforming their functions to the structural changes which came into effect in the 1935 Act. If I may make a further small suggestion to him or to his successor, it would be to exclude from the accounts of the Government of India the provincial heads in connection with the centrally administered areas and to bring into the Central Accounts only the final balance. It is generally a negative balance and the central administered areas, I fear, have much to learn from the models of the provinces. But the Central statements are burdened by the provincial heads unnecessarily.

With regard to this budget itself, if it is any satisfaction to Sir James Grigg, I will say that it is a good budget of its kind, perhaps better than any which has been placed before this House during the last ten years. But it is the budget of a son and a servant of the United Kingdom. Every white man's child is white and from that point of view, if it is any satisfaction to him, he will receive compliments both from England and from Anglo-India, including some titled Knights in India. What we want in India is a brown child, a budget prepared by a national Finance Member who will take into account the conditions of people and the long-range interest of the country which is in his stewardship. The Finance Member spoke of having given money to the provinces, but the provinces are India, and the usurper is on the Treasury Bench of this House. The system of the finances of the Government of India is, unfortunately, the system which would be built up by opportunists who are not concerned with the permanent welfare of the country. It is the treatment which troopers and pickers will give to the place where they go for a short time and which they are not going to occupy permanently. That is why

[Mr. Manu Subedar.]

the Opposite Benches have no concern as to what happens in this country in the future. They have no future themselves. It would be, therefore, legitimate to expect that the financial system built up by them is also guided by hand to mouth considerations of the moment.

The House will remember how Sir Thomas Ainscough, the representative of the United Kingdom in this country, let the cat out of the bag by declaring that a policy of industrialisation would lead to the collapse of the financial and economic fabric of the Government of India. The financial arrangements are such that every time there is a project for a new industry, the Government Benches are nervous on financial grounds. The financial conscience of the Government of India is dead set against the growth of industry in India. Every facility and every encouragement which is asked for is turned down by the nervous hand of the Finance Member because he is afraid of losing money. This has been demonstrated throughout the regime of Sir James Grigg. There is a basic defect in the financial structure which should have continued but for the fact that the law of diminishing returns set in and the Finance Member has been compelled to make certain modifications by the imposition of excises and by screwing up the income-tax. But, Sir, the customs tariffs have not been adjusted on any scientific basis, a promise which he made in the beginning of his career and which he has failed to keep. As an illustration of the Finance Member's callousness towards industry generally, I cannot do better than refer to the case of the salt industry. In 1931, there was a protective duty given to salt of 4 annas and 6 pies which was subsequently reduced, in 1933, to 2 annas and 6 pies and, in 1936, to 1 anna and 6 pies and, in spite of the universal recommendation and representation from this country, it was allowed to lapse in April, 1938, completely, in spite of the fact that the price of salt in Calcutta today is at about the lowest level that it has been for a good many years.

Sir, the financial system is calculated to depress the industry. There has not been research and organisation in order to make the system adapt itself to the industry, but it is the industry which is called upon to adapt itself to the system which these people have chosen. Sir, the machinery of the tariff inquiry has been treated by the Government of India generally and by the Finance Member in particular with very scant courtesy. Unsatisfactory as it is, it is a machinery set up by them and it is really astounding that they could suppress the reports. The report on the heavy chemicals was suppressed for many years in the twenties and now we have the sugar report which has been suppressed for twelve months. We have other reports on magnesium chloride, the silk, and the paper. All these reports have been made but we have not been told anything from the Government Benches as to what their findings are. We do not know whether in the budget provision has been made one way or the other in respect of these industries. Sir, it is impossible not to reiterate the complaint which I have heard everywhere in this country that the economic policy of the Government of India is guided by the whim of one individual. Is it seriously suggested, I ask, that the consideration of the sugar report should take twelve months? Are these enquiries mere farces to throw dust in the eyes of the people? Are Government justified in withholding them from the Legislature and yet asking us to judge over a budget in which provision is made for some of them? Now, take the case of sugar. Provision is made for 400 lakhs from the excise and 20 lakhs from the

customs revenue. This is in spite of the fact that it is notorious that this year there is a considerable shortage of the crops in India and that it is inevitable, in normal course, that there would be an import of something like 150 to 200 thousand tons from abroad.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muham-madan Rural): People will eat less.

The Honourable Sir James Grigg (Finance Member): People will eat less if the present high price continues.

Mr. Manu Subedar: I do not want to deal with the question of prices at this stage. I have something to say later.

Sir, the burden of general taxation on India has increased. It is possible for Government to attempt to conceal this burden by the devices either of showing net revenues as also by the treatment of refunds and cost of collections or by putting the net expenditure of defence in order to conceal something like nine crores of rupees this year from the actual expenditure. There may be the device also of creating capital accounts and shifting on future heads the expenditure which would come for criticism. But the fact is that the total burden on this country of taxation has increased since 1914 by something like 80 crores of rupees. What is it that justifies such a burden and what is it that justifies the transfer from private pockets for extravagant and unproductive Government expenditure of this huge sum? Are we getting more or better Government, I ask? The total expenditure has increased enormously everywhere and there is a cry going on for more taxes. The time has come for calling a halt and to have a searching inquiry into the taxable capacity of the people. I would like to make a quotation from the *Times of India* of the 2nd March, 1939, which says:

"Though reasonable opinion may be prepared to recognise the absolute necessity of finding more money for the exigencies of the moment, *industry and commerce are being asked to bear a progressively increasing burden*. There is a limit to the capacity of either goose to provide our financial poulterers, whether Central or Provincial, with eggs adequate to the growing wants. The law of diminishing returns can all too easily come into play in this sphere of taxation, as in others."

This is not Congress opinion, be it noted. This is from a leading Anglo-Indian Paper.

Sir, it is grossly unfair to this House that the Finance Member should keep up his sleeve such recommendations as may have come from the Chatfield Committee which affect materially the budget before us. He has been helped over and over again in the past in all his four budgets by adventitious and extraordinary receipts and he is a pastmaster in the art of under-estimating. But it is not fair to this House to place a statement in which he keeps behind the scene more serious points running into crores of rupees.

Then take the Indo-British trade agreement. Here also I should like to know whether the Honourable the Finance Member has made any allowance already in his budget because preference for Britain invariably means a free gift from the Treasury in India to the British merchants. I should like to know whether he has made any allowance. I find, for example, that he has budgeted for thirty lakhs less on cotton fabrics of British manufacture than what was the actual in 1937-38. Has he already made all these allowances? The necessity for

[Mr. Manu Subedar.]

balancing the budget does arise only in case Federation is coming near in view of the promise which the Government of India gave to the Indian States that they will not be called upon to join unless there is a balanced budget. Why should there be new taxes of such magnitude, unless Government are quite sure of their ground. I suggest that deficit should be carried over to the next year, because owing to the extremely conservative budgeting of which Sir James Grigg has shown himself an adept in the last four years, the 50 lakhs deficit could be made up at the end of the year. Carrying over of deficits is nothing unusual. The amount of deficits carried in the United States, a country which nobody can call either financially deficient or inept, is always very colossal and there is nothing unusual in that. I do not see why this could not have been done in India. The plea for reconciliation between the Centre and the provinces comes with bad grace from a man who has discontinued the salutary practice of the Finance Members' Conference and who has throughout refused to extend the hand of co-operation to the Provincial Governments.

The Honourable Sir James Grigg: I should like to get one scrap of justification, one scrap of evidence that he can produce that I have consistently refused to co-operate with the provinces, when I have spent most of my time, during the past three years, doing nothing else.

Mr. Manu Subedar: The case which I had in mind was the sugar sales tax between the Governments of United Provinces and Bihar and the Finance Member. I can say. . . .

The Honourable Sir James Grigg: The Honourable Member knows nothing whatever about that at all. The only information he has got out of me is entirely of a negative character. The United Provinces Government have never made any statement about it whatever. The Honourable Member is simply trotting out old wives' tales.

Mr. Manu Subedar: This is grossly unfair. I am not free to disclose the source of my information. I have got it from the most authoritative quarters direct and I had a discussion with the financial authorities of these provinces and I know what I am talking about.

The Honourable Sir James Grigg: Your assertion is entirely inaccurate.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has exhausted his time limit.

Mr. Manu Subedar: All right, Sir.

Dr. Sir Ziauddin Ahmad Sir, we expected from the Honourable the Finance Member a review of the financial policy and achievements in a speech lasting, like that of his predecessor's, for two hours. On the contrary, his speech was a black-board speech giving bare figures which are interesting to a financier and statistician. My Honourable friend is a great believer in two points, firstly, he calls a spade a spade and secondly, he thinks that brevity is an essential element in finance. Five years ago when Sir George Schuster presented his budget, I reviewed the entire

regime and I propose to take this opportunity also to do so as far as the time limit will permit. I said in 1934 that Sir George Schuster in his regime imposed taxation to the extent of 30 crores in customs duty, but in spite of fresh taxation, the income from customs remained at 40 crores. The figure did not increase and this indicated the maximum capacity of the people to pay this particular duty. He introduced three novel principles of taxation which I am glad the Government of India have now given up and which no economists will subscribe. The one was to impose duties on certain *ad hoc* articles with a view to provide temporary shelters. I have never read anything on 'temporary shelter' in any book on political economy—this taxation like 'Poll-tax' is entirely unknown. The second was to give over-protection to industries and more than the Tariff Board recommended with the object that ultimately cut throat competition will lower the prices. This was what was repeatedly said on the floor of the House. The third was the increase by 25 per cent. in the customs without any scientific basis and without discrimination. The Honourable the Finance Member, however, realised at the very outset that country will not bear additional taxation. During the last five years, he imposed customs duty amounting to 105 lakhs and remitted 13 lakhs of the entire customs duty. The Finance Member thus imposed during the last five years an additional duty of 92 lakhs only. This is very different from 30 crores during the preceding 5 years. Again, taking the duty on all articles, that is, post office, excise and so on, the total amount of duty which he imposed was 5.49 crores and he gave a remission of 3.80 and the total duty which he imposed in all the departments taken together excluding income tax is 1.69 crores. This is not a very bad record. This is not the record of an opportunist. Having realised that the capacity to pay, by means of excise duty, has now reached the maximum, the Finance Member followed another course. He fell back on excise duty. He has really revised the system. In the excise and customs taken together he is expecting 49 crores in coming year which are the figures for 1928-29, but they still fell short by two crores compared with the figures of 1929-30.

The credit of India stands at present rather high compared with previous years. I take 3½ per cent. security, which is the barometer of the credit of the country. This security at one time went down to 51½ Rs., but recently it touched Rs. 100-15-0. It really redounds to the credit of the country. As regards loans, we realise that during the regime of Sir George Schuster, the sterling loans increased by 40 crores and during the last five years, the sterling loans have diminished by 65 crores. The next feature is about the export of gold. During the time of Sir George Schuster, in two years, the export was 180 crores and during the last five years, it has been 150 crores, so that there has been substantial diminution, but still, I think, it is very desirable that we should conserve gold. Gold is the only currency we can fall back upon at times of necessity and, therefore, the conserving of gold is of fundamental importance. The Finance Member has created and maintained conditions of easy money. My Honourable friend, Mr. Manu Subedar, knows how money can be obtained cheap and easily.

The next thing we have to recognise is that Government have now adopted a regular policy on the result of the Niemeyer's report to help the Provinces. They have provided this year a sum of 304 lakhs for giving

[Dr. Sir Ziauddin Ahmad.]

away to the provinces and I hope that when finances improve, the contribution will increase. They have also created a special revenue reserve fund in the Reserve Bank of India. This is really of great importance. I am, however, rather sorry that he has not yet introduced what we pressed in 1933 at the time of the discussion of the Reserve Bank Bill that they ought to have established a rural credit fund for the establishment of rural credit bank in connection with the Reserve Bank. The Finance Member has given for the rural development a sum of 158 lakhs, and this idea of developing rural conditions was really initiated by the Honourable the Finance Member during his regime. The Provincial Governments are now following up the lead given by the Centre.

The next thing which I wish to refer to is this. I have been pressing for a considerable long time that we have got no statistics to determine the movement of trade from one town to another. We have statistics about the movement of goods from India to outside countries but we do not know how the internal trade is moving; and I am glad that the Government of India have established an Intelligence Department to collect these statistics and we will in future be able to find out the movement of trade internally.

Then, as regards the policy of protection I also have a complaint with my friend, Mr. Manu Subedar, but my complaint stands on different grounds. I do not believe that protection should be given for an indefinite period. He objected to the abolition of protection, which in my opinion should be given for a limited time. The other thing which he pressed was perfectly correct that after the completion of Tariff Board reports the Government take an abnormally long time to think over the matter, and by the time they bring out the Tariff Board report circumstances change and people forget everything about it. Therefore, they ought to expedite it and publish their views as quickly as possible. I will discuss this protection policy later on and I think there is something substantial in what my Honourable friend, Mr. Manu Subedar, pointed out in this connection.

Now, I will mention a few points as to what my Honourable friend, the Finance Member, did not do but which I think he ought to have done. In the first and I hope his successor will take them up. The first point is centralising customs. The Government of India should take charge of all the ports in India and give the dues to the States according to their treaties; but the organisation should be central in order to avoid smuggling and rebate. The other point is the simplification of tariff. Tariff details are very difficult to understand. No two appraisers will put the same article under the same heading; and, therefore, it is very desirable that this thing should be simplified. The third point is that there ought to be a scientific basis of taxation including protection. In the case of the protection theory it should be considered not only from the point of view of the capitalists and manufacturers but we should also take the view point of the consumers and the cottage industries. Therefore, all these things taken together should be taken into consideration and a new policy should have to be evolved under which we should consider not only the big manufacturers but also the cottage industries and the consumers.

Now, coming to the budgetary position, I will mention one or two points. The first is about the cotton duty. Here, no doubt, there will be a difference of opinion between the textile manufacturers on the one side and the agriculturists on the other. Agriculturists expect that there should be some kind of market for the cotton they produce. In all these trade agreements the one point on which we should lay great stress is that we should not give any concession about the import of any textile goods unless they undertake to purchase a definite amount of cotton from India. Now, we have given an enormous protection and a protection which is unjustified,—and in figures which cannot be expressed in ordinary wordly language, but they can only be expressed in astronomical terms. Considering the protection in astronomical figures which we are giving to this textile industry, it is very reasonable for us to ask that they should use exclusively Indian cotton. They should not import any cotton from abroad, and if they say that they cannot get long-staple cotton they should be ready to contribute some cess in order to encourage the growth of long-staple cotton in this country. The textile manufacturers may complain of the duty, but I think their complaint is not reasonable. I will mention here that there is always a difference between a merchant and a gentleman. Whenever a merchant eats pistachios he says he is eating gram while a gentleman who is eating gram proclaims to the outside world that he is eating pistachios. Everybody will remember the story of the gentleman in Lucknow who puts a little gram in his pocket and begins to eat it telling the outside world that he is eating pistachios in order to show that he is a rich man; but when you go to a merchant you will find that although he is earning millions he will always say that he is starving and that Government are very unkind to him and he is always in trouble. So, he will never acknowledge the facilities that have been provided for merchants and he will always complain of what additional facilities should have been given to him.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more to finish his speech.

Dr. Sir Ziauddin Ahmad: Coming to the military side, I have not got much time but I will just mention two points. The first is that I protest against the employment of Gurkhas in the army. I think they ought to be replaced by Indians as quickly as possible. There is no justification for us to employ them here when they do not even issue passes to Indians. Now, when war is impending, it is very difficult for us to review the military budget but we will discuss it later on.

As regards the sugar duty, I received a pamphlet from the Merchants' Association in which they protested that Finance Member has underestimated the income from sugar and the income from income-tax. I think it is desirable that our estimates should be based on the income of the last year and not on the imagination of some persons who believe that the income would be much greater. The principle of sound finance is to put your estimate at the lowest figure and put the expenditure at the maximum figure. You cannot have it otherwise and that is what has been provided in the budget. As regards this I will ask Mr. Manu Subedar two simple questions. The first question is whether he is prepared to give up the manufacture of lower counts in favour of cottage

[Dr. Sir Ziauddin Ahmad.]

industries. Is he prepared to ask all the millowners of India not to prepare any cloth of counts lower than a particular number and give the entire thing to the cottage industries so that there may be a division of labour?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Dr. Sir Ziauddin Ahmad: My second question is whether he is prepared to have a cess imposed on textile mills in order to improve the growth of long-staple cotton.

Mr. Lalchand Navarai (Sind: Non-Muhammadan Rural): Sir, at the present time when we are discussing this budget I find that the atmosphere is a very peculiar one. The eyes of the country are all drawn to the delicate situation which has been created on account of the fast of Mahatma Gandhi, and the country is very anxious to see that some sort of solution is arrived at before it gets too late. The other peculiar feature of the atmosphere I find in the House itself. Whereas, on these occasions we usually find crowded Benches to criticise the budget proposals, on this particular occasion we find Honourable Members of the Congress Party going to perform their duties elsewhere; and I do not know whether it is fortunate or unfortunate for the Finance Member to find that his budget will not be subjected to much criticism. However, we have to do our duty and with regard to the budget I submit that it has not pleased me at all. It is a fact that last year the Finance Member over-estimated the budget. I have always complained that the Finance Department or those

Mr. N. M. Joshi (Nominated Non-Official): Over-estimated what? The revenue or expenditure?

Mr. Lalchand Navarai: I will come to that. But the Finance Department knows how to manipulate figures and to give us hopes of what they will do for the country.

Last year, he said that there will be a surplus of nine lakhs for the current year. I ask where is that surplus? I am, therefore, fortified in my opinion that the facts disclosed in the budget cannot be considered to be correct. We find that it is a deficit budget this year and that the deficit comes to 265 lakhs. The Honourable the Finance Member puts it to the fall in the customs duty—to the extent of 367 lakhs. Of course, we cannot fight the figures: we have to take the figures he has given. But I cannot agree that the fall is due wholly to less imports. I feel that it is because of the goods imported from Japan being valued at a lower price. On account of this low price of these articles the customs office is not having sufficient income. Any way the deficit is there. Every year the question arises whether we should congratulate the Finance Member or not. In the face of this deficit budget I do not think anybody will have the courage or will be so undaunted as to come forward and congratulate the Finance Member so that after his retirement from India he can go Home and say "I carried on the business in India very well and I have left a surplus and helped nation building departments and so on." I do not think he can have that credit.

The Honourable Sir James Grigg: I assure the Honourable Member that I should not quote him as evidence of character!

Mr. Lalchand Navarai: I do not know. But one thing is sure that he has acted like, what we call in our proverb, *Shutir-be-mahar*, which means like a camel without a bridle. I ask him whether it is not a fact that he has taken every thing into his own hands. The usual practice was that there used to be a Standing Committee for Finance. Where is it now? Why has he discarded it? He does not want any kind of control or advice—as in the case of the unbridled camel. Everybody should take advice. Nobody should act alone, especially in finance. I would go even so far as to say that it is not only imprudent but also impudent because he has, in this case, defied the House. When the House protested and wanted the Finance Committee, why did he not constitute it in the manner acceptable to the House? The whole blame, therefore, is on him.

Again, he has not followed the advice which the House gave him in order to balance the budget. It was suggested that there should be a reduction in the salaries of Government servants, not as is usually done in the lower grades but at the top. If he had taken that advice early, he could have balanced the budget. I say it is the duty of the Treasury Benches to press upon the Secretary of State that there should be a cut in the pay of officials at the top.

Owing to the shortness of time I will run over certain points and come to the other mistake that the Finance Member has committed—a grievous mistake—by removing the protection duty on salt. The history of this duty is well-known to the House. That duty could have been utilised to balance the budget. He has not done it but he has doubled the tax on import duty on raw cotton in order to get a small surplus. I submit that is not the way to balance a budget. Who is going to make him responsible? He is leaving the whole thing to his successor who may come and even curse him when he is faced with a deficit budget again. I submit the responsibility for the removal of this salt duty is on the shoulders of the Finance Member. Now, when was this protection given? It was found in 1931 that the imports of foreign salt just before 1931 were 327,000 odd tons. A duty was, therefore, levied and the imports came down next year to 130,648 tons. What was the figure before this duty was removed? In 1937-38 it was only 36,688 tons.

The Honourable Sir James Grigg: Will the Honourable Member give the Aden figures too, for imported salt?

Mr. Lalchand Navarai: I have not got them. But why should the foreign salt come in along with the Aden salt? The point is that the foreign salt will again flood the market.

The Honourable Sir James Grigg: And there has been a more than corresponding reduction in the imports of Aden salt, so that the total imports have decreased.

Mr. Lalchand Navarai: There are also Indians in Aden.

The Honourable Sir James Grigg: There are Italians also in Aden.

Mr. Lalchand Navalrai: Yes; but we wanted that the imports of salt by foreigners beyond Aden should be stopped and I want to know why that should not be done, why should any favour be shown to them? I further submit that even as regards the price of salt, they have been selling it at Calcutta at a much cheaper rate than the rate fixed at the time when protection was granted, and so I say that here also the Honourable the Finance Member has committed a mistake.

Then, Sir, coming to the question of the cotton protection duty, if the idea that is given to us that it is intended to help the growth of long staple cotton is really true, then I welcome it from the point of view of Sind, but we have a doubt on that point also. What does the Honourable Member propose to do with the income that he will derive from it? Will he earmark it for the growth of long staple cotton or he will utilise it for balancing the budget? If my Honourable friend's idea in imposing this double duty is to foster the growth of long staple cotton in India, then he will certainly help the Barrage in Sind.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Mr. Lalchand Navalrai: I thought so. Now, Sir, I have received telegrams from some merchants in Sind, their Associations and Chambers, and they say that import duty on foreign cotton should be earmarked for grants to the Imperial Council of Agricultural Research for improving and increasing the production of long stapled cotton. I hope the Honourable Member will at least see that the income derived from this duty is earmarked for that purpose, and if he does so, then my thanks to him will be perfectly justified.

Then, Sir, there is one more point I should like to advert to, and it is this. I have seen the callousness of the Government with regard to the tragedy that happened in the Karachi harbour

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. Lalchand Navalrai: Very well, Sir, I shall conclude in one minute. With regard to this tragedy, the report of the formal investigation by court has come, and I do not think that there should be any delay in taking steps and making provision for awarding suitable compensation to the victims of that tragedy—to the children and families of those who suffered in that tragedy.

Mr. N. M. Joshi: Sir, like my friend, Dr. Sir Ziauddin Ahmad, I have no desire to compare the actions, the policies and the failures of the present Finance Member with those of his predecessors. I feel, Sir, that if you compare one Finance Member with another, there is not much to be said in regard to the policies followed by different Finance Members. There may be differences of personal idiosyncrasies, or individual traits. The present Finance Member, I agree with Dr. Sir Ziauddin Ahmad, is more downright, if you wish to call it, or frank in his speech. He puts his case as it seems to him more honestly perhaps, and when he tries to conceal his real aim, he generally fails in his attempt. But, Sir, the policy of one Finance Member, in fact of all Finance Members, is the policy of the

Government of India. Therefore, there is no use for me to assess the actions and failures of one Finance Member in comparison with those of another. The policy of the Government of India in financial affairs is the policy of trying to protect the interest of the wealthier classes at the cost of the masses of the people of this country. While doing that, they also do not forget to protect the interests of the British people. That is their general policy.

Now, Sir, let us examine the revenues of the Government of India. We raise about 73 or 74 crores of rupees by taxation. Out of this sum we raise about 56 crores from customs, excise, and salt—all indirect taxes which fall on the people of this country without any regard to their ability to pay. The proportion of direct taxation is so small in India. This makes it quite clear that the financial policy of the Government of India is to protect, as far as they can, the interests of the wealthier classes. The burden of Government ought to fall on the wealthier classes in proportion to their ability to pay, but that is not the case here, it falls much more heavily on the masses of the people of this country. If you take the expenditure of the Government of India again, they spend about 45 crores on defence and on external affairs, on payment to the Crown representative,—on ecclesiastical department together they spend about four crores. In all they spend 49 crores out of the taxation revenue of 73 crores on these departments which are not needed for the masses of people in this country. The people who can hardly get sufficient to eat need really no protection from the army, because not even the worst tyrant in the world will think of doing any harm to people who are half starved. The worst tyrant will give those people a little to eat so that they may get work out of them. So, the Army, the Political Department, the External Affairs Department and also the Ecclesiastical Department are not needed for them at all, and the Government of India spends a large part of its revenue on these departments.

Similarly, Sir, the policies which the Finance Members have followed in controlling the expenditure of the Government of India is on the same principle. I have seen that during the last 17 or 18 years the personal expenditure of the Governor General has increased from 11 to 16 lakhs. At the same time, while dealing with their employees, the Government of India have tried to reduce the expenditure by introducing new and smaller scales of pay for the subordinate and inferior employees, while the rates of pay of the Civil Service are not touched at all. Take again the control of the Government of India over other departments. Let us first take the postal department, and here they try to control the expenditure of money for rural post offices. They stint money on these rural post offices, but the Finance Member has no objection if the postal department makes a loss of more than ten lakhs of rupees on the Air Mail Service. Now, for whom is this Air Mail Service necessary? Certainly not for the masses of the people of this country. The rural post offices are necessary for them, but while the Finance Member will not give the postal department ten lakhs of rupees for starting rural post offices, he is prepared to make a loss of ten lakhs for maintaining an air service in India. Similarly, take radio, we are making a huge loss on the radio. At present your radio is not of much use to the masses of people in this country, it may become of some use some day but not today. But, still, the Government of India is willing to make a loss. Some time ago I had asked whether the Government of India proposed to commercialise the radio

[Mr. N. M. Joshi.]

department and I was told that it was not the intention of the Government. Naturally, and I understand it. The radio is useful for the wealthy classes and the middle classes, and how can the Government of India afford to commercialise that department? Sir, this is generally the kind of financial control which the various Finance Members have exercised over Government of India's finances. Then, take this year's particular budget. The special feature of this year's budget is an economy amounting to a crore of rupees. I would have liked to examine the proposed economies by the Finance Member. The Finance Member does not give us sufficient information to judge where he has practised economy so that I could have found out whether the economy practised was at the cost of the masses of the poor people in this country or at the cost of the wealthy people in this country. Unfortunately, he has not given us information. He has told us that generally he has avoided new expenditure which was not remunerative or which was not inescapable. I would ask him whether the importation of an archaeological expert was either directly remunerative or inescapable. One can ask several questions as to what the Government of India should have done for the poor people. Two years ago I had asked the Finance Member whether he could revise the very unfair pension rules of the inferior servants of the Government of India. A slight revision, which he himself admitted was reasonable, would not have cost the Government more than what he had spent on this archaeological expert. Sir, to bring out an archaeological expert and spend some money on him is in accordance with the policy of the Government of India. To revise the pension rules for the inferior servants of the Government is certainly not in accordance with the policy of the Government of India.

The Honourable Sir James Grigg: They were revised.

Mr. N. M. Joshi: I had asked another revision two years ago.

The Honourable Sir James Grigg: Oh!

Mr. N. M. Joshi: Then the other feature of this year's budget is that the net expenditure on defence has been increased by one crore of rupees. There is a saving of one crore of rupees and there is a gross increase of two crores. Out of the saving there is a very small part which is permanent, namely, a saving made by the withdrawal of four battalions; but out of the increase a larger portion is a permanent increase. I would, therefore, suggest to the Finance Member that it is no good his telling us that there are very few countries in the world which have not increased their defence expenditure. We understand that very well, but the Government of India have unnecessarily kept their defence expenditure very high by maintaining the British troops in this country which cost four times as much as Indian troops. The Finance Member can make the defence of this country more efficient by withdrawing the British troops and maintaining even a larger number of Indian troops. But, Sir, that is not in accordance with the policy of the British Government. As regards the scheme of new revenue which his budget contains, I do not wish to deal at length on this occasion; there will be another occasion to speak on that subject. But, Sir, today it is my duty to point out that it was very wrong,

on the part of the Finance Member to levy a duty on cotton at a time when the Government of India was negotiating a trade treaty between India and Great Britain. My Honourable friend will admit that a heavy import duty on raw cotton which is imported in order that the country should have fine cloth woven in this country.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Mr. N. M. Joshi: This duty surely changes the comparative competitive position between Great Britain and India, and it was very wrong of him to do that at this time without imposing a countervailing duty on foreign cloth. I shall deal with that subject later on. But before I close, I would like to say one word about the control of the Legislature over the Government of India's finances. My Honourable friend, Mr. Lalchand Navalrai, said, that the Finance Member did not take steps to get the Finance Committee appointed. I think that the blame does not lie wholly on the Finance Member. This House is to some extent responsible for that. But, Sir, the Finance Member had promised to get an Estimates Committee appointed. I heard that he had consulted the Leaders of the various Parties in this House. But I feel that the Finance Member has introduced a novel constitutional method of consulting the Legislature on this subject. If the Finance Member thought that an Estimates Committee was the right method of giving control to the Legislature over the Government of India's finances, he should have put forward his proposal before the House and not approached the Leaders of some Parties.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. N. M. Joshi: One word more. The Finance Member is not responsible to the Leaders of the Legislature. Finance Member is responsible to the Legislature and this House.

Mr. Manu Subedar: Is he responsible?

Mr. N. M. Joshi: He ought to be any way.

Mr. Abdul Qaiyum (North-West Frontier Province: General): My Honourable friend, Mr. Lalchand Navalrai, in his wonderful speech, compared the Honourable the Finance Member to a camel without a bridle; but to his credit it can be said that, in spite of the temptation to stray into many fields, he has abstained from doing so and has only so far strayed into the cotton field. There were many temptations for him but the budget which the Honourable the Finance Member has presented to this House has got its redeeming features as well, though there are certain things in which he could have taken the popular opinion into consideration and boldly followed policies which are demanded by the bulk of the people in this country. The introduction of the slab system in place of the step system is decidedly a change for the better, inasmuch as it will result in more taxes on people who can afford, on people with larger incomes and corporations, and less taxes on people who are already very heavily taxed.

Mr. Manu Subedar: There is no slab in the case of corporation.

Mr. Abdul Qaiyum: Any way it is expected that corporations will pay more taxes than they have hitherto done. If that be so, I for one will certainly welcome it. That means that the system of taxation, as far as income-tax is concerned, will be more equitable in future, than it has hitherto been.

Now, Sir, the Finance Member in the course of his budget speech remarked that he had withstood the temptation of spending more money on the defence services of this country. It was asserted that the international situation had deteriorated considerably, and that there was a mad race for armaments in other countries which meant far more expenditure on defence in those countries than had hitherto been incurred. But we must bear in mind the fact that in India, even in normal times, our defence expenditure has been abnormal. The Honourable the Finance Member, I think, has budgeted a sum of 45 crores odd for the coming year. Now, even this will swallow up something like 55 per cent. of our total revenues. It is really surprising that while the receipts from customs were dwindling fast, the military expenditure last year mounted up by about 100 lakhs. I said in the beginning of my speech that the Honourable the Finance Member said that he has withstood many temptations. He and his Government could have considerably economised as far as the Defence Department is concerned. Every year the Government of India have been in the habit of spending crores of rupees in futile expeditions against the tribal areas. Now, it is very difficult to convince the present Government of India that the operations as far as Waziristan are concerned are not in the best interests of the country. That by your policy of forceful penetration into their country you have forced these people to retaliate against the unfortunate people who have to live in the settled districts of the Frontier Province, and that by your insistence on building roads in Waziristan you have provoked them to make it highly unsafe for people in the Frontier Province even to travel in broad daylight. The roads have to be guarded by the military day and night. It is high time that the Government of India bowed before the demand of the public by stopping this colossal expenditure in Waziristan, which is an absolute waste of money. In the matter of the defence services it cannot be said by the Government of India that they could not have economised. You should try to have more faith in the people of this country, and by a change of heart you can bring about the complete Indianisation of the army. You can easily save crores of rupees if you were only to Indianise the army in India but you refuse to do it and while refusing to do it you are exploring further avenues for taxing the unfortunate people of this country. The Government of India and especially the Defence Department can make use of the large number of young men who are being educated in our universities, and you can raise a voluntary force which could be used in the defence of this country in times of emergency. But the attitude of the Government, as far as the educated part of the Indian nation is concerned, has been utterly unsympathetic. You have always mistrusted us, kept us out of the army, with the result that you have to spend much more on keeping a paid army. Now, if you were to cross into Afghanistan, you will find that with far less resources than we have in this country, they have a voluntary army of the people who are proud to serve their country. Is it impossible to have this kind of army in this country? It is only the mistrust, which is eating into the vitals of the present Government, which is responsible for this colossal waste of money

which takes place on the defence. I am convinced that with far less expenditure you could have got an even more efficient army than you have at present. So much for the defence services.

I think the Government has got something at the back of their mind. They refuse to say so, but I think that their object in waging war against the tribal areas is not so much for the defence of India, but to gain a further and stronger foothold in Central Asia, from which they could wage their imperialist wars in the future.

Now, I will come to the other question—where the Honourable the Finance Member has refused to bow his head before the popular will. He could have earned the gratitude of the people if he had only taken that very much desired step of reducing the salaries of very highly paid officials. After all, India is a poor country. The Government officials in Japan, Germany and France receive far less salaries than they do in this country. It is being constantly asserted that if you were to reduce the salaries, you would be holding out temptations for the highly paid Government officials. I for one do not want that unfortunate situation to arise, but there is no denying the fact that there is ample scope for a legitimate reduction of the salaries of very highly paid officials. The Finance Member was worried about the prospective 50 lakhs deficit and how to meet it. He could have met it if he had only resorted to a wholesome cut in the salaries of the highly paid officials. These cotton duties are Sir James Grigg's parting kick to those who have been working for the industrialisation of India. I certainly welcome these duties. For one thing they will be bringing much needed relief to our agriculturists—viz., those who are growing cotton. I have far greater sympathy with them than with the rich capitalists who are running our mills in different centres but, at the same time, I certainly prefer my own capitalists to capitalists of other countries. I think the Honourable Sir James Grigg cannot deny that these duties will certainly strengthen the hands of Lancashire and Japan as against the manufacturers of cotton in this country. If the idea was to protect Indian cotton growers, I think that at the same time protection was needed for the manufacturers of cotton in this country by means of a countervailing duty against those competing with the manufacturers in this country—be they residents of Lancashire or Japan. There is no doubt that the Finance Member has afforded welcome relief to the cotton growers but we know that the development of long staple cotton in India will take a long time. But the manufacturers of cotton will be immediately hit by this doubling of the duty on cotton. I do not think that this expected deficit of 50 lakhs could have really worried the Honourable the Finance Member. He has doubled the duties on the imports of cotton without some sort of relief to the manufacturers of cotton in India. The Government of India could certainly have economised. I for one welcome the fact that the Finance Member has refrained from imposing more taxes on other things. There is no doubt that that welcome element is present in his budget, but I think he could have done much better by refraining from doubling this import duty, without the complimentary and countervailing duty on the imports of cotton goods in this country. The question of retrenching the expenditure has not been carried far enough.

We are being told that the situation has improved in Waziristan. The Defence Secretary has been lately very loud in telling us that things are settling down there. But from what I hear, I think we are going to have

[Mr. Abdul Qaiyum.]

A lot more trouble in Waziristan this year than we have had for the last three years, and the Finance Member will have to find a couple of crores more for this forward policy which is being pursued in that part of the country. The other day the Honourable the Foreign Secretary laid down a novel proposition, I welcome it—that there is no such thing as independent tribes or independent areas in this country. If that is so, I should like to know from the Government what is the necessity for this abnormal treatment meted out to people who, according to the assertion of the Foreign Secretary, are British subjects. If they are British subjects, then, I think, these air squadrons are not at all required in Waziristan. If they are not British subjects, then this army of fifty or forty thousand which the Defence Secretary has sent out to that country—and which has failed to achieve its object of even holding the passes

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Mr. Abdul Qaiyum: . . . is quite useless. I would, therefore, request that the Government of India should now, while they are in office, try to be more in touch with the demands, the aspirations, and the feelings of the people of this country in the matter of finance. It would be a good thing if they start with a much-needed reform, viz., a cut in salaries, which will be very welcome to the taxpayer.

Mr. Nabi Baksh Ilahi Baksh Bhutto (Sind: Muhammadan Rural): Sir, I offer my congratulations to the Honourable the Finance Member for presenting a balanced budget without undue taxation. On account of the fall in customs revenue, it was believed at one time that he would levy special taxes to the extent of three crores of rupees, but he brought down expenditure by strict economy which he exercised from the very beginning of the current financial year, and which he proposes to continue during the coming year. We apprehended that there might be a cut in salaries. The cut is always unpleasant and I am glad that he avoided it. My friend's régime will be remembered for two special features:

(1) He did not invent any novel form of taxation.

(2) He attempted to meet the budget by internal economy.

In the coming year, he has proposed to double the duty on imported cotton. The duty at present is $\frac{1}{2}$ anna per lb. which he has proposed to raise to 1 anna and by this method he expects to get an additional income of 55 lakhs. This duty is a blessing in disguise to the agriculturists in Punjab, Sind and Gujrat. We have given abnormally high protection to Indian cotton mills, and there is no justification for them to use cotton from outside and to starve our own agriculturists. The Indian mills should consume Indian cotton alone. I would have suggested that the import of cotton should be stopped altogether.

I would have very much liked the reduction in the price of post cards from nine pies to six pies, but the figures that we are given in the general report indicate that the Post Office finance do not permit of such reduction. The post office is a commercial department, and it should see that the rates are not higher than what they are in other countries.

I do not propose at present to discuss the efficiency of the Post and Telegraphs Department; I will have the opportunity to discuss it on the occasion of the Finance Bill but one point which I would like to note on this occasion and which affects the Budget is the practice of sending unnecessary telegrams and sending private money orders and private goods on postal service by postal officers. One case of an officer of the rank of P. M. G., has already come to the notice of the Director General and I would like to hear what action he has taken in this matter and may I just remind him on this occasion that there were several other complaints of inefficiency which are already on record.

In the tax collecting department the cost of Income-tax collection should be minimised and I suggest the Government should consider whether they can reduce the expenditure by retrenching unnecessary staff of Inspectors.

I would like to draw the attention of the Honourable the Finance Member to the financial position of Sukkur Barrage. The Sind Government, or more appropriately, the people of Sind, pay the interest charges on the capital. The yield from Sukkur Barrage is not so great as it was expected. The prices of agricultural products have now gone down, and it is not possible to recover the money necessary for payment of dues. In addition to the problem of fall of price there are certain inherent difficulties in the system. Firstly, the flow of water is not enough for irrigation purposes. Secondly, the distribution is defective and thirdly, there is a large deposit of silt on the mouth of the canals which obstructs the easy flow of water. Fourthly, the wrong distribution of water is now changing the character of the soil. Good soil is now becoming barren, and the waste land is being brought under cultivation, and it has thus upset previous equilibrium. The Sukkur Barrage was constructed at a time when the prices were very high and, therefore, its capital expenditure has enormously gone up. It is very desirable that canals should be revalued at a lower figure and the interest charges should be reduced. It will not be too much substantial remission in the interest charges. On account of low price the agriculturists cannot pay the canal dues at high rate.

The question of customs is now in a chaotic condition. The Finance Member has very much tightened the department but it is still anything but satisfactory. It seems desirable that the customs should be brought under one administration and should be centralised. I am not satisfied with the manner of appointments in this Department. The appointments should be made by a committee of selection attached to the Department of Board of Central Revenue, and they should not be left to the sweet will of the Collector of Customs.

Mr. Lalchand Navalrai: Why not the Public Service Commission?

Mr. Nabi Baksh Ilahi Baksh Bhutto: I may also allude here to some irregularities in the Central Public Works Department affecting the Budget. A contractor in Dehra Dun, K. S. Nizam Uddin, was given a contract at Dehra Dun. He was very unfairly treated by Uttam Singh, the Executive Engineer, with the result that the matter went to the Court and he got a decree of Rs. 30,000. The Government appealed to the High Court, but the High Court gave a decree of Rs. 50,000 and passed strictures against Uttam Singh. I should like to know from what fund the Government are going to pay Rs. 50,000? Is the amount provided in the present Budget?

Mr. Nabi Baksh Hahi Baksh Bhutto. or will it be deducted from the salary of Uttam Singh? I do not discuss the unjust manner in which Nizam Uddin was treated but I am interested to find the manner by which this Rs. 50,000 will be paid. I would like to ask the Honourable Member in charge to let us know on the floor of the House whether departmental action was taken against this officer, and what action would the Government take in similar circumstances if the officer had been a Muslim? This department, which Dr. Sir Ziauddin Ahmad said at one occasion, is a preserve for Sardar Sant Singh and Mangal Singh and this department finds no room for Muslim contractors, even the contract of Shahi Mosque at Lahore, to which H. E. H. the Nizam has given a substantial donation, was given to a non-Muslim.

Before I resume my seat, I would like to point out that our sterling liabilities have been brought down from 41 millions in 1936-37 to 27 millions and our interest charges have been reduced by 196 lacs, which is satisfactory.

Babu Kailash Behari Lal (Bhagalpur, Purnea and the Santhal Parganas: Non-Muhammadan): Sir, I will not say anything regarding that aspect of the Budget which concerns the expenditure of three-fourths of the revenue of the Government of India out of about one hundred crores of rupees and leaves about only 4 of the revenue to be talked over by the Honourable Members of this House. I will simply content myself with our present lot and speak about that part which is allotted to us. From my previous experience I have seen that for want of time and with a "two minutes more time" warning from the Chair I have had to cut short my speech and I could not place all my points before the House but, being cautious now, I want to place my points and to invite the attention of the Honourable the Finance Member to those points, so that my Honourable friend may take them into consideration. I have always held the view that the finances of the Government of India should be so handled that all the Provinces may have equal opportunities to develop themselves and to flourish and improve their financial and economic condition. But it is with much dismay that I have invariably noticed that the Government of India have paid very little heed to this in the management of their affairs. I would at once enumerate how in certain departments administered by the Government of India, they have neglected some of the provinces.

The first thing that I wish to point out is in connection with the Broadcasting Department. I had occasion to press this point before the Honourable Member in charge and the Government of Bihar have also pressed this point on the Government of India. The reply that the Government of India gave was that they had no funds. Even when I put a question in this House it was said that the broadcasting stations that are in India can serve the needs of all the provinces and, therefore, there is no need for having a station in all the provincial centres. To this question, a supplementary question was asked by one of the Honourable Members as to whether the existing stations that are in some provinces can employ men from those provinces where there is no station and perhaps the reply was silence. I would draw the attention of the Honourable Member to this meaningful silence. Although they may admit that they do employ men from those provinces where there is no broadcasting station, but under the present circumstances it is not in the state of nature to do justice to those persons who come from those provinces where there are no broadcasting stations. The Honourable Member in charge of the Department should

know that the persons of those provinces which have not got broadcasting stations not only suffer from the educative point of view, but they also suffer economically. It is, therefore, in the fitness of things that the matter should be looked into by the Government of India and they should try to establish broadcasting stations in those provinces where they do not exist. Sir, it is not only in the economic and educative spheres but in other respects also that those provinces which have not got the broadcasting stations suffer. Even from this year's budget I find that, although lakhs and lakhs have been provided for the capital outlay for broadcasting in other provinces, there is no provision for those provinces which have not got the broadcasting stations on the pretext that there is no money in the coffers of the Government of India. I hope that they will look to the justice of the thing in these matters in the future, so that there may not be any grievance on the part of those provinces which have not got broadcasting stations.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can resume his speech after Lunch.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

Assembly re-assembled after Lunch at Half Past Two of the Clock, Dr. Sir Ziauddin Ahmad (one of the Panel of Chairmen) in the Chair.

Babu Kailash Behari Lal: Sir, I was speaking about the policy and programme of the Government of India in the matter of setting up broadcasting stations in the provinces. So far as my Province of Bihar is concerned, they should redeem their promise in this respect which they held out by way of raising hopes in us only some time back.

The next point is the administration of the road fund. This fund was created for the development of roads throughout the length and breadth of the country. The basis of distribution was so settled that uniform development in all the provinces was impossible. The more developed provinces get more and the less developed provinces get less so that the less developed provinces are neglected more and more. When I discussed this question with Sir Frank Noyce, he pleaded for more power for the Central Government in respect of road fund so that the Government may be in a position to deal justly in this matter. It so happened that the road resolution empowering the Central Government with more power was passed. We only expect that they would see to the justice of the thing because although this resolution was passed, the basis of allocation has been allowed to remain the same. I would urge upon the Honourable Member in charge that this basis which does not operate successfully in the development of roads throughout all the provinces should be so changed that all the provinces may be justly dealt with in this matter.

The next point is with regard to the appointments in the Posts and Telegraphs Department. I can do no better than quote the relevant

[Babu Kailash Behari Lal:]
 remarks in this respect from the report of the unemployment committee, Bihar:

"In this department there are 29 superior gazetted posts, of which only three are held by men of this province. In the subordinate service there are about 4,000 posts, of which 50 per cent. are of postal peons drawing a salary of Rs. 20 and above. These men are mostly natives of the province or domiciled therein. Out of the remaining 2,000 posts about 81 per cent. are held by men of the province, including those domiciled in Bihar, but they all appear to be in the lower grades while the upper grades of the service are held mostly by outsiders."

The next point is with regard to the administration of the Audit Department in the province of Bihar. Here again I will quote from the report of the same unemployment committee:

"This includes the Accountant General's office and the Local Audit department. There are in this department 264 posts, including three gazetted posts of Assistant Accounts Officer, but excluding those of the Accountant General, Deputy Accountant General and Assistant Accountant General. It appears from a statement furnished by the Deputy Accountant General that out of the above number, only 70 are held by men of the province or domiciled therein. The province has been in existence now for about 25 years and the small number of Biharis in the department is disappointing."

I hope, Sir, they will take note of this report and do justice.

Last, but not the least, I want to refer to the recruitment in the army. About the injustice done in the matter of recruitment, many Honourable Members have spoken before in the past. I myself am of opinion that equal opportunity should be given to all provinces to develop their martial spirit, by recruitment in the army. If there be any objection on the score that there should not be an indiscriminate recruitment, without due respect to fitness, etc., I will urge upon the authority that they should not at least pursue such a policy that even where there exists a martial spirit, the people may be demartialised on account of long neglect and want of opportunity before them. I am speaking specially about Biharis. In the great Indian sepoy mutiny, where the soldiers were said to be rebels, they all belonged to Bihar and because they belonged to Bihar the Biharis of today are punished by being denied recruitment in the army. I may also inform the House that the soldiers from Bihar conquered—of course we are ashamed for that—the province which now boasts of being a martial province. Even the Punjabis admit the justice of the claim of the people of Bihar.

An Honourable Member: No, no.

Babu Kailash Behari Lal: Of course, Honourable Members will not admit this openly in the House, but in the lobby where I had a talk with my friends from the Punjab, they admitted the justice of the case for Bihar to be included in the army and they also admitted that Biharis conquered the Punjab for the British. Even though they are not prepared to accept this openly, I do not want to rake up any provincial feeling. I will say that in order to develop the country uniformly, they should understand the justice of the thing. They should not brand other provinces as consisting of cowards or non-martial people. It is no good to create provincial jealousies and provincial feeling. The Government want to put the provinces at loggerheads by creating this martial and non-martial business. I submit that those people who deserve to be enrolled in the army should be given the

chance. The fact remains that these people were in the army until a few years ago, they took part in the first war for Indian independence, this so-called Sepoy Mutiny, but now these very people are penalised and they are prevented from enlisting in the army. At least our brethren from other provinces should not stand in our way and they should accept the justice of our claim.

The next point I wish to refer to is the establishment of post offices in rural areas. There was one post office in Simeria which used to serve a distance of about 60 square miles. I am told that between Chatra and Hazaribagh this was the only post office and this has recently been proposed to be abolished. God knows on what grounds. Whenever the question of such facilities may arise in rural areas, the Government should not rely merely on the report of their subordinates and thus abolish those facilities, but they should also look to the representation of the people who have their grievances and they should set matters right. These grievances prevail in other places also. I want to impress this fact upon Government so that they may look into it.

Another point which I should like to impress, though there is no use dilating upon it, is about the excluded areas. I represent the Santhal Parganas also here which is partially an excluded area and I will press upon Government to concede the justice of their claims. Of course, it is a big issue and much has been said from many sides and on many occasions on this subject, and I will only repeat that so long as the grievances of the excluded area people are there they are neglected in many respects. In their policy adumbrated by Government so far as this budget is concerned they have not said anything about the unfortunate people inhabiting these parts. They should at least set apart a certain amount so that the administration in these areas may be on a level with the administration carried on in other parts of the country. It will not do for Government to say that in the excluded areas the people are backward. This theory has been exploded on past occasions and it will not do for Government to cling to the view that the administration there should be kept on a low level because they do not deserve a higher type of administration. They should at least be helped and the Government of India should embark on a policy of bringing the administration of these excluded areas on a level with the other parts of the country.

Mr. N. M. Joshi: The question may now be put.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I find that my Honourable friend, Mr. Joshi, is an opportunist today because of the paucity of Members present here, and also because he had an opportunity of speaking on the budget before many of us have been able to do so. Sir, although in speaking on the budget we are circumscribed by the limit of time, I will try to do my best within that limit. The Finance Member in the opening paragraph of his speech made a startling remark that India is a disappointing country for prophets. Of course, it will be a disappointing country for prophets like Sir James Grigg but not for those who come to do good to the country. He has been looking more to the interests of his own country as is evident in this budget. The whole country is criticising him for imposing a duty on cotton and on raw materials. Would any Britisher in Britain impose such

[Mr. Muhammad Azhar Ali:] He would never do it. But it has been done in India, and why? Simply because my Honourable friend, the Finance Member, wants to pose as a prophet to the detriment of India and not in the interests of this country. Sir, we want such prophets to come to India, not as birds of passage, but to do good to the country. Prophets are always known to do good to the country and not to do it harm. Ever since our Finance Member came to this country, he has been juggling with figures. And, not only that, but he has not even been poetic. He is so prosaic in his explanation of the budget that he will not leave an inch for this country to recoup its losses.

In this budget there are no taxes imposed, but if we read between the lines we find only taxation upon taxation and nothing more. These budget proposals are of no good to the country. It may be a balanced budget, in his own estimation, but to the outside world it is nothing but a deficit budget. My Honourable friend says that the credit of India stands high. If that is so would any Finance Member produce a deficit budget? I refute that argument and assert that the credit of this country does not stand high. It may be high for the purpose of borrowing or for helping other countries, specially Japan and Great Britain, as is evident from the imposition of a tax on cotton. I do not wish to grudge any praise to those who say that the credit of India stands high but it has to be remembered that it is the result of world-wide depression and the withdrawal of capital from trade and industry. The low money rates prevailing throughout the world generally and in London in particular have secured a low bank rate in India and cheaper borrowing for Government in this country. But the low bank rates in India do not reflect the multiplicity of millions of loan transactions in the interior. The Finance Member has failed in one expectation in so far as he did not take the opportunity to convert the 3½ per cent. sterling loan in England. Is that good finance? I will answer in the negative. Conversion operations took place in the United Kingdom extending to over two thousand million pounds of that Government and many of the Colonies were able to borrow cheaper than India. Why could not India borrow? Did the credit of India stand high or low then? I would ask my friends to judge; I contradict that statement with all the force at my command. Some of these Colonies had not their financial or exchange arrangements on as sound a footing as India had. Why could not these conversions be made? I refute the statement that the credit of India stands very high, because full advantage was thus not secured for Indian finances of the low money rates. The encouragement to savings, for which purpose the Savings Banks were established and the postal certificates were instituted, will be less with reduced rates given by the Finance Member, and it is curious that Provident funds and Service funds rates have not been reduced correspondingly. Does this bear out the claim that India's credit is high? The poor man, who entrusts his savings to Government is going to receive less, but the service people must continue to receive at a high rate along with a high salary. I ask the Honourable Member to consider this position and then to state if it can be said that the credit of India stands high. Much available capital is picked up by Government in treasury bills, the volume of which has increased, and Provincial Governments are equally availing themselves of this facility. The result is that the money released from Government obligations of one kind is added to Government obligations of the other kind and the flow of

capital into trade and industry is interfered with. I do not grudge the help which the relief in interest charges has brought to the Finance Member's budget. But careful organisation, with a little foresight, might have led to the utilisation of this period of cheap money rates and plentiful loanable capital for the expansion of banking in this country, had the Finance Member addressed himself to this task. If, after all this, any Honourable Member were to come here and argue that the credit of India stands high, I can only say that he must be either an enemy of this country or he must retire from the politics of this country and the economic life of this country. On the contrary, banking has received a set back during his régime and active measures for the encouragement of banking have not been taken. The utilisation of indigenous bankers by securing them direct relationship with the Reserve Bank, which was definitely promised to this House at the time of the establishment of the Reserve Bank, has also not been pursued with the same vigour with which an Indian Finance Member would have pursued it. I was a Member of that Committee and, therefore, I ask the Finance Member whether these terms have been fulfilled.

My next point is, how has the agriculture of India improved? One or two crores being sent away to the Provincial Governments is no good. Do the cultivators and agriculturists of India need only a crore or two? Every year the revenues coming into the treasury come to about 82 crores. Is one crore or two the share of the agriculturists in this country, whose hard-earned money is being utilised everywhere by the servants of the Indian Government? If the agriculturist comes forward today and says that the Government is doing nothing absolutely for him, I think he is absolutely correct.

I do not wish to dilate on the industrial conditions of this country. Other Members will perhaps have something to say about this. But I shall say something about the sugar industry. We all know that we are not allowed to send out our sugar as we desire; and it is the industry which with the greatest difficulty India was able to establish in this country. We know that the sugar industry has been established and that it is a paying concern, but still we find we are not able to export as much sugar as we would like to

An Honourable Member: There is not enough for the country itself!

Mr. Muhammad Azhar Ali: Excuse me. The Indian mills can produce enough if they are allowed a free hand

Mr. Chairman (Dr. Sir Ziauddin Ahmad): The Honourable Member has two minutes more.

Mr. Muhammad Azhar Ali: . . . but they are handicapped in every way. I have seen statements from the industry itself in different places that they are handicapped in every way and the rules about people taking their carts from one factory to another are so stringent and harsh that the cultivator finds it very difficult to go from one place to another.

An Honourable Member: The rules are made by the Provincial Governments.

Mr. Muhammad Azhar Ali: However, that is the state of affairs, and as my time is up, I will resume my seat.

Sardar Sant Singh (West Punjab: Sikh): Sir, the most welcome news that has come to us just now is the breaking of the fast by Mahatma Gandhi, thanks to the intervention of the Crown Representative.

Mr. M. Asaf Ali (Delhi: General): It is not confirmed yet.

Sardar Sant Singh: A settlement has been reached at Rajkot and Mahatma Gandhi has broken his fast.

Mr. M. Asaf Ali: Who says that? I think it is too early.

Sardar Sant Singh: The news has come just now: it is Government news and is from authoritative quarters. It has been confirmed: My source is rather authoritative. However, Sir, even if it lacks confirmation now for my friend, I hope the confirmation will soon arrive and we will all be happy over it.

The Honourable the Finance Member has presented to us his last budget in a speech more or less businesslike, irritating no one and provoking no one. All the same, the budget is featureless: it does not break any new ground and it does not give us any insight into the working of the finances of this great country. We, who are not great financiers, find it very difficult to go through a mass of figures and calculations such as are presented to us. I think it is not very long ago when a similar complaint was voiced from these Benches that some method should be devised for presenting the budget in such a manner that it will be more intelligent and more intelligible to the ordinary man, excepting those who like himself are more at home in reading figures than reading stories, if I may be excused for saying so. Certainly the budget can be made more interesting and I will request that if the Treasury Benches can help us in presenting better budgets in a more interesting manner, the House as a whole will be more thankful to them.

The Honourable Member at the end of his speech complained of the stresses between race and race and community and community and has expressed a desire, based upon very good grounds, that if such stresses can be replaced by reconciliation the Provincial as well as the Central Government will be better able to raise the standard of life of the masses in this country. May I remind him that this side of the House has always been very emphatic in its desire to bring about reconciliation between the various communities living in India? But the blame must be thrown on the policy that has been persistently followed, for a very long time, by our friends who are occupying the Treasury Benches at present, and that policy is the well-known policy of divide and rule. Not only was that policy followed during the last regime, if I may say so, but even under the new constitution they have perpetuated that policy by giving statutory recognition to what is commonly known as the Communal Award. I know that it is no good crying at this stage and the cry of one man, probably all alone in this House of about 150 members, but I have kept up this cry of the iniquity of the Communal Award from year to year in the hope that some day our friends of the Muslim League will realise the evil effects of this Communal Award and will come in line with the other nationals of the country. However, I do not want to raise this communal issue for fear of offending the susceptibilities of my Muslim friends, but I do want to tell

them that this policy is responsible for the new cry that has arisen in the country and that new cry is the cry of the Muslims being a different nation in India from the other race, I mean the major community, namely, Hindus.

Mr. Chairman (Dr. Sir Ziauddin Ahmad): The Honourable Member should now speak on the Budget, and these discussions may be reserved for the Finance Bill.

Sardar Sant Singh: I think, Sir, in speaking on the Budget one is allowed to express the grievances of all communities.

The Honourable Sir James Grigg: But the only thing you need not discuss is the Budget.

Sardar Sant Singh: You will have the Budget very soon.

Mr. N. M. Joshi: Grievances before supplies.

Sardar Sant Singh: My point is,—I do not want to take much time by going into this question at great length,—this feeling of being new nationals in this country is directly due to the adoption of the policy underlying the Communal Award, but this policy has been further implemented by another award which is known as the service award. In that service award too, we find that most of the time of the House is being wasted by asking questions relating to communal representation.

The Honourable Sir James Grigg: You do a good deal of it.

Sardar Sant Singh: I do, and I must, because I must protect the interests of my community. You cannot complain of it now; you gave birth to these feelings, and you cannot legitimately complain of it. If the same reactions follow you, you will have to accept them in the same spirit of sportsmanship in which you sought to divide and rule us.

Now, as I was saying, this circular of July, 1934, has been in existence for about 4½ years. During this period much has been done in the field of new recruitment. The result is that some headway must have been made in removing the deficiencies in respect of the various communities in the services directly under the Government of India. I asked the Honourable the Home Member once to prepare a consolidated list of the various communities serving in the different departments of the Government of India with a view to know what headway had been made to make up the deficiencies complained of before the communal service award was given effect to.

An Honourable Member of the Muslim League Party: Now come to the Budget proper.

Sardar Sant Singh: Well, if you will wait a little, you will find there is something in your favour also, but the difficulty is that you are so much obsessed with the Communal Award that you do not want to listen to any reason at all.

Mr. Chairman (Dr. Sir Ziauddin Ahmad): The Honourable Member should now come to the Budget.

Sardar Sant Singh: I am coming to the Budget now. I know it is distasteful to one section of the House to hear me speak against the Communal Award, but one of the Members of the Muslim League Party just before lunch time raised this question and said that my community was enjoying certain advantages in certain respects, and when I refer to the question of Communal Award here, I merely want to point out that they themselves set the ball rolling, and they should not be sorry if I stand up to reply to their arguments. Well, Sir, I was suggesting that a consolidated list should be prepared so as to remove a good deal of misunderstanding between the various communities as to the proportion of new recruitment.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): We welcome it.

Sardar Sant Singh: I am glad that an important Member of the Muslim League Party welcomes this. However, the circular, after having been in operation for the last four or five years, should now be recast in the light of the new experience that must have been gained.

The Honourable Sir James Grigg: Now come to the Budget itself.

Sardar Sant Singh: The Honourable the Finance Member wants me to come to the Budget itself.

Mr. M. Asaf Ali: We all want you to come to the Budget itself.

Sardar Sant Singh: All Muslims want me to come to the Budget itself, whether they belong to the Congress or to the Muslim Group. To me they are the same.

Now, Sir, I come to the Budget. I am glad that sugar has not been taxed this year. There was a great fear in the sugar industry that the Honourable the Finance Member would come forward with proposals for additional taxation for the sugar industry. The sugar industry, Sir, is already heavily taxed, and some sort of protection is given by imposing protective duties on foreign sugar, but at the same time, I want to tell those who are engaged in the sugar industry that the prices of sugar today are very high, and something must be done to reduce them in the interests of the consumer.

The Honourable Sir James Grigg: Hear, Hear,—a Daniel come to judgment.

Sardar Sant Singh: The price of sugar should be reduced by some methods which are probably known to those who are engaged in the industry.

The next item, to which I wish to refer, is the doubling of the duty on foreign cotton. Sir, I welcome this duty in the interests of cotton growers of my province and of my constituency particularly. The clamour has been raised by certain industrialists engaged in the textile industry that this duty which has been raised will adversely affect the textile industry of India. I am quite aware of the need of protecting the key industry of India, and textile industry is one of the key industries of India, but, at the same time, I cannot help saying that the cotton produced in India is quite capable of being absorbed to a much larger extent in the textile industry of this country if those who are engaged in the industry are only mindful of absorbing more of indigenous cotton. There are certain

complaints made that the requisite staple cotton is not produced in this country. I have looked into the latest report of the Central Cotton Committee, and I find that attempts are being made, both in Sind as well as in Lyallpur and the Chenab Colony, where the higher staple cotton is being grown, to replace the foreign cotton. If the textile industry employs some laboratory assistants and makes some research work and gives some assistance to the cotton growers of our province, there is no reason why the same kind of cotton which is imported from abroad should not be grown in the country itself and replace the foreign material. Sir, the price of cotton has gone down very much in these days, and it is absolutely essential for the cotton grower to have his cotton sold in the country itself.

Then, Sir, the next point I want to touch upon is the hopeless condition of the Defence Department. The Defence Department is really impenetrable to the public opinion of this country. There are only 18 Indian Pilots, Sir, in the Indian Air Force of this country. What a shame? When the whole world is afraid of a crisis which may break out at any moment in Europe, we should not have a sufficient number of trained Indian pilots in India,—we have only about 18 trained Indian pilots. What is this number when compared to the large numbers that are to be found in England and other countries much smaller than India? The Defence Department refused to take this House into confidence when they were asked to tell us about the training of Afghan pilots in India. They declined to give us any information. Why? We do not want to stop Afghan pilots being trained. What we want is that the same training may be imparted to Indians so that they may become better pilots in times of crisis. Again, the Defence Department are guilty of lack of foresight, if I may say so, in not making arrangements or having any planned system by which the mechanical weapons for the needs of the army may be manufactured in this country itself.

Mr. Chairman (Dr. Sir Ziauddin Ahmad): The Honourable Member's time is up.

Sardar Sant Singh: I won't proceed further with this subject, but I would like to point out, with your permission, one thing. The lack of appreciation of the Defence Department of Indian feeling has become notorious, and the appointment of the Sandhurst Committee against the wishes of this House and against the terms of the Resolution passed by this House has given food for thought whether the Defence Department are ever guided at all by public opinion in matters of defence.

Mr. M. Ghiasuddin (Punjab: Landholders): Mr. Chairman, I listened with great attention to the speech of my Honourable friend, Mr. Lalchand Navalrai. If I understood him aright, he asked, is there any Member in this House present who is prepared to congratulate the Finance Member on this budget? I am prepared to plead guilty to that charge. Unreservedly and unashamedly I come forward to congratulate the Finance Member, at any rate, on one particular item of the budget, which overshadows the whole budget,—really it is the major point. I think I am speaking on behalf of all those Members who are interested in the welfare of the agriculturists, and tenants, when I congratulate the Finance Member on the duty which he has imposed on cotton. In certain quarters it is considered as the Finance Member's parting kick. I certainly think it is his parting present. What treatment has the cotton growing population

[Mr. M. Ghiasuddin.]

of this country received at the hands of the ultra-nationalist mill-owners of Bombay? We have heard long tales that the ultra-nationalist mill-owners have always the welfare of the country at heart, but they have always tried to buy cotton from the cotton growing areas at their own price, and, in later years, the cotton growing areas have been reduced to a miserable plight. Cotton was being imported from outside on one pretext or another, while the cry of swadeshi was being raised and it was said that we must have everything country made. The very people who spoke loudest in this strain,—they were all the time importing cotton from outside to the ruination of the cotton growing areas of this country.

Coming to the other aspects of the budget, I come to the defence side. The Finance Member said that the expenditure of all the important countries has increased but that of India has not done so to the same extent. I think the Finance Member congratulated himself on the fact that, although we had need for armaments and so on, the Government policy had not been dictated by that but only by economical reasons. I am going to ask him one pertinent question, and that is, on what item has the expenditure of India increased? They have not increased the expenditure on armaments or buying aeroplanes. What they have increased the expenditure on is to provide amenities for British soldiers. That is what they have done. War may break out at any moment and this is the time for sacrifice. At this very moment when sacrifice should be demanded from everybody and the people should give up the amenities which they already possess, our Government are increasing expenditure, not for providing us with armaments, or anti-aircraft guns of which we are so much in need, or aeroplanes, or anything of that kind, but for increasing the amenities to the British soldiers. I think this is the height of—shall I say,—impertinence, if one may use that word. I could have quite understood and sympathised had this money been spent on something useful. I feel that the country from which these soldiers come, namely, Great Britain, can very well itself afford to pay for their extra luxuries such as toilet soaps and things of that sort, without asking us to do so. On the other hand, they have reduced the strength of the British Army to the extent of four battalions. What good is it to us? It is a very small comfort to the House. I am sure we will be given an opportunity of discussing the defence side of the business at a later stage, and we can then go into all the various aspects of the subject. Another point on which certain Members of this House have been harping again and again and in season and out of season is what they call the predominance of a certain part of the country; namely, the Punjab, in the recruitment of the army. It seems to be a sore point with many Honourable Members, but the only reply I can effectively give to them is the reply that was given by the Premier of the Punjab some time ago. He said that during the Great War the recruitment was open to all provinces. They were free to send in their men, there was no restriction, but they did not come forward. Now, the position has been won by my province with the blood, of its manhood and its heaviest sacrifices. My province supplied the recruits who fought on all the fronts, and only thus did they gain the present position. It will be very very unfair for people who shirked their duty at that time to come forward now and demand a share of the recruitment. We will resist to the utmost any encroachment which may be made in this respect. I have heard a rumour, though not from a reliable source I am afraid, that Sir Sikandar Hayat

intends to go on a hunger strike if any encroachment is made in that respect. If any encroachment is made on the present share of the Punjabis we shall resist it to the utmost. I have nothing more to say. I resume my seat.

Mr. R. N. Basu (Cities of the United Provinces: Non-Muhammadan Urban): I think it will not serve any useful purpose to find out whether the Honourable the Finance Member is to be congratulated or not. I think the budget which he has presented is a colourless one. It is an orthodox budget with an attempt to balance it anyhow. The provinces have been kept as hostages and we are asked for anything in order to give more to them. He has presented a budget which simply means to carry on. There is nothing extraordinary about it and nothing striking about it. I think it is more or less of academic interest, to take part in a budget which is 75 per cent. non-votable and since we are taking an academic interest only as in a debating society, I will touch on a few things with which we are mostly concerned. We find that the bulk of the Indian revenues is devoted to military expenditure. It looks like that of a man who is drawing a pay of Rs. 80 and is spending Rs. 45 in the pay of a durwan or a gatekeeper. That is just the position with respect to Indian military expenditure also. Out of a total revenue of Rs. 82 crores we spend about 45 crores for military defence. As against that, it has been pointed out to us by the Honourable the Finance Member that other countries spend much larger amounts in defence. That may be true. Other countries have other aims than ours. They want to grab other people's lands. They want to occupy lands which is not their's and they want to conquer territories. We have none of these imperialistic aims. We want to defend only our own borders and frontiers. Then again, the large amount of expenditure which other countries incur remains in their own country. For example, the hundreds of millions of pounds which England is spending gives employment to so many of the people of the land. Is it the case here in India? Every machine gun that is used here is brought from England and other countries.

Mr. O. M. G. Ogilvie (Defence Secretary): Every machine gun is made here.

Mr. R. N. Basu: I am told that rifles are imported from other countries.

Mr. O. M. G. Ogilvie: Every rifle is made here.

Mr. R. N. Basu: I am glad to note that, but I believe the parts are imported and assembled here.

Mr. O. M. G. Ogilvie: No. They are made here.

Mr. R. N. Basu: I would like to know what the position is about the tanks and automobiles. I do not know if any of them is manufactured in this country. I think the major portion of the expenditure is spent on other countries. Therefore, it cannot be a satisfactory basis for comparison between India and other countries.

[Mr. R. N. Basu.]

My friend, Mr. Ghiasuddin, has said that Punjab has a predominant claim for recruitment in the army. I would like to enter a protest against that. He has stated that during the Great War his province contributed the largest number of soldiers. Perhaps he had reason to repent that. After the war, he will remember that his province was not treated well and, as a reward, got the martial law days of the Punjab. The news which he has received, the source of which he does not want to disclose, that Sir Sikandar Hyat Khan intends to go on hunger-strike is a good piece of news in that he has come to believe in non-violence. More can be done by non-violence than violence. In any case we do not want to join any country in the mad race for armaments. With our long traditions of peace and humanity, we ought to set an example to the world at large.

Then, Sir, about the amenities which have been provided for the British soldiers. This has always been a sore point with us. Is there any necessity for keeping so many soldiers in India? Are they not an army of occupation? If we have to spend 45 crores, then why not have the entire army Indianised. At the rate at which Indianisation is going on, it will take more than half a century to Indianise a portion even of the Indian army. How long is India going to be drained and bled white for keeping an army which is not Indian and which can be used against India at any time. This Indian Army, I am told, is strong and impregnable. It is at least impregnable in one way in that Indian opinion cannot make any impression upon it. In that respect, it is certainly impregnable. The Finance Department has also not paid any heed to the general popular demand. The postage rates have not been decreased. The plea for reducing the postcard has not found favour with the Finance Department. I believe, Sir, that a little loss of revenue in this direction would have led to a larger use of the postcards in the country at large. The village post offices have not been attended to properly. There should be more post offices and more propaganda for making the post offices popular should be taken in hand. The retrenchment effected in this department generally affects the post peons and the lower rung of the staff. I know that in Allahabad post offices and postal services have been reorganised. Instead of having three delivery offices, the work has been concentrated in one delivery office and it has caused any amount of inconvenience to the public at large. Representations have been made but no heed has been paid to them. In making retrenchment it should be borne in mind that it does not touch only the lower paid staff but touches the highly paid staff also.

Now, coming to the income-tax slab system, I think the slabs are a little too large. They should have been more graded than what is proposed in the Finance Bill, and I think the new rates will affect the public adversely. Rs. 3,500 will be charged at nine pies and the next is Rs. 5,000. This slab should have been split into two parts. My idea is this: that the difference between a man getting about Rs. 290 and a man getting Rs. 400 odd is great and this rate of tax should have been split up for the purposes of slab. With regard to the Income-tax Department, I want to bring to the notice of the Honourable the Finance Member a practice which is prevailing in some parts of the country. Sir, the Income-tax Department are now demanding, when sending these forms to the assessee, to know their total income and in the form they have one query.

“how much jewellery you have, and how much total cash you have got, and how much other properties you have got?” Sir, I do not think that is warranted by the Income-tax Act itself. To disclose the amount of jewellery a person has got, or the amount of cash one has got, I think, that is not the intention of the Income-tax Department and it cannot serve any useful purpose for the Income-tax Department in the matter of the income-tax revenue.

Now, there is one particular debatable point regarding the cotton duty. In some portion of the House it has been held as a great boon conferred on the cotton growers, but I beg to differ from them. I think it is an indirect way of subsidising Lancashire. This doubling of the duty on cotton will come in a way as a subsidy of four per cent. to the Lancashire cotton producers. What could not be done openly is being sought to be done in this fashion. Sir, a point which has to be taken into consideration when you impose an import duty on a particular thing is whether that has been competing with the thing grown in the country itself. Has a case been made out that long-staple cotton coming from outside India is adversely competing with cotton grown in India?

An Honourable Member: Certainly.

Mr. R. N. Basu: As a matter of fact, I believe India does not produce enough quantity of long-staple cotton, and for some time to come for the finer counts of thread we have to import cotton from outside.

The Honourable Sir James Grigg: The Federation speaks.

Mr. Chairman (Dr. Sir Ziauddin Ahmad): The Honourable Member has two minutes more.

Mr. R. N. Basu: In a way, no case has been made out to show that it has been competing adversely with cotton grown in India itself. I think those provinces which grow long-staple cotton are still in the initial stage and the production of long-staple cotton has not yet grown to such a stage that it can fulfil all the demands of India. In these circumstances, it will be a great handicap to mill-owners and to those who deal with the finer counts of thread, on account of this duty, and I think that Lancashire will certainly steal a march over Indian mill-owners in this respect. At least that is my opinion. I do not join those Honourable Members who have congratulated the Honourable the Finance Member on the imposition of this duty, which will, after all, only bring a small amount of fifty-five lakhs of rupees to the Indian exchequer. Then, Sir, I was saying that no heed has been paid to the general public opinion in the matter of the ratio and the question of the ratio has been left where it is. Indian opinion has repeatedly expressed itself on this point, but the Government is sitting adamant over it and I do not know whether it will be ever listened to, but this is a point on which we have been agitating and we will go on agitating and agitating. Now, Sir, another plea which has been put forward is that we want more money for the Provinces. Now, these Provinces are like a sort of hostages to us, and we have been asked to vote for anything and everything because it is said you want to give them more money. I think, Sir, we cannot go on voting for everything you want because it has been said that the Provinces will be given money by this means. With these few words, I resume my seat.

Mr. K. S. Gupta (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, I once characterized the Honourable the Finance Member as a dexterous dodger. Now I think I should characterize him as a skilful juggler. Sir, by the touch of his magic-wand he has converted a deficit Budget into a surplus Budget,—by a stroke of the pen increasing the import duty on raw cotton coming from outside. He, in his speech, says that it does hit the millowner of Bombay and, at the same time, he says that it is of advantage to the poor agriculturist in India and encourages him to raise a crop of long staple cotton. Now, which is the immediate effect? Is it the hitting of the millowner of Bombay, or encouraging the poor agriculturist of India to raise a crop of long staple? Sir, it is all moonshine, to think of any good to the agriculturist because the Cotton Committee has spent a crore of rupees investigating methods of improving the cotton yield, but it has not succeeded in doing so. When will this fructify so that you can truly call yourself a benefactor of the poor agriculturist of India? I rather think that it is with the intention of doing some good to Lancashire that you have done this. It is with the intention of helping them just when British-Indo trade negotiations are going on. You have delayed these negotiations and this is a sort of fillip for Lancashire to export more fine piecegoods to India,—and it does not help only the United Kingdom but also Japan in its wake. Sir, this is a most unjust and unfair treatment to the millowners of Bombay and Bengal. You have enhanced the tax on *khandsari* sugar.

The Honourable Sir James Grigg: On the contrary, I have reduced it.

Mr. K. S. Gupta: You have done this seemingly with the intention of doing a good to the cane-grower but you have amended the Factory Act in such a way that what is given by one hand is taken away by the other. So it is not an advantage or an immediate advantage to the poor agriculturist of India. Then, you have not touched the salt duty for which several thousands of my countrymen had gone to jail. It deserves to be abolished outright. If you want to help the poor man in India, you must remove the salt duty. Then the second point I raise is with regard to postal charges. The three pice card must be immediately reduced to a half-anna postcard. That would also help the poor man, for whom you have been all these days shedding crocodile tears. The other day you said that you have kept the defence budget at the rock-bottom level, and further said that when you compare this country with other countries, it would be found that other countries were spending a lot more on defence, which India could not, and that though there is a military necessity, the financial stringency does not permit you to do so. You have all these years bled the country white, you have spent more than what is absolutely necessary for the defence Budget, and now you compare other countries with mine. In my country I have no hand in the working or shaping of the Defence Budget and no voice in determining the foreign policy which is inextricably woven with the defence problem. Now, to give you the money you want to spend on the defence Budget is nothing but a ruthless waste. Thus, the money spent on Defence is unremunerative since it is not spent on ship-building and allied industries. It is not spent for any other purpose to our benefit. It is not being spent to train the youth of India as air pilots, as naval and army officers to such an extent as is desirable and necessary for the defence of my country. So, I say that you cannot compare my country with other countries which

do not spend a fraction of what we spend and hence the comparison would be a cruel joke. We spend more than 50 per cent. for the defence budget. No other country in the world does spend so much. Is it a piece of congratulation to you to say that India, which is the poorest country in the whole world, should spend more than 50 per cent. of her income on her defence budget?

The Honourable Sir James Grigg: Japan does it.

Mr. K. S. Gupta: Sir James Grigg does not shape the budget of Japan. Japan is an independent country. The Japanese are proud of their country and of their independence. They are now trying to capture China and they are committing horrible atrocities even on the British possessions and the British Empire is simply pocketing all the insults that are hurled at it. India, on the other hand, does not want to fight with any other country, nor does she want to molest any other country. It needs no illustration in that behalf. Sir, Indian Army is being used only to defend the Imperial interests in fighting Imperialist battles. Last year, the budget suffered from over-estimation and this year it is suffering from under-estimation.

With regard to income-tax, you have ransacked almost all the resources to plug all the loopholes to get more money. You have taxed the foreign income not on remittance basis but on accrual basis. You have spoilt the unification of the Hindu joint family. You have removed the higher level with regard to super-tax in the case of Joint Hindu family and the lower level in the case of company. These two have deleterious effect both upon the Hindu joint family and the smaller companies which are struggling for existence. You have introduced the slab system, which you praise so much. I also welcome this system, but you have at the same time raised the rates also. What was the necessity for that?

The Honourable Sir James Grigg: To get more money.

Mr. K. S. Gupta: The slab system is to help the smaller assessee but by raising the rates you have deprived the smaller assessee of this help. You have defeated the very purpose you had in view. You have also questioned the decision of the Federal Court. You ought to have done one thing. As a hero of the finance Budget, and if you have the good of my country at heart you ought to have invited all the Finance Ministers of the various provinces and then convened a conference to find out what are to be taxed by the provinces and what are to be taxed by the Central Government. This you have not done. If there was a national Finance Member, he would have done that and things would not have been so bad as they are. If you want to congratulate yourself for balancing the Budget by some means or other, by all means do so and earn the gratitude of England and Lancashire, for which you have got the greatest affection. You have become an expert in bringing several experts from England to India.

The Honourable the Finance Member wants conciliation and political appeasement. Is this the way to conciliate? You do not allow the Indian youths to have their own way. You do not allow them to have full development of their capacities with regard to the army, navy and air

[Mr. K. S. Gupta.]

force, and yet you want conciliation and political appeasement. It is impossible to have any conciliation as long as you pursue a policy which is detrimental to our national interests. You call the British Army in India as the Indian Army. It is a misnomer to call the British Army in India as an Indian Army. It is only for the Imperial interests that you have a standing army of occupation in this country. I warn the Finance Member that unless and until the defence Budget is reduced to such a level that India can improve its morale, there will be no peace in the country. The other day the Finance Member said that the political appeasement would certainly help to raise the standard of life in India. Unless the defence budget is considerably reduced and unless the so-called Indian Army is Indianised, no good can be done and no raising of the standard of life in India is possible.

Rai Bahadur Seth Bhagchand Soni (Ajmer-Merwara: General): Sir, even when there were surplus budgets in the past, my constituency of Ajmer-Merwara has had no generous treatment. I have, therefore, little inducement to join the rank of mourners at a budget which has been balanced with such great difficulty. It seems that neither prosperity in the Government of India, nor penury in a poor administration, can move the Honourable the Finance Member, even when the object of pity is the Government of India's self-administered territory of Ajmer-Merwara which, instead of presenting a model of Government of India's good administration, proves the proverb 'Dark shadow underneath a lamp'.

The most vital need of Ajmer-Merwara is an adequate supply of water. But during the long history of its administration, the Government of India have never come forward with any generous help to supplement the poor resources of its struggling Municipality. The answer given to my questions have shown that similar help has been given to major provinces in the past, but is seldom given now. The fact remains that no substantial help has been given to Ajmer-Merwara and the logic, that if major provinces have ceased to eat from the hands of the Government of India, a minor province, like mine, should be starved, will never appeal to any one. All who know, or care to know anything, about this dire need in Ajmer-Merwara agree that the effort of the local Municipality to attempt a solution with their meagre resources, has only resulted in the wastage of a little money of their own. A better business proposition, with assurance of suitable return, requires that the Government of India may embark on a thorough scheme for a permanent solution of the problem.

Intimately linked with the question of water supply are the problems of drainage and sanitation. When at my pursuasion my Honourable friend, Sir Girja Shankar, and Colonel Russel visited Ajmer and when I had the privilege of showing to the Honourable the Member for Education, Health and Lands the great need of the town of Ajmer, I began to imagine that we were at the end of our troubles. I have yet to see how far the pity they felt for our need, is going to change the plight we are in.

The Government appointed an I.C.S., Officer to report on the possibility of launching an Improvement Trust to explore the ways and means for distributing the congestion in the town of Ajmer and to provide means for its future expansion. We take it that the report will be out early, but

we who have a fair experience of the outcome of these reports feel anxious to see that the practical steps in the right direction are not deferred to an indefinite future.

Sir, the people of Ajmer-Merwara have suffered, no less than the town they live in, from the inaction of the Government of India. There are more than a dozen High Schools in Ajmer-Merwara and about a quarter dozen Colleges. But there is no professional or technical institute where a youngman, at any stage of his academic career, may secure training for any profession. The neighbouring autonomous provinces refuse to admit them. The Government of India gave out definite hopes that provision was being made for their regular admission to the technical institutes in provinces outside Ajmer-Merwara. The Government of India owe it to Ajmer-Merwara that a definite declaration in the direction be made now.

Still worse is the condition of the services in Ajmer-Merwara. The top posts in most of the departments in Ajmer-Merwara are filled by recruitment from outside. This principle of running an administration on borrowed services should, in fairness of things, give rise to a reciprocal provision for the local talents in those provinces. But this has not been done so far. The provinces have built their boundary walls too high for Ajmer-Merwara and the Government of India, so far, have done nothing to help their minor administrations to get to the other side of the wall. The result is that however talented an inhabitant of Ajmer-Merwara may be, whatever his academic career, whatever his family claims and status, he cannot aspire to anything in his own administration and is definitely barred from admission outside it. All this he suffers for the besetting sin of belonging to an area directly administered by the Government of India. I refuse to believe that it is impossible for the Government of India to afford relief to talents of directly administered areas. They have under them and their subordinate offices a large number of posts where the minor administration candidates could be provided with preferential treatment. Preferential treatment is accepted as equitable principle in the cases of minorities, agriculturists, military families, scheduled castes and untouchables, but when it comes to the disabilities of minor administration, the Government of India do not move their little finger in spite of having means to do it.

It is not the absence of means but the absence of will which is responsible for the state of things in Ajmer-Merwara. It is noticeable at every turn. Any casual visitor will notice that the work in the Victoria Hospital at Ajmer is twice as much as the staff can cope with. The result is that the men sweat under the burden imposed on them. Ajmer is surrounded by rich Indian States and if the Government of India had embarked on the far sighted policy of enlisting their sympathy and inviting their resources they would have established a confederacy of mutual help to the betterment of all concerned. Ajmer with its central position would have prospered as a co-ordinating link in this confederacy of social amelioration and educational progress. The Government of India have an army of experts and could help their minor administration with their advice to develop their resources and to meet their needs as best as any provincial Government could possibly do. But it is for them to see how far they have discharged this obligation which anticipates no financial burden.

Sir, when I speak of what has not been done for Ajmer-Merwara, I might as well say what could be done for it in future. Ajmer is so close to the line of Imperial Airways that it can easily furnish a minor Airway

[Seth Bhagechand Soni.]

Station in the interest of traffic and trade. The neighbouring town of Beawar is so rich in cotton and wool that a little attention from the Government should encourage it to develop into commercial and industrial town of no mean importance. The agricultural town of Kākri, if served with a canal from the Banas in co-operation with the neighbouring States, will afford a model area for farming. The next layout of Nasirabad with its past history of a first class Cantonment invite the neighbouring military races to rise once more to receive their training in the interest of their country.

Sir, Ajmer's strategic position, its resources and its glorious past compel better treatment. Even in the industrial and technical struggle of the modern requirements it has excelled the record of many a better favoured centres. Its huge workshops under the management of the B., B. and C. I. Railway have set the example of building their own locomotives. So thorough is their work and so dependable their production that they have received orders from other Railways. It is a project which should gladden the heart of those who felt sore on seeing that this country was unable to produce its heavy machineries. Will the Government of India do all that is necessary to encourage the B., B. and C. I. Railway work at Ajmer and thereby create a centre for solving the problem of the country; will they through their encouragement lend impetus to indigenous production and, thereby, help a number of unemployed Indians to be trained in a profitable pursuit, or will they allow this opportunity to be lost through conventional inactivity, we have yet to see.

Sir, before I close my appeal for Ajmer-Merwara and its people, I shall be lacking in my duty, both to the people and to the Government if I omit to give expression to the feeling that the present static political position of Ajmer-Merwara must change. It reflects great credit to the people, as well as to the local head of the administration, if the legitimate desire for a share in the administration, though felt, is not given expression in those forms of agitation which set law and order at naught.

I may, however, point out that the clouds are thickening on the horizon and it is not premature to provide against a worsening weather.

While anxious to see people associated with the work of the administration, I am not wedded to any particular form of constitution, and refuse to be led away by political catch words whose implications may fail to bring universal satisfaction. I am of opinion that the Government of India should lose no time in gauging carefully the views of the various interests in Ajmer-Merwara by way of giving the people the preliminary right of self determination. After this has been done, it should give Ajmer-Merwara a reform incorporating the greatest common measure of all interests.

Sir, it requires a searching scrutiny and a careful deliberation to decide in what form the people should be associated with the administration. The Government, at one time in the past, had the recommendation of the Ashworth Committee before it. The country has since moved at a tremendous speed in its political development and the theoretical ideals have gathered round them experience gained in practical work. The Ashworth report has thus become a document on past history rather than present politics.

The fact, however, remains that a gesture in the right direction is overdue. The Government of India will do well to give Ajmer-Merwara a place and a constitution in the future outline of the political position of the country, a position which may satisfy the aspirations of the people, lessen the burden of the local administration and improve the economic condition of the place.

Sir, as the sole representative of a directly administered area, I have been frank and direct in asking the parent administration of Government of India to treat us better. It does not follow that we are slow in appreciating what has been done for us. Ungratefulness is not one of our vices and good will never be lost on us.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

MOTION FOR ADJOURNMENT.

POSITION OF INDIAN NATIONALS IN KENYA.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, I 4 P.M. move:

"That the Assembly do now adjourn."

By this motion, I want to discuss a very important matter, namely, the situation which has arisen as a result of the recent Order in Council of 1939, and the communiqué issued by the Government of India on the subject. The position of our nationals in Kenya is a very painful subject, and it is much against our will that we have to take up in this House a matter which touches our national honour and our self-respect. But the position which has arisen as a result of this new Order in Council calls for a spirited protest on the part of all Members of this House including Government, and I do hope that in a matter of this kind we will have the support of the Members who have the honour to belong to the European Group in this House.

The history of this unfortunate affair makes very painful reading. It started about 1900, but it was in 1908 that Lord Elgin made an award of lands to European settlers in the Highland areas—which is now estimated at something like 16,000 square miles. At that time it was believed that the restriction related to initial grants and not to subsequent transfers of land; but as time went on the restrictions increased and the European settlers in the Highland areas succeeded in getting the approval of His Majesty's Government for the formula that the restrictions related not only to the initial grant but to subsequent transfers as well; and a right of veto on transfer was vested in the Governor of the colony. There is no doubt that the Government of India took up a very strong attitude on this point as is clear from the memorandum presented to the Secretary of State for the Colonies in 1924. The relevant passage is this:

"The contention of the Government of India is that Lord Elgin's decision related only to initial grants of land in the Highlands and that the terms of that decision were misinterpreted when they were stretched to cover a veto on transfers."

Having gained this object the European residents of this particular area tried to consolidate the position which they had gained. Subsequently we find all manner of questions arising. The communiqué sets out these facts in very interesting language.

1880

LEGISLATIVE ASSEMBLY

[7TH MARCH 1989.]

[Mr. Abdul Qaiyum.]

this particular highland territory. At least that was the contention of the Government of India. But if we look at this Order in Council we find at the very beginning the words:

"Whereas it is expedient to define the boundaries of the area in the Colony of Kenya known as the Highlands and to make other provision in respect thereof."

The object of this Order in Council is clearly to define the area. A great wrong is sought to be perpetrated on the Indian population by this new device, namely, a Highland Board, which will be set up under this Order in Council. This Board as is laid down on page 6 of the Government communiqué, is to consist of a Chief Secretary who shall be the President of the Board: of course he is sure to be a European: the Commissioner for Lands and Settlement who shall be the Vice-President—he will also be a European: and then there will be four persons elected by the European elected members of the Legislative Council of the colony; and then another person will be nominated from time to time by the Governor, and all these persons shall constitute the Board, Indian representation is conspicuous by its absence

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Cannot the Governor nominate an Indian?

Mr. Abdul Qaiyum: What if he nominates one Indian? I do not think he will nominate an Indian, but even if he nominates an Indian, it will bring small satisfaction to have one Indian out of eight, because he is sure to be out-voted. The Order in Council says:

"It shall be the function of the Board to protect the interests of the inhabitants of the Highlands in the land situate in the Highlands and in particular to make representations"—(as if such representations were needed)—"to the Governor when in the opinion of the Board anything in relation to the administration, management, development or control of the land in the Highlands is not in the best interests of the inhabitants of the Highlands." (That means Europeans).

The Board will also have the right to give or withhold its consent in all matters in which its consent is required by any Ordinance for the time being in force in the Colony, and to advise the Governor in all matters relating to the disposition of land within the Highlands; and the Governor shall consult the Board in all such matters as are referred to in this paragraph . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only one minute more.

Mr. Abdul Qaiyum: This will be an all-white board which will certainly devise ways and means for keeping the Indians out of these particular Highlands. The Government of India say that they have done all that they can. I should like the Government of India to tell us what effective means we can adopt for censuring His Majesty's Government for this most untenable position that they have taken up, the matter of rights of Indians to hold lands in these highlands. Sir, I move that the House do now adjourn.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved: That the Assembly do now adjourn.

Mr. Brojendra Narayan Chaudhury (Surma Valley cum Shillong: Non-Muhammadan): Sir, I shall remind the House of the concluding remarks of the Honourable the Finance Member in his budget speech—an appeal for relief of stresses between race and race. If we consider the matter of this new Order in Council about the highlands in Kenya, I am reminded that the root cause of this reservation of the highlands for the white race, which this Order in Council now seeks to confirm for ever, is the stress between race and race. We should look into the root cause of all our troubles—Indians as well as other coloured races—in the vast continent of Africa—not only in Kenya, but in other parts of the British Empire as well. The root causes are both racial as well as economic.

We were taught in our college days by the economists of the British school that free trade and competition are best for the progress of the human race. But, just now, when it comes to the matter of adjustment of the relations between black and white in Kenya and other parts of Africa, we find a protectionist policy advocated. It is being advocated in the newspapers in those lands on behalf of the whites, that the standard of living of the Indian races is low, and, therefore, they should not be allowed to live there, and for this reason they must be segregated not only as regards allocation of lands for dwelling purposes, but also in trade. I strongly protest against the insinuation that the standard of the Indian community is low. What does a real standard mean? Merely high cost does not mean high standard. A high standard means such mode of life as will ensure a healthy physical man and a healthy moral man. We have been discussing these things for a good many years here, and the Government of India have been making petitions after petitions to His Majesty's Government. As regards the other parts of the British Empire, particularly South Africa, the plea of His Majesty's Government has been that they are more or less autonomous Governments and that His Majesty's Government has hardly any hand in the matter, but in the matter of the Crown Colonies which are directly under the Foreign Secretary of State, I cannot understand why His Majesty's Government cannot have its will enforced upon the Government of Kenya.

Sir, we always had a shrewd suspicion that whatever His Majesty's Government might have said or done, in their heart of hearts they had more sympathy with people of their own race in Kenya and with the views put forward by the Government of Kenya. The cat is out of the bag now, and His Majesty's Government has come forward to confirm our distrust. So long the Government of India might have had the consolation that, although the Government of the Crown Colonies had been anti-Indian, yet His Majesty's Government could not be anti-Indian. The Government of India might have done their best to explain the exact feeling of the people of this country to the Kenya Government, but somehow the Government of India have failed to achieve the purpose, because the people and the Government of Kenya are too powerful. But now, it is perfectly clear that by the issue of the Order in Council, His Majesty's Government brands the Indians as an inferior race. I ask the Government of India what have they done so far? They will say, they have submitted numerous petitions. Similarly, I believe the Government of the Crown Colony will also be sending petitions, because the ultimate voice is not with them as it is no longer under the Government of India. May I ask, Sir, why the Crown Colony has not succeeded in this dispute, not to speak of India itself?

[Mr. Brojendra Narayan Chaudhury.]

Sir, I think I would be quite justified in censuring the Government of India. My friend, Mr. Abdul Qaiyum, has censured His Majesty's Government, but His Majesty's Government is too far from the shores of this country, and so I would censure the Government of India being the weaker party in this litigation between the Governments of Kenya and India. This morning, Sir, I had asked a question of the Secretary in the Department of Education, Health and Lands, whether the Government of India had ever considered or would consider the question of reserving a colony for Indians. Well, Sir, if at all we have to settle this problem, the appeal of Sir James Grigg will not succeed, because, since the last Great War, racial feelings, the feeling of racial superiority, are in the ascendant. I feel the best thing for the Government of India to do is to get a colony reserved for Indians where they might live in peace. I hope, Sir, the Government of India will agree willingly and gladly to be censured, so that our censure might have some effect upon His Majesty's Government.

Sir Syed Raza Ali: Sir, I am sure there can be no possibility of any difference of opinion arising with regard to the real merits of the motion before the House. If there is any question on which public opinion in India has always stood solid, whether that public opinion was considered with regard to the views of political parties inside India or outside, it is surely the question of the position of Indians overseas. I am sure, that in this House there is no difference of opinion between the Treasury Benches and the non-official Benches so far as the real merits of this question are concerned.

Sir, the position of Indians overseas is a most difficult one, and having regard to the misery and sorrow prevailing among the Indian population that I have seen for three years in South Africa, as also in some other parts of the British Commonwealth of Nations, it is really difficult to speak on a subject of this nature with restraint. Possibly the Government spokesman will inquire as to what it is that the Government of India was expected to do and which it has failed to do. Sir, I will answer that anticipated question by putting a counter question: what do the Government of India expect the people of India to do, and how do the Government of India expect the people of India to take these humiliating defeats one after the other spreading over a very large number of years? Sir, it is most unfortunate, it is humiliating and miserable, that, while the political constitution of India has undergone changes, while it has granted to the people of India certain rights and associated them more and more with the government of the country, outside India there has been one continuous course of policy subjecting Indians to disabilities and adding to those disabilities, beginning in any case with the year 1908. Whereas the first Reform Act associated with the names of Lords Minto and Morley was passed in the year 1909, the course of disabilities outside India began in the year 1908. Now, is it not pertinent, Sir, to inquire what have the Government of India done to stop this course and how far have they succeeded in stopping it? It is not a stray case of Kenya alone, though it is an important one, but wherever we go, we find that we are not welcome; wherever Indians have settled, a deliberate course of policy is being adopted to drive them out of the country where they have found a home for very many years. Take Fiji, take British Guiana, take Malaya or even take now such neighbouring countries as Ceylon or Burma, and what do

we find? We find that instead of there being a ray of light on the dark horizon, clouds are gathering thicker and thicker producing more darkness than was to be seen before.

Sir, every one of us in this world is judged not only by his intentions but by such achievements as may stand to his credit. It is this test which most of us very naturally would like to apply to the actions and policies pursued by the Government of India. While it would be cowardice not to fight out our battles overseas, not to have a stout heart and not to do all we can to relieve the sufferings of our people, I am one of those who can clearly see that it would be very difficult indeed, if not next to impossible, to obtain that status for our people abroad to which they are entitled as long as we do not enjoy full self-government, or to quote some of my Honourable friends in this House, as long as we are not a free country. Sir, before I left South Africa I had a talk with a highly distinguished South African diplomat whose name is not unknown in Europe, on the position and status of India within the British Commonwealth of Nations. My suggestion was that, instead of India being represented in South Africa by the Agent General, the Government of India should send a High Commissioner to South Africa; similarly, the Union of South Africa should send a High Commissioner to India to represent the Union. The diplomat to whom I was talking pointed out that, having regard to the position of India in the world, it would be very difficult to persuade the Dominions within the British Commonwealth of Nations, to care to send out a representative to India. He said that, as long as India did not enjoy full responsible government and as long as those countries could discuss and settle India's foreign affairs with England, there was no point in sending a High Commissioner to India. He went on to say that, if India succeeded in achieving political emancipation, then there was no doubt that the question raised by me was one which would be considered carefully on its merits.

Sir, our real weakness lies here. A representation is made by the Government of India in a very careful and considered manner. We know how the Government of India is constituted. The representations of the Government of India, if I may say so without meaning any offence, are not given that care, are not given that attention which would be paid to them if those representations were made by a responsible Minister of a self-governing India. That, Sir, is the real crux of the problem. There sits my Honourable friend, Sir Jagdish Prasad, with whom it was a pleasure for me to be associated for three years,—all the time that I served in South Africa. While I must acknowledge here publicly that I am very grateful for the support that he gave me and to the Government of India for the support that they gave me, I must say that I could see that the representations that were made by the Government of India to other Governments were not taken very seriously by those Governments. If a Minister responsible to this House had made those representations to the Colonial Secretary, I am sure that the history of this question would have been quite different.

Sir, I, at least, was not surprised at this very carefully and very skilfully worded communique issued by the Government of India. I seem to notice the hand of a very skilful draftsman in this communique. All the same, the net result is that we have been defeated, and we have been defeated very badly. There is no mincing the matter, we must openly acknowledge that we have been defeated. Now, what is the remedy?

[Sir Syed Raza Ali.]

It appears from the annexure that has been attached to the communique issued by the Government of India, that it is within the power of the Governor to nominate a person to the Highlands Board. I quite realise, having regard to the nature of the problem, that the Kenya administration might find it difficult to nominate an Indian. Even if an Indian were nominated, it is an open question how far his presence would be helpful to us. But I am curious to know whether this annexure contemplates the appointment of an Indian to the Highlands Board.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only two minutes more.

Sir Syed Raza Ali: I am bringing my remarks to a close in a couple of minutes. The position in Kenya, fortunately, is not so bad as it is in South Africa. I am sure this House knows that there are Indian elected members present on the Mombasa municipality and other municipalities in Kenya. There are Indian members in the Legislative Council of Kenya. In fact, there is at least one Indian member in the Executive Council of Kenya—I do not know whether it is proposed to increase the number to two. Any way, my point is this. I would like the House to realise, when in spite of this enormous advantage of representation our country-men have in Kenya it has not been found possible by the representatives of our people in Kenya and the Government of India to secure that the Highlands should not be reserved for Europeans, how much more difficult would be the position of Indians in those countries where they have no representation whatsoever. Sir, I support this motion in the hope that the Government of India will not take the Order in Council in a defeatist spirit. Situated as we are, it is the duty of the Government of India to go ahead; equally it is the duty of all of us to give that support to the Government of India to which it is entitled as long as that Government is prepared to give effect to the united wishes of the people of India.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, the Honourable the Mover of this adjournment motion has spoken with his characteristic vigour, and, I am glad to say, with less than his customary immoderation. That all Honourable Members of this House feel, and feel, strongly, both disappointment and resentment at the decision of His Majesty's Government is natural, I may even go to the extent of saying, justified. For, considering the history of the Indian community in East Africa who can dispute either the legitimacy or the reasonableness of the Indian claim to equality. That history is a record of long and honourable association, of varied and useful services rendered to Eastern Africa through patient toil, through honest dealing, through persevering and fruitful enterprise. It was Indian labour which constructed the Kenya Uganda Railway, that vital artery of the economic life of the Colony and the protectorate. It was the Indian trader who opened up the remote and wild recesses of inner Africa to trade in the manufactured goods, first of the West and, more recently, of the East. In these lonely and often dangerous regions, he is the sole pioneer of civilised trade and his modest shop the solitary outpost of civilisation. In Uganda, where the kind of disability that we have been discussing this afternoon does not deter the enterprise of the Indian capitalist, he has shown what he can

accomplish not merely to develop but to create; the origin of the sugar industry in Uganda is due entirely to the initiative of a distinguished Indian. That with this rich and varied record of achievement in Eastern Africa, we should not have succeeded in getting this issue of the alienation of land to Indians in the Highlands of Kenya settled in our favour must be, and is, a source of profound disappointment to all of us. But, Sir, the question which I ask is—how are the Government of India expected to have done more than what they have already done.

Some Honourable Members: Resign.

Sir Girja Shankar Bajpai: They have in this matter, ever since this controversy started in 1906, identified themselves wholeheartedly with the Indian claim for equality. In 1920, when they despatched their famous representation to His Majesty's Government on all the aspects of the Indian question in Kenya, they asked for equality. In 1923, when His Majesty's Government decided the Kenya Highlands issue against the Indian community, the Government of India reserved to themselves specifically the right to reopen this matter at the first available opportunity. In 1924, the issue was reopened by the Colonies Committee. And again in 1927, before the Hilton-Young Commission, the Government of India reaffirmed the desire of the Indian people in Kenya and reaffirmed the determination of the Government of India not to rest until equality in this matter was secured.

The present phase of this controversy may be said to have originated in 1932, when His Majesty's Government decided to appoint the Carter Commission for the purpose, *inter alia*, of defining the area known as the Highlands and also recommending whether any measure of security could be given to the European settlers with regard to the land that had been alienated to them or that might be alienated to them thereafter. In 1934, as the House is aware, the Commission recommended both a geographical definition of the area and the issue of an Order in Council which would secure for the European settler the same measure of security of tenure as the commission had recommended with regard to land held by the natives. Although the commission itself made no recommendation as to what the definition of the term—privileged position—should be, the Secretary of State for the Colonies, in answer to a question in the House of Commons in 1935, stated that the term was intended to connote (a) the right of the European to acquire and to hold land in the Highlands of Kenya whether by grant or transfer, and (b) also to connote that none but the European might either acquire land or hold land.

In March, 1935, this matter came up on an adjournment motion before this House. On that occasion the attitude of the Government of India was stated in broad summary as follows—They were opposed to the issue of an Order in Council. In particular they were opposed to the proposal to include in the Order in Council the definition of the term 'privileged position', as this would have the effect of converting an administrative practice into a statutory restriction. They were opposed to the extension, involved in the acceptance of the Commission's recommendations, of the area of the Highlands, and, finally, they were opposed to the application to the few Indians who hold farms or land in this area of any restriction or servitude of a racial character. Now, Sir, that attitude was supported by all sections of this House. I think I may remind Honourable Members

[Sir Girja Shankar Bajpai.]

that Mr. Satyamurti, who was the mover of the adjournment motion on that occasion, decided not to press his adjournment motion because he recognised that there was complete identity of view between him and those for whom he spoke and the Government of India. That, Sir, is the attitude which the Government of India have consistently maintained throughout the negotiations that had ensued since then. I ask in the circumstances what justification can there be for censuring the Government of India? It is the Government of India who have been the consistent and persistent spokesman of the views of the people of this country and of the Indian community in Kenya with regard to their rights in respect of the Highlands. My Honourable friend, Sir Raza Ali, speaking with considerable experience of overseas questions, said that the position is this. The Government of India are not an autonomous Government. And until the Government of India become an independent Government, or a completely self-governing dominion, nothing that they say can carry the same weight with the ministers or the ministries of responsible governments abroad as attaches to the representations made by ministers of responsible governments. Well, Sir, the present status of the Government of India is not in issue at the moment, and I am sure that those Honourable Members who constitute the Government of India today will be both happy and, in their heart of hearts, they would be devoutly wishing that their successors may achieve greater success in the vindication of Indian rights abroad than has fallen to them to secure. But it is not merely a question of political or constitutional status. I think it is fair to recognise that it is a question of sanctions. What is it with which you can back up your representations? Even within the constitutional limitations which press upon the Government of India today, it will be admitted, that where certain sanctions are available to us, the Government of India have not hesitated to make use of those sanctions in order to safeguard legitimate Indian interests.

Sir Syed Raza Ali: Can you quote one or two instances?

Sir Girja Shankar Bajpai: Yes. With regard, for instance, to Village Community franchise, a question which has been under consideration for some time in Ceylon, the Government of India were in a position to suspend the assisted emigration of recruited labour and they did it. Similarly, with regard to wages in Malaya, a situation of that kind arose and the Government of India and the Secretary of State used the weapon which is in their hands. I suppose, Sir, that it is easy enough to generalize and say that the mere attainment of responsible government is going to work a miracle. I am not for a minute disputing that the achievement of responsible government may make some difference to the weight which attaches to the representations of the Government of India. But, Sir, the point to remember is that it is not merely a question of political status: it is really a question as to what extent your written or spoken representation can be backed up by definite action.

Now, I do not think it is necessary for me to dilate further on the constitutional and political implications of this problem. We have to recognize the position as it is *vis-a-vis* the Colonial Empire and Kenya and the question, Sir, that we have to consider is—how best can we help the

Indian community in Kenya to achieve the object that they have in view? I submit that, situated as we are, the only weapon that is open to us still is the weapon of representation.

Mr. Mann Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): What about economic reprisals?

Sir Girja Shankar Bajpai: My Honourable friend is an extremely careful student of the international trade of this country. I think if he will examine the position he will find that there is not much scope there really for bringing pressure to bear upon Kenya.

Now, Sir, I do not think that we need press these controversial issues any further. What we have got to remember is that in the Order in Council as promulgated by His Majesty's Government there is no mention of the term "privileged position"; that the present administrative practice has not been converted into a statutory restriction; and that, therefore, the Government of India are still in a position to continue to press His Majesty's Government for a reversal of the existing practice. My Honourable friends will say, "we attach no importance to that". Might I draw the attention of Honourable Members to what Mr. Satyamurti, when moving his adjournment motion in 1935, had to say on this subject. He said:

"We want freedom to negotiate and assert the equal and just rights of Indians in Kenya."

I submit that the fact that the Order in Council does no more than continue the existing practice undoubtedly leaves open to us that possibility of representation and negotiation. My Honourable friends will ask what of the future? To some extent I have tried to answer that question. But it is as well to remember that what history settles, history also unsettles; that there is nothing immutable in its immemorial scroll. Neither the moods of opinion nor policies are eternal. I submit that the Indian claim to equality in respect of the alienation of lands in the Highlands of Kenya is just and that it shall ultimately prevail. It is in that firm and steadfast faith that we are determined to continue to strive until equality is achieved; and I submit, Sir, that in that endeavour we deserve not the censure of Honourable Members but their support.

Mr. M. Asaf Ali (Delhi: General): Mr. President, in deciding to move this motion today we have taken a tremendous risk—risk in the sense that, as everyone knows, the House today is as thin as it ever can be from our point of view; of course, it can never be thin from the Government's point of view. Sir, I am perfectly aware of the fact that if the Government choose to canvass support—and they generally do on other occasions—they can pull their weight against us with effect. But I am absolutely certain that the cause which we have brought to the notice of this House is one in respect of which I, at least, hope that there is an identity of views as far as this side as well as the other side of the House are concerned. At least that seems to be the profession of the Honourable Member who has spoken just before me, and let me also hope that he and the Honourable Member who really administers this Department and who may speak a little later perhaps, will provide definite evidence of the identity of interest of the two sides of the House by supporting rather than opposing this motion. If they feel that they stand on exactly the same ground as we do,

[Mr. M. Asaf Ali.]

then this is an opportunity for them to demonstrate it to the world that they and we together censure, not the Government sitting on those Benches, but censure somebody else who is not amenable to our demand.

An Honourable Member: How can you?

Mr. M. Asaf Ali: So let us all combine and censure another Government which has not listened to us, and which does not listen to our representations. If that is the Government's point of view, I assure them that nobody will be happier than ourselves and they may take it from me that our motion will then mean a censure not of this but of another Government. Mr. President, in so far as that other Government is concerned, all I can say about it is this,—and I hope the Government of India will also echo this sentiment if they are making any representation to that Government later on. The treatment which Indians are receiving abroad, particularly in the colonies and in the dominions of the so-called British Empire, will prove Achilles' heel, howsoever great may be this Empire; if this treatment continues, it will certainly prove its Achilles' heel. This is their weakest spot. Why? Today they are trying to canvass the support of all the democracies in the world against Fascist and totalitarian Governments. Today they are telling the whole world and particularly the United States of America and all other powerful countries—"see how people of other races are being treated by these Germans and others". Now, are the Britishers in these colonies treating Indians any differently? I ask you—what is the meaning of the reservation of these highlands? The reservation of these highlands for the Europeans alone means nothing else but creating a ghetto and a concentration camp for Indians. There is no difference. The Germans send the Jews to concentration camps and to ghettos, and these gentlemen in Kenya are keeping Indians down in places which, according to the reports which I have been reading, are insanitary,—and they will continue to be insanitary if these people are kept in ghettos. And when I say that; I am repeating what Mr. Andrews has been saying for the last sixteen years. This is the point which the Government of India might have taken up with the Government of the United Kingdom. They might have drawn attention to the fact that if His Majesty's Government are not going to correct their blunders, then this fact will quietly trickle through perhaps to the United States of America and other countries and they will also begin to look upon them as only another Germany—perhaps a more democratized Germany, but they will know that in their treatment towards Indians His Majesty's Government are no better than Germans in their treatment of Jews. This is the position which the Indian Government might have brought to the notice of His Majesty's Government.

A question has been propounded by the Honourable Member who spoke before me, in fact it was anticipated by Sir Syed Raza Ali. Sir Girja Shankar Bajpai, while referring to the Mover of the motion, said that he spoke with his usual vigour. I can also say that Sir Girja Shankar Bajpai has also spoken with his usual mellifluous plausibility which always pleases everybody and quite naturally he always has a nice case to put up. But he asked the question: what more do you expect the Government of India to do in these circumstances? Sir, there are various suggestions which one can make, one of which might easily

be that you might make a recommendation to His Majesty's Government that they might dissolve the British Empire if Indians are not going to be treated properly. I am making a very decent offer. Ask them to dissolve the British Empire altogether if the various parts of the British Empire are not amenable to the suggestion that people who belong to the same Empire should get treatment of equality throughout the Empire. What is the use of your having this Empire at all? Why do you want to make the world believe that people living within this particular area, the British Commonwealth of Nations, receive equal treatment everywhere? Why do you say that there is no injustice and no disability under which these people suffer? Here is a big population of 400 million people and they are being treated throughout the world which is associated with the British Empire, in a manner which is only consistent with one position and that is the position of inferiority. If such a position can be tolerated, the British Empire may then be dissolved. That is one suggestion. This is a suggestion which you might make without any effect. But then the question arises—had the Government of India been a responsible Government, they would have resigned on this issue. They would not have been sitting there. They would have told the British Government: "If you are not going to rectify your blunder, you will not find us prepared to tolerate your policy". That is what you can do even now. You can create a crisis tomorrow if you are really in earnest. Let the Executive Council submit their resignation on this issue tomorrow and I can assure you that within the next week this injustice will be rectified. Are you prepared to do it? If you are not prepared to do it, then do not ask us: "What do you expect us to do?" This is what we expect you to do. Will you do it?

Then, Sir, I may make another really serious suggestion. Will the Government of India draw the attention of His Majesty's Government to the fact that there are very serious times ahead. You never know when a world war may break out. We all know that very critical times are almost within sight. Whether it will be possible for statesmanship in Europe to stave off this situation or not, I cannot say. Is it or is it not possible for the Government of India to tell His Majesty's Government that if this situation is not rectified, they should not expect the slightest possible help from India, because in that case India would like to know for whom they want her to fight. Do they want her to fight for these people of Kenya who are treating us in this manner? Do they want us to fight for people in Canada or Australia or South Africa or any of these places where Indians have absolutely no status, no position and no privileges of any kind, not even the ordinary privileges which you have been allowing to every white man to whatever country he might belong. These highlands are open, as was pointed out by the Mover, even to Germans, to Italians and to every white man on earth but not to the Indians. Of course, one can understand why such a policy has been adopted. If they had not been thrown open to all the Europeans alike, probably the British Empire would have found itself dissolved long ago. There would have been difficulties. Then, I ask the Government of India: whether they have asked His Majesty's Government in what lies their helplessness? Are the Government of India convinced that they are helpless as far as these Colonies are concerned? If any Englishman had been treated in the same manner in which Indians are being treated, in

[Mr. M. Asaf Ali.]

the Colonies, would His Majesty's Government have sat silent and said: "Oh, but this is an autonomous Colony and we can do nothing."?

Mr. N. M. Joshi (Nominated Non-Official): It is not an autonomous Colony.

Mr. M. Asaf Ali: I am only putting it that way.

Sir Syed Raza Ali: If it is not autonomous, so much the worse for the Government.

Mr. M. Asaf Ali: Could they have turned round and said: "We can not coerce them because they have got their own Government. They are an autonomous and a self-governing Colony and, therefore, we cannot dictate to them. They have got their own policy." But I can assure you that no Englishman could have been treated in this Colony or in any other part of the Empire in the manner in which Indians are being treated all over the British Empire. Having said that, perhaps I may just as well sum up. I am not quite certain that even the Government of India have done all that they could have done and should have done. Even then, I am not prepared to blame them quite so much because, at any rate, we have been assured that their sentiments and their views on this question are identical with our views. If that is so, well and good, and it will not be very long before we shall know exactly whether they agree with us on this point. If they agree with us, they will not challenge a division. At the same time, I want to make it perfectly clear that our motion today is a motion of unmitigated censure against His Majesty's Government and we want this censure to be driven home through their agents, the Indian Government.

The Honourable Kunwar Sir Jagdish Prasad (Member for Education, Health and Lands): Sir, my Honourable friend, the acting Leader of the Opposition, has deplored today his weakness in voting strength because of the absence of those serried ranks which sit in the Benches opposite. He has also made rather interesting suggestions as to the constitutional interpretation of a vote of censure. He has made further suggestions as to what the irresponsible Government of India should do and the kind of representations and threats that they should employ in dealing with His Majesty's Government.

Sir, I interpret this motion today as an opportunity which the House has taken to express its deep disappointment and resentment that this question of the highlands in Kenya which has been a kind of running sore for more than thirty years should still remain unhealed, that this racial discrimination should still persist. I take it that the House feels what many hoped that after the war there would be in the world a new and better feeling in regard to the treatment of races. It is with much regret that many of us notice that racialism is worse than ever, that racial persecutions and racial discriminations seem to blot the administration of many countries at the present moment. I quite realise, what Indian would not realise, the depth of feeling that these highlands in Kenya should be reserved not only for British subjects of a particular race, but that they

should be reserved for races of a particular colour whether British or not. I quite understand how this racial discrimination is regarded in this country. I also realise what my Honourable friend, Mr. Asaf Ali, said that such feelings certainly do not strengthen the bonds of Empires; that when people have this sense of legitimate grievance this feeling that there is racial discrimination, they cannot in times of crisis act with the same moral force and with the same enthusiasm as those who feel that they are living under conditions in which their just rights are safeguarded. I quite understand that. I can assure my Honourable friends opposite that there has been no change in the policy of the Government of India, in their representations to the Home Government in regard to the feelings of Indians in this country over the Kenya Highlands. Their policy has been one of consistent and faithful representation of the views of the people of India. I quite recognise as my Honourable friend, Sir Syed Raza Ali, does that when the test of achievement is applied there is not very much for us to show. My Honourable friend, the Secretary in the Department of Education, Health and Lands, has given you the history of our efforts. He has also shown that to the extent that this racial discrimination has not taken statutory form, we can take some credit to ourselves. But I am quite prepared to admit that though it is some gain yet a great deal remains in regard to which there must be a consistent and persistent effort in the future. My Honourable friend, Sir Syed Raza Ali, posed the question as to what should be our future line of action and in a way he answered it. I quite agree with him that representations of a responsible government are bound to carry much greater weight with Governments than of a Government situated as is the Government of India at present. Therefore, for a solution of the problems of our countrymen abroad, it seems essential that we should bend our energies to bring about a change to responsible government as rapidly as we can. I agree that that is one of the main problems before Honourable Members. I am sure, perhaps my successor may be more fortunate, that if the constitution of the Government of India remains as it is at present, I do not think that representations will carry much more weight than they have been during the last many years. I fear the solution, therefore, lies in our own hands to bring about as rapidly as we can a change in the centre. There has been a change in the provinces and I can assure Honourable Members opposite that that change has been a source of strength to us in dealing with problems of Indians abroad. I frankly acknowledge that I have had a good deal of assistance from Provincial Governments in regard to questions of emigration of our people to certain colonies with which these Provincial Governments are more directly concerned. I do not wish to take up more of the time of the House, but I can assure Honourable Members that though we have not made much advance we shall continue to press India's claim to the best of our abilities, that we shall be faithful representatives of the sentiments of the people here. More than that I think the House will not expect us to do. It is in that spirit that I regard this afternoon's discussion and I, therefore, do not propose to take undue advantage of the absence of our certain Honourable Members opposite.

Mr. Abdul Qayyum: Sir, I do not propose to take more than a few minutes by way of reply. There are one or two points which I think demand an answer from me. We have been told, do not censure us, we have done all we possibly could. Even others in our place could not have

[Mr. Abdul Qaiyum.]

done better. It is rather unfortunate that the actions of Whitehall should be defended here by Indian Members of the Viceroy's Executive Council. I really very much wish that some Briton—as they prefer to call themselves,—on the Treasury Benches were asked to defend these dark deeds of his countrymen at Whitehall.

A question was put by Sir Girja Shankar Bajpai as well as by Sir Jagdish Prasad, "We have done all that we could possibly do; what more could we do?" I can suggest one thing and I hope they will seriously consider my suggestion. The British case is that Indians are not fit to occupy lands in the Highlands, I, therefore, suggest that the only fitting reply to this move on the part of Great Britain is that no Indian should consider it proper to sit on the Viceroy's Executive Council with the countrymen of those who constitute His Majesty's Government. I think we should refuse to sit with people who really do not consider us fit enough to hold lands in the Highlands; and I can assure my Honourable friends that once they resign on this issue, I think no other person will be so mean as to offer himself or herself for the places which they will vacate. Then the point was astutely raised by Sir Girja Shankar Bajpai about sanctions. He said that we have absolutely no sanctions to back up our representations, and that we are absolutely helpless in this matter, and he suggested that even if we had the power to apply sanctions against Kenya we would not be able to gain much as against that colony. In reply I would say, why bother about Kenya? Why not go to the real root of the trouble, namely, Great Britain? You have got a weapon of economic reprisals; why do you not terminate all this talk of Indo-British trade agreement? Why do you not,—and here I address the Indian Members of the Viceroy's Executive Council,—suggest that ways and means should be devised for stopping the admission of all British manufactures into India? If your suggestion is not accepted by the Executive Council you should in a body resign from such a worthless body as the Viceroy's Executive Council. I can assure you that if you can once make this gesture, we can hit and hit hard against Great Britain. After all it is Great Britain which is responsible for this black Order in Council which is a standing insult to all those who belong to the Indian nation. I assure you that if you make that suggestion and it is turned down, the whole of this country will be willing to back your action by an economic boycott of British goods; and I should then like to see whether Great Britain and His Majesty's Government can stick to this most foolish and atrocious decision which they have made in the matter of the Highlands. After all we are not so helpless as we sometimes think. The international situation, and the very justice of our cause, have so arranged matters, and things have taken such a favourable turn, that the time is not far distant when we will be able not only to carry conviction with the British Government but even to dictate to a weak British Government which is trembling from the onslaughts of totalitarian powers. Is it not humiliating that the Jews from Germany and Austria who are outcast in those countries should be accorded preferential treatment as against us by our fellow citizens of the British Empire in these Highlands? After all the treatment which is accorded to our nationals in Kenya, I cannot see how any thinking and reasonable European in India can expect any other treatment but the one which is being accorded to our nationals in that country. We are not so helpless

in the matter, and my object in moving this motion of adjournment is to censure, firstly, His Majesty's Government for this atrocious and untenable attitude which they have taken up as against my countrymen, and, secondly, to whip up the Indian Members of the Viceroy's Executive Council to take up a stronger attitude on the point as against their British colleagues in the Executive Council and also against His Majesty's Government:

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Assembly do now adjourn."

The motion was adopted.

STATEMENT OF BUSINESS.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, it appears to be not improbable that the general discussion of the Budget will terminate some considerable time before the normal hour of adjournment tomorrow. I would suggest that in the event of this happening, the House should take up tomorrow, after the conclusion of the general discussion of the Budget, the business standing in the list for Thursday. I understand, however, that the Foreigners Bill which is the first of the Bills in that list is still under discussion with Party Leaders, and this being so, we would, if the arrangement which I have suggested commends itself, take up the other Bills tomorrow and leave the Foreigners Bill to be taken up first on Thursday.

The Assembly then adjourned till Eleven of the Clock on Wednesday the 8th March, 1939.

LEGISLATIVE ASSEMBLY.

Wednesday, 8th March, 1939.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

FOREIGN EXPERTS IN THE GOVERNMENT OF INDIA SECRETARIAT AND ITS ATTACHED OFFICES.

844. *Mr. K. S. Gupta (on behalf of Mr. C. N. Muthuranga Mudaliar): Will the Honourable the Home Member please state:

- (a) the number of officers in the Government of India Secretariat and its Attached Offices who are 'experts', or who have been recruited to fill technical posts, because they possess specialised knowledge of particular subjects;
- (b) how many of them are Europeans; and how many of these Europeans are on contract;
- (c) whether in the case of these foreign 'experts' it has been laid down as part of their contracts or otherwise that they should train up Indians to take their place in due course;
- (d) whether there are any 'experts' who are not Indians whose period of contract expired or expires this year, and if so, the case or cases where an extension of employment has been granted and the reasons for it;
- (e) the number and names of European officers holding posts in the Government of India and its Attached Offices whose period of employment expires during the next three years from 1st December 1938; and
- (f) whether the Government of India propose to consider the desirability of granting no extension to the officers referred to in part (e) above?

The Honourable Sir Reginald Maxwell: (a) to (f). The necessary information is being collected and a statement will be laid on the table of the House in due course.

REDUCTION OF THE STAMP DUTY ON USANCE BILLS.

845. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Finance Member state:

whether the Reserve Bank has pleaded with the Government for the reduction of the stamp duty on Usance Bills; and

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

- (b) whether Government have taken or propose to take any steps in the matter?

The Honourable Sir James Grigg: (a) and (b). A representation on this subject has recently been received from the Reserve Bank and transmitted to the Provincial Governments for consideration. When the replies of the Provincial Governments have been received the question of the action to be taken will be considered.

Mr. Brojendra Narayan Chaudhury: I have been authorised to put Mr. Sham Lal's questions.

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands it is a sort of general authority for the rest of the Session. That cannot be allowed.

Mr. Brojendra Narayan Chaudhury: No, Sir, not for the rest of the Session: only for the 7th, 8th, 9th and 10th of this month.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot have a general power of attorney like that. The Chair will allow it this time, but not in the future.

RECRUITMENT OF MEMBERS OF SCHEDULED CASTES IN THE GOVERNMENT OF INDIA DEPARTMENTS.

846. *Mr. Brojendra Narayan Chaudhury (on behalf of Mr. Sham Lal): Will the Honourable the Home Member be pleased to state:

- (a) whether posts meant for members of scheduled castes are being filled up temporarily in different Departments of the Central Government by others all over India in the event of suitable candidates not readily forthcoming from these classes at different times of different selections; and
- (b) if not, so far, how the claims of scheduled castes to different posts and services are to be satisfied in future for permanent appointments?

The Honourable Sir Reginald Maxwell: (a) and (b). I would invite the attention of the Honourable Member to the replies given to Pandit Sri Krishna Datta Paliwal's starred questions Nos. 900 and 901 on the 22nd March, 1938. There is no specific reservation for members of the scheduled castes but in making appointments to the Central Services due regard is paid to the provision of paragraphs 3 and 7 (1) (vi) of the Resolution of 4th July, 1934, with a view to securing to members of the scheduled castes a fair degree of representation in the Services.

Mr. Brojendra Narayan Chaudhury: Are any posts temporarily kept in abeyance with a view that they may be filled up in future?

The Honourable Sir Reginald Maxwell: No posts are kept in abeyance.

Mr. Abdul Qaiyum: May I know if the Government of India have classified all these castes, and it is possible for the officers of the Government who are filling up these posts to find out whether a certain person belongs to a scheduled caste?

The Honourable Sir Reginald Maxwell: I believe so; but the question is being looked into to see whether the scheduled castes are being given full opportunities.

Mr. Abdul Qaiyum: May I know if there is an all-India classification or whether the classification is by provinces?

The Honourable Sir Reginald Maxwell: I should require notice of that.

ABDUCTION OF FEMALES.

847. *Mr. Brojendra Narayan Chaudhury (on behalf of Mr. Sham Lal): Will the Honourable the Home Member be pleased to state:

- (a) whether it is a fact that married and unmarried females are being abducted from British Provinces to Indian States and vice versa;
- (b) whether there is a delay in the restoration of a good many of such females owing to different police jurisdictions; and
- (c) if so, whether any steps are intended to be taken in the matter to have such cases dealt with expeditiously?

The Honourable Sir Reginald Maxwell: (a) I have no reason to think that the facts are as stated so far as Chief Commissioners' Provinces are concerned. The Central Government have no information in respect of Governors' Provinces.

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

Mr. Abdul Qaiyum: In as much as the Central Government deal with the Indian States, may I know if the Government of India have received information about such cases of abduction from Governments of the provinces?

The Honourable Sir Reginald Maxwell: The Central Government do not deal with the Indian States.

Mr. Brojendra Narayan Chaudhury: Is not Delhi one of the British provinces?

The Honourable Sir Reginald Maxwell: Delhi is a Chief Commissioner's province, and I gave information about the Chief Commissioner's province in my reply to the question.

Mr. Brojendra Narayan Chaudhury: But the question is about the British provinces!

ACCEPTANCE OF ENTERTAINMENTS BY OFFICERS OF THE CENTRAL GOVERNMENT.

848. *Mr. Brojendra Narayan Chaudhury (on behalf of Mr. Sham Lal): Will the Honourable the Home Member be pleased to state:

- (a) whether Government officers of the Central Government are authorised to accept entertainments from their subordinate officials on their tours, or whether they are required to report to their higher officers the circumstances under which these entertainments had to be accepted; and

- (b) whether there are Government instructions making the position of Government officers and their subordinates clear on the subject?

The Honourable Sir Reginald Maxwell: (a) and (b). There are no orders specifically prohibiting entertainment by Government servants of one another provided that the entertainment is substantially private and informal, nor have any instructions been issued in the precise sense mentioned by the Honourable Member. But Government desire to discourage entertainments leading to substantial expenditure by subordinates and believe that their views on the subject are well known to all concerned.

Mr. Lalchand Navalrai: May I know what is meant by "private"? If a Government servant were to call others into a public garden in order to meet and have refreshments, can that be said to be private or not?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of opinion.

Mr. Lalchand Navalrai: May I know if any limit has been fixed on the number of guests who can take part in these gatherings?

The Honourable Sir Reginald Maxwell: The matter is not one which is capable of precise definition in that way.

MILITARY BUILDINGS AND FORTIFICATIONS UNDER CONSTRUCTION AT THAL IN THE KOHAT DISTRICT.

849. **Mr. Abdul Qaiyum:** Will the Defence Secretary please state:

- whether a number of military buildings and fortifications are under construction at Thal, Kohat District, North-West Frontier Province;
- whether the above buildings are being put up in private lands which have neither been acquired, nor has any valuation been fixed for the same;
- whether Government propose to pay the owners in accordance with the law;
- whether it is complained that contractors are helping themselves to sand, stones, etc., from lands owned by private owners without payment and in spite of protests;
- whether military officials have justified the conduct of those contractors; and
- whether the Honourable Member is prepared to hold an immediate inquiry into this matter and compensate the owners?

Mr. C. M. G. Ogilvie: (a) Yes.

(b) and (c). Certain buildings are being erected within the Thal Fort area and others on uncultivable (village owned) waste land. In the latter case, the permission of the local civil authorities was obtained to start construction, pending the actual payment of the valuation of the land to the owners in accordance with the law.

(d) Yes.

(e) Yes, because under the terms of the *Wajib-ul-Arz* of Thal, Government have the right to collect sand, stones, etc., from uncultivable waste.

(f) In view of my reply to parts (b) to (e) Government see no necessity for holding any enquiry.

Mr. Abdul Qaiyum: With reference to part (c) of the question, may I know when that permission was obtained from the civil authorities?

Mr. C. M. G. Ogilvie: I shall require notice of that. It was obtained.

Mr. Abdul Qaiyum: With reference to the same part of my question, may I know if Government ascertained as to who were the owners of this waste uncultivated land because there is no land in this country which is not owned?

Mr. C. M. G. Ogilvie: No doubt.

Mr. Abdul Qaiyum: May I know why building operations were started before actual acquisition of such lands by Government in accordance with the law?

Mr. C. M. G. Ogilvie: It was desired to get on with them quickly, while the acquisition proceedings were being taken.

Mr. Abdul Qaiyum: May I know if it is permissible for the Government of India to trespass on other peoples' land and put up buildings without starting proceedings in accordance with the Land Acquisition Act?

Mr. C. M. G. Ogilvie: I thought I had explained carefully enough to the Honourable Member in answer to parts (b) and (c) of his question that the permission of the local civil authorities was obtained by the Government of India before any such buildings were started.

Mr. Abdul Qaiyum: In view of the fact that the local civil authorities did not own this land, and that the land is owned by private persons, the local civil authorities had no *locus standi*, and, therefore, have the Government of India actually obtained the permission of the owners for such an illegal act on their part?

Mr. C. M. G. Ogilvie: I am not acquainted with any reason why the Government of India should go any farther than the Local Government. They asked the local authorities as to whether there was any objection, and they said "no".

Mr. Abdul Qaiyum: I should like to know if the Government of India think that it is correct on their part to build on other peoples' land without their permission? That is the position, because there is a lot of agitation in Thal.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can draw his own inference.

Mr. Lalchand Navalrai: I would like to know whether the local civil authorities obtained permission of the owners or gave them any notice?

Mr. C. M. G. Ogilvie: I suggest that the Honourable Member inquire from the local civil authorities concerned.

Mr. Abdul Qaiyum: May I ask. . . .

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

Mr. Abdul Qaiyum: I again request the Chair to allow me to put one question only: the Government contractors here are helping themselves to other peoples' property and. . . .

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member is not going to put the next question, the Chair will pass on to the next after that.

†850*.

RECRUITMENT TO THE POOL OF OFFICERS FOR THE FINANCE DEPARTMENT.

†851. **Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state:

- whether any persons have been recruited for the pool of officers for the Finance Department;
- if so, how many of them belong to the Indian Civil Service, and of these how many are Indians; and
- whether any posts have been reserved for the Indian Civil Service, if so, what are those posts?

The Honourable Sir James Grigg: (a) to (c). I would refer the Honourable Member to the replies given to his starred question No. 286 on the 9th February and to Mr. K. Santhanam's starred question No. 504 on the 18th February, 1939.

RELATIONS OF THE RESERVE BANK WITH SCHEDULED BANKS.

852. ***Mr. M. Asaf Ali** (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Finance Member please state what was the circular sent out by the Reserve Bank of India on the 1st September, 1938, regarding the nature of the relation between the Reserve Bank and the scheduled banks?

(b) Have Government seen the explanatory memorandum issued later regarding the conditions under which the scheduled banks could obtain advances and discounts from the Reserve Bank under section 17 of the Reserve Bank of India Act?

(c) What were those conditions?

(d) Will Government place a copy of these documents on the table of the House?

† This question was postponed to be answered on the 22nd March, 1939.
 ‡ Answer to this question laid on the table, the question being absent.

(e) Has the Reserve Bank suggested an amendment of section 17 with a view to give advances on documents of hypothecation with the scheduled banks for goods lying in the warehouse of (i) borrowers, and (ii) banks?

The Honourable Sir James Grigg: (a) to (d). These documents were originally marked 'confidential', but as they have been widely circulated and their contents are generally known, I am, with the concurrence of the Bank, placing copies on the table.

(e) From the earliest days of the Reserve Bank it was recognised that the Reserve Bank Act did not permit of advances against the hypothecation of goods but only against documents of title to goods. The Bank, however, considered that it would be premature to suggest amending or extending its powers in this respect until the Act in its existing form, as drafted in conformity with the usual central banking practices in other countries, had received a full trial. It was on this basis that the explanatory memorandum referred to in part (b) of the question was issued.

RESERVE BANK OF INDIA.

CENTRAL OFFICE,

Ref. No. A. C. D. St. 464/57-38.

Bombay, 1st September, 1938.

To

ALL SCHEDULED BANKS.

DEAR SIRs,

The recent suspension of business by the Travancore National and Quilon Bank has brought to the front a variety of important problems connected with the relations of scheduled banks with the Reserve Bank. As this was the first occasion since its foundation when the Reserve Bank was called upon to assist some scheduled banks in temporary difficulty, its role as a Central Bank has been subjected to a certain amount of public criticism. Under ordinary circumstances, such criticism would be all to the good and highly welcome, but we are afraid that much of it has been due to a misunderstanding about the nature and extent of the financial assistance which scheduled banks may expect in times of difficulty or crisis, and we feel that it is desirable to clarify the position so as to avoid similar misunderstanding in future.

2. At the outset it seems desirable to define the functions of a Central Bank in this respect. The first is to pool the resources of the banks and use them for the regulation of the general credit policy of the country so that it may be in a position to render effective help at times when the resources of the member banks have been exhausted. Its second responsibility is to assist individual member banks when in difficulty, so long as it is satisfied that they are sound. A Central Bank is not an ordinary commercial bank lending money to enable the borrower to extend his business in normal times or to permit him to operate on narrower margins than would be permissible under the usual orthodox banking practices. So far as the second function is concerned, there is also the obvious difficulty that the Reserve Bank is being asked to help a bank in circumstances in which the credit pool of the country has not been exhausted, when other banks have funds but are not prepared to lend to it, in short, when the problem is as to the solvency of a particular bank or group of banks, and not a dearth of money in the credit system as a whole. In such circumstances it is obviously desirable that any scheduled bank which visualizes the possibility of its requiring assistance should maintain much closer contact with the Reserve Bank in ordinary times so that intimate relations can be established, and in case of difficulty the assistance of the Reserve Bank can be obtained without delay. The purpose of this circular is to lay down a policy for the guidance of those scheduled banks that may want to take advantage of it.

3. The first and most important preliminary to any active assistance of a bank in distress is that the Reserve Bank should have full knowledge that the bank seeking help is sound and is therefore deserving of such help. At present the only information which the Reserve Bank has about the affairs of the scheduled banks is the published balance sheet and the weekly statements of time and demand liabilities. This information is clearly inadequate to enable the Reserve Bank to form any real opinion about the true financial condition of a scheduled bank. We have already suggested certain changes in the form of balance sheets submitted by the banks so as to make it more useful from this point of view. But even the information which will be available from such a revised balance sheet will be quite insufficient for the purpose we have now in view, and this lacuna in our information will have to be supplemented by voluntary information. Scheduled banks which expect ready assistance from the Reserve Bank in times of difficulty should keep the Reserve Bank continually posted with enough information to enable it to have a clearer idea of their position and working. On the principle that prevention is easier than cure, such information should also enable the member bank to ward off trouble by the receipt of timely advice or warning from the Reserve Bank. To this end we propose that such scheduled banks should send us periodical returns about their investments and advances. The advances might be shown in two sections:

- (i) On paper eligible for rediscount by the Reserve Bank; and
- (ii) Other advances.

We would also like these returns to classify the loans and advances into various classes, e.g., advances against commodities, against gold, against bills, against promissory notes and against other securities. A similar classification should also be made for investments. We append a specimen form of return and invite your comments on it.

4. Even information of this kind, which will naturally relate to a given point of time, will not be enough to give us a complete picture. We would therefore suggest that this return should be sent twice a year, once at the height of the busy season and the other in the slack season. These two statements together would give us a fairly clear idea of the range of working of the bank.

5. One method of rendering financial aid to a bank in distress is by discounting bills. For this purpose the Reserve Bank will naturally require information about the standing of the parties whose names appear on the bills. It would be highly undesirable to wait to collect this information in a hurry at the time when it is required. References to our agents would be necessary and at that time such references might be unwelcome. We therefore suggest that scheduled banks should supply us with a list of the parties to whom they lend on bills and promissory notes and give the necessary information about these parties in a standard form (specimen form attached). The banks should also make periodical reports about the loan operations of these parties so that this information may be kept up to date. It goes without saying that the Reserve Bank will be free to take separate measures to verify this information if it thinks it necessary. If such a procedure were adopted, the Reserve Bank would have continually at its disposal an up to date list of the parties with information as to their standing and would therefore be able to deal with the bills more expeditiously without having to collect information in a hurry at the last minute.

6. There appears to be some doubt regarding the kind of paper with which the Reserve Bank is authorised to deal under its Act. We are therefore preparing a memorandum in which we describe the kind of paper which under section 17 of the Act the Reserve Bank is authorised to discount and against which they are authorised to advance. When the position is thus made clear, it is hoped that the scheduled banks will no longer be under any doubt as to what kind of security will be acceptable to the Reserve Bank, so that they may allocate their resources and arrange their loan policy accordingly.

7. At the same time, it must be thoroughly understood that the Reserve Bank has full discretionary power to decline to purchase paper of a scheduled bank even though it may be technically eligible. Ordinarily, a bank should so conduct its business as to maintain a sufficiently large portfolio of first class securities as an insurance against times of difficulty, and the Reserve Bank wishes it to be understood that it is not prepared to countenance a state of affairs where banks will allow their holding of Government securities to be unduly depleted in the hope that in times of difficulty they can rely upon the Reserve Bank discounting their paper. It is difficult in the

variable conditions of India to state definitely what should be the minimum limit for such holdings, but ordinarily in the absence of an open market for first class commercial bills it would not seem desirable for commercial banks to hold less than 30 per cent. of their time and demand liabilities in the form of either cash or approved securities of ready marketability, and an even greater margin would seem desirable unless their other business is of a very liquid nature. The primary object of developing a bill market is to broaden the credit base and to enable credit to be extended more cheaply and in a more regulated manner for the financing of trade, commerce and agriculture, and not to enable scheduled banks to work on an unduly narrow margin.

8. The points dealt with above are merely offered as suggestions at the present stage, as it is recognised that circumstances vary from place to place and it is undesirable to lay down rigid conditions without an examination of particular circumstances. For this reason, the Reserve Bank considers that the most promising avenue of approach would be for those scheduled banks which consider that they may be likely to require assistance, or which are in doubt as to any of the other points above, to ask us to send an officer to discuss the matter with them. They can be assured that any such consultation or advice will be regarded as highly confidential, and any returns or references which they may make from time to time will also be treated with the same degree of confidence.

9. It seems to the Reserve Bank that in this way relationships can be built up which will make for a sounder banking system in India than would be possible by more rigid methods of control, possibly reinforced by legislative sanction. Frank confidential discussions, supplemented by occasional visits by our touring officers, or discussions with our Managers at our various centres, would enable us to maintain that intimate connection which is essential if trouble and difficulty are to be forestalled. We should, therefore, be glad of an early reply on the suggestions set out in this letter, and, in particular, whether you would wish us to depute an officer to visit your head office and discuss matters with you.

Yours faithfully,

Deputy Governor.

Statements of Loans and Advances.

	Total amount of loans.	Market value.
*I. Secured—		
(a) Bullion		Do.
(b) Government obligations		Do.
(c) Shares of Joint Stock Companies, etc. (group by industries).		
(d) Various commodities like cotton, oilseed, jute, rice, wheat, etc.		Market Value. Please state amount of collateral in Bank's custody and type thereof.
(e) Real Estates (group under headings, agricultural land, industrial buildings, fixtures, commercial estates and other properties.)		Estimated or Assessed value (not over two years old.)
(f) Fixed Deposits: Other Banks Bank's own Deposits		

*State whether the collateral is free or encumbered.

II. Unsecured :

(a) Usance Trade Bills	Group by rates of discount.	Average Maturity.
(b) Clean Advances	Total amount granted	Do
(c) Clean Advances under guarantee	Do.	Do.

III.

(a) Bad debts . . . . .	....
(b) Doubtful debts . . . . .	....
(c) Deceit debts . . . . .	....

Statement of Investments.

*I. (a) Government of India loans	Market value.
(b) Provincial Government loans . . . . .	....
(c) Treasury Bills . . . . .	....
(d) Other Trustee Securities . . . . .	....
(Item C of group I can be discounted at any time with the Reserve Bank.)	....
*II. Shares, stocks, debentures, etc., of Joint Stock Companies	Do.
(Please group holdings by industries which they represent).	....
*III. Fixed Deposits	Rate of Interest.
*IV. Immoveable property : . . . . .	....
(a) Estimated or assessed worth (should not be over two years old)	....
(b) State how acquired . . . . .	....
(c) Income . . . . .	....

*State whether the securities are free or encumbered.

Credit Information on Makers of Bills.

Name _____

Other Trade Names _____

1. Branches
2. Whether Individual business, joint Hindu family, unlimited liability partnership, or limited company
3. Names of Managers, Partners, or Directors
4. Estimated liabilities and assets
5. Worth of partners outside business
6. Location and value of real estate (Is it mortgaged ?)
7. Nature of business
8. Business reputation
9. Present condition of business
10. How is business conducted
11. Bank references and Bank lines
12. Credit lines of the maker with the scheduled bank
13. Amount of bills outstanding on the name of the maker on the date of application
14. Rate of interest charged by the scheduled bank
15. Statistical résumé

Highest out-standing.	Lowest out-standing.	Annual turnover.
-----------------------	----------------------	------------------

*16. Operating experience of the bank

REPORTS AND MARKET CHECKINGS.

*Information to be supplied at the commencement of the season every year.

Returns on liabilities of parties whose bills are rediscounted or accepted for the purpose of advance by the Reserve Bank.

Name _____

Indirect Liability.	
Rate of Interest.	
Clean—state whether guaranteed.	
Rate of Interest.	
Bullion—state weight and fineness.	
Rate of interest.	
Commodities—give nature of collateral.	
Rate of interest.	
Real Estate—state what type.	
Amount of Loan.	

Confidential.

RESERVE BANK OF INDIA.

DISCOUNTS FOR AND ADVANCES TO SCHEDULED BANKS.

I. INTRODUCTION.

The several kinds of business which the Reserve Bank is authorised to transact, and the bills and securities against which the Bank may make advances and which it may purchase, sell and rediscount, are governed by sections 17, 18 and 19 of the Reserve Bank of India Act, 1934. It will be noticed from these sections that the business which the Reserve Bank is permitted to do is much narrower in scope than that permitted to commercial banks under the Companies Act and by section 19 of the Act the Bank has been prohibited from undertaking any other business. This is partly because the Legislature rightly decided that the Reserve Bank should not be able to compete in day to day business with the scheduled banks and partly because the very nature of its functions requires that the business which the Reserve Bank undertakes should be liquid short-term and generally self-liquidating.

Circumstances in which accommodation from the Reserve Bank may be required by Scheduled Banks.

There are, in particular, three types of circumstances in which the Reserve Bank may be called upon to assist the Scheduled Banks:

(i) To meet some unexpected and temporary demand for funds, to meet an expansion of its business by a scheduled bank, e.g., financing of unexpected movements of gold or of commodities for which the scheduled bank may not have been able to make provision in advance. In such cases advances from the Reserve Bank will naturally be of short duration and will be repaid in a few days or at the most a few weeks when the scheduled bank is able itself to correct its position.

(ii) The assistance of the Reserve Bank may also be required to meet seasonal needs. During the busy season there is usually a stringency in the money market. The Reserve Bank will, as far as possible, itself take steps to counteract any seasonal stringency and the scheduled banks may also expect the Reserve Bank to help them at such times.

(iii) When owing to peculiar circumstances affecting one bank or a group of banks (e.g., a slump affecting the trade or industry with which certain banks are more particularly concerned, or a scare imperilling the banking habit in one particular part of the country), such bank or banks find themselves in need of assistance although money conditions in the country as a whole are easy. The Reserve Bank will endeavour to prevent such emergencies arising by advice and warning when things are apparently running smoothly but, in spite of these endeavours, emergencies may arise when the scheduled banks may require assistance from the Reserve Bank.

From the foregoing paragraphs it will be apparent that all scheduled banks may at one time or another find themselves in need of assistance from the Reserve Bank. It is therefore desirable that when making their investments they should see that they invest a sufficient amount of their funds in assets which can be used for obtaining accommodation from the Reserve Bank.

General characteristics of eligible securities.

As will be seen below in more detail, any security offered to the Reserve Bank must be eligible under the Act and the title offered to the Reserve Bank to such security must be clear, complete and inalienable until released by the Reserve Bank on the liquidation of the debt. A security is of no use to the Reserve Bank unless it is such that it can be legally segregated if the borrowing bank has to close its doors, so that in the event of liquidation the Reserve Bank will become a fully secured creditor of the borrowing bank. This is particularly important in the case of loans and advances made under Section 17(4) when the security is collateral, and is not, as in the case of purchases and rediscounts under Section 17(2) implicit in the document itself. Collateral documents [e.g., a trust receipt, the registration of a charge under Section 109(e) of the Indian Companies Act, etc.] cannot be utilized to render a security admissible if it would not be admissible without them. The cases in which collateral documents may be accepted by the Reserve Bank under the Act are set out in Section 17(4). From motives of business prudence the Reserve Bank may also require collateral to supplement a security which is technically admissible under the Act.

In part II we analyse the relevant sections of the Reserve Bank of India Act and indicate against what kind of paper the Reserve Bank is able to grant accommodation.

Lending Policy of the Reserve Bank.

In conformity with the usual practice of Central Banks in other parts of the world and with a view to promoting the development of banking on sound lines in this country, the Reserve Bank in extending its credit to the scheduled banks will take into consideration not only the nature of the security offered to it but also the general character of the investments of the applying bank, the manner in which its business as a whole is being conducted, whether, for instance, it offers excessively high rates of interest in order to attract deposits, whether it seeks help from the Reserve Bank in normal times when funds in the money market are ample, whether it has been overtrading and extending an undue amount of credit for speculative purposes in commodities or securities or indulging in unsecured business to an excessive extent. The Reserve Bank will take these and similar points into consideration before fixing its credit lines for any scheduled bank. It is to be noted in this connection that the Reserve Bank is empowered by the Act to grant only temporary accommodation and not credit to be used for capital purposes, for speculation or overtrading. With a view to ascertaining that its credit facilities are not abused in any way the Reserve Bank may call for such information or impose such conditions on the borrowing scheduled bank as it may consider necessary and obviously a scheduled bank requiring assistance from the Reserve Bank will have to supply such information as may be called for.

Like any other bank, the Reserve Bank of course reserves discretion as to whether it will rediscount paper of a particular scheduled bank without assigning a reason. But scheduled banks which are run on sound lines may always expect to receive ready assistance from the Reserve Bank in the circumstances enumerated above and subject to their offering suitable securities.

II. DISCOUNT, PURCHASE OR SALE OF BILLS OF EXCHANGE AND PROMISSORY NOTES FOR SCHEDULED BANKS.

(a) *Bills of exchange and promissory notes drawn on India or Burma and payable in India or Burma.*

Section 17(2)(a) authorises the Reserve Bank to "purchase, sell and rediscount bills of exchange and promissory notes, drawn on India or Burma and payable in India or Burma and arising out of bona fide commercial or trade transactions bearing two or more good signatures, one of which shall be that of a scheduled bank or a scheduled bank and maturing within ninety days from the date of such purchase or rediscount, exclusive of days of grace." The Reserve Bank is therefore in a position to discount for any scheduled bank, by virtue of the powers granted by this sub-section, any promissory note or bill of exchange which meets the following requirements:

(i) It is a bill of exchange or a promissory note as defined in the Indian Negotiable Instruments Act and drawn and payable in India or Burma.

(ii) It arises out of bona fide trade or commercial transactions. This means that it must be a bill drawn for financing the movement or marketing of goods or produce and not a bill of exchange or a promissory note, the proceeds of which are to be used for fixed or permanent investments or for speculative purposes. When accepting a bill the Reserve Bank will expect the scheduled bank concerned to supply the Reserve Bank with continuous information relating to the parties from whom they take these bills, their credit, standing, the line of business in which they are engaged, and for which each bill is drawn, their other liabilities so far as is known to the borrowing bank from time to time and other relevant data so as to enable the Reserve Bank to maintain a continuous check both as to the soundness of the security and the nature of the transaction to which it relates. The Reserve Bank, naturally, reserves the full right to make an independent investigation of the standing of the party and of the nature of the transaction through any other available agency open to it.

(iii) It bears two or more good signatures, one of which is that of a scheduled bank.

(iv) It has a fixed maturity, not exceeding ninety days, excluding days of grace, from the date of purchase or rediscount by the Reserve Bank. In other words a bill of exchange or a promissory note must, at the time of rediscount or purchase by the Reserve Bank, have a definite currency embodied in the instrument itself and in case such an instrument is payable on demand it should be accompanied by a

separate written agreement modifying the terms of the instrument to render it acceptable under this section. The Reserve Bank cannot obviously accept a demand promissory note or a bill of exchange alone, as these instruments have no fixed maturity.

NOTE.—For the purposes of this sub-section, a pronote drawn by a customer of a scheduled bank in respect of an advance against gold is not a pronote "arising out of bona fide commercial or trade transaction."

(b) *Agricultural Paper.*

Section 17(2)(b) authorizes the Reserve Bank to purchase, sell and rediscount agricultural paper which satisfies the conditions laid down in this section. viz.,

- (i) that they are drawn and payable in India or Burma,
- (ii) that they bear two or more good signatures, one of which is that of a scheduled bank or a Provincial Co-operative Bank,
- (iii) that they are drawn or issued for the purpose of financing seasonal agricultural operations or the marketing of crops, and
- (iv) that they mature within nine months from the date of purchase, or rediscount by the Reserve Bank exclusive of days of grace.

In the case of this paper also the same general conditions apply as in (a) above, *mutatis mutandis*.

(c) *Bills of exchange and promissory notes drawn for the purpose of holding or trading in Government Securities.*

Section 17(2)(c) authorizes the Reserve Bank to "purchase, sell and rediscount bills of exchange and promissory notes drawn either in India or Burma bearing the signature of a scheduled bank or a Burma scheduled bank, and issued or drawn for the purpose of holding or trading in securities of the Central Government, a Provincial Government, or the Government of Burma, or such securities of States in India as may be specified in this behalf by the Central Government on the recommendation of the Central Board, and maturing within ninety days from the date of such purchase or rediscount exclusive of days of grace." The Reserve Bank is therefore in a position to discount bills of exchange or promissory notes which satisfy the provisions of this section, viz.,—

- (i) they are drawn and payable in India or Burma,
- (ii) they bear the signature of a scheduled bank,
- (iii) they have a stated and fixed maturity at the time of rediscount by the Reserve Bank, not exceeding ninety days exclusive of days of grace,
- (iv) they are issued or drawn for the purpose of holding or trading in securities of the Central Government, a Provincial Government or the Government of Burma or such securities of States in India as are specified in this behalf by the Central Government. It is to be noted that advances made by the Reserve Bank against Government or other gilt-edged securities are made at present not under this sub-section but under sub-section 17(4)(a). This sub-section was devised for the contingency of the development of a bill market which would finance dealing in Government securities and is therefore inapplicable in the absence of such a market.

(d) *Bills of exchange drawn in or on a place in the United Kingdom.*

Section 17(3)(b) authorizes the Reserve Bank to "purchase, sell and rediscount bills of exchange (including treasury bills) drawn in or on any place in the United Kingdom and maturing within ninety days from the date of purchase, provided that no such purchase, sale or rediscount shall be made in India, except with a scheduled bank or in Burma except with a scheduled bank or a Burma scheduled bank". This section is self-explanatory and requires no further comment.

III. ADVANCES TO SCHEDULED BANKS.

(a) *Advances on Trustee Securities.*

Section 17(4)(a) authorizes the Reserve Bank "to make to scheduled banks loans and advances repayable on demand or on the expiry of fixed periods not exceeding ninety days, against the security of stocks, funds and securities (other than immovable property) in which a trustee is authorised to invest trust money by any Act

of Parliament or by any law for the time being in force in British India or Burma". The Reserve Bank is accordingly in a position to make advances against trustee securities which satisfy the provisions of this sub-section. These securities must in particular be readily marketable and whether they are so is a question which will be determined by the Reserve Bank in each particular case. At present the Reserve Bank makes advances under this sub-section repayable on demand but in due course will be prepared to make them for fixed periods not exceeding ninety days.

(b) *Advances against bullion.*

Section 17(4)(b) authorizes the Reserve Bank "to make to scheduled banks loans and advances, repayable on demand or on the expiry of fixed periods not exceeding ninety days, against the security of gold or silver or documents of title to the same". Advances against gold under this sub-section can be made at margins to be ascertained from time to time from the Reserve Bank on gold duly weighed and assayed by one of His Majesty's Mints in India or coin or bars issued by some recognised institution and deposited with the Reserve Bank. The Reserve Bank though technically permitted, cannot under this sub-section make advances to a scheduled bank (which is prepared to give its demand pronote for the amount advanced) against gold which has been pledged with the scheduled bank by its customer as a security for an advance and which the scheduled bank concerned wants to transfer to the Reserve Bank. This is because the original lender (i.e., the scheduled bank) cannot transfer more title to the gold than he has himself, and has to release the gold on repayment of the original debt. Physical delivery of the gold would also be required and it would be clearly impossible for the Reserve Bank to develop an organisation which would enable it to take physical possession of gold throughout India. In the circumstances the title of the Reserve Bank to the gold could not be clear. The only documents of title which the Reserve Bank could regard as admissible would be those conveying a full title, e.g., receipts issued by some institution or party which had taken the gold into its possession and which was able to convey to the Reserve Bank a full legal title to the same.

(c) *Advances on bills of exchange and promissory notes.*

Section 17(4)(c) authorizes the Reserve Bank "to make to scheduled banks loans and advances repayable on demand or on the expiry of fixed periods not exceeding ninety days, against the security of such bill of exchange and promissory notes as are eligible for purchase or rediscount by the Bank." It will be noticed from this sub-section that the Reserve Bank is precluded from making advances to scheduled banks on their promissory notes supported by the demand promissory notes of their constituents inasmuch as such demand promissory notes are not, as shown above, eligible paper under section 17(2)(a).

(d) *Advances against promissory notes supported by documents of title to goods.*

Section 17(4)(d) authorizes the Reserve Bank "to make to scheduled banks loans and advances repayable on demand or on the expiry of fixed periods not exceeding ninety days, against the security of promissory notes of any scheduled bank, Burma scheduled bank, Provincial Co-operative bank or Burma Co-operative bank, supported by documents of title to goods which have been transferred, assigned or pledged to any such bank as security for a cash credit or overdraft granted for bona fide commercial or trade transactions, or for the purpose of financing seasonal agricultural operations or the marketing of crops". The Reserve Bank is accordingly able to make advances to a scheduled bank against its (the scheduled bank's) promissory note which meets the requirements specified in this sub-section.

The word "which" in this sub-section refers to "documents of title to goods" and not to "goods" because if the goods themselves have been transferred to a scheduled bank by its customer the document of title will have to be created by the scheduled bank which had made the advance and it is not possible for a scheduled bank legally to create such a document in respect of goods pledged with it, inasmuch as though it is in possession of the goods of its customer, it is not his mercantile agent as defined by section 1 of the Indian Sale of Goods Act. Further, the Reserve Bank of India Act does not contemplate that the Reserve Bank should take possession of goods and look after their warehousing. It follows therefore that the scheduled bank must have given an advance to its customer against documents of title to goods and not against goods themselves if it is to pass this paper to the Reserve Bank for obtaining accommodation from it. Documents of title to goods as defined in Section 2 of the Indian

Sale of Goods Act include a "bill of lading, dock warrant, warehouse keeper's certificate, wharfinger's certificate, railway receipt warrant or order for the delivery of goods and other documents used in the ordinary course of business as proof of the possession of or control of goods or authorising or purporting to authorise either by endorsement or by delivery the possessor of the document to transfer or receive goods thereby represented". Of such documents only those which are fully negotiable instruments are eligible for collateral under this sub-section.

It is also necessary that the cash credit or overdraft referred to above shall have been granted by the scheduled bank for *bona fide* trade or commercial transactions or for the purpose of financing seasonal agricultural operations or the marketing of crops.

(c) In connection with any advance granted under (a) or (b) above, the Reserve Bank may require such additional collateral as it deems advisable or necessary in any particular case.

RESERVE BANK OF INDIA,

CENTRAL OFFICE,

BOMBAY,

Dated the 7th December, 1938.

Mr. M. Asaf Ali: With reference to part (e) of the question, have Government taken any action on the suggestion made by the Reserve Bank as regards the amendment of section 17?

The Honourable Sir James Grigg: The only question at issue is not the representation from the Reserve Bank to the Government, but the circular issued by the Reserve Bank to other Scheduled Banks.

DIFFICULTIES OF THE RESERVE BANK IN MAKING ADVANCES TO SCHEDULED BANKS.

853. *Mr. M. Asaf Ali (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Finance Member please state whether the Reserve Bank of India made a representation that one of the difficulties in making advances to the scheduled banks during times of crisis was the absence of a sufficient quantity of rediscountable assets with them?

(b) Has the Reserve Bank considered it extremely desirable to stimulate and encourage the banks to build up a stronger portfolio of eligible paper by increasing the amount of bills traded in by them?

(c) As a means of doing this, has the Reserve Bank repeatedly represented to the Government of India that one of the obstacles was the incidence of high stamp duty on usance bills and, therefore, the present rates of stamp duty should be reduced?

(d) Have the European and Indian commercial community and Chambers of Commerce also made such a representation?

(e) What are the reasons, which have prevented the Government of India from accepting this suggestion for the encouragement of banking in this country?

(f) Have Government taken any other steps of any kind during the last five years for the encouragement of banking in India?

The Honourable Sir James Grigg: (a) to (c) and (e). I would refer the Honourable Member to the relevant remarks in the Annual Report of the Reserve Bank published in the Gazette of India of the 2nd February, 1939;

and to my reply to Mr. Avinashilingam Chettiar's question No. 845 of today. Incidentally that was not asked, but if you so direct I will read that answer out if the Honourable Member so desires.

(d) Yes.

(f) The Reserve Bank of India has been constructed for this very purpose.

CAPITAL OUTLAY IN GOVERNMENT SALT WORKS IN THE PUNJAB AND RAJPUTANA.

854. *Mr. M. Asaf Ali (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Finance Member please state what is the capital outlay in Government salt works in the Punjab and Rajputana?

(b) Are full commercial accounts maintained, and is depreciation on machinery being regularly provided?

(c) Is a detailed audit done by the Auditor General's Department?

(d) What was the total gross expenditure of the Salt Department, and what was the cost of production per maund of salt during the last three years and (if available) the first nine months of this year?

(e) Have Government found that the phenomenal fall in the price of salt in the Calcutta market has endangered Government capital sunk in salt works and has raised the cost per unit of the salt produced in Government salt works?

(f) Have Government considered the proposal to appoint a committee for investigating these matters from the point of view of the safety of Government capital and Government revenue?

The Honourable Sir James Grigg: (a) The Capital account stood at Rs. 1,05,03,018 at the end of 1937-38.

(b) Yes.

(c) Yes.

(d) A statement is laid on the table.

(e) No.

(f) Does not arise.

I.—Cost of production of salt per maund.

Salt Source.	Cost 1935-36.	Cost 1936-37.	Cost 1937-38.
	As. P.	As. P.	As. P.
Bambhar	3/6-38	3/8-94	4/2-05
Bidwana	4/10-00	3/10-01	3/8-63
Pachbhadra	5/6-01	3/10-33	3/8-17
Khewra	4/4-79	4/0-44	3/9-58
Wazirah	3/4-46	2/10-25	2/5-20
Kalabagh	3/11-45	3/1-16	3/0-60

II.—Gross expenditure of the Salt Department on production of salt at the above sources.

	1935-36.	1936-37.	1937-38.
	Rs.	Rs.	Rs.
Total Expenditure	31,86,270	30,96,651	29,06,284

Note.—The information for first nine months of 1938-39 is not available as the accounts are prepared after the close of the year.

SALT PRODUCED AT GOVERNMENT SALT WORKS IN THE PUNJAB AND RAJPUTANA.

855. *Mr. M. Asaf Ali (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Finance Member please state what was the total quantity of salt produced at Government works in the Punjab and in Rajputana during the last three years and during the first nine months of 1938-39?

(b) What has been the cost of administration of the Salt Department during the same period, and is it a fact that this cost is increasing per unit of production?

(c) Have Government considered the methods, particularly in the way of transport eastward, as suggested by the Salt Survey Committee of 1931, and if so, with what results?

(d) Has the range of Sambhar salt in the markets of the United Provinces and Bihar been extended?

(e) Have Government made any investigation as to whether the phenomenal fall in the price of salt in the Calcutta market has not led to foreign salt reaching higher up in the interior and displacing the Sambhar salt in some places in Bihar and the United Provinces?

The Honourable Sir James Grigg: (a) and (b). A statement is laid on the table.

(c) Yes. The Railways have reduced freights for crushed salt from Sambhar and Khewra to the minimum and as a result certain kinds of Sambhar salt are finding a market in Bihar.

(d) and (e). No. I would also refer the Honourable Member to my answer to part (c) of Mr. Manu Subedar's question No. 496 on 18th February, 1939.

Salt Sources in the Punjab and Rajputana.

Year.	Total quantity of salt produced.	Total cost of Administration.	Cost of salt per maund.
	Mds.	Rs.	As. p.
1935-36	12,156,202	31,36,270	4 2-32
1936-37	11,774,021	30,96,651	4 2-49
1937-38	11,301,961	29,06,264	4 1-48
1938-39 (April to December.)	13,347,178	Information not yet available.	

RELATIONS OF THE RESERVE BANK WITH SCHEDULED BANKS.

856. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Honourable the Finance Member please state:

(a) whether his attention has been drawn to the leading article in the *Hindu* of the 7th February, 1939;

(b) whether his attention has been specifically drawn to the charge in the article:

"The Reserve Bank thinks that it is a sort of benevolent patron of the scheduled banks and not an authority charged with the responsibility for controlling the credit of the country—a responsibility which it could not discharge unless it is able to enlist and enjoy the co-operation of the joint stock banks"; and

(c) whether Government are taking any steps in this direction, that is to say of intensifying the relation between the Reserve Bank and scheduled banks so as to control the credit of the country and place it on a stable basis; if so, what those steps are?

The Honourable Sir James Grigg: (a) and (b). Yes.

(c) I would refer the Honourable Member to my reply to Mr. Satyamurti's question No. 1267 on the 15th November, 1938, and the supplementaries arising therefrom.

ENROLMENT OF MORE MEMBERS TO THE UNIVERSITY TRAINING CORPS OF THE ALLAHABAD UNIVERSITY.

857. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Defence Secretary please state:

(a) whether his attention has been drawn to the severe criticism of the Government of India's policy towards the Allahabad University Training Corps by its Vice-Chancellor, reported in the *Tribune* of the 11th February;

(b) whether it is a fact that the Allahabad University has not been allowed, despite several representations, to have a junior division of training corps;

(c) whether it is a fact that there is no direct recruitment to the army from the University Training Corps in India, whereas in England quite a fair proportion of officers of the British army are recruited direct from the University Training Corps;

(d) whether it is a fact that in India membership of University Training Corps has no value for recruitment in the army, if so, why;

(e) whether the army authorities are unwilling to allow the Allahabad University to enrol more members under the University Training Corps to form companies in centres like Cawnpore and Bareilly; if so, why; and

(f) whether a resolution was passed by the University Conference in Delhi in the presence of the Defence Secretary for further increase in the enrolment in the University Training Corps, and what the answer of Government to that is?

MR. C. M. G. OGILVIE: (a) Government have seen the Press report referred to.

(b) No representation of the kind has been received in Army Headquarters.

(c) Yes. The only channel of entry to Indian commissioned rank in the Army is through the Indian Military Academy. In this connection, I refer the Honourable Member to the speech by His Excellency the Commander-in-Chief on the Resolution moved by the Honourable Pandit H. N. Kuriaru in the Council of State on the 20th September, 1937.

(d) No. Service in the University Training Corps is taken into account in considering the applications for admission to the Indian Military Academy by open competition.

(e) If representations to this effect were received, they would be duly considered.

(f) The resolution in question was passed by the University Conference held in Delhi in 1934, at which, incidentally, the Defence Secretary does not appear to have been present. Such applications as have been received since that date have been duly considered. Apart from other considerations however, financial stringency has for the past few years militated against expansion.

Mr. Abdul Qaiyum: With regard to part (c) of the question, may I know, Sir, if in the corresponding University Training Corps in England, such persons who undergo training receive preferential treatment for admission in the army?

Mr. C. M. G. Ogilvie: I think the Honourable Member is or should be aware that there are University Commissions to the Army in the United Kingdom, and one of the conditions for University Commission is service in the Officers Training Corps.

Mr. Abdul Qaiyum: May I know, Sir, if the Government of India will consider the question of amending the rules in India so as to bring them on par with the rules existing in England?

Mr. C. M. G. Ogilvie: I would refer the Honourable Member to the speech I quoted where the matter is dealt with in some detail, but at present there is no intention of amending the rules for admission to the Indian Military Academy.

Mr. J. D. Boyle: Can the Honourable Member give me an idea as to when the rules for University Commissions to the Army in England were introduced?

Mr. C. M. G. Ogilvie: I can give no exact date, but certainly a great many years ago, I should say probably as a guess some time in the eighties of the last century.

DEPARTMENT OF DRAWING OF PAY IN THE MILITARY ACCOUNTS DEPARTMENT.

858. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Honourable the Finance Member please state:

(a) whether it is a fact that the Indian clerks of the Military Accounts Department are not allowed to defer the drawing of their pay for purposes of lower income-tax;

(b) whether it is a fact that other military officers are so permitted; and

(c) what are the reasons for this distinction?

The Honourable Sir James Grigg: (a), (b) and (c). The Finance Department have on more than one occasion in the past called the attention of other Departments to the practice referred to and suggested that, although it could not be actually forbidden on account of the fact that it was not illegal, it should be officially disapproved of. Some Departments issued a notice to this effect, others refrained from doing so. In any case the legal position has now been adjusted by the Income-tax (Amendment) Act, 1939, and no question of difference of treatment can possibly arise in future.

POOL SYSTEM FOR THE FINANCE AND COMMERCE DEPARTMENTS.

859. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Honourable the Finance Member please state:

(a) whether in regard to the actual working of the pool system for the Finance and the Commerce Department, there is any departure on any point of importance from the recommendations of the Wheeler Committee; if so, what they are;

(b) whether roughly half the total number of posts will be reserved for the Indian Civil Service; if so, why;

(c) whether the reservation of specific posts, such as, Finance Secretaryship of the Government of India, for the Indian Civil Service is proposed to be abolished;

(d) whether any senior men belonging to the Audit and other non-Indian Civil Service services are being invited to join the pool;

(e) whether all the top places will be first filled with Indian Civil Service Men, thus effectively barring the Audit men on ground of seniority, from occupying prize posts for some years to come; and

(f) how many Indians are now serving in superior posts in the Finance Department of the Government of India?

The Honourable Sir James Grigg: (a) No, except a slight departure on the question of tenure.

(b) and (e). Yes. I would refer the Honourable Member to this connection to paragraph 4 (b) of the Resolution on the subject published recently.

(d) and (e). The attention of the Honourable Member is invited to the reply I gave to part (c) of starred question No. 236 asked by Mr. T. S. Avinashilingam Chettiar on the 9th February, 1939.

(f) Two.

CREDIT TICKETS ISSUED TO SOLDIERS BY THE COFFEE SHOP CONTRACTORS OF CERTAIN REGIMENTS.

860. *Mr. Mohan Lal Saksena: (a) Will the Defence Secretary be pleased to state whether it is a fact that the Coffee Shop Contractors of the Royal Berkshire Regiment and the Royal Welsh Fusiliers give credit tickets otherwise known as blue lights to soldiers?

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

(b) Is it a fact that the value of credit tickets given by these contractors to soldiers is realised by deductions from the weekly pays through Company Officers?

(c) Is it also a fact that as a result of the issue of these credit tickets the soldiers get very little cash payment every week?

(d) Are Government aware that on account of this issue of credit tickets, the shopkeepers in Lucknow Cantonment are losing a good deal of trade, which is practically a monopoly for Coffee Shop Contractors?

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

Mr. O. M. G. Ogilvie: (a) No. Company Commanders issue to soldiers of their Companies credit tickets known as "Blue Lights" on the unit institute contractor.

(b) The value of those credit tickets which is restricted to Rs. 80 per week is recovered from the soldier monthly through the Company accounts.

(c) No.

(d) No.

(e) None are necessary.

CONTRACTS FOR CARRIAGE OF MILITARY AND MARINE PASSENGERS BETWEEN CERTAIN PORTS.

†861. ***Mr. Mohan Lal Saksena:** (a) With reference to his answer to starred question No. 383 on the 14th February, 1939, will the Defence Secretary be pleased to state whether tenders for carriage of military and marine passengers from and to Indian ports were invited before the agreement was entered into with the British India Steam Navigation Company? If so, how, and which companies, if any, sent tenders?

(b) Do Government propose to consider the advisability of giving notice of termination of the contract to the aforesaid company and of calling fresh tenders before renewing the contract?

(c) How long has the contract been in force?

Mr. O. M. G. Ogilvie: (a) The reply to the first part is in the negative. The second part does not, therefore, arise.

(b) I refer the Honourable Member to my reply to the first supplementary question asked by Mr. Santhanam to starred question No. 383, dated the 14th February, 1939.

(c) Since 1906.

FOREIGNERS IN INDIA.

862. ***Mr. K. S. Gupta** (on behalf of Mr. C. N. Muthuranga Mudaliar): Will the Honourable the Home Member please state:

(a) the number of foreigners in India;

(b) the number of Germans, Spaniards, Italians, Hungarians and Japanese;

(c) whether there are any restrictions imposed on the nationals referred to in part (b); and

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

(d) whether there are any restrictions to which Indians are subject in Germany, Spain, Italy, Hungary and Japan?

The Honourable Sir Reginald Maxwell: (a) Government have no information about the number of foreigners in India beyond such as may be obtained from Tables VI, XV and XIX of Part II of Volume I of the Census of India, 1931, to which the Honourable Member is referred. According to the census figures there were in 1931 in India, excluding Burma but including Aden, 438,155 persons who were born in specified countries outside His Majesty's Dominions. There were in addition 17,705 persons who were born outside India but whose country of birth was not specified. These figures of course do not include foreigners born in India.

(b) Of 6,012 persons who were recorded at the census as having been born in specified countries in Europe, 951 were born in Germany, 168 in Spain, 775 in Italy, and 6 in Hungary. There were, however, 5,870 persons who were born in Europe whose country of birth is not recorded, and there are reasons to believe that the great majority of these persons were European foreigners.

The number of persons who were recorded as having been born in Japan was 1,764.

(c) No special restrictions are placed on the nationals of the countries referred to in part (b).

(d) I would invite the Honourable Member's attention to the reply given to him by the Foreign Secretary on the 15th February, 1939.

Mr. President (The Honourable Sir Abdur Rahim): Before the Honourable Member is called upon to put the next question, the Chair would point out that this authority is also in very general terms, that is to say, Mr. Mudaliar authorises Mr. Gupta to put questions standing in his name during his absence. This sort of indefinite authority cannot be accepted. The whole object of allowing an Honourable Member who is absent to ask some other Honourable Member to put questions in his absence is that, if any Honourable Member happens to be unavoidably absent, then the information he wanted might be supplied to another Honourable Member, and not that a Member is authorised to put down questions, say, for a series of 10 or 12 days or may be for a month, as it does happen, and then absent himself and let somebody else ask the questions.

The authority should be sent to the office. The proper course is to mention the dates when the Honourable Member expects to be absent for unavoidable reasons, but it cannot be that an Honourable Member should absent himself for a number of days and ask some other Honourable Member to put his questions.

Mr. Lalchand Nayalrai: May I know, Sir, if authority will be required for each day separately?

Mr. President (The Honourable Sir Abdur Rahim): That is certainly the proper course, but in certain exceptional cases it may be for two or three days, that is, for a reasonable period, but it should not be an indefinite authority.

COMMISSIONERS, ASSISTANT COMMISSIONERS AND INCOME-TAX OFFICERS IN
THE INCOME-TAX DEPARTMENT.

†863. *Mr. H. M. Abdullah: Will the Honourable the Finance Member please state the total number of posts of Commissioners, Assistant Commissioners and Income-tax Officers in the Income-tax Department in each Province? How many posts of each of the three services are held by Muslims in each Province?

The Honourable Sir James Grigg: A statement is laid on the table.

Statement showing the position as on the 1st February 1939.

	Commissioners of Income-tax.		Assistant Commis- sioners of Income-tax.		Income-tax Officers.	
	Total.	Muslims.	Total.	Muslims.	Total.	Muslims.
Bombay	1	0	9	2	49	4
Madras	1	0	5	1	50	4
Bengal	1	0	6	1	26	14
Punjab	1	0	5	0	46	14
United Provinces	1	0	3	1	35	11
Central Provinces	0	0	2	0	15	2
Bihar and Orissa	1	0	3	0	18	3
Assam	0	0	1	0	6	2

EFFICIENCY BAR FOR ASSISTANT COMMISSIONERS OF INCOME-TAX AND
INCOME-TAX OFFICERS.

†864. *Mr. H. M. Abdullah: Will the Honourable the Finance Member please state at what stage of service the efficiency bar is imposed upon the Assistant Commissioners of Income-tax and Income-tax officers?

The Honourable Sir James Grigg: There is no efficiency bar in the scale of pay of Assistant Commissioners of Income-tax. Efficiency bars for Income-tax Officers vary in Provinces: for the Punjab in whose scales the Honourable Member is presumably interested, the bars are at Rs. 450 and 600 in the revised scale and at Rs. 500 and 700 in the old scale.

RESTRICTION ON THE IMMIGRATION OF FOREIGNERS INTO INDIA.

†865. *Mr. K. S. Gupta (on behalf of Shrimati K. Radha Bai Subbarayan): Will the Honourable the Home Member be pleased to state:

(a) the number of aliens—men, women and children, and their nationalities who have migrated into this country during the last five years ending 31st December, 1938;

(b) the profession or work of these immigrants;

(c) how many of them have applied for naturalisation and how many of them have been granted naturalisation certificates.

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

(d) if the Government of India, or the British Government, have given any kind of assistance to foreigners to enter and settle down in this country;

(e) if the answer to part (d) be in the affirmative, their reasons for doing so;

(f) if he is aware that private organisations in Great Britain assist the migration of refugees from European countries into India; and

(g) whether in view of the poverty and widespread unemployment in this country and the ban against Indian immigration into foreign countries, the Government of India have any intention of restricting the immigration of foreigners into this country?

The Honourable Sir Reginald Maxwell: (a) and (b). The information asked for is not available.

(c) The information could not be obtained without an elaborate inquiry. I may, however, point out that as five years residence within His Majesty's Dominions is required for naturalisation very few of those aliens who have entered the country during the period referred to would be qualified.

(d) As regards Jews who are not British subjects, I refer the Honourable Member to part (b) of the reply which I gave to Sardar Mangal Singh's starred questions Nos. 240 and 256 on the 9th February, 1939. As regards other foreigners, the answer is that the Government of India have given no assistance in any form.

(e) Does not arise.

(f) The only organisation of this kind, of which I am aware, is the Council of German Jewry in England. The position in regard to this body was explained in the reply which I gave on the 6th February, 1939, to part (a) of Mr. Thirumala Rao's starred question No. 189.

(g) Government do not consider that the number of foreigners who are immigrating into India is sufficiently large to make it necessary to impose any special restriction on the number at present.

Mr. Brojendra Narayan Chaudhury: Have Government any idea of the approximate number that are entering India?

The Honourable Sir Reginald Maxwell: I have given the Honourable Member such information as was available. But as I have explained, the information is not up to date, and at the present moment we have no means of obtaining full information about the number of foreigners in this country.

DELEGATIONS TO THE ADVISORY COMMISSION ON CHILD WELFARE AND TRAFFIC
IN WOMEN AND CHILDREN OF THE LEAGUE OF NATIONS.

†866. *Mr. K. S. Gupta (on behalf of Shrimati K. Radha Bai Subbarayan): Will the Honourable the Home Member be pleased to state:

(a) whether the Government of India send every year a delegation to attend the session of the Advisory Commission on Child Welfare and Traffic in Women and Children of the League of Nations, and whether they intend to send one this year and if so, what its personnel will be;

- (b) whether the delegation submit any reports on the work of the sessions of this Commission and if Government will place on the table of the House a copy of the report of the delegation to the session of 1938; and
- (c) whether Government give any attention to the recommendations of this Advisory Commission and if they take any steps to give effect to them?

The Honourable Sir Reginald Maxwell: (a) A representative has been sent every year since 1934. The Government of India intend to send one woman representative this year also but have not yet nominated any one.

(b) Yes. I lay a copy of the report of the delegate to the 1938 session on the table of the House

(c) The report of the Advisory Commission is examined by the Government of India in regard to the recommendations with which the Central Government are concerned. A copy of the report is sent to the Provincial Governments for such action as they may consider necessary.

LEAGUE OF NATIONS ADVISORY COMMITTEE ON SOCIAL QUESTIONS.

SECOND SESSION 21ST APRIL TO 5TH MAY, 1938.

Report by the representative of India, Mrs. K. Bose.

First Meeting.

Dr. Estrid Hein (Denmark)—Chairman.

M. de Bie (Netherlands)—Vice-Chairman.

Mr. S. W. Harris (United Kingdom) was unanimously appointed Rapporteur to prepare the Report of the Committee.

New countries represented on the Committee were Ireland (delegate—Mr. H. A. MacCarthy) and Yugoslavia (delegate—Mlle. Milena Atanatskovitch).

It was agreed that the public should be admitted to the proceedings of the Committee.

The Chairman, in her opening speech, said that twenty-three Governments and twenty-one corresponding associations were represented at the present session, while six other associations had applied for membership. This was proof of the growing interest taken in the Committee's work, the practical effects of which, she trusted, would in due course become apparent in the countries concerned.

The provisional Agenda, prepared by the Sub-Committee, was adopted except for slight modifications in the order of the items.

Miss Whitton (Canada), on behalf of her Government, proposed that a place should be found in the Committee's Agenda for the discussion and re-affirmation of the Declaration of Geneva on the status of the child. When this declaration was first made at the close of the World War, it had vividly impressed the imagination of the world generally and had been the inspiration of very valuable developments, national and international. The ideals then promulgated had been somewhat lost sight of, and it would be all to the good that they should be reiterated and re-affirmed by the Social Questions Committee.

It was decided that this subject should be placed on the Agenda and when it came up for discussion it was unanimously agreed that re-affirmation of the Declaration of Geneva should be made by the Advisory Committee on Social Questions.

In the absence of Mr. Ekstrand, Major G. Abraham had been appointed Acting Director of the Social Questions Section.

Second Meeting.

The Report by the Director of the Social Questions Section on the progress of work then came up for discussion. The following points were dealt with:

(a) *Reports of Correspondent Members.*—Mr. Harris (United Kingdom) asked for information regarding the way in which documents were circulated to persons who

were not corresponding members. The documents occasionally seemed to have received a somewhat wide circulation. A friend of his in Scotland for instance had already received a copy of the report on the recreational aspects of the cinema for the young which he himself was about to submit to the Committee. He thought there should be some definite rule regarding the distribution of documents.

Dr. Hein replied that documents were communicated by the Secretariat only to members of the Committee and corresponding members.

Mr. Harris then suggested that documents intended only for the Committee should not be sent even to corresponding members. He asked the Acting Secretary (Major Abraham) whether that could not be made the rule in future.

Mr. Maus (Belgium) and M. Gorgé (Switzerland) objected to this procedure on the ground that excessive secrecy on major questions was undesirable since consultation with international organisations and competent departments and experts was productive of useful information.

The Chairman said that in future judgment would be reserved as to whether documents should be sent to corresponding members depending on the nature of the document in question.

(b) *League of Nations Review of Social Questions.*—M. Gorgé (Switzerland) and Miss Guillan (Mexico) pressed the question of publishing the proposed bulletin in other languages than English and French, the latter delegate proposing Spanish. Major Abraham replied that it was a matter of finance and said that it would be wiser to see what success the Review met with when printed in English and French. Mr. Harris (United Kingdom) enquired as to the contents of the Review. Major Abraham said that it is intended that the proposed bulletin should contain (a) papers on social questions of general interest to the man in the street—or, perhaps he should say, to the enlightened man in the street—and (b) articles by outside experts on special questions. Information concerning laws and reports of Governments will be supplied as hitherto by the Information Centre. Miss Whitton (Canada) and Miss Castendyck (United States) both urged that every precaution should be taken to ensure that the Review would attain a very high standard.

(c) *Conference of Central Authorities in Eastern countries.*—The Chairman noted that no decision has yet been taken with regard to the establishment of a bureau in the East to serve as a centre of information relating to the traffic in women and children and to co-ordinate measures taken by the responsible authorities, which was proposed by the Bandoeng Conference.

Third Meeting.

Mr. Cohen (Expert), rapporteur on Rehabilitation of Adult Prostitutes, gave an informative review of the contents of his Report which contained an account of the progress made since the last meeting. He recalled that, as had already been indicated in the progress report, the Committee last year had been of the opinion that the Rapporteur, in conjunction with the Secretariat, should proceed with the publication of certain parts of the report on the Rehabilitation of Adult Prostitutes. The Assembly of 1937, confirmed that view, and considered that an early publication of the information concerning the provision of social services during a cure for venereal disease would be of value to countries contemplating the creation or extension of such services.

The first section, entitled "Social Services and Venereal Disease", had now been published and distributed to Members of the League. It would ultimately form Part II of the final report. He wished to emphasise the necessity for all States to make it possible for the booklet to be in the hands of all medical officers engaged in venereal disease work, as well as of social workers attached to private organisations working in close contact with venereal disease clinics, hospitals and institutions. Part I deals with the subject of antecedents of prostitutes based on the report of 1935/36, and especially with preventative measures with regard to minors and will shortly be published. In considering the subject of rehabilitation one was bound to take into consideration the legislative and administrative measures adopted by various countries for the punishment of those who exploit prostitution. Mr. Cohen explained that Part III of this Report is being prepared now and will be available before the Committee meets next year and will complete the study of the question of rehabilitation.

Unanimous appreciation was expressed of this comprehensive report, the contents of which Mr. Cohen had outlined. Various points were raised during the discussion which followed which included the danger of young women of 20 or 30 mixing with old prostitutes in anti-venereal dispensaries; the importance of vocational training to enable the women to re-enter normal life; and the importance of choosing staff for

clinics and institutions so that people imbued with a missionary spirit and having an intimate knowledge of the problem should be recruited. Mr. Maus (Belgian) spoke of the need of financial assistance for private institutions and said that Governments should be asked to provide subsidies.

Fourth Meeting

Discussion on the question of the rehabilitation of adult prostitute continued. Mlle. Guillen (Mexico) and Mme. Huici (Spain) in describing the efforts being made in their respective countries to face this problem laid stress on the economic aspect since unemployment or ill-paid work were factors leading women to adopt a life of prostitution. In conclusion Mlle. Guillen said she trusted that the Committee would concentrate on the two chief aspects of the problem of rehabilitation, viz., (1) the finding of employment for, and (2) the re-introduction into society of rehabilitated prostitutes. Mme. Huici welcomed the stress laid in Mr. Cohen's report on the problem of "demand" and agreed that if there were no demand there would be no prostitutes. This raised the question of the necessity of educating the younger generation in these matters and the effectiveness of such education.

Mme. Grabinska (Poland) considered that social assistance fell into three stages: (1) awakening a desire in prostitutes for rehabilitation; (2) social assistance proper, to be regarded as a transitional period between the old life and re-entry into normal society; and (3) period during which assistance is necessary for stabilisation of prostitutes in normal conditions of life.

The delegate for India then joined in the discussion and said how interested she had been to hear what was being done in other countries. Conditions in India are so different that the matter must be dealt with in other ways. Appalling illiteracy exists in India and efforts were being made to introduce compulsory primary education. The social custom made it very difficult for women who had abandoned their homes to return to normal life. Once they entered that life they were considered social outcasts. The unfortunate position of the widows was confined among certain classes among Hindu Communities. The modern educational movements are trying to create from among these unfortunate women trained nurses, teachers and social workers. There are signs of public opinion being awakened in passing of the following Bills: the Sarda Act, prohibiting child marriage; the Devadassi Bill, doing away with temple girls and the Remarriage of Widows Bill. Taking the whole groups of prostitutes in the East personal responsibility on the part of the victim is to a large extent non-existent and circumstances over which she has no control force her into prostitution in spite of her disposition. Hence a great share of the responsibility falls upon society which must employ different measures to deal with prostitution in the East from those employed in other parts of the world. It is therefore natural that the exponents of society, the authorities, should play a far more important role in dealing with this problem than is the case in other parts of the world. In India it was a question of group prostitution and not of individuals. In some parts of India prostitution was an hereditary profession. She emphasised the fact that most of the responsibility lay with society and the authorities. She referred to the Act recently passed concerning the removal of temple girls; to the Child Marriage Restraint Act which does away with child marriage and to the Act, allowing the remarriage of widows. Vocational training for these women, e.g., as nurses and social workers, was being undertaken, but in India women cannot be employed in the same way as in the West as there are fewer openings for them. Stress was laid on the importance of educating public opinion and the delegate for India said that until this took place society must bear the responsibility for the canker which is eating into the heart of the national life of every country.

The Japanese Delegate (M. Usami) said that legislation was in force in Japan dealing with the matter of venereal disease and that a Bill was before his Parliament giving the authorities supervision and direction of social problems as a whole.

The Committee was informed that the booklet on Social Services and Venereal Disease would be distributed free, and that all Governments would be entitled to ask for as many copies as they required. If the present edition is exhausted, the Government desiring a further supply would be asked to pay the printing cost of the new edition which, however, would be very small, amounting probably to about half a franc per copy.

Fifth Meeting

Mr. Johnston (Liaison officer with the International Labour Office) submitted his report on these aspects of the work of that Organisation which would seem to be of interest to the Committee. He wished to draw the attention of the Committee to

the provision for revision of the conventions regarding the minimum age for employment. That was a particularly valuable example of collaboration between international and national bodies. The first convention which fixed an age-limit was regarded as a very bold step. Various countries, however, gradually recognised the principles embodied therein and fixed the age-limit at 14; and certain States immediately went further, fixing it at 15 or 16 years of age. The International Labour Conference considered that conventions on this subject required to be brought into line with modern developments, and their action last year was the result. The progress which had been made was possible owing to the growing sensitiveness of the social conscience in this matter.

Discussion followed during which Dr. Hein (Denmark) enquired what was the position with regard to the possible revision of the Minimum Age Convention relating to agriculture. In reply Mr. Johnston said that the Governing Body of the International Labour Office decided that that Convention, which was originally adopted in 1921 should also be revised, but, in view of the special difficulties that arise in connection with the raising of the minimum age for employment in agriculture, the Governing Body thought it necessary that in the first place the Permanent Agricultural Committee of the International Labour Office should be consulted on the point. That Committee met a month ago and submitted a report drawing attention to the position in various countries and to the difficulties of minimum age legislation in agriculture. To a certain extent children were protected by school attendance laws, and it should also be remembered that children who worked in agricultural districts were as a rule employed by their own parents. As soon as possible measures would be taken with a view to raising the minimum age in agriculture.

Mr. Harris (United Kingdom) referred to the remarks in Mr. Johnston's Report with regard to the organisation of workers' spare time. Last year the Committee found they were to a certain extent debarred from dealing with a number of questions for fear of encroaching on the activities of other bodies. They had considered that the question of the utilisation of leisure, and in particular the provision of holiday homes and youth hostels, was a question with which they could deal. The Report appeared to show that the International Labour Office was also intending to do work in this connection. The Committee were anxious that their activities should not conflict with those of the International Labour Office and hoped it would be possible to ensure collaboration between them.

Mr. Johnston said in reply that the field of organisation of leisure and recreation was not a new one as far as the International Labour Conference was concerned. It had already adopted a recommendation on the subject in 1924. The question had, however, recently acquired a new importance owing, firstly, to a movement in certain countries towards a reduction in working hours and, secondly, owing to the movement in favour of annual holidays with pay. The I. L. O. had therefore decided to make a special study of two aspects of the problem, namely, the provision of special facilities for workers during holidays with pay and the organisation of holiday camps. It was studying the latter question in accordance with a resolution of the Labour Conference held at Santiago de Chile in 1936. The I. L. O. did not wish to conflict in any way with the Advisory Committee, they were, on the contrary, anxious to collaborate with it. The Governing Body were contemplating holding a meeting in October of experts on the utilisation of leisure, and intended inviting representatives of the Social Section to be present.

Mrs. Bose said that she wished to bring to the notice of the Committee that in India the minimum age for employment is 13 and she would like to know why the age limit in India cannot be raised to 14. Mr. Johnston said that at the International Labour Conference last year, at which India was fully represented, agreement was reached that in accordance with the precedent established when the original Convention was adopted in 1919, it was decided that a lower age should be fixed in India than in other countries.

Mrs. Whitten (Canada) reminded the Committee that, after the Mixed Commission on Migration had completed its work and published its Report, the Assembly invited the Council to arrange for annual meetings between the representatives of the various national committees of migration. The Advisory Committee suggested at its first session that collaboration between it and the Nutrition Committee should continue if annual meetings of the latter were held. The Council approved of this suggestion last May. It would therefore be advisable for the Committee to make arrangements to appoint a liaison officer in case such meetings were held before the Committee's next session. Mr. Harris (United Kingdom) proposed the appointment of Mrs. Whitten which was duly seconded. The Acting Secretary (Mr. Abraham) requested the Committee to postpone a decision until he was in a position to discuss

the matter with competent persons concerning matters affecting such a decision. The Mixed Committee on Nutrition had ceased to exist, and it had not been decided what was to take its place. A certain number of national nutrition committees might be invited to send representatives to a meeting, but what the views of the members of any such meeting might be with regard to collaboration with the Advisory Committee was, of course, not yet known.

Sixth Meeting.

The Report of Miss Whitton (Canada) as Rapporteur for the Placing of Children in Families was presented to the Committee. This Report was prepared in collaboration with Miss Castendyck (United States) and Mme. Vajkai (Expert), and in the discussion which ensued delegates paid tribute to its excellence.

Miss Whitton stressed the importance that every other possible means of providing for the child's welfare should be tried before the family was broken up. Children should not be removed from their homes owing to poverty or because of considerations connected with the status of their birth. The whole problem was social rather than strictly juridical. In her final remarks Miss Whitton said that the aim of child welfare was not merely to provide adequate housing, food and clothing for the child but to ensure its spiritual development whereby the child would become a thinking person and the best type of citizen.

Miss Castendyck (United States) in giving a general outline of the chapters in the Report for which she was responsible said that in considering different types of home, it was found that in all except ten countries preference was given to rural as opposed to urban homes. The Report showed that children were boarded with persons in very different walks of life. As to the probable lines of future development, 24 countries stated that on the whole the system of boarding in families had proved satisfactory. Such a statement was, however, too general in character and further study would be necessary before a final opinion could be expressed.

Mme. Vajkai said that the advantages of urban placement were the facilities which it afforded of supervision, hygienic care and educational and vocational guidance. As against these advantages town life was in general less healthy than rural life, that the provision of proper playgrounds was difficult and that insecurity of employment led to frequent shifting of families from one place to another which involved insecurity for the child.

Various delegates described the efforts being taken in their respective countries with regard to the placing of children in families. M. de Bie (Netherlands) said that the report now submitted would prove a valuable document and suggested that, as in the case of the proceedings of the Bandoeng Conference, a popular summarised edition of the study might be published for the use of child welfare workers themselves, leaving the complete report to form a standard work of reference for public departments.

At the close of the meeting an interesting film was shown by Miss Whitton illustrating the type of home chosen in Canada for the placing of children in families, the supervision exercised by the authorities, and the children themselves, most of whom ranged from one to six years.

Seventh Meeting.

The meeting commenced with a continuation of the discussion on the Report on the Placing of Children in Families. Mlle. Guillen (Mexico) expressed the view that the recommendation in the Report that religious instruction should be given should be amended and the word "moral" substituted for the word "religious" in order to take account of the position in countries where the Church was separate from the State, a suggestion which was endorsed by Mme. Huici (Spain).

M. Hoo Chi-Tsai (China), after expressing appreciation of the Report, said that in China the question of the placing of children in families was a vital one as a result of the war now in progress in that country. He went on to say that in such conditions it was impossible to apply the principles of the Report, which presupposes a state of peace, though in view of the fact that there are already 14 million children under 15 who have been deprived of a home or parents, measures were being taken so far as were possible.

He remarked that he had been rather struck by one passage in the Report which reads:—

"For a number of reasons the placing of a child with persons of a different colour or race is likewise avoided, one of the least obvious but most potent of these reasons being the fact that the child will probably wish to marry in the group with which he is brought up. Even if the difference in colour is not apparent in the present generation, the off spring of such a union may be so emphatically different as to create intolerable embarrassment."

M^{rs} Hoo Chi-Tsai ventured to ask whether the Committee felt that that passage represented the opinion of the Committee as a whole and said he would like also to ask what 'intolerable embarrassment' is likely to ensue as a result of a union between two races. Is it of a social, psychological or physiological character?

The delegate for India said she would like to add her voice to China's request for a wider explanation of the sentiments just referred to. She did not know whether the whole Committee endorsed them but India naturally looked to the League of Nations to bring about better international relations and understanding between different countries, and if racial questions were brought in she did not feel very hopeful nor would it pave the way to a better understanding between different countries. Mrs. Bose paid tribute to the magnificent report drawn up by Miss Whitton and her collaborators but said that the system outlined therein was not in force in India. Two Acts had been passed in Bengal and Bombay which provided for the placing of children in responsible families as domestics. In the United Provinces an Act had been passed for the protection of the Naik girls who take to the profession of prostitution, to board them out in families and look after them up to the age of 18 years. She said that India had always recognised the influence of the mother in a family but education was very far behind and it was necessary to have more schools for mothers to enable them to get better instruction and also institutions to introduce domestic science. Last but not least, she would again mention the need for more money to be spent on education in India.

Dr. Estrid Heini (Denmark) said that the question of mixed marriages was a difficult one and she could not speak for the Committee as a whole since very different opinions were represented. Science, she was in a position to assert, knew nothing of the alleged disadvantages. She suggested that the sentence in question should either be omitted or amended in such a way as to show that it only referred to eventual social disadvantages.

Mme. Huici (Spain) said that comparable conditions existed at the present time in her country as described by the delegate for China, and in considering the question of children suffering from the terrible consequences of war it should be remembered that although to-day it was her country to-morrow it may be some other country. She thought that the experience gained by one country in these conditions with regard to providing safety provisions for children during war would prove helpful to other countries.

Miss Whitton (Canada) expressed sincere apologies for having unwittingly given cause for offence with regard to the passage in her report to which objection was raised by the delegates for China and India. The objective of child placement was the provision of a home life for the child approximating as closely as possible to what his own would have been, and the point of the passage in question was to draw attention to the undesirability of placing a child of one race with a person of mixed or different race. It was generally agreed that the passage should be deleted.

With regard to the question of religious instruction agreement was reached that the passage should be amended to the effect that the child should receive religious instruction or such training for moral and spiritual development as would accord with the practice of his country or family.

Eighth Meeting.

The Chairman announced that she had just received a letter from the Director of the Social Section, sent from Buenos Aires on April 15th, expressing his best wishes for the success of the Committee's 1938 session. He regretted his inability to take part in the Committee's work on this occasion, but trusted that the mission to the Latin-American countries in which he was participating would also constitute a valuable contribution to that work.

Measures of prevention of prostitution, especially with regard to minors.—Mrs. Cohen (Expert) presented his Report on this subject. The Committee were informed that, technically speaking, the study of this subject would form the concluding

part of the study on measures of rehabilitation undertaken by the Advisory Committee. The following principles had been taken as the starting point. Prostitution can be reduced by social action, which had been confirmed by the transformation which prostitution had undergone in the Occident as a result of social, medical and economic developments in the last twenty years. The change in the social status of women, their growing economic independence and the improved treatment of venereal diseases. Greater public interest in health and hygiene and the abolition of licensed and tolerated houses in a number of countries.

A study of preventive measures must take these recent changes into account and any attempt to prevent prostitution must include consideration of demand as well as of supply and measures to combat the influence of the *souteneur*. As long as there is a demand for prostitutes a supply will somehow be found to meet it. Prostitution by minors and juvenile delinquency are often due to the same causes. The problem of preventing juvenile delinquency has already been investigated in the studies on neglected and abnormal children. Detailed investigation of the psychology of prostitutes and their families and a comparison of the results with data from other families would be of great value and also a study of the advantages of early psychiatric examination and of early identification of the types concerned.

The Chairman then introduced Dr. Kemp, who has recently been appointed professor of human genetics at the University of Copenhagen, and who had been asked to come to Geneva to advise the Committee in the discussion of preventive measures.

Dr. Kemp spoke of the measures taken in Denmark to fight prostitution. The principle adopted was to begin the study of every case of prostitution with a psychiatric examination of the prostitute. According to the results of that examination the women were either classified as feeble-minded and placed in an appropriate institution or given social assistance or placed on probation for one to three years. In the latter case it was essential for the prostitute to accept regular employment or reside permanently in an approved home in a country district. The measures most effective in any campaign against prostitution could only be decided after a thorough investigation of the forms of prostitution practised. Further, certain fundamental conditions must be complied with before any general improvement could be achieved. These conditions included the abolition or regulation of brothels and the punishment of third-party profiteers, adequate provision for the institutional care of the insane and feeble-minded, and the introduction of social legislation to prevent women having to prostitute themselves for a livelihood. The root of the evil must be attacked on the above lines before any benefit can be derived from other measures. The result of his own study of the question had shown that 70 per cent. of such women were mentally abnormal and either lacked ability for social adjustment or were anti-social. They might not be abnormal enough to warrant their confinement in institutions but they certainly should not be left at large.

The present methods of dealing with such individuals did not answer their purpose, and he wished the Committee would take steps to convince Governments that this was so. Great lack of insight had been displayed by parents and guardians, school teachers, police authorities and courts of law in the past. What was now needed was (a) fuller information on cases dealt with; (b) better facilities for psychiatric treatment of the persons concerned; and (c) more extensive use by the courts of the psychiatric reports on cases. Women discharged from homes, reformatories, prisons, and the like should be kept under closer observation than they are at present. At the same time, efforts should be made to detect mentally defective children, while at school, and to keep them under supervision after compulsory school attendance ceased.

Dr. Kemp stressed the importance of a knowledge of mental hygiene and eugenics, and the desirability of better co-operation between police and public welfare institutions; the ultimate replacement of the former by the latter was necessary. Prostitution fines and sentences of imprisonment were neither suitable nor necessary. The only effective method was a system of supervision, protection, guidance and re-education.

As a result of a recommendation by Mr. Harris (United Kingdom) that since the study of preventive measures covered such an enormous field, the Committee should be divided into two, one for preparing a plan of future work, a sub-committee was formed for this purpose.

Mr. Pashley (United Kingdom) as Rapporteur for the sub-committee reviewed the plan of work which calls for (1) a concise account of the causes of prostitution; (2) a study of preventive measures which should provide for early detection of the causes of mental defectiveness; (3) supervision of minor cases; and (4) the

home, employment of women police, control of dance halls and cafés and better organisation of leisure time.

Ninth Meeting.

M. de Bie (Netherlands) presented his report on the position of the illegitimate child, the first part of which gave an historical outline of social aspects and legislation.

Mme. Valkai (Expert) spoke of the lack of responsibility on the part of the father and said that legislation was necessary to compel the father to take responsibility. She urged that the work of the Committee should be directed to making preparation for good legislation and to the study of legislation in force in some countries and the possible effect of their application in other countries with different conditions both historical and social.

Count Carton de Wiart (Belgium) said that attention should be directed to means of facilitating marriage, more particularly in the case of foreigners, as in most countries serious obstacles of national administration lay in the way of marriages between foreigners and nationals. Some international agreement was necessary which would simplify marriage between foreigners and nationals, especially with regard to persons who had no financial resources. Count Carton de Wiart showed how the future of children had been ensured through the action of certain forms of workers' insurance in Belgium.

Mme. Huici (Spain) spoke of the tendency to lay too much stress on the legal standpoint as opposed to the moral. From the point of view of the rights of the child there should be no such thing as an illegitimate child: irregularity of legal status applied to the parents and should be their responsibility and not a burden upon the child.

M. Gorgé (Switzerland), though acknowledging that the study of the question of the illegitimate child submitted by the Rapporteur was an able summary of matters of law and of fact, said that what was even more necessary was a survey not only of the juridical but of the social position. If the Committee was to do useful work in this field in the future they must set forth not so much a statement of the present position but a declaration of what might be done in the light of the modern conception of the rights of the child. The jurist made a distinction between the legitimate and the illegitimate child; the sociologist saw only the child, and this was the view which should motivate the Committee's work in this field. M. Gorgé suggested that a supplementary report should be prepared presenting a study of the social aspect of illegitimacy and stressing possibilities for future action.

The Indian delegate then took part in the discussion and remarked that after hearing the last speaker she did not know whether she was justified in giving the legal aspect of the question in India. She said there were some independent organisations in India which were trying to do work in connection with the care of the illegitimate child and to whom the expectant mother could go for help. But the position of the mother was that after the child was born, though in some cases she could return to her family—provided she did not bring the child with her—the majority are not recognised and in that case the woman has to bring up the child herself. Unless public opinion could be roused and the assistance of the authorities obtained, this particular work would continue to be placed at a great disadvantage and could not make any progress. Mrs. Bose then described the situation under Hindu and Moslem law with regard to the status of illegitimate children, their right to maintenance, enquiry into parenthood, right to inherit and relative position with the legitimate children of the same family.

Miss Whiffon (Canada) endorsed the view expressed by M. Gorgé (Switzerland). She suggested that if the study of the social aspects of this problem was to be amplified, examination should be made of the illegitimate child between the ages of 13 and 21 who had remained with its mother. During this period the child becomes aware of his special social position and is forced to make adjustments to it. Every social worker was obliged to meet this problem and it would be extremely useful to have a comparative survey of experience in this regard.

Tenth Meeting.

During the continued discussion on the subject of illegitimacy, the Committee were in agreement that unless special circumstances existed, it was that children should not be separated from their mothers and that the unmarried mother and her child in the community called for very careful study.

It was decided that the present report, after submission to Governments for revision, should be published as the first of a series of publications, and that a sub-committee should be formed to study the social aspects of the question which would submit a report before the 1939 session.

Eleventh and Twelfth Meetings.

Professor Parisot (France), Liaison Officer with the Health Organisation presented his report for the year 1937. He described the work being done by the Health Organisation to improve public health in rural areas. The object of this work was not merely to combat the diseases prevalent in rural areas or to deal with medical problems exclusively; the purpose was to raise the standard of life. Hence they sought to achieve co-operation between the medical and health services on the one hand and on the other sanitation and sanitary engineering and rural reconstruction. Professor Parisot reviewed the agendas for the Conference of American countries on Rural Life to be opened in Mexico on November 10th of this year and the European Conference on Rural Life to be held in 1939. He described the preparatory work being done for these Conferences, in particular with regard to studies on the treatment of Malaria, Nutrition, Housing, the training of public health officers, physical education and institutions and services concerned with the protection of mothers and infants in a number of European countries. He welcomed the closest co-operation between the Health Committee and the Advisory Committee on Social Questions.

The Committee then examined the report of the Sub-Committee on Future Work submitted by Mme. Brunschwigg (France), Rapporteur. Three subjects had been chosen for study by the Committee:

- (a) the principles adopted in the administration and organisation of welfare work among the young, including social assistance;
- (b) the training of persons engaged in social work; and
- (c) family desertion.

After some discussion of the lines and methods to be followed in the study of these subjects, the report on Future Work was adopted.

Mr. MacCarthy (Ireland) as rapporteur for the Standing Sub-Committee on Traffic in Women and Children spoke briefly on the two items which had formed the agenda for the Sub-Committee, viz:—

- (a) Summary of annual reports on traffic in women and children and on obscene publications for the year 1936/37; and
- (b) Suggestions with regard to the changes to be made in the questionnaire on traffic in women and children.

With regard to (a) it was noted that more reports had been received during the year 1937/38 and it was hoped that the increase would continue.

Reference was made to the position in regard to the ratification of international conventions for the Suppression of Traffic in Women of Full Age. The delegate for India stated that in regard to international conventions affecting internal administration it was now customary to make a reservation excluding the Indian States. Owing to the relationship which exists between British India and Indian States, which, under the definition of Article 1 of the 1933 Convention, would be treated as foreign countries, India did not feel herself in a position to accede relative to British India to that Convention, though hopes were entertained that this political barrier would soon be removed. Mrs. Bose went on to say that the Advisory Committee in 1936 recommended that the Conference of the authorities responsible in Eastern countries for measures to prevent traffic in women and children should be held under the auspices of the League of Nations. The Government of India was not at first willing to participate as it felt that India was not concerned with international traffic, but at the earnest request of the League she reconsidered her decision. Mrs. Mukherjee of the All India Women's Conference was appointed to represent India at the Conference which took place at Java in 1937 and at which she was elected Vice President. At that Conference the conclusion was reached that it would be very beneficial if a bureau could be established which would be able to collect all information on traffic in women and children in the Eastern countries. It was also decided that all educational measures should be introduced to raise public opinion. India may be classified as totally abolitionist as they have neither regulation of prostitution nor licensed brothels, though tolerated brothels exist in certain parts of India.

Thirteenth and Fourteenth Meetings.

The Report on the Recreational Aspects of the Cinema and the Young was submitted by Mr. Harris (United Kingdom). This report was based on information received from forty-four countries and referred to the cinema as a means of recreation for young people up to the age of 21. In drawing his conclusions Mr. Harris said that the result of his enquiries had shown the necessity for positive as well as negative measures in dealing with the problem of the recreational cinema and the young and for close co-operation between the cinematograph trade, public authorities, teachers and interested social organisations, and also parents. He felt that there was a tendency to over-emphasise the influence of the cinema on the mental and moral make-up of young people since experts and magistrates of children's courts were in agreement that juvenile delinquency was seldom the outcome of what children had seen at the cinema. The teaching of film appreciation in schools was one of the best means of encouraging motion picture discrimination. Mr. Harris mentioned the publication both by the Canadian and Belgian Governments of a monthly review of current films which in particular drew attention to films which contained incidents which might frighten or be harmful to children.

In the discussion which followed M. Chodzko (Poland) pointed out that censorship does not raise the standard of films. He drew attention to the need for the development of the historical film and said in this connection that producers should be urged to present such films with greater care as to the actual historical facts.

Count Clauzel (France) observed that in his view censorship to be effective should be exercised at an early stage in production when scenarios are submitted.

Other points raised by delegates included the desirability of the production of more musical films and films accurately based on books, and the position of non-producing countries who were dependent on the films supplied by producing countries.

Mrs. Bose said that in India there were no special films for children apart from educational films shown in schools, and for that reason India was particularly concerned with the raising of the standard of films as a whole. The Indian authorities would like to see some international understanding for the restriction from circulation of objectionable or harmful films. The best solution for Eastern countries would be for them to produce their own films. She urged that more women should be represented on Censorship Boards.

Mr. Hoo Chi Tsai (China) deprecated the tendency to misrepresent people of other countries on the screen, from the point of view of the importance of international understanding.

It was decided to publish the Report after careful editing by the rapporteur as a result of the discussion, and, in view of the difficulty of reaching final conclusions at the present stage, it was agreed that the subject should again be placed on the agenda at some future date.

Fifteenth Meeting.

The Chairman introduced Mr. Oliver Bell, Director of the British Film Institute, who had come to assist the Committee in the study of the question of Recreational Films for the Young.

Mr. Bell laid down as general principles that no children's performance should last for more than two hours and no single film more than one hour; that the programme should contain a feature film which should be full of action, a comedy or cartoon, an "interest" film showing how things are done or how other people live, an instalment from a thrilling serial and a news reel—in which it had been found that children were specially interested. Anything which tends to make the child afraid should be avoided at children's matinees, as also weird and sudden noises, exaggerated fairy stories and sheer horror pictures. International exchange of news reels would have potential value in bringing countries together. Mr. Bell pointed out that the problem of the adolescent in regard to films was different from the problem of the child. The British Film Institute had made some tentative enquiries and had found that the effect of the films on adolescents was of the same order as the effect on the adult but was inclined to be more extreme. Finally, Mr. Bell expressed the hope that the Advisory Committee on Social Questions would help to bring into being bodies with adequate resources to educate public taste to demand good recreational and instructional films, and to facilitate the supply and exchange of suitable films all over the world.

An interesting programme of the types of films shown to children in England was given in the League Cinema Hall which was specially arranged by Mr. Bell.

Sixteenth and Seventeenth Meetings.

The Rumanian delegate submitted a recommendation for the creation in every belligerent country of neutral zones in which children could be maintained and provided with the necessary medical attention by their respective Governments and where they would be immune from bombardment, gas and all other perils of war.

Though not on the Agenda, the question of the protection of children in time of war was felt by all delegates to be a subject which required urgent consideration. At the stage of the proceedings of the Committee when the re-affirmation of the Declaration of Geneva had been agreed upon, the French Delegation referred to Paragraph III which says that "the child must be the first to receive relief in times of distress" and expressed the hope that this great principle of humanity might be made applicable to the case of war beyond and above all considerations of race, nationality and creed.

Miss Whitton (Canada) urged that in view of present critical times the Committee should go further than draft resolutions with regard to the safety of children in time of war. They should appoint a sub-committee to study the problem of child victims of disaster not only from the aspect of war but in times of famine, flood, fire, etc. She said she could not support the proposal to create neutral zones for children since it would involve the separation of the child from its family and also because in her opinion the position of children could not be considered apart from that of the civil population. If the Committee was to fulfil its mission of protecting child life, they would have to take action at this time.

The delegate for India strongly supported Miss Whitton and said that the protection of the life of the child was obviously the first care in the study of questions of child welfare. She therefore hoped that the Committee would decide to set up a Sub-Committee and if possible that India should be represented on it.

Mme. Huici (Spain), speaking from her experience of the war now in progress in Spain, said that neutral zones were of little practical value. Instead of marking neutral zones, refugee camps or hospitals in the hope that they would be recognised and spared during bombardments, the Spanish authorities were finding it necessary to camouflage them.

Many delegates took part in the discussion from which two concrete proposals emerged.—

- (1) that the International Red Cross Association should be asked to study the problem and find what possibilities there were for practical measures to be taken to ensure the safety of children in time of war; and
- (2) that the matter should be brought to the attention of the Council of the League with the same object.

Mr. Harris (United Kingdom) said that while the problem was one of tragic urgency it was impossible for members of the Committee to make definite proposals without having specific instructions from their Governments.

Although the Committee were in agreement that in view of conditions prevailing in the world immediate action was necessary, no common ground could be found as to what form such action should take. Many delegates felt that the question involved political issues which did not come within the purview of a Committee on Social Questions and were in agreement with Mr. Harris that they were not in a position to voice the opinions of their respective Governments.

It was finally decided to entrust to Mr. Harris the task of drafting a passage for the Report which would record the sentiments of the Committee.

Eighteenth Meeting.

The budget was examined and adopted.

It was decided that the date of the next session should be 19th June, 1939.

Nineteenth Meeting and Twentieth Meeting.

The draft report of the work of the Committee prepared by Mr. Harris was examined and finally adopted.

Thanks were passed in appreciation of the able work of the Chairman and the assistance rendered by the Secretaries, and the Chairman declared the meeting closed.

PROMOTION OF OFFICERS OF THE PROVINCIAL POLICE SERVICE TO THE INDIAN POLICE.

887. *Mr. Brojendra Narayan Chaudhury (on behalf of Mr. Kuladhar Chaliha): Will the Honourable the Home Member be pleased to state:

- (a) whether the attention of Government has been drawn to the notification by the Government of India in the Home Department, No. 63/38-Esta., dated New Delhi, the 19th December, 1938;
- (b) whether the rules made thereunder regarding reserved posts (Indian Police) Rules 1938, affect the promotion of officers of the Provincial Police Service to the Indian Police;
- (c) Is it a fact that in the past a certain number of posts in the Superior Services of the Indian Police Service were reserved for members of the Provincial Police Service to be filled up by promotion in the different Provinces;
- (d) what is the number of such posts in different Provinces of India; and
- (e) how the rules referred to above will affect their position now?

The Honourable Sir Reginald Maxwell: (a) The notification was issued by Government.

(b) No.

(c) Yes.

(d) Madras	8
Bombay and Sind	10
Bengal	13
United Provinces	12
Punjab	9
Bihar and Orissa	7
Central Provinces	6
Assam	3
North-West Frontier Province	2

70

(e) The rules in question will not affect their position in any way. These officers will as before be eligible for promotion to the Indian Police in the rank of Superintendents of Police specified in the Rules up to the number indicated in (d) above.

Mr. Brojendra Narayan Chaudhury: Is it a fact that under the old rules a Deputy Superintendent of Police could be promoted direct to the post of Superintendent, whereas under the new rules a Deputy Superintendent could only be promoted to the post of Assistant Superintendent of Police?

The Honourable Sir Reginald Maxwell: No, Sir. I have already explained that the notification referred to in the question makes no change in the previously existing practice.

ACTION ON THE RESOLUTION RE HAND-MADE MATCHES.

868. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Finance Member please state what steps Government intend to take to give effect to the Resolution passed in this House during this Session regarding encouragement of match industry in cottages with hand appliances?

The Honourable Sir James Grigg: The attitude of Government was fully explained during the debate on the Resolution referred to.

Mr. Brojendra Narayan Chaudhury: May I know whether, since the passing of that Resolution, Government have taken into consideration the fact that the Resolution was passed by an overwhelming majority which consisted amongst others of certain Members of this House who generally see eye to eye with Government?

The Honourable Sir James Grigg: All relevant facts are taken into consideration before deciding to confirm or vary a decision or an attitude previously taken.

PROCEEDS FROM EXCISE DUTY ON SUGAR, ETC.

869. *Mr. K. S. Gupta (on behalf of Mr. C. N. Muthuranga Mudaliar): Will the Honourable the Finance Member please state:

- (a) the total proceeds from excise duty on sugar during 1937-38 and 1938-39, the number of factories which paid taxes, and the total amount of sugar manufactured in the country; and
- (b) the amount of import duty on sugar during 1937-38 and 1938-39?

The Honourable Sir James Grigg: I would refer the Honourable Member to the reply given by me on the 27th February, 1939, to Seth Haji Sir Abdool Haroon's starred question No. 728. The information for the year 1938-39 is not yet available, the year being not yet out.

EXAMINATION FOR RECRUITMENT OF THIRD DIVISION CLERKS IN THE CENTRAL SECRETARIAT.

870. *Bhai Parma Nand: Will the Honourable the Home Member please state:

- (a) whether an examination was held in December, 1937, for the recruitment of Third Division Clerks in the Imperial Secretariat and its Attached Offices during the financial year 1938-39;
- (b) the number of candidates who sought admission to the said examination;
- (c) the number of vacancies which have actually occurred during this financial year so far;
- (d) whether any of these posts have been withheld under the Government of India economy orders issued in October, 1938; if so, how many;
- (e) whether Government contemplate offering these banned posts, even if they are filled at some future date, to the deserving candidates of the 1937 examination; and

- (f) whether, in view of the large number of candidates who took chance at this examination, the Government contemplate some means for absorbing the usual number of candidates?

The Honourable Sir Reginald Maxwell: (a) Yes.

(b) 2,249 candidates sought admission but only 1,858 who were qualified appeared at the examination.

(c) and (d). The information is being collected and will be laid on the table in due course.

(e) and (f). The question is under consideration.

Mr. Lalchand Navalrai: Will the Honourable Member kindly throw some light on the question whether those candidates who have not been absorbed now shall have to pass another examination if such examination takes place shortly?

The Honourable Sir Reginald Maxwell: That part of the question is under consideration.

Sardar Sant Singh: May I know from the Honourable Member if it is a fact that when the last but one examination was notified by the Public Service Commission it was given out that about 72 vacancies would be filled up?

The Honourable Sir Reginald Maxwell: No. I cannot give the Honourable Member the exact figure specified by the Public Service Commission.

Sardar Sant Singh: May I know if the Honourable Member proposes to absorb those at least up to the number notified by the Public Service Commission before the qualified candidates at the subsequent examination are taken?

The Honourable Sir Reginald Maxwell: That is also part of the question which is under consideration. But the examination was held to fill vacancies expected to occur in the year 1938-39.

Sardar Sant Singh: Does the Honourable Member propose to take into consideration the fact that most of the candidates who appear at such examinations have to pay a very handsome fee to the Public Service Commission which probably is not meant to be a source of revenue to the Government?

The Honourable Sir Reginald Maxwell: In any case the fee which they pay to the Public Service Commission is only to cover the expenses of the examination and not be a source of revenue to the Government.

SHOWING OF ADVERSE ENTRIES IN THE OFFICERS' CHARACTER ROLLS TO THEM.

+871. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable the Home Member please state if the Government of India, or the Federal Public Service Commission, issued instructions to the effect that the adverse entries in officers' character rolls should be shown to them when they are recorded?

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

(b) What is the object of these instructions?

(c) Do these instructions apply to ministerial servants as well? If so, are they observed in the office of the Central Board of Revenue and other Departments of the Government of India and their Attached Offices where character rolls are maintained?

The Honourable Sir Reginald Maxwell: (a) The standing instructions of the Government of India are that as a general rule no officer should be kept in total ignorance for any length of time of such defects as are remediable.

(b) The object is to give the officer concerned an opportunity of rectifying his defects.

(c) For ministerial officers employed at the headquarters of the Government of India the orders provide that the substance of an unfavourable report will, at the discretion of the Branch Officer, be communicated to the person concerned, and that he will be informed in what respects improvement is necessary. I understand that these orders are generally observed in the Secretariat and Attached Offices.

RELEASE OF MOPLAH POLITICAL PRISONERS AND INTERNEES.

872. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Home Member please state:

- (a) the number of Mopla political prisoners and internees in connection with the Mopla rising of 1921 or 1922, and their whereabouts;
- (b) the number and names of internees at present in the Province of Bihar;
- (c) whether any Mopla is interned in the district of Saran; if so, his name and offence; whether he is not allowed to settle or reside in any one place for more than a short period of, say, two months;
- (d) whether any of the Moplas so interned get any allowance from Government; if so, the amount given to each Mopla;
- (e) whether the Mopla interned in the district of Saran gets any allowance; if not, why not; how he maintains himself;
- (f) whether he represented to the local officer to be allowed to stay for a considerable period, say, of more than three years in one place; if so, whether he has been allowed to settle in one place for such a period; if not, why not;
- (g) whether the Government of Madras made any representation for the release and return of the Mopla political prisoners and internees of the national movement of freedom of the country in 1921 to 1922; and
- (h) whether there has been proclaimed general amnesty for the release of the Mopla political prisoners and internees; if so, whether the Honourable Member will lay a copy of the proclamation on the table?

The Honourable Sir Reginald Maxwell: Sir, with your permission I propose to answer questions Nos. 872 and 873 together.

The release of Moplah prisoners, convicted or otherwise detained in connection with the disturbances of 1921-22, is a matter for the Provincial Governments concerned and not for the Central Government.

RELEASE OF MOPLAH POLITICAL PRISONERS AND INTERNEES.

+873. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Home Member please state:

- (a) the number of political prisoners released up to date, Province by Province;
- (b) whether the cases of political prisoners released, as mentioned in part (a), differ from the Mopla political prisoners and internees of 1920-22; if so, in which respect; and
- (c) whether Government intend to release all the Mopla political prisoners and allow the Mopla political internees to return to their home; if so, when; if not, why not?

CERTAIN CRIMES IN DELHI.

874. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Home Member please state:

- (a) the number of cases of serious attacks on person, life and property, such as, murder, kidnapping, grievous hurt, robbery, lurking, house trespass and attempts thereat, in the city of Delhi (Old and New combined) during the current year;
- (b) whether the above figures have been compared with similar figures for Calcutta as also the populations of the two cities; and
- (c) the special steps taken or intended to be taken to check these crimes in Delhi?

The Honourable Sir Reginald Maxwell: (a) and (b). The information is not available in the form required by the Honourable Member. I am, therefore, not in a position to make the comparison.

(c) Does not arise.

Mr. Brojendra Narayan Chaudhury: Can the Honourable Member tell us whether the recrudescence of general crime in Delhi is or is not on the increase now?

The Honourable Sir Reginald Maxwell: So far as I have examined the figures for the last few years, there has not been any marked increase in the figures of crime in Delhi.

Mr. Brojendra Narayan Chaudhury: Is it not a fact that special Superintendents of Police have been appointed specially to cope with this?

The Honourable Sir Reginald Maxwell: Not specifically on account of the increase in crime. No doubt it would help to increase the efficiency of police arrangements.

+ For answer to this question, see answer to question No. 872.

Mr. Brojendra Narayan Chaudhury: What were they appointed for?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already answered that question.

Mr. Abdul Qaiyum: May I know whether the Government of India are keeping a strict watch on the people who are well known in Delhi for fomenting communal troubles?

The Honourable Sir Reginald Maxwell: The Honourable Member may rely on the police taking such precautions as may be necessary.

Mr. Abdul Qaiyum: May I know if security proceedings have been started or are intended to be started against such persons and whether the Government of India intend deporting such persons from Delhi, so that the peace of the city may not be disturbed?

The Honourable Sir Reginald Maxwell: As I have had occasion to mention in answer to previous questions during this Session, certain persons have been externed in consequence of their communal activities.

Mr. Abdul Qaiyum: I would inform the Honourable Member that if he wants to preserve peace in Delhi, he will have to extern many more.

INDIAN ARMY USED BY PROVINCIAL MINISTERS FOR KEEPING LAW AND ORDER.

†875. ***Dr. Sir Ziauddin Ahmad:** Will the Defence Secretary please state on how many occasions the Indian army was used by the Provincial Ministers for keeping law and order since July, 1936, and at which places?

Mr. C. M. G. Ogilvie: Between July, 1936 and February, 1939, troops were called out at the request of civil authorities on seventeen occasions at the following places:

1. Bombay.
2. Amritsar.
3. Cawnpore.
4. Allahabad.
5. Benares.
6. Jamshedpur.
7. Delhi.
8. Multan.
9. Tikraul (Saharanpur).
10. Dera Ismail Khan.
11. Budaun.

REPORT ON THE WORKING OF THE CRIMINAL TRIBES ACT.

†876. ***Prof. N. G. Ranga:** Will the Honourable the Home Member be pleased to state:

- (a) if any annual report is being issued, or a review is being made, on the working of the Criminal Tribes Act in various Provinces;

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

- (b) if so, whether it is published;
- (c) what is the approximate number of people to whom this Act is made applicable;
- (d) whether any representations have been received by Government for its repeal or amendment and if so, from which Provinces and how many;
- (e) whether any Provincial Government has suggested its abolition or amendment, or a conference of all the Provincial Governments through the good offices of the Central Government to review the position in the light of altered circumstances; and
- (f) whether Government propose to convene such a conference of all Provincial Ministers and other authorities concerned to consider the advisability of suitably amending the Act or repealing it altogether?

The Honourable Sir Reginald Maxwell: (a), (b) and (c). The administration of the Criminal Tribes Act is a provincial subject. I am, therefore, not in a position to give the information required by the Honourable Member. I understand that some Provincial Governments publish a report annually on the administration of the Act.

(d) and (e). No representation has been received from any Provincial Government on this subject since the inauguration of Provincial Autonomy.

(f) No such proposal is under consideration at present.

†877. *

CONSIDERATION OF APPEALS MADE TO THE GOVERNMENT OF INDIA.

†878. ***Mr. M. Ananthasayanam Ayyangar:** (a) With reference to his reply to starred question No. 2028, dated the 9th December, 1938, will the Honourable the Home Member be pleased to state the cases that are referred to the Federal Public Service Commission?

(b) What are the steps taken to ensure that all appeals received impartial consideration at the hands of the appellate authorities?

(c) How many cases of appeal were received by the Government of India from officials of the subordinate services addressed to His Excellency the Governor General during the years 1937 and 1938, respectively, and how many of these were referred to the Federal Public Service Commission?

(d) How many cases of appeal from officials of the subordinate services addressed to His Excellency the Governor General were withheld by the subordinate authorities during 1937 and 1938?

(e) Do Government propose to direct that the rules for submission of memorials be so altered that all appeals may be submitted direct to the appellate authority in the first instance, so that he can form an independent opinion of the case without being influenced by the remarks of the lower authorities and then call for the remarks of the officer whose orders are appealed against?

† This question was postponed to be answered on the 22nd March, 1939.

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

(f) Are Government prepared to direct that at least all such cases of appeal in which the complaint is that there has been an irregularity in procedure due to the non-application of rules, are referred to the Federal Public Service Commission for enquiry and report?

The Honourable Sir Reginald Maxwell: (a) The cases referred to the Commission are those in which the appellate authority is the Governor General in Council, i.e., appeals from officers of the Class I and Class II, Central Services, and those in which the appellate authority is the Secretary of State in respect of officers appointed by him.

(b) I refer the Honourable Member to rule 59 of the Classification Rules and rule 11 of the Subordinate Appeal Rules.

(c) and (d). Figures are not readily available, but the number must be small as appeals from members of subordinate services do not lie to His Excellency the Governor General.

(e) No. By the rules quoted in my reply to part (b) of the question, the appellate authority is required to weigh all the material facts and considerations before passing orders on an appeal. It will not be possible for that authority to discharge this duty without having before it the remarks of the authority from whose order the appeal is preferred, and no useful purpose will be served by requiring that authority to see the appeal twice.

(f) Government have issued instructions from time to time that the proper procedure laid down in the appeal rules shall be carefully observed. When cases come to notice in which there has been an irregularity in the procedure, the Governor General in Council is empowered to revise any order passed by an authority subordinate to him, and the Public Service Commission is consulted before orders are passed in revision.

LEGISLATION FOR THE PREVENTION OF TRAFFIC IN WOMEN AND CHILDREN IN THE CENTRALLY ADMINISTERED AREAS.

879. *Mr. K. S. Gupta (on behalf of Shrimati K. Radha Bai Subbarayan): Will the Honourable the Home Member be pleased to state:

(a) whether legislation for the prevention of traffic in women and children is in force in centrally administered areas and, if so, where, and what are the facilities provided for the care of the inmates of the closed brothels and of destitute girls and women;

(b) whether Government are in contact or collaborate with private organisations or institutions for the relief of these people, and if Government afford them assistance in any form; and

(c) whether Government propose to examine fully this subject and if so, when?

The Honourable Sir Reginald Maxwell: (a) I lay on the table a statement showing the various laws for the suppression of traffic in women and children which are in force in centrally administered areas. The information necessary to answer the remainder of this part of the question has been called for from the Chief Commissioners and will be laid on the table when received.

(b) The Central Government have made a grant of Rs. 5,000 annually for three years, commencing from the 1st January, 1937, to the Association

for Social and Moral Hygiene in India, the objects of which are the suppression of this traffic and the uplift of such women generally. The Central Government are not directly in touch with any other association, but I am obtaining information from Chief Commissioners regarding such other associations which I will lay on the table when received.

(c) The matter has been and will periodically be reviewed.

Statement showing the law relating to traffic in women and children for immoral purposes and to prostitution and exploitation of prostitution in force in Centrally Administered Areas.

Acts or relevant provisions of Acts. Areas where applied.

LAWS OF GENERAL APPLICATION.

1. The Indian Penal Code (Act XLV of 1860) sections 366, 366A, 366B, 367, 372, 373 and 498. The whole of British India.
2. The Foreigners Act, 1864 (III of 1864) as amended by Act III of 1915. Sections 3 and 3A. The whole of British India.
3. The Cantonments Act, 1924 (II of 1924), Sections 235-237 and 240. The whole of British India.

LOCAL LAWS.

Ajmer-Merwara.

4. The Ajmer-Merwara Municipalities Regulation, 1925 (VI of 1925), Sections 167-168. The application of these sections of the Regulation is restricted to those areas in Ajmer-Merwara which have been declared to be municipalities under the Regulation.

Baluchistan.

5. The British Baluchistan Bazaars Regulations, 1910 (V of 1910), Section 91. It extends to:—
 - (1) Pishin Sadar and District Pazar comprising towns of Pishin, Yaru, Bostan, Saranan, Gulistan, Killa Abdulla and Chaman.
 - (2) Loralai Bazar consisting of towns of Loralai, Mehhtar, Smailan, Duki, Barkhan and Musakhel.
 - (3) Sibi District Bazar comprising of the town of Sibi and the villages of Murk, Gukhama, Khajjak Harnai, Shahrig, Spintangi, Jiras and Usta Muhammad.
 - (4) Fort Sandeman Bazar. Comprising of towns of Fort Sandeman, Killa Saifulla and Hindubagh.
 - (5) Nuskki Bazar. Comprising of towns of Nushki, Dalbandin and Nok-Kundi.
6. Quetta Municipal Law, 1896, Section 105. It extends to the whole of the Quetta Municipality.

Dawl.

7. The Punjab Suppression of Immoral Traffic Act, 1935 (Punjab Act IV of 1935). It extends to Delhi.

CASES DETECTED IN INDIA OF INTERNATIONAL TRAFFIC IN WOMEN AND CHILDREN.

880. *Mr. K. S. Gupta (on behalf of Shrimati K. Radha Bai Subbarayan): Will the Honourable the Home Member be pleased to state:

- the number of cases detected in India of international traffic in women and children during the last three years ending 31st December, 1938, and the action taken by Government with regard to them;
- how many of these cases were of foreigners entering this country, and their nationalities;
- what are the 'Central Authorities' empowered to deal with this subject at present and the method by which they prevent this traffic; and
- what steps Government take to prevent this traffic by land routes?

The Honourable Sir Reginald Maxwell: (a) The reports submitted to the League of Nations regarding traffic in women and children are compiled for the period from the 1st July to 30th June, and not for the calendar year. There were two cases involving three accused in 1935-36, and one case involving three accused in 1936-37. There was no case in 1937-38. No figures are yet available in respect of the period from the 1st July to the 31st December, 1938. The accused were prosecuted under the relevant provisions of the law.

(b) All three cases were of foreigners entering this country. In the first two cases the accused were Nepalese, while in the third the accused were Afghans.

(c) The Central authorities appointed under the International Agreement for the Suppression of the White Slave Traffic, 1904, are the Inspector General of Police, Madras, the Secretary to the Government of Bombay, Home Department, and the Commissioner of Police in Calcutta. These authorities supply to foreign countries which are parties to the agreement all information which will facilitate the suppression of the traffic at its origin. The detection of cases in India is also a part of the functions of the police.

(d) There are no special steps taken which are peculiar to the land frontiers of India, but the authorities referred to in the answer to part (c) of the question operate also in respect of such traffic across these frontiers.

GRANT OF ARMS LICENCES TO SPECIAL POLICE OFFICERS IN DELHI.

881. *Mr. K. S. Gupta: (a) Will the Honourable the Home Member please state how and on what grounds the arms licences are granted to the special police officers in Delhi?

(b) What preferential treatment, in comparison to the general public as well as the Government servants, is accorded to them and why?

(c) Are the particulars in black and white, about the family status, sound financial position, payment of income-tax and possession of landed property taken and given any consideration in their cases as well? If not, why not?

(d) Are the above mentioned matters also kept in view while renewing the licences in their cases? If not, why not?

(e) How many such licences are at present in existence separately in Karol Bagh and Sadar Bazar areas and with whom and of what arms?

(f) Is the Honourable Member aware that many of such special officers do not at all possess any of the above mentioned qualifications and yet they are in possession of arms licences?

(g) Is he prepared to have the cases examined afresh and cancel such licences of those who have not satisfactory means of living or status and do not in reality possess any property?

The Honourable Sir Reginald Maxwell: The information has been called for from the Chief Commissioner, Delhi, and will be laid on the table of the House in due course.

ABOLITION OF THE APPOINTMENT OF ASSISTANT SUPERINTENDENT OF POLICE, DELHI.

†882. *Prof. N. G. Ranga: (a) Will the Honourable the Home Member please state the number of crimes of each description that took place in 1935, 1937 and 1938 in Delhi?

(b) What were the grounds for the creation of the appointment of Additional Superintendent of Police in Delhi and what duties have been assigned to him?

(c) In view of the economy campaign, do Government now intend to examine the point and abolish the appointment either forthwith, or at the termination of the present temporary appointment? If not, why not?

The Honourable Sir Reginald Maxwell: (a) The figures of heinous crime in Delhi during 1935 and 1937 are given below. The figures for 1938 are not readily available.

	1935 (Reported cases.)	1937 (Reported cases.)
Murders	20	22
Dacoities	..	2
Robberies	20	20
Burglaries (including lurking house trespass) 477		431

(b) The appointment was created to afford relief to the existing gazetted police staff which found it difficult to cope with the increased work due to the rapid growth of Delhi. The Additional Superintendent of Police controls the police work in the headquarters office and in the City.

(c) No. The appointment has been created on a permanent basis. It will not be in the interest of the people of the Delhi Province to take any steps for the abolition of the post.

PROMOTION OF MILITARY SUB-ASSISTANT SURGEONS OF THE BENGAL ESTABLISHMENT.

883. *Sardar Sant Singh: Will the Defence Secretary be pleased to state how many Sub-Assistant Surgeons of the Bengal establishment have been promoted to Subedars with twenty years total service since 1922, and how many passed the second efficiency bar at ten years total service?

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

If none, do Government propose to consider the advisability of increasing the percentage of seniors from 10 per cent. to 20 per cent. on their total cadre including the reserve? Is it a fact that a soldier, enlisted as a recruit in the Army, can become a Subedar or a Risaldar at twenty-one years average service, and that a Sub-Assistant Surgeon of the Bengal establishment who is given the rank of warrant officer in the Army on joining the service cannot expect to attain under the existing regulations an equivalent rank at twenty-one years total service, though he joins the service at a later age as compared with a recruit (after spending four years as a military medical pupil in a Medical School)?

Mr. C. M. G. Ogilvie: No Sub-Assistant Surgeon of the Bengal establishment with 20 years total service has been promoted to the rank of Subedar since 1923.

890 Sub-Assistant Surgeons of the Bengal establishment passed the efficiency bar in the rank of Jamadar during the period 1923 to 1933. Separate figures for the Bengal establishment are not available after this date as recruitment to the Sub-Assistant Surgeon Branch of the Indian Medical Department was made on an all-India basis from 1924 onwards. The answer to the second part of the question is in the negative. As regards the last part, I refer the Honourable Member to my reply to part (b) of his starred question No. 522, dated the 1st March, 1938.

INCREASE IN THE NUMBER OF SUBEDAR-MAJORS IN THE INDIAN MEDICAL DEPARTMENT.

884. *Sardar Sant Singh: Will the Defence Secretary please state whether it is a fact that out of a total of about twenty Indian officers in a regiment, there is one Subedar-Major, about eight Subedars and eleven Jamadars, whereas out of a total of 650 Indian officers in the Sub-Assistant Surgeon's class of the Indian Medical Department there are only nine Subedar-Majors, sixty Subedars and remaining Jamadars? If so, do Government propose to increase the number of their Subedar-Majors to thirty?

Mr. C. M. G. Ogilvie: The assumption contained in the first part of the Honourable Member's question is approximately correct. As regards the second part, the answer is in the negative.

Sardar Sant Singh: With regard to the block of promotions in these posts, will the Defence Secretary consider the advisability of revising the rules?

Mr. C. M. G. Ogilvie: No, Sir. It cannot be said that there is a block of promotion. The Sub-Assistant Surgeons are mainly of the rank of Jamadar but there are very few posts in which superior responsibilities are required, which would justify an increase above the ten per cent. of higher posts now allotted to the service.

INCREASE OF PAY OF MILITARY SUB-ASSISTANT SURGEONS OF CURRENT RANKS

Sardar Sant Singh: Will the Defence Secretary please state whether it is a fact that a Sub-Assistant Surgeon as Jamadar gets more pay than a Jamadar in the cavalry, whereas he in the rank of Subedar and Subedar-Major gets pay as compared with a Risaldar and

a Risaldar-Major of the cavalry, though the former puts in more service at that stage? Do Government propose to increase the pay of the Sub-Assistant-Surgeons in these ranks?

Mr. C. M. G. Ogilvie: The assumptions contained in the first part of the Honourable Member's question are approximately correct. With regard to the second part, the answer is in the negative. It should, however, be realised that whereas the rank of Jamadar in the cavalry is normally reached after about 16 years service, in the Indian Medical Department it is normally reached after five years service.

UNSTARRED QUESTION AND ANSWER.

INCONVENIENCES OF PENSIONERS OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

29. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable the Finance Member please state whether he is aware that pension cases of the Delhi Press employees who retire from service are kept in abeyance and delayed with the result that the pensioners have to experience a good deal of troubles on account of money?

(b) If the reply to part (a) be in the affirmative, what remedy do Government propose in respect of early disposal of such cases?

The Honourable Sir James Grigg: (a) and (b). This question should have been addressed to the Honourable the Member for Labour.

Mr. President (The Honourable Sir Abdur Rahim): Notice had been received from several Members of their intention to move for the adjournment of the business of the House on the subject of the Kenya Highlands. As the matter was disposed of yesterday, the others are barred. The Chair thinks, in such cases, Honourable Members should inform the Office withdrawing their motions. That would save a few minutes of the time of the House.

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 Bill to amend the Employment of Children Act, 1938, which was passed by the Legislative Assembly at its meeting held on the 13th February, 1939, was passed by the Council of State at its meeting held on the 7th March, 1939, with the amendments shown in the enclosed statement."

The Council of State requests the concurrence of the Legislative Assembly in the amendments."

Sir, I lay on the table the Bill, as amended by the Council of State.

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

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that up to 12 Noon on Tuesday, the 7th March, 1939, the time fixed for receiving nominations for the Standing Committee for the Labour Department only three nominations were received. As the number of candidates is equal to the number of vacancies, I declare Mr. N. M. Joshi, Shrimati K. Radha Bai Subbarayan and Maulvi Muhammad Abdul Ghani to be duly elected.

THE GENERAL BUDGET—GENERAL DISCUSSION—concl'd.

FIRST STAGE—concl'd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now proceed with the general discussion of the General Budget.

Mr. M. Asaf Ali (Delhi: General): Sir, before we proceed with the general discussion of the budget, may I make a statement on one point, about the announcement made by Sir Thomas Stewart yesterday. It was made right at the end of the day, and at the time when the announcement was made I had no opportunity to consider the import of what was said. I have not the slightest doubt that after the general discussion is over, some time will be left over. But I should not like any matter which was not originally put down for the day to be taken up today, if it is not agreed to by all the sections of the House,—because I do not think it would be in order. Government have definitely given notice of certain business being taken up on a particular date and people expect and Honourable Members expect that to come up on that date. . . .

Mr. President (The Honourable Sir Abdur Rahim): That is no point of order really,—what the Government decide about their business from day to day.

Mr. M. Asaf Ali: It is very inconvenient.

Mr. President (The Honourable Sir Abdur Rahim): That is a matter between the Honourable Member and the Government. It is no point of order, strictly speaking, and the Chair cannot interfere with the arrangement of the business by the Government.

Mr. M. Asaf Ali: May I submit then as a special case that that business be not taken up today because today was set down for general discussion and no Member of the House could possibly anticipate that any other business would be transacted today.

Mr. President (The Honourable Sir Abdur Rahim): Well, the Chair cannot do that, those who have absented themselves might have anticipated that.

Mr. M. Asaf Ali: They could not possibly anticipate something which is almost unthinkable. My whole point is this. If the Government really want to readjust their business, they may do so, but if they depart from the agenda which has been already circulated, it should be done only by agreement among the various sections of the House.

Mr. President (The Honourable Sir Abdur Rahim): The Chair quite sympathises with the Honourable Member and his Party but the Honourable Member knows that it is for the Government to put down any business they like on the agenda of the day and they can change the agenda as they like. Therefore, there is no point of order and the Chair cannot possibly ask the Government to regulate their business in a particular way having regard to the convenience of any particular Party; but, undoubtedly, the Government will consider, in circumstances like these, what Bills they will put forward or not if the discussion is finished today. The Chair thinks it is for the Honourable Member to negotiate with the Government.

The House will now resume the general discussion of the Budget.

Mr. Brojendra Narayan Chaudhury (Surma Valley cum Shillong: Non-Muhammadan): Mr. President, the Honourable the Finance Member has earned the praise of the *London Times* which was cabled in these words:

"When the new Constitution was being elaborated in Westminster it was frequently asserted that finance would be the rock on which the Reforms would perish. For this reason the financial aspects of the constitution have been given political prominence which have tended to dramatise the Finance Member's achievement in surmounting the difficulties confronting him. Whatever the future may hold—and some provincial Ministries are already jeopardising finances for the sake of fulfilling political pledges—the fact remains that the Reforms have been placed on a firm foundation at the Centre mainly through Sir James Grigg's skill and sagacity."

Sir, the *London Times*, which represents the interests of London and Lancashire, might well offer its eulogy to the Finance Member, because this Budget of the Government of India is, and must be, entirely subservient to the interests of London and Lancashire; and I frankly admit that this is not illogical, because the British nation hold India for their own benefit. Therefore, I will not blame the Honourable the Finance Member for presenting the Budget that he has presented to us. I shall only criticise the system for which he stands, and of which his Budget is the outcome.

Sir, the *London Times* is glad that our finances are stable. On the whole, Sir, I admit that they are stable—because a difference of two crores and a fraction thereof in a Budget with a revenue of about eighty crores does not matter much. Now, it is in the interest of London and Lancashire to see that there are no large changes in the system of the financial budget of the Indian Government. Sir, if there are to be any large changes in the interest of this country, because the budget policy of Government, particularly the Central Government, does affect the industry and the agriculture of the country in a large way, then they must be towards developing the industries of this country against the interests of Lancashire. But, Sir, I would like to ask those who have wholeheartedly accepted the new Constitution and propose to accept and work the coming Federation whether their bargain is merely for stable finances with no

[Mr. Brojendra Narayan Chaudhury.]

progress whatsoever in any other direction. That is the ideal of the Honourable Member. I ask Indians, who are in this House, whether that is their ideal also. If not, if they want progress, they must beware of this.

Sir, we have been discussing these two days about the fall in customs revenue. Now, what do customs revenues indicate? Customs revenues do not necessarily indicate the prosperity of the country; they merely indicate the volume of international trade. India has got nature's gift, and it is a big country and is capable of producing any kind of raw material that we may require. So the policy for India should be something else. Sir, the country is not naturally poor. Poor are the people, and the Government want to keep the people poor. India has got natural resources. It is a big country, and its policy should be towards self-sufficiency and not towards the development of the international trade. So the Indian Finance Member's policy should be to see that these customs are replaced by internal excises. But in order to get internal excises, he must try to develop industries.

The Honourable Sir James Grigg (Finance Member): They kick up a row if we put excises on sugar.

Mr. Brojendra Narayan Chaudhury: What about the cotton industry? As a "parting kick"—and these are not my own words, they are the words of Acharya P. C. Ray—we know him better thus than as Sir P. C. Ray, the world-renowned chemist and the man who has made the Bengali people industrially minded, and this is what he said about the proposed increase in the duty on raw cotton:

"The imports of foreign piece-goods into Bengal increased enormously in 1938 in comparison with the previous year and the Bengal mills had considerable difficulty in marketing their own products."

Now, Sir, it may not be generally known in this House that the Bengal mills produce the finer cloth which are such a necessity in the damp, hot climate of Bengal. They only produce the finer cloth and these mills are fed mostly by the imported long staple cotton:

"The price of parity of imported cotton is practically the same at different centres of the cotton textile industry in India, while in the case of Indian cotton that is not so owing to the discriminatory freight policy of the Indian Railways. It is due to this fact that the Bengal mills find it worth while to use imported cotton in huge quantities and to specialise in the production of finer goods. The Bombay mills, on the other hand, owing to their proximity to cotton producing districts, tend to confine their production to coarser goods and are even willing to share the market for finer goods with Lancashire."

Then, he says that this is the parting kick of the Honourable the Finance Member in these words:

"The imposition will largely offset the advantages of protection and Bengal will be the hardest hit. . . . I confidently hope that the entire population of Bengal will rise as one man in their protest against this sinister proposal which must be styled as a parting kick from Sir James Grigg."

The Bengal Millowners' Association as well as the Federated Chambers of Commerce have voiced the same feelings. This is one of several instances in which the interests of Lancashire occupy a predominant place. In his opening speech, the Honourable the Finance Member said that he has chosen cotton simply because it is one of the few items in our customs revenue which seems to be growing, and so an additional tariff might not contract the revenue. He further said that he had no particular

intention of benefiting the cotton growers or anything of that kind. That is clear from his speech. It is simply a revenue duty. But I contend that it was his duty to see whether this revenue duty was going to hit hard anybody. Even now he can save the situation by imposing a countervailing import duty on piece-goods. This is my earnest request to him if he is prepared to make any changes. It has been the consistent complaint from this side of the House that the Government of India Budget saves the rich at the expense of the poor. I believe it is about 10 years ago that a Bombay Economist wrote a series of articles in the *Young India* to prove by figures that about 60 per cent. of taxes of this country come from the poor and only 40 per cent. from the rich, whereas the proportion is just the reverse in England.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has one minute more to conclude his speech.

Mr. Brojendra Narayan Chaudhury: Sir, the Honourable the Finance Member is not doing anything to protect the indigenous salt industry of Bengal from the onslaught of the foreign salt. We have put questions in this House asking him whether he knows that salt is being sold in Bengal at a price which is lower than the price at which it should be produced in Bengal. His reply was that he knows nothing of the kind. When a supplementary question was asked, he said that he had no *locus standi*. I cannot understand that and it has come to me as a great surprise. Was it real or feint?

Mr. A. Aikman (Bengal: European): Mr. President, in the course of his speech, my Honourable friend, the Finance Member, paid a tribute to the work of his predecessor. I was glad to hear this tribute paid to Sir George Schuster because I believe that his work during a particularly trying and difficult period of office has not perhaps received all the credit that it deserved. It is indeed true, as my Honourable friend, Sir James Grigg, has said, that his predecessor laid those foundations on which the financial structure necessary for the successful inauguration of Provincial Autonomy has been built. I say this without meaning in any way to detract from the credit due to my Honourable friend, the Finance Member, for all he has accomplished during his five years of office. During these last five years the task of the Finance Member of the Government of India has been first and foremost to ensure the introduction of the new scheme of reform on a sound financial basis. The goal as set out in my Honourable friend's first budget has been achieved and I congratulate him wholeheartedly upon that achievement. Sound finance is fundamental to the good government of any country, but it is of particular importance to a huge country, such as this, which has revenues that are all too scanty for the requirements of the people.

At this time too, when we are in the middle of a process of the transfer of control of Government from the Agents of Parliament to Ministers already responsible in the Provincial sphere to Legislatures elected by the people and, shortly, to be similarly responsible at the Centre, a balanced Central budget is of more than usual importance. On this occasion my Honourable friend has had no alternative but to impose some new taxation, but, even so, it must in fairness be placed to his credit that on balance he has slightly reduced taxation during his five years of office. When it is remembered that he has done this in spite of having

[Mr. A. Aikman.]

made considerable subventions to various Provincial Governments, in spite of having handed over 62½ per cent. of the proceeds of the Jute Export duties, in spite of having been deprived of other revenue by reason of the separation of Burma, and in spite also of having had to finance prolonged operations in Waziristan, the achievement is all the more noteworthy.

When he spoke of Customs Revenue, my Honourable friend seemed to take the view that the outlook is somewhat better than had seemed possible a month or two ago. I am inclined to agree, but it remains the view of my Group that the revenue position under this head cannot be said to be really sound so long as the emergency surcharges on import duties remain. This is a point of view that has been pressed by my Group on more than one occasion. Customs Revenue forms the largest single source of Central taxation and it seems to us that the tendency must be for revenue under this head to show little improvement, if indeed it does not show a positive decline due to the fact that many revenue duties have today reached the level where the law of diminishing return tends to operate. I need hardly say, of course, that I am not here speaking of protective duties imposed for the encouragement of important indigenous industries. I am speaking solely of the duties that are imposed for purposes of revenue and which fall for the most part as a direct burden on very much the same classes as contribute the great bulk of Central taxation and a very substantial proportion of Provincial taxation. From whatever angle this problem may be viewed, it must, I think, be recognised that the margin of taxable capacity today is dangerously small. At this point, Sir, I should like to refer briefly to the complementary aspect of Central and Provincial taxation.

As I understand the scheme of Provincial Autonomy and the financial aspect of the Federal scheme outlined in the Government of India Act, 1935, the separation of Central and Provincial tax sources, though designed to give all reasonable latitude to Provincial Governments, was not intended to permit of the Central and Provincial Governments each going their own sweet ways. In the last resort both are putting their hands, one might say, into substantially the same till. It is in fact obvious that unless a nice balance is maintained between the finance policies of Central and Provincial Governments, serious consequences must ensue. Taxation will increase with its consequent added burden to industry, trade and agriculture. In every Federation, at some time or other, a similar problem has presented itself and has, in some cases, led to disastrous results. The most recent as well as the most significant example is perhaps that of Australia, but anyone with even a slight knowledge of American conditions can also learn a lesson from that country.

Closely related to the matter I have just dealt with—one might almost say in fact, rising from it—is the danger of encroachment—or shall I say overlapping—by Provincial Governments on the field of Central taxation. My Honourable friend himself referred to this when he made reference to the recent opinion of the Federal Court. But, Sir, this is not the only example. We have a much more glaring one in the proposals now before the Legislature of an important Province. It is not, of course, for me to comment upon these proposals, nor do I intend to do so. Leaving

aside altogether the legal conflict between Central and Provincial Governments that arises at once in a case of this kind and which, of course, is a matter for the Federal Court to resolve, there is the very real danger both to the financial structure of the Federation as a whole and to industrial and commercial development.

This House has constantly pressed upon the Government of India the importance of the industrial development of India and I have no doubt that from this point of view, if for no other reason, Honourable Members will keep a jealous watch both now and in the future of any threat of encroachment upon the field of Central taxation. I have no doubt too that Provincial Governments which are pursuing a policy of financial rectitude will equally jealously watch encroachments by their more profligate neighbours on the Central Revenues. It is indeed obvious that if this tendency is not promptly checked and actively resisted the ultimate result must be to place the Central Government in a position in which it will be unable to continue the contributions now being made to Provincial Governments. The most obvious case, of course, is that of Income-tax. If this important source of Central taxation is to be attacked in the manner now threatened, the result must be to jeopardise the share in this tax that now goes to the Provinces. It can be argued and in fact has been argued in some quarters, that a very good case could have been made out for a reduction in tax rather than for the continuance of existing rates with a view to maintain subventions to the Provinces. The Government of India has chosen a different course and has retained the existing rates to enable them to distribute part of the proceeds to the Provinces at the expense of the already sorely burdened taxpayer.

I suggest, however, that opposition to encroachment on the Central field is not of itself enough. The Government of India have also got a constructive part to play and it is to be hoped that in future we shall see more frequent conferences between the Central and Provincial Finance Ministers. This, however, is clearly a matter for my Honourable friend's successor, and I have no doubt that already this question is engaging the attention of Government.

This brings me to my Honourable friend's proposals in regard to new taxation. He proposes to double the duty on the imports of raw cotton. He also proposes so to amend the Sugar Excise Duty Act, 1934, as to ensure that the excise on Khandasari sugar manufactured in factories pays an excise on a more equitable basis than has been the case hitherto. We shall deal fully with our attitude towards these proposals as also our attitude towards the new rates of income and super-tax at a later stage when the Finance Bill comes up for consideration.

There are various features of expenditure in the Defence Services with which we cannot help but express our dissatisfaction although we recognise them to have been dictated by financial requirements. It appears to us that the net increase of Rs. 1 crore in the estimates under this head for 1938-39 was only kept so low at the expense of much needed and long-overdue reorganisation and re-equipment.

Then, when we turn to the Budget Estimate for this head of expenditure, we find that it has been possible to keep the figure so low as Rs. 48.15 lakhs, only by taking into consideration the receipt of the addition of 4,500,000 to the Garran contribution, and by drawing on Military Sinking Funds to the extent of nearly one crore of which Rs. 49 lakhs has been used for purposes other than those for which they were set up.

[Mr. A. Aikman.]

Nor can we hear with equanimity my Honourable friend's statement that the sums allocated to the Defence Services have been determined by financial exigencies and have not corresponded with military necessities or the international situation. On the other hand, if we are asked to suggest a remedy for this situation, we find ourselves expressing the same hope as that expressed by my Honourable friend, namely, that the decisions of His Majesty's Government on the Report of the Chatfield Committee will result in further substantial sums becoming available. Whilst unable to agree with these critics who consider that the present level of expenditure on the Defence Services is too high we are strongly of the opinion that India cannot afford more than she is at present spending.

If, however, the prophecies of some of the critics of this budget are correct and a large surplus arises, I trust it will be utilized in making up some of the deficiencies in Defence Services due to the exigencies of the financial position. No comment on the year's operations would be complete without a reference to the advantage which has accrued to the country's finance as a result of the successful issue of the new three per cent. 1933-35 stock at 98 which enable much of the expensive 1933-40 and 1939-40 loans to be repaid. It is to be hoped that this very comfortable ways and means position will be maintained and that a further saving in interest charges will be possible by the replacement of the five per cent. 1939-40 loan by an issue at advantageous rates.

Finally, I come to my Honourable friend's analysis of the trade situation, namely, that the present depression will not be so prolonged as the last and should, in the ordinary course, give way to a general trade revival. I sincerely hope that this analysis is correct and I agree that there are signs pointing in this direction. The economic outlook, however, must, to a very large extent, depend on political factors and, as my Honourable friend observed, these present many menacing features both in India and elsewhere. Therefore, whilst supporting his appeal for reconciliation—and I heartily endorse his avoidance of the word appeasement—I would add that the menacing features of the political outlook present the strongest reason why unceasing efforts should be made by the Government of India to place their finances on such a basis as would leave more room than at present exists for expansion in cases of emergency.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum*. Orissa Muhammadan): Sir, I must confess that the budget, in the circumstances, is probably the most practical of its kind. The Congress Group styled it as featureless and dull and as one which does not reveal financial position very well. By no means it is an ideal budget. But probably it does not lie in the mouth of the Congress Group to assert it as "a parting kick" as one Honourable Member used that phrase just now. Is anybody being hit by it? A few years' experience in the provinces have taught us bitter lessons of what the Congress financiers were doing. They have done nothing except imposing direct and indirect taxes in the provinces. Speaking of Bihar, I know that they have introduced agricultural income-tax and a few other taxes are being contemplated, and some are pending the decision of the Federal Court regarding the rights and limits of the provinces to encroach upon the Central Revenues in the matter of taxation. We had big expectations about the provincial budgets after the introduction of Provincial Autonomy. It was claimed times

without number by the Congress Party, that our nationals will give relief to the people in the matter of taxation but a few years' experiences have taught us to expect only a few more items of taxation in addition to what we already had.

Sir, I will not indulge in congratulations to Sir James Grigg on the eve of his departure but I can certainly say without fear of any substantial contradiction that if a stock-taking is done of the five years of Sir James Grigg's regime it will reveal that he has handled the finances of this country with accuracy, strength and expert experience. As Sir Ziauddin said yesterday, the taxes imposed by Sir George Schuster were far greater in volume than what Sir James Grigg did, in spite of the fact that Sir James Grigg did not have quite a nice time. The financial crisis was there and trade conditions were bad enough and showed no such improvement as would enable him to give some relief to the country. The Congress Party has indulged in criticism but perhaps they never produced a parallel budget to give the Finance Member and the country a right lead. I agree that there should be lesser taxation and greater relief to the people and from that point of view we would have liked to see certain things in the budget like the half-anna or quarter-anna postcard, etc. If this has not been possible I would not blame the Finance Member only but would attribute same also to certain conditions of trade which gave him no chance to meet the demands of the people.

Sir, there have been a lot of comments on the Income-tax Act and I was one of those who made comments on the different features of the Income-tax Bill. But there can be no doubt that the slab system and the carry-forward of losses are very great features which have done and will do great good to the assesses. The Finance Member's system of excise duties on industries have never been so high as to cripple the industries, and I think the proposal to tax foreign cotton will surely improve the position of Indian cotton agriculture. We have been crying for quotas for selling our cotton to Japan, Manchester and other parts of Europe, and why should the Indian mills be allowed to import foreign cotton for making fine or finer cloths? Why should not they adjust themselves to the conditions of this country and the requirements of the agriculturists? It is a tragedy that compulsory nationalism has to be taught to them and they are to be compelled to use Indian cotton as against foreign cotton. I wish the Finance Member had put even bigger duty on foreign cotton or prohibited their import altogether so that compulsory nationalism would have been revealed in a greater degree. These mills have not been working on national lines and they have been more of the nature of personal enterprises of a few individuals than national undertakings.

Now, Sir, I do not know whether I shall be in order but I want to point out that with regard to appointments in the services Muslims feel that they should be under a central board. In the Finance Department of the Government of India, the appointments from the Muslim point of view have not been satisfactory. I have not got figures now for this Department, but I will give them when I speak on the cut motion which my Party proposes to move on general paucity of Muslims in Services under the Central Government. Speaking generally on the budget, I think it will do good to the people and it has been the best possible in the circumstances. As regards suggestions I will make them at the time of the cut motions so that the Finance Member's successor may at least give some suggestive value when preparing the next budget.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, I readily join with other Honourable Members who have offered their tribute of praise and congratulations to the Honourable the Finance Member for the budget that he has presented to the House. To have accomplished this with a surplus, he hopes to get, of about five lakhs is, to say the least, very creditable indeed. I was talking to some one the other day and he said that it was a very light budget. I did not quite understand his reference to the lightness of a budget. So I replied, "Brains are a very heavy commodity and are usually very heavily taxed". He said, "Quite so but not so when brains are replaced by cotton." Sir, this cotton taxation has been the saviour of the Finance Member this year and I must say that in doing so he has apparently pleased the majority of Members of this House. The Finance Member has taken great credit for the economies he has effected in the reduction of the civil estimates of a crore and 18 lakhs. It will be very interesting indeed to know from the Finance Member in what way the staff have suffered in the accomplishment of this economy. Economy and efficiency I know are very strange bed-fellows and it often happens that economy is achieved at the expense of efficiency. And when one looks about, as I do in my public life, on those who are the tillers of the soil and those employees who work long beyond office hours, I feel sure that this saving has been effected by the sweated labour of a reduced staff, on reduced salaries—a staff that really is responsible for the upkeep of the administration of this Government.

Sir, it is truly tragic when one reflects on the amount of work these subordinates have today to perform, the poignancy of which situation is accentuated when one realises pauper's wages offered to them. Instead of reducing one should at once increase these wages. In England wages have gone up, while in this country cheap traffic is being made of the poverty of India at the expense of the workmen and to be able to balance the Budget. Workmen are expected to accept jobs on salaries that can hardly keep body and soul together. And of this saving of the greater part of this Rs. 118 lakhs has been obtained by cutting down the salaries of subordinates. To say the least of it, it is unworthy of any Government. I know that there are some departments that are very heavily worked and under-paid—like the postal department. I think my Honourable friend, the Director General of Posts and Telegraphs, sitting over there, will bear me out when I say that if there is one subordinate who stays behind in the office beyond office working hours, it is the post office clerk. To finish their daily task they have to sweat and sweat long after other offices are closed—and receive pauper's wages. I call this sweated efficiency and dishonest economy. I know that economy is the order of the day in the Government of India but it can be carried too far and I think the Government of India is carrying it too far today. They are trying to make up for their financial profligacy of the past and the man who suffers today is the worker. I would earnestly and sincerely request the Honourable Member to put a stop to this riot of balancing his annual budgets and not to take such pride as he evinces in how he accomplishes such economies. In his speech he admits he accomplished it by (1) ruthless excise-ment of all new schemes, (2) by restricting officiating promotions and the recruitment of outsiders (although railways are recruiting 80 to 40 per cent. of outsiders, (3) by a cut of ten per cent. in travelling allowances and contingencies, and (4) by retaining not more than the minimum staff required. This action has been taken with a view to effecting an economy of Rs. 118 lakhs, but who suffers? The workman, not the Heads of the

Departments and certainly not the Finance Member. I repeat the workman suffers and in the name of the workman I offer the very strongest protest against what is being done because I know that as a result of this sweated labour the health of the workman is suffering today: they are being slave driven to perform their work and more work than before with reduced staffs and pauper's wages; particularly is this the case in the railways and in the posts and telegraphs.

There is another important matter to which I wish to refer—I do not know who will answer on behalf of Government—and it is this: what precautions are being taken against the importation of yellow fever into India? There is a constant danger of this dread disease being introduced into this country. I know certain measures are being taken, but I wonder whether those measures are adequate. The dangers are increasing year by year and I want to draw the Honourable Member's attention to this and to expedite measures.

I now come to what I consider to be the most important part of the budget outside cotton, and that is the Defence Department. We are all awaiting with interest the report of the Chatfield Committee which, I believe, has been presented and is being considered both by His Majesty's Government and the Government of India. Sir, I am not one of those who believes that the time has come when the army in India should be reduced by a single British or Indian man or a single weapon. I think the times are too troublesome for any reduction of the Army to be effected. But one would like to know, with less secrecy, what is being done for the creation of an Indian Air Force and the air defence of this country. Our Ambit of Exposure by land and sea to foreign aggression is getting narrower and narrower every year which, in turn, demands greater measure of defence. The Government of India, in their chase to balance their budgets, are putting off year after year what should have been done long ago, i.e., the formation of an Indian Air Force for India and an adequate Naval Defence Force; it is no use blinking our eyes to this fact, this national blunder, this state of utter unpreparedness and it is no excuse to postpone the day by saying that the creation of an air force is far too costly and that each student will cost us about £4,000—I believe that this House will, irrespective of this high cost, readily grant any amount for starting an air force in this country and I think the same remark would apply to the navy. I ask, has anything been done at all to encourage gliding? I have a keen supporter of gliding sitting next to me—I believe he has recently been honoured with the "order of the sky terriers". The increase of the Indian Navy also deserves the very serious consideration of the Army Department. I know attempts are being made, every year, to increase the Indian personnel, but it is being done very slowly. If England is going to honour her promise which she made to India in the Defence Sub-Committee of which I was a member, at the first Round Table Conference, I think it is time that she made a beginning now and not put it off, year after year, except in dribbles. I think we should be given the nucleus of an Indian Air Force and a bigger navy more as has so often been demanded by this Legislature, but based, of course, on efficiency.

There are certain other points in the Defence Department with which I wish to deal. It is a hardy annual with me, but it like truth bears annual reiteration. My criticisms are, I consider to be, an undeniable

[Lieut.-Colonel Sir Henry Gidney.]

measure of economy. I refer the Military medical services. Tremendous economies can be effected in the Army Medical Department if the Assembly were prepared to look it in the light of present day demands. Let me take the official cadre of Royal Army Medical Corps. This corps consists mainly of Majors and Lieut.-Colonels with a sprinkling of Captains and Lieutenants. The reason given is that Government cannot get young medical officers to come out to this country. In any case I ask: why should the taxpayer of this country be made to pay the high salaries of these Majors for work that can and should be done by Captains and Lieutenants? That is a matter that should be inquired into. If you cannot get men from England, why should you not recruit in India itself? There is no use denying the fact that this expenditure can and should be avoided. There is another point: I refer to the R. A. M. C. (Ranks). I have frequently brought up this point. These R. A. M. C. (Ranks) are soldiers who are trained as male nurses. I ask why do you want soldiers trained as male nurses when you entertain a large and very efficient body of trained lady nurses recruited from England and give them salaries four and five times what they would and do get in England? These English trained Army nurses come here on a salary of £300 a year, while the highest salary they get in England is probably from £60 to the most £100 a year. It is all very well to say that you must have British nurses for British soldiers, that the British Army comes to this country under certain terms of contract entered into by the Government of India with the War Office in England. British medical officers or medical men registered in the United Kingdom are an admitted demand, but I have never seen nor heard of any term in this contract to the effect that you must provide the British Army in India with white British nurses to give white (Indian) milk to a white British soldier. This is not only utter folly but ridiculous and I say that with all seriousness. It is no use denying the fact that in this country we have good nursing material but you will not give them proper pay. You treat lady nurses, trained in India, as inferiors. Why? I say we have in this country nurses who are very well qualified to do this work and I would again earnestly appeal to the Secretary, Defence Department, to give these nurses a trial.

I now come to the Indian Medical Service. This House remembers how a little while ago it was almost stunned by the recent reorganization of the Indian Medical Service as far as the Civil Medical Department was concerned. I will not refer in detail to this just now, it can be better dealt with in the Finance Bill. Bad as this was I understand it will soon be made worse. The Indian Medical Service in India on the 1st April, 1938, contained 115 Indians in Civil employment: the new order I hear is reducing this number to 54. My figures are open to correction. If this should happen the decrease will be 61. The number of British I. M. S. officers in Civil employment at the same date was 166 in India and 30 in Burma. The British officer who comes out in the I. M. S. receives a higher pay mainly by being given the Lee concessions, or as we have come to call it in this country "the Lee Loot".

Now, Sir, these British officers come to India for a certain time, they have the option of leaving the service after a few years when they are given a gratuity which enables them to purchase a decent practice in England, but no such thing is given to Indian officers of the I. M. S. Not

only that, Sir, there are other marked differences in the treatment given to British Officers and Indian officers in the I. M. S. The reservation of all important civil stations in this country to British I. M. S. officers is what I consider to be not only an insult to India, but an insult to the intelligence of every Member of this House, and I speak with great feeling on this matter having once had the honour of belonging to the I. M. S. I remember, in my service days, all the fat (lucrative) jobs were given to those who came out from England and those who were recruited in this country were relegated to the villages or smaller civil surgeoncies. Today it is practically the same. Is this justice? Is this difference in jobs between the sheep and the goats, between the Britisher and the Indian and Anglo-Indian to be found in any other Department in the Government of India, indeed, in the British Empire? Certainly not. Why in India only? When a man is sick, he does not want to know the colour of the skin of the doctor who is treating him or whether he is British or Indian; he wants to know what is in the head of that doctor, the quality of his brains where, thank God, no colour distinction exists. He judges the doctor according to his skill and experience. He cares not if his skin is white, brown or black. None will deny that there are just as able and efficient medical men in India as in England. Efficiency is not the perquisite of any man whether he is from England or from India—whether he be bald or pie-bald, nor is the colour of his skin the criterion of a doctor's efficiency.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got only one minute more.

Lieut.-Colonel Sir Henry Gidney: These are points to which I should like the Defence Department to give their immediate attention. If time permitted I should like to say something about the newly created Sandhurst Committee as also the Board of Central Revenue and its anti-smuggling activities in South India, etc., but I must defer these matters to the Finance Bill.

Sir, I cannot conclude my remarks without observing that in these general discussions it is very unfortunate that the Honourable the Finance Member alone replies, because, however able, however clever, he may be in balancing his figures—of course, I don't mean his own figure. He cannot be expected to know about or to reply to all the points we discuss. I, therefore, opine other Members, more conversant with these points, should be allowed to reply, otherwise, our criticisms are rendered useless and fall on deaf ears. Sir, I now desire to say a word or two about McCluskigunj, the Anglo-Indian Colony and my request for financial help.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Lieut.-Colonel Sir Henry Gidney: I have finished, Sir.

Mr. D. K. Lahiri Chaudhury (Bengal Landholders): **Mr. President,** I am not one of those who frequently stand up on the floor of the House, partly because I feel that speeches made in this House are abortive, and partly also because no serious consideration is given to our views expressed on this side of the House, however cogent or reasonable the arguments may be. But today I rise to speak, because I feel that this is perhaps the last occasion when we can meet the Honourable the Finance Member in this

[Mr. D. K. Lahiri Chaudhury.]

House as he has presented his last budget, but I may say that he is leaving behind him a very bad legacy to his successor. Sir, it has been said, times without number on the floor of the House, that economy should be practised to the utmost extent possible and that taxation should also be reduced considerably, but so far none of these demands have been met by the Treasury Benches. So far as this year is concerned, we are considerably handicapped by the fact that in the current year's budget nearly 50 per cent. or more of the revenue is reserved as non-votable, and there is hardly any scope for us to ask the Government to enforce economy. This is a fact well-known to every one of us, but still we venture to express our opinion in the hope that our constant hammering on certain points might, some day, bring some good results, but so far the Treasury Benches have been completely callous to the demands made from this side of the House, because, Sir, if you take into account the number of suggestions made from this side and if you also take into account the sum total of the results achieved so far, you will find that they have done little or nothing to give effect to our suggestions or Resolutions which were unanimously passed by this House.

Now, Sir, a few days ago, I heard a rumour, and certainly it reached me from a source on which I could safely rely, to the effect that there has been some jugglery with the figures in the Finance Department, with the result that some serious blunders and mistakes have been made in the framing of the current year's budget, and that because of these mistakes in the budget the deficit has resulted in the current year's budget. I tried to find out the source of this rumour, but I did not succeed in getting it. However, I got a newspaper cutting which, unfortunately, is not in my possession just now. . . .

The Honourable Sir James Grigg: The Honourable Member is perhaps talking about what appeared in a certain newspaper. That ridiculous story has been denied over and over again, and he need not bother about repeating it.

Mr. D. K. Lahiri Chaudhury: I do not think the Finance Department has taken any objection to the article which appeared in a Lahore paper.

The Honourable Sir James Grigg: It has been publicly contradicted.

Mr. D. K. Lahiri Chaudhury: May I ask you, Sir, when it was publicly contradicted?

The Honourable Sir James Grigg: I will look it up if the Honourable Member wants to know it.

Mr. D. K. Lahiri Chaudhury: I shall be only too glad to get that contradiction if I can get it. But, however, the fact remains that there is a very big deficit in the Customs Department, and in his explanatory memorandum the Honourable the Finance Member has confirmed it. The Honourable the Finance Member also said in his opening speech that it is very difficult to make a prophecy on Indian

The Honourable Sir James Grigg: It is difficult to prophesy, but I can assure the Honourable Member that the Finance Department do not make a habit of sticking on unnecessary noughts.

Mr. D. K. Lahiri Chaudhury: Why can't the Finance Department make a proper prophecy regarding the true budgetary position? If the Finance Member cannot make a correct estimate of the revenue and expenditure for the coming year, it shows that he is not sure in his own mind about the exact position. May I know, Sir, why there has been such a tremendous fall in the customs? Evidently, the Honourable the Finance Member has not gone to the root of the matter. He has merely given a list of the items under which there has been a heavy fall in revenue. Not only that, Sir, but I feel that there has been some under-estimating in the revenue in respect of the Post and Telegraph Department, but I shall come to it later. I cannot understand why there has been such a big fall in the revenues of the Post and Telegraph Department. Over and above this, Sir, the Honourable the Finance Member has increased the military budget by about a crore of rupees. Is it not possible to reduce this amount of military expenditure to a much smaller figure? I think if Government really are bent upon economy, they can certainly find out ways and means for doing it. Every time when there is a deficit in the budget, there is also fresh taxation imposed in order to get the budget balanced. Sir, I submit it is absolutely a wrong way of dealing with the budget. This is not a matter for laughing, because if you want a balanced Budget in this country, you must adopt certain definite principles. Not very long ago, Sir, I remember when the currency question was taken up on this side of the House, the Honourable Member said that we were monkeying with the ratio. Sir, I well remember that in the year 1927 when the ratio controversy was going on on the floor of this House it was clearly pointed out by non-official Members that by adopting the policy which Government have adopted, in this ratio question, the Indian exchequer would be made bankrupt, but no attention has been paid to our criticisms, and I think, Sir, that a thorough overhauling is required so as to make the financial position quite stable and sound.

Now, Sir, I come to the Post and Telegraph Department. This year, the budget in respect of this Department has been presented in such a way that the figures look very illusive. For instance, as I have already mentioned, the surplus on the postal side is only one lakh. But I can say this that this is a wrong calculation for I learn that the Empire air mail rate is so low that the deficit is really due to it. I have got the figures here and I shall give them. As regards the financial position of the Department, it appears to me that the introduction of Empire Mail has taxed the funds of the Department to a great extent. In the year under review, a sum of Rs. 7,27,000 has been provided in the budget as contribution for Empire Air Mail Scheme, against Rs. 61,275 in the year 1937-38. Had not this fund been provided in the budget, the profit of the department would have come to the extent of nearly seven lakhs, if not more. It is a glaring fact that to send by air mail within India it takes three annas 6 pies whereas, if you send a letter by air mail to England, the rate is two annas six pies against 7 annas 6 pies originally introduced. If you want to send by air mail from here to Burma it is more expensive than if you send from here to England. A short while ago my Honourable friend, Mr. Brijendra Narayan Chaudhury, said that the budget is laid down not in the interests of this country but in those of the British people. He is correct when he said that.

[Mr. D. K. Lahiri Chaudhury.]

One thing has to be remembered that the postal rates between England and India is divided fifty fifty. But the parcels which are received from England—the British exchequer does not derive any benefit from it. In the matter of postal stamps the income is divided fifty fifty.

Mr. G. V. Bewoor (Director General, Posts and Telegraphs): That is not so. Each country keeps the postage on its own letters.

Mr. D. K. Lahiri Chaudhury: It is true, but what about the income? So far as my information goes,—speaking subject to correction—the income which is derived out of postal stamps in India which are sent to England.

An Honourable Member: It is kept here.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more to finish his speech.

Mr. D. K. Lahiri Chaudhury: The stamps which are sent from England—is not the figure fifty fifty?

Mr. G. V. Bewoor: It is kept in England.

Mr. D. K. Lahiri Chaudhury: What about parcels?

Mr. G. V. Bewoor: Parcel postage is shared between the different countries.

Mr. D. K. Lahiri Chaudhury: And what is the share of India?

Mr. G. V. Bewoor: It varies according to the weight.

Mr. D. K. Lahiri Chaudhury: I take the Honourable Member's statement to be correct at the present moment, but I will prove on another occasion that there is certainly some difference in the postal stamps and parcels. It is a matter for consideration that the air mail rates should be increased to balance the postal budget because there you have actually a loss and that loss can be made up by increasing the air mail rate. Another point is that the Government of India used to give subsidies to the P. and O. Company for carrying the mails, but though the amount of mails has been reduced to a considerable extent, still the subsidy is the same. The Honourable Member must reduce the subsidy given to the P. and O., in view of the fact that the mails that they carry are very much less in amount. Sir, I have done.

Mr. President (The Honourable Sir Abdur Rahim): Before the Chair calls upon the next speaker to address the House, the Chair desires to mention that its attention has been drawn to the fact that the last speaker was not addressing the House from his seat. If the Chair was then conscious of that, the Chair would not have called on him to speak at all.

Mr. D. K. Lahiri Chaudhury: May I submit that on many occasions you have allowed some Members to come to the front Benches to address the House?

Mr. President (The Honourable Sir Abdur Rahim): If that was so, the Chair is not aware of the fact. The Chair pointed this out only the other day.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): This is the last budget of the Finance Member and it is, I think, very unkind, when we know that he is going to leave us very soon, to say any ungracious words about him and not to give him the credit which is his due, at least on this occasion. He has said that he was not going to review his work of the past four years and he has mostly concerned himself with his present budget. I think we should confine ourselves also to this year's budget and judge impartially what he has done. I feel that my Honourable friend deserves the congratulations of this House for placing before us a budget which is very, very satisfactory, and which does not propose any new taxation of the kind which would be resented by popular sentiment or which would be against the interests of India. The little change which he has brought about in the customs duty on cotton, will, instead of going against the interests of India, help India to the greatest extent. I do not agree with those Honourable Members who say that it is entirely in the interests of Lancashire or will operate against the interests of India. It may help Lancashire, but we should not grudge it. Because some other persons also may benefit by a duty by which we are going to be benefited, it does not mean that we should not allow India to benefit by the duty that is proposed to be imposed. That would be acting in the spirit of the worst kind of miser. There has been a movement for a very long time that Indian khaddar or goods made in India should be used. The necessary corollary is that they should be made of material which is grown in India. If the mills make their goods out of cotton which is imported from outside, then I do not see what is the difference between Lancashire and the mills which manufacture those goods here.

An Honourable Member: What about labour?

Sir Muhammad Yamin Khan: At least I would prefer to purchase the cheapest ones. My Honourable friend has interjected what about labour? Certainly labour will be benefited to a certain extent. But what about the consumer who is losing? At the expense of the poor consumer, the poor labourer is to gain, so, that is nothing, no gain. The poor consumer will gain to some extent by purchasing a cloth which is cheaper, if that cloth and the cloth which is made in India are made from material which is grown outside India, and he would be perfectly justified in doing so. I want that the cotton grown in this country should be helped to such an extent that even the most unpatriotic millowners who shout the loudest be forced to use only the cotton grown in India. I think these people do not have the interest of the Indian consumers. Their only idea is to fill their own pockets and they do not deserve any sympathy from this House. I welcome this duty. It will help the poor consumer, because he will have to pay the same thing in spite of this rise in customs duty, as he is accustomed to pay on account of the competition and the big mill owners will lose a little bit more which they used to spend on their luxury. India's gain or loss is not to be counted in this way. The only gain will be that an impetus will be given to the cotton grower in India to grow more cotton and to grow more long-staple cotton. Therefore, every well-wisher of India, excluding those who talk in the name of India but who have really their own interests in mind, will welcome this duty.

[Sir Muhammad Yamin Khan.]

It is a matter for great satisfaction that the Honourable the Finance Member has reduced the duty on the *Khandsari* sugar. That was the point that was taken up by us when this duty was introduced that it will hit hard the manufacturers of this kind of sugar and will not bring so much benefit to the exchequer as was contemplated at that time and I am glad that the figures have shown and have justified what we placed before the Finance Member at that time and I must congratulate him on the fact that he has seen fit to reduce this duty in the interests of the petty manufacturers of this kind of sugar in such a way, that it may bring encouragement to those dealers and not bring them into competition with the mill made sugar. These two features are very important and cannot be ignored.

The next feature is the slab system of income-tax. We have had many talks about it and I do not think I would be justified at this stage to go on enumerating that the slab system will bring great relief to the poor income-tax payers and those drawing higher incomes will be hit a little more. I do not think that it will be the position that they cannot meet the extra burdens which they are asked to shoulder. Now, Sir, the Government of India gives help to the different provinces from the income which is really derived from Central sources and if we give this additional income to the Provincial Governments, they must act properly and they should not get that money if they are not acting properly. I do not want to criticise their actions in detail. It would not be in order to do so but I will say one thing of a general nature that in several provinces the Governments have failed to keep law and order as it used to be kept. In my own province, there is communal riot in every town since the present Government assumed charge.

Mr. M. Asaf Ali (Delhi: General): On a point of order. Reference is being made to the condition of law and order in the provinces. I wonder if this is in order.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think the Honourable Member is justified in criticising the Government of the Provinces. The government of the Provinces is not before the House now.

Sir Muhammad Yamin Khan: I myself said that I will not be in order if I referred to it in detail. I said I will only make a general observation.

We should not give any help to provinces where the Governments have failed to do their duty. If the provinces are not keeping order, which is their primary duty, they should not get any help from the Centre. I think that these provinces which have failed to discharge their duties in respect of the minority communities are the provinces which have failed to carry out their primary duty which the Government of India Act lays upon them.

Mr. M. Asaf Ali: I am afraid Bengal will come in.

Sir Muhammad Yamin Khan: I do not mind what the province is, whether it is Bengal or the United Provinces or the Central Provinces or Orissa or any other province. If they fail to discharge their duty, then they should not get any financial help from the Centre.

Mr. M. Asaf Ali: It is a dangerous principle that you are propounding.

Sir Muhammad Yamin Khan: It may be dangerous from the point of view of Mr. Asaf Ali but from my point of view it is the only force which we can exert to make these provinces act properly.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got two minutes more.

Sir Muhammad Yamin Khan: There is only one point to which I shall refer and I want a reply from the Honourable Member in charge of the Posts and Telegraphs Department. Certain Governments have interfered in the matter of sending telegrams which were handed over to them, even when they were addressed to high dignitaries like the Viceroy. Some officials who are subordinate to the Provincial Governments have detained those telegrams, I want to know whether it is justifiable or not, and my observations in that respect on the Finance Bill will depend entirely on the reply which I get from the Honourable Member.

Mr. G. V. Bewoor: If the Honourable Member will give me details, I shall have the matter looked into. I cannot say off-hand.

Sir Muhammad Yamin Khan: I have given notice of questions. That is why I say I am waiting for a reply to my questions. I want to hear the other side too. I would like that new methods should be invented, which the ingenuity of the people can devise, to force the Governments, in different ways, to act properly. With these words I congratulate my friend, the Finance Member, again and wish him bon voyage. With these words, I finish my speech.

Mr. Suryya Kumar Som (Dacca Division: Non-Muhammadan Rural): Sir, I have heard observations made by many Honourable Members that the present budget is a stale and uneventful one, but I find that this is a very eventful budget in the last parting kick of Sir James Grigg and I will now proceed to justify my observations. Throughout the budget I do not find that any consideration has been shown for the ordinary people and the cultivators and the masses, and this budget can be styled, if I may so style it, as a "Rolls-Royce Budget." If any good has been done, it has been done to the capitalist and the big concerns, whereas our poor *khandsari* producer in the village, who is really a cultivator and who grows cane and produces sugar by the *khandsari* process, even that fellow has been hit hard. Now, first of all, I find that a great protection has been given to Lancashire. Sir, I am surprised to see that Members from Sind and from the Punjab, because they are trying to grow long-staple cotton

An Honourable Member: They are growing it.

Mr. Suryya Kumar Som: I should think that it is their interest which has been served, and I find that a parochial tendency has been developed by the hint made by the Finance Member that it will go towards increasing the production of long-staple cotton. But what are the facts? I have taken statistics from the Agricultural Office and I find that from 1924 up to this time the Central Cotton Committee tried to give an impetus

[Mr. Suryya Kumar Som.] to the long-staple cotton but within these fourteen years the production of the long-staple cotton has not come up even to two thousand bales, whereas, we find from the Finance Member's Budget speech that about seven lakhs of bales of long-staple cotton come from America, Uganda, Egypt and many other places. As against that, I find that only two thousand bales have been produced in India during these fourteen years.

An Honourable Member: They will be produced now.

Mr. Suryya Kumar Som: But what have they been doing these fourteen years? Sir, the introduction of a new agriculture in a big country like India is not a question of magic. Even if it succeeds, it must take about a decade to establish a new agricultural crop in a place like India, and I have shown that within these fourteen years India could not produce more than two thousand bales of long-staple cotton. Even if we assume for the sake of argument that it may give some impetus to the production of long-staple cotton, which I think means cotton from counts fifty to two hundred and fifty, I am told by cotton experts that the long-staple cotton, which is being produced in India now, does not come to more than forty to fifty counts and that it is much worse than the American and Egyptian cotton, which latter cannot be replaced by at least the present long-staple cotton produced in India. And if it does in time, what I want to put before the Finance Member is, that this may come to maturity only in a decade. So, now to give this protective duty to Lancashire at once will certainly hit the big mills which have only very recently been trying to specialise in the production of the finer counts of cloth. And, if the Finance Member is *bona fide*—that is, that he puts this tax *only* to encourage the production of long-staple cotton in India—then we should expect from him some measure to put in a countervailing duty on the Lancashire and Japanese cloth because of the protection to them which he grants by this imposition. That would be the proper thing. That would not hit the mills but would benefit the cultivators, but that he has not done. Now, I submit, that this suggestion is one made in order to divert attention from the real issue. It is really a deliberate attempt to give some relief to Lancashire which Lancashire has been trying to get for the last two years from India and failed to get. Sir, let us be plain. Now, why do you play this sort of magic before this House? You say that it is your intention to do something for the poor mass and you are sorry about the poor mass and the cultivators. Are you sincere?

The Honourable Sir James Grigg: I am more sincere than you are.

Mr. Suryya Kumar Som: So, I submit, that this increase of duty on the foreign long-staple cotton will severely interfere with the big mills and handicap them.

The Honourable Sir James Grigg: I understand the Honourable Member says that for one thing the Indian mills have brought about the import of a large amount of foreign cotton. Have I misunderstood him?

Mr. Suryya Kumar Som: I say it is helping Manchester, in this way. They will be able to purchase this long-staple cotton at a lesser price than the Indian mill will have to pay, and when they produce cloth, the difference of this will be counted on the cloth. You have gone about in a very

careful and, in fact, in a very round-about way so that it is very difficult to find out your intention. The gentlemen, though they have nothing to do with the production of cotton, are sitting there in Lancashire and producing cloth, but here, indirectly, very very carefully you have so planned your machinery that some of my friends in the Punjab and in Sind have been captured by that, by your saying that it will go towards improving their cotton cultivation, and in that way many cheers are raised to Sir James Grigg, but as a matter of fact let us be plain. I am not now going to argue whether Manchester, under the present circumstances, is entitled to some protection from India or not. That is quite a different question. The Indian people will take that into consideration provided that it does not affect that industry very much. Let us be plain and frank. Then I come to the poor cultivators, for whom nothing but love was in the mouth of Sir James Grigg, that is, for the happiness of the cultivators and the mass of the people. Sir James Grigg granted two crores for bettering the condition of the villages in 1937. But after the election result, we never heard of that benevolent attitude of the Honourable the Finance Member towards the masses. However, he chalked out a new path and he has given it up. I am not sorry for that. But let him leave them alone. Do not make too much friendship with us: that is what I want from the Honourable the Finance Member. Let these poor villagers live as they have been used to live for 300 years, neglected and uncared for by these big people. When you take care of them, they become very suspicious and they feel that there is some danger behind. Your grant of two crores of rupees is followed by this excise duty on Khandasari sugar and can you blame the cultivators when they suspect the Englishman when they talk too much about their good?

The Honourable Sir James Grigg: The Honourable Member seems to have entirely forgotten that I am reducing the duty on Khandasari sugar.

Mr. Suryya Kumar Som: I know that. As the Honourable Member has not been helping Manchester because it does not grow cotton so he is reducing the excise duty on Khandasari sugar. I know that. I know that he is a shrewd and competent Finance Member for India. He has worked it in such a way that unless the people are explained the real thing behind it, they are carried away by his arguments. 75 per cent. people will be captured by him and they will say that Sir James Grigg has reduced our excise duty. But this is not what he has done. Take, for example, that there are 100 Khandasari factories. According to the former definition of the "factory", only two came under it. And if you got Rs. 5 from each factory, you were able to get Rs. 10 from them. Now, you have reduced the rate from Rs. 5 to Rs. 3 but, at the same time, you have engulfed all these 100 factories and thereby you get much more. At the same time, you have proved that you are very kind to the Khandasari sugar producer.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Mr. Suryya Kumar Som: These are the most important points that I want to touch. To be frank with the Finance Member, I may say that I have a soft corner for the present condition of Lancashire, but I cannot agree with him upon this jobbery towards the poor Khandasari cultivators. With these few observations, I bring my remarks to a close.

Mr. President (The Honourable Sir Abdur Rahim): **Manvi Muhammad Abdul Ghani**. The Honourable Member had better begin his speech after Lunch.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, **Dr. Sir Ziauddin Ahmad** (one of the Panel of Chairman) in the Chair.

Manvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, this year's budget, as it is framed, appears, in my opinion, so far as the receipts side is concerned, to be underestimated. There is some agitation among the millowners over the increase in the duty on foreign cotton but this increase in duty is apparently to the interests of the agriculturists. If the millowners want, in their own interests, long staple cotton let them come forward with funds to help the cotton growers of the country and let them advance money to the cotton growers and they will have an ample yield.

The second thing, is the increase in the expenditure of defence by Rs. 1,84,72,000. No one can deny the necessity for defence of a country in case it is required for it, but it is resented that even after a British rule of about a century the Indians have not yet been made fit to defend their own country with their own resources, men and officers; even today officers and men continue to be imported from outside. How regrettable it is that even Gurkhas—the Lilliputians as they are called—are preferred to the best brains and stalwarts of Bihar. Biharis are totally ignored in all branches of the Defence Department. Their number is 211 out of a total of one lakh 20 thousand and twenty-seven soldiers as stood on the 1st January, 1938, although Bihar supplies the constabulary in Bengal, Assam and elsewhere. It is not only the hard lot of Biharis in military service but in all departments under the Government of India where their share of distribution, in comparison with Bengal, Punjab and Madras, is negligible. To clarify my points further, I want to cite the case of the Indian postal service where Biharis were only ten out of a total of 631 in 1937. The number of Bihar Muslims was two. Such is the case in respect of the Telegraph Department, where Biharis are nil. The case of Muslims is most pitiable in all the services under the Government of India. The claims of Muslims are put off, sometimes on the ground of seniority, sometimes efficiency and sometimes when there is no such plausible pretext available, absence of candidature is put forward. Out of a total of 487 gazetted posts in the Telegraph department, there were only eleven Muslims in 1937 and 352 Europeans and Anglo-Indians.

Take the case of wireless Supervisors and wireless operators. You will find, that in 1935, two persons were recruited and none was a Muslim. In 1936, nineteen persons were recruited and none went to Muslims. In 1937, 46 persons were recruited and no Muslim was taken. During the course of three years, 1935-37, out of a total recruitment of 67 persons made not a single post went to Muslims. The Director General of Posts and Telegraphs has got an extension of service by two years, this causing a loss of Rs. 24,000 to the public revenues and shutting the door against new recruits in these days of unemployment. Similarly, he is helping

his subordinates in getting extensions after extensions. Take, for instance, the case of the Head Assistant at Patna. He is getting extension after extension to the detriment of Biharis. No rule is observed there in the promotion of clerks. Even matriculates and junior clerks supersede graduate senior clerks in appointments to the posts of Inspectors, because he is a Bengali and Bengalis, though juniors and though unqualified, are given preference.

In the recent reorganisation of the office of the Director General of Posts and Telegraphs about 80 per cent. of the old second division clerks, on a scale of pay of Rs. 75 to 155, have been degraded to the third division.

Mr. G. V. Bewoor: That statement is not true.

Manvi Muhammad Abdul Ghani: I will prove it when the time comes. I am in possession of facts. Although I have received a reply in the negative, yet I know it is a fact. Simply in the name of examination, poor clerks who served for about 15 years and more have been degraded to third division although they have been allowed to draw the same salary as they were drawing before. Some junior men, who have been serving in the scale of Rs. 60—125 in the third Division, have been promoted to the Second Division in the scale of Rs. 80 to Rs. 200, evidently involving a loss to public revenue. This is a new innovation, when everybody tries to cut the salaries with a view to reduce expenditure the Director General of Posts and Telegraphs comes forward with a new suggestion and he gets the sanction by the higher authorities to the scale of pay for Second Division clerks being fixed from Rs. 80 to Rs. 200, instead of Rs. 75 to Rs. 155. The Director General is solely responsible for such loss, he is responsible for the discontent among the employees of the postal department. In short, the Director General does whatever suits his whims and fancies. He, it is said, takes delight in causing harm to Biharis in general and Muslim employees in particular.

The misfortunes of Muslims in India know no bounds, especially in the Congress governed provinces. On the 31st January, 1938, the Deputy Magistrate in V. Burra, district Dharbhanga, sent wires to the District Headquarters to send reinforcements to save the lives of Muslims of the village, but it so happened that the telegraph clerk of Hatanpur Post Office withheld it for hours together, with the result that the *busti* was looted and burnt and standing crop damaged. The other day when the people in Aligarh wired to the higher authorities to help them in the matter of Mohurram observance, it is said that the postal authorities withheld the telegram. In Bihar a stage has reached that Muslims are even debarred from offering their prayers. Where is the special responsibility of the Governor General and the Governors?

It is very much to be regretted that the Wakf Act of 1923 has not been extended to the Centrally Administered Areas. Government are aware that Delhi is full of wakfs and wakf properties yielding an income of several lakhs of rupees. The Fatehpuri mosque, Juma Musjid and other royal mosques built by Moghul Emperors are in a very bad condition and their incomes are misappropriated. The other day a Magistrate of Delhi had to sanction permission to sue the Fatehpuri Mosque Committee against mismanagement and encroachment. I think Government will lose nothing if they extend the operation of the said Act to the Centrally

[Maulvi Muhammad Abdul Ghani.]

Administered Areas,—specially Delhi. All the numerous wakf committees have not submitted accounts either to Government or to any Muslim organisation for the last 50 years.

A word about Moplah prisoners. In 1921, the Government of India passed the Moplah Act and under that Act the Moplahs were imprisoned and some were interned. Since the introduction of Provincial Autonomy all political prisoners have, with the consent of the Central Government, been released but these poor people are rotting in jails and some are interned in distant provinces. For instance, I find one Moplah gentleman interned in the province of Bihar. He is not even allowed to stay for more than two months in one place and is driven from place to place without any apparent cause. The poor fellow wants even the local authorities to allow him to live in one place at least for four years so that he may earn something as no allowance is paid to him. Such being the case I hope the Government of India will take steps to release them or at least to see that they are released and the internees returned to their homes.

Mr. Chairman (Dr. Sir Ziauddin Ahmad): The Honourable Member has two minutes more.

Maulvi Muhammad Abdul Ghani: From 1925-26 to 1928-29 I find there was a regular increase in the sale of postcards, the average being about 6½ lakhs every year. After that there is a considerable decrease. I think it is due to the fact that the postcard is used by the poorer classes of people and they cannot afford to pay three pice for it. I think if the price of the postcard is lowered to half an anna the sales will increase. There is great resentment on account of the postal authorities withholding the money order forms printed in Urdu. I drew attention to it so far as Bengal is concerned, but the reply was given to me that the language of the place is Bengali and, therefore, there is no need of an Urdu form.

Mr. Chairman (Dr. Sir Ziauddin Ahmad): The Honourable Member's time is up.

Maulvi Muhammad Abdul Ghani: Very well, Sir, I will resume my seat.

Shahid Rafuddin Ahmad Siddiquee (Chittagong Division: Muhammadan Rural): Sir, I do not like to take much time of the House at this late stage by criticising the present budget under different heads as my predecessors have touched almost all the important points. While congratulating the Honourable the Finance Member on his surplus budget I would remind this House that such state of affairs would no longer pass off smoothly in future. It would be useless to criticise the present budget, unless the general policy of the Government of India changes. I may remind the House that the British people are to rule India by winning the confidence and goodwill of the people of the country whom they desire to rule.

I would like to deal with three important issues which are agitating the minds of the Indian nation as a whole. Firstly, the scale of pay of Government officials should be changed, according to the pay of other countries of the world. Secondly, Indianisation of the Indian Army in

place of non-Indians. Thirdly, the present military policy of the Government of India should be changed with regard to Waziristan. I think no Finance Member of any country in the world would be able to balance the future Indian budget because the Indian treasury is going in way of bankruptcy, day by day, on account of heavier expenditure than the income. It is an admitted fact that there are dissensions and disaffections among the masses of this poor country on account of the present policy of the Government of India. In touching on the first issue of high salaries of Government officials I appeal to the Government of India to look to other countries of the world. In rich countries like England, France, Germany, Japan, Italy and other countries, the pay of Government officials is less than half of what they are getting in a poor country like India. The world is moving on and I think the Government of India should move with the times.

In touching on the second issue of Indianisation of the Indian Army, I again remind the House to compare the pay of British soldiers with that of Indian soldiers. The pay of British soldiers is four times than the pay of Indian soldiers. But in fitness and efficiency the Indian soldiers are no less gallant and efficient than the British soldiers. This fact has been proved to the world during the last Great War where the Indian soldiers fought gallantly with great courage and tactics with the most efficiently trained soldiers of the then mightiest nations of the world and saved the prestige and dignity of the British Empire. I do not see any reason why there should be any delay in Indianisation of the Indian army.

In touching on the third issue about the present military policy of the Government of India in Waziristan, I would say that the Government of India have been ill-advised to poke sleeping tigers in their dens. I think there might be some aggressive acts by some of the tribal men but the Government of India could settle the matter by a conciliatory policy rather than to establish the prestige of the Government of India. There are rogues and thieves in every country. If some people of the province of Bengal commit loot and arson we cannot blame all the people and punish all of them. We also cannot call all the people rogues and thieves. Certainly, there are rogues and thieves in every country of the world and in England too there are rogues and thieves, although it claims to be the most advanced and civilised country in the world. Then, are we to call all English people as rogues and thieves? The British Government have been pocketing insults at the hands of Japan in China but where is the prestige and dignity of the British Government there? I think they are taking a wise and conciliatory policy there for the sake of peace. I appeal to the Government of India to take up a policy of conciliation in Waziristan, as otherwise the Indian treasury would not be able to spend millions every year in Waziristan policy as it would heavily tell upon the Indian treasury as the years roll on.

Sir, in conclusion I appeal to the Government of India to look to the sentiments of the Indian people in whose land they are ruling.

Qazi Muhammad Ahmad Karmi (Meerut Division: Muhammadan Rural): Mr. Chairman, it is a common saying that, with the increase of age, a man becomes more and more cautious and sober. Even a soldier, who in his youth is most forward in fight, with the growth of age, is more inclined to be on the defensive rather than on the offensive. Though there appear to be no such indications in the temper of Sir James Grigg whom

[Qazi Muhammad Ahmad Kazmi.]

we find as witty and as humorous and at times as stern as he used to be five years ago, I am afraid that, so far as the budget he has presented is concerned, it shows clear symptoms of senile decay.

The Honourable Sir James Grigg: You should be able to judge of those!

Qazi Muhammad Ahmad Kazmi: This is the fifth and last budget that Sir James Grigg has presented to this House, and there is every indication that it has been prepared in a pessimistic mood. Indications of falling income in spite of the steps taken to increase it in all directions, combined with an irreducible expenditure, if not an increasing one,—in spite of the fall in prices all round,—appear to have been the serious problems which faced the author of the budget when he framed it. The only remedy lay in tapping fresh sources of income, and in that condition he appears to have hit upon one source only. By doubling the duty on imported cotton, he has calculated that the income would also be doubled.

The Honourable Sir James Grigg: I did nothing of the sort.

Qazi Muhammad Ahmad Kazmi: He has estimated the yield of income from income-tax with great pessimism. When the Income-tax (Amendment) Bill was on the anvil of legislation, the expectations of the increase in the yield were counted in crores, but now it is estimated at only 50 lakhs; and, so, for meeting the contemplated deficit, some other source had to be found. As I said before, he has chosen imported cotton for this purpose, and in this connection he has disclaimed all blame or credit for that action and alleges his motive only to get the necessary money. He does not claim any credit for the encouragement of the cultivation of long staple cotton or the damage that it is likely to prove to the textile industry. In spite of the great regard I have got for his well-balanced brain, when I find how he has unbalanced the present adjustment at a very critical time I am really upset. Now that the negotiations for the Indo-British Trade Agreement are going on (I do not know whether they have been concluded or not), it was a matter that should not have been touched at all. If this duty had to be imposed, it could have been used as an instrument for striking a bargain with Lancashire in the Indo-British Trade Agreement and it was impolitic to touch it when the negotiations were going on, for there cannot be the least doubt that it gives a definite advantage to Lancashire over the Indian textile industry; and not only that, but it subjects the Indian industry to improper competition by Japan and other foreign countries. With a little manipulation and probably with a little increase in income, he could have adjusted the matter in such a way as to achieve three ends: he could have easily encouraged the cultivation of long staple cotton in India; he could have saved the Indian textile industry from handicaps from Lancashire and other foreign countries; and, thirdly, he could have kept an instrument by which he could bargain with Lancashire if there was any such necessity, and today there would have been no question of balancing at all, but credit pure and simple. This could easily have been effected by a countervailing duty on imported manufactured cotton goods and yarns. He would then have left the status quo between England, India and other

foreign countries. By imposing this duty at this juncture he has done a great injustice to the industry of India. This is the chief duty that has been imposed by the Finance Member.

The other duty is on Khandasari sugar, and this has already been discussed in this House, and it is not necessary to dilate on it, because, on the showing of the Finance Member himself, he has resorted to it not to give any benefit to the agriculturists of this country, but only because he found that he could not exact the amount that he expected from the agriculturists, and so by reducing the rate, but extending its extent, he hopes to get more money out of the agriculturists. Now, the question is, were these the only two avenues in which the Honourable the Finance Member could attack the problem of balancing the budget? Was it only necessary that he should have some increment in revenue and not look to the side of the expenditure? My submission is that there was sufficient for the Finance Member to find in the curtailment of the expenditure to meet this supposed deficit of Rs. 50 lakhs.

A subject that has so often been discussed before in this House, though probably it does not attract much attention when it is put up again and again, is the reduction of salaries. But I submit that the mere fact that it has been repeated so often in this House, instead of ~~being a novelty~~ its importance, adds to its weight. What is the reason that in a country like India where the charges for the maintenance of a single man are much lower than the charges for maintenance in western countries, where people can live much more cheaply than in western countries, the salaries of the superior staff and superior officers is so much above the ordinary level that they are not to be found even in England and other European countries? They are not to be found anywhere else in the world. If we look to the ratio that the lowest salary in England bears to the highest salary and compare it with the ratio in India, we find that the figure is much greater here and is probably the greatest here than anywhere else in the world. So, the repetition of this argument does not lose its force unless there is some more convincing argument on the side of the Government, specially in these days when the times have changed and Indians have taken charge of the Provincial Governments and have accepted salaries of Rs. 500 for themselves as Ministers. Now, it is no longer an experiment: some months have elapsed—more than a year in fact—and these Governments have made reductions in pay, and even from the point of view of the British people their Government is not an inefficient one. I need not quote any authorities, for it has been accepted time and again that Provincial Autonomy in India is being carried on very efficiently by Indians. Now that we have come forward and proved to the hilt that we can carry on the Government on Rs. 500 a month, (it may be a little more), but whatever may be the other allowances, whatever may be the other amenities, they may be getting now, if you will compare them with the salaries and other amenities which the Ministers used to get in previous years and also if you will compare the salaries of their Parliamentary Secretaries and Assistant Secretaries with the salaries paid to Secretaries and Under Secretaries in the Government of India, you will find that the salaries and other amenities put together paid to the Ministers and their Secretaries pale into insignificance. So it is no use saying that the Ministers are getting a little more than Rs. 500; certainly it is a little more than Rs. 500, but it is much less than Rs. 5,000. Therefore, I suggest that you ought to come out with an open mind, and if you really want to show that you want

[Qazi Muhammad Ahmad Kazmi.]

to govern India in the interests of India, then you should give up your old ways and follow the example which the Provincial Ministers have shown you. If the Secretary of State or the Government of India do not agree to reducing the salaries of the highly paid services, the simple reason is that they have got an advantage on their side, and it is the force or the power which they have at their command, and they will not easily part with their power unless some one else takes it away from them by force. So my submission is that the sooner the Government decide and agree to effect a cut in salaries, the better would it be for India, and the Government will thereby be meeting the demands repeatedly made from this side of the House.

Sir, I shall shortly summarise my position regarding the cut in salaries:

3 P.M. Firstly, the standard of maintenance in this country is much cheaper than in European countries, secondly, India is both an agricultural and industrial country, and, therefore, it is bound to provide all the amenities of life at a much lower rate than countries which are either.

Mr. Chairman (Dr. Sir Ziauddin Ahmad): The Honourable Member has got only two minutes more.

Qazi Muhammad Ahmad Kazmi: Very well, Sir, I shall leave out this item of cut in salaries and say a few words about the complaints that have been constantly repeated before this House. Whether the budget is a surplus one or a deficit one, we find that the very ordinary claim of the masses about two pice postcard is always overlooked. If the budget is a surplus one, Government utilises the surplus for other purposes; if it is a deficit one, then, of course, according to them, it does not lie in our mouth to make any suggestions. So, my submission in regard to the question of two pice postcards is that they should devise some means by which they could introduce the two pice postcards and meet the legitimate demand of the masses. What the postal department are now doing is, they are carrying on other more expensive branches of the post and telegraphs at the expense of the masses, and this I submit is very wrong.

Mr. Govind V. Deshmukh (Nagpur Division, Non-Muhammadan): Sir, I propose to touch on a few points, and when I cover the ground on those points, I hope to place, in addition, a few facts before the House. The first point I propose to touch upon relates to the Post and Telegraph Department, and after I have dealt with it, I will come to the army expenditure and then take a few miscellaneous things. Let me refer to a passage in the Honourable the Finance Member's speech, and it reads as follows. It refers to the Post and Telegraph Department. This is what he says:

"For the next year the revenue of the Post and Telegraph Department is expected to be Rs. 11.54 lakhs and expenditure Rs. 11.63 lakhs."

It almost balances the revenue and expenditure. Now, what are the causes of it? Why can't this department, which enjoys a monopoly of carrying on this business, make its way pay? Sir, it is the common experience that if a business is carried on in competition with another, then certainly the persons who undertake the business are more careful to see as to how their business is conducted, and they devise means to attract their customers and thus expand their business, but this Post and Telegraph Department, because of the monopoly it enjoys, is absolutely careless

and negligent about its interests. I will first refer to a complaint made by a complainant who pays more than a lakh of rupees to the Post and Telegraph Department. The complainant, Sir, is the *Sunday Standard* of Bombay. This paper conducts Strang's Football and other competitions. On the 1st of March, in its issue under the caption: "What is wrong with the Post Office—Inordinate delays in the transit of letters" it says this:

"For some time now the management has been receiving complaints of the inordinate delays which ensue in the receipt, elsewhere in India, of letters posted in Bombay. In the course of the year this paper spends more than a lakh of rupees on postage, but it would appear that not only is much of this outlay wasted but, because letters despatched from this end are so frequently delayed in transit, the lack of response from addressees results in a considerable loss of revenue to the post office."

Proceeding further it says:

"It is obvious that the financial loss suffered by this paper of recent months by these postal delays must have been considerable, and there must have been a similar loss to Post Office revenue."

Then we have some glaring instances to show how the postal department is carrying on the business. I shall not refer to many instances, but shall content myself with quoting one instance. One cover which was posted in Bombay took 37 hours to reach Bandra, and Bandra is only half an hour's motor run from Bombay. If a cover posted in Bombay took 37 hours to reach Bandra, which is only half an hour's run from Bombay, it hardly reflects any credit on the department. Sir, I am emphasising the point, that this department does not manage its affairs in a businesslike fashion as it ought to do. When it loses revenue, how does it make both ends meet? Sir, this department deprives the poor people who live in the villages of the rural post offices, of the very necessities of life. In these days communications are vitally needed. We are nowadays advocating the village uplift movement. Everybody from His Excellency the Viceroy down to the man in the street says that educated people should go and live in villages and construct real life, that they should improve the village in every possible way they can, in the matter of sanitation, education and various other things. An educated person who thinks of going and living in a village finds it difficult to get things when he cannot get, for instance, newspapers. In these days, an educated person, the newspaper is what I may call the *elixir of life*. If he does not get a newspaper he is cut off from the rest of the world. In the ordinary humdrum affairs of agriculture and other matters of the village, which take not much of his time, he wants to spend his time in a better manner, but, unfortunately, he cannot do it if he is denied the access to newspapers. He wants to be in touch with everything that goes on in the world. This is so far as the educated man is concerned. So far as the poor illiterate man is concerned, it is a vital need to him. For instance, if his son is ill, then certainly a postcard or a letter would get a doctor to the patient's bed with very little trouble and expense. If certain medicines are recommended, certainly he can get them cheaper by writing through the post office. Similarly, if he has to send money to his son studying in a mofussil town he can send it cheaply through the post office. Post Office is to the poor man a cheap messenger. Therefore, to the poor man this is in every way an essential department. When I am telling all this, I am not speaking without facts. I have a friend who was an extra assistant commissioner. He was in the Secretariat also. He has a village in Sangor district. This gentleman after retiring from service went to his village and thought of settling down there and doing what he

[Mr. Govind V. Deshmukh.]

could to improve the village life. He found that he could not get even newspapers. There was no post office for this rural area within a distance of five or six miles. He stayed there for some days, and then he said, "This village life is no good, let me go back to my own city". And he came back to Nagpur. I have another friend who was an ex-M. L. C., that is, he was a Member of the Provincial Council some time ago. He is a Rao Bahadur. He has written to me and to other Members of this House also who know Mahratti, that something should be done so far as rural post offices are concerned. In some villages the villagers or the malguzars of the village are prepared to meet, to some extent, the little expenditure that would be incurred by this department in opening rural post offices, but they find there is no response. This particular gentleman, who has been agitating, says that he has represented this matter to the authorities concerned. He is also anxious about the railway and he says that he has done everything that is possible to have things managed in that department, but he says he has received no proper reply. His representations to me or to the Government of India, I suppose, are like those of this Government to His Majesty's Government regarding Kenya Highlands.—Not likely to produce the desired results. I hope that something will be done and that I will be able to say to that gentleman that something has been done.

There is this prospective deficit which has been referred to, in the speech of the Honourable the Finance Member, of Rs. 50 lakhs. I refer to the army expenditure. So far as the army expenditure is concerned, many of my friends have referred to the economy that should be practised in this department. For instance, they have talked about Indianisation, about getting nurses from here instead of from England and so on. I will not go over these or similar items, but there is one point which I should like to deal with, and that is the military training. I had asked a question on the 9th December, 1938, "Will the Defence Secretary please state if the military training imparted to the University Training Corps is proposed to be intensified? If not, why not?" The answer was, "No, because in view of the educational and other activities of a student at the university it would be impossible". I submit, Sir, that this argument cannot hold water. The best persons to know what the educational interests of a boy are and what his activities should be—the best persons are certainly the persons connected with the universities, and I can read to you certain extracts from what the Vice-Chancellor of the Allahabad University says and a resolution passed at the Quinquennial Conference of Indian Universities at Bombay. The resolution passed at this Conference held at Bombay in the end of last month ran as follows:

"The Conference requested the Government of India to provide greater facilities for such military training by offering the services of military officers for the U. T. C. which should be extended to all colleges."

The Vice-Chancellor of the Allahabad University, presiding on the 8th of February, 1939, over the prize distribution of the Allahabad University Company of the University Training Corps—Pandit Amarnath Jha—deplored the policy of the authorities which had not been such as to encourage universities in the matter of University Training Corps. They had not been allowed, in spite of representations, to have a junior division of training corps, in consequence of which when they recruited students to

the U. T. C. they in most cases were too old to begin to learn how to march in steps and various other elementary things which ought to be taught at school.

Further on, he said:

"The remedy was the institution of a junior branch of the U. T. C. Another circumstance, which had prevented the corps from being what the officers training corps in England was, was that there was no recruitment to the army direct from the U. T. C. In India the membership of the U. T. C. had no value whatever so far as recruitment to the army was concerned. A further circumstance which discouraged real enthusiasm in the matter of military training was the unwillingness of the army authorities to allow them to enrol more members in the U. T. C. 'Circumstances', added Mr. Jha, 'are altering fast and the demand for military training is increasing and I do trust the attitude of the Government of India in this matter will be more encouraging than it has been in the past.'"

Mr. Chairman (Dr. Sir Ziauddin Ahmad): The Honourable Member has got two minutes more.

Mr. Govind V. Deshmukh: Therefore, in order to reduce the expenditure on the army, I hope that military training, as one of the ways of doing it, would be made available to the extent the universities are demanding. We are spending so much on the army that there is not one person who does not want the army expenditure to be reduced. Some one asked, is there any country in the world which spends fifty per cent. of its revenues on its army? And up jumps the Finance Member and says, there is Japan. True there is Japan, but how is that army used? If there is anti-Japanese propaganda carried on, there is the army at the back of the Japanese nation to crush that anti-Japanese propaganda. Is our army ever utilised in that fashion? India pays the piper and Britain calls the tune. Not India but Britain has control over our army. If we are not to grudge the expenditure which we spend so much on our army, it must serve our purpose, the purpose of the nation in maintaining its self-respect, in maintaining its rights and privileges and the same of its nationals overseas.

We have seen how the Japanese army is utilised. I referred to anti-Japanese agitation and how it is dealt with. If we could utilise our army to put down anti-Indian agitation in South Africa or Kenya, no one will grudge the expenditure. Now, Sir, the Honourable the Finance Member has recommended a policy of political reconciliation. I might request him to take with him this message which is delivered here when he goes back to England. Let him say to the Britishers that political reconciliation is necessary between India and England so that both may with some dignity and prestige and self-respect say that they are members of the same British Commonwealth of Nations. Situated as we Indians are at present there is no sense in our calling ourselves members of the British Commonwealth of Nations.

Babu Kallash Behari Lal (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): On a point of order. The time limit for this discussion is 15 minutes. It is not a matter of any rule. It has been settled by common agreement, because there will be so many speakers. Now, we find that there is no rush. Owing to the limit of 15 minutes, Members are compelled to cut short their speeches. I should, therefore, like that more time should be given.

Mr. Chairman (Dr. Sir Ziauddin Ahmad): The Honourable the President has fixed this time limit in consultation with the Leaders of Parties. If the Honourable Member wants to raise any objection, he may do so when the President occupies the Chair.

Mian Ghulam Kadir Muhammad Shahban (Sind Jagirdars and Zamindars: Landholders): Sir, the budget presented by the Honourable the Finance Member is not a sensational budget. It is a budget indicating steady progress. The only item of new taxation is the increase in the import duty on cotton by half an anna per pound. Every taxation is vexatious and it affects adversely certain classes of people. The present duty, however, is the least objectionable. It affects only the textile millionaires but the agriculturists welcome it. The Federation of Chambers of Commerce suggested that there should be a countervailing duty on the import of textiles. Such duty, if levied, will fall entirely on the consumers and will not profit the agriculturists. The object of the duty is that the Indian mills should use Indian cotton and should not use foreign cotton. The textile manufacturers enjoy specially high tariff protection but they have not got patriotism to use Indian cotton. They show patriotism and spend money in propaganda for boycotting foreign cloth but they show no patriotism to use Indian cotton and help the Indian agriculturists.

Mention was made yesterday about the unfair distribution of the road fund. More advanced provinces, where roads system is highly developed, get more money and new provinces do not get sufficient funds to develop their roads. Sind is now being developed on account of the Sukkur Barrage but we do not possess good means of communications to bring country produce to local markets. It is highly desirable that the roads system should be developed. Sind is a poor province and it cannot bear the cost of the construction of new roads unless it is supported financially by the Central Government and, therefore, I strongly endorse the views expressed on the floor of the House that road funds should be distributed in accordance with the requirements of the provinces.

The Central Advisory Board of Education was established under the great pressure of the Legislature. The objects of the Board were repeatedly explained on the floor of the House but, unfortunately its constitution was never framed by the Government of India nor its objects were defined. The constitution depends upon the sweet will of the Education Member who adds members whenever he likes. It is very desirable that the constitution of the Board should be framed and a copy of the constitution should be laid on the table of the House. It was expected that this Board will initiate research work in education. It was said that it will maintain a good library and will periodically publish pamphlets on special topics. May I ask the Finance Member to enquire whether the Board has published any pamphlet on any problem. The Central Advisory Committee which has been replaced by this new Board did more useful work in education. The Board meets once a year for a few hours and the number is so large that it cannot deliberate on any important question. I suggest that the functions should be defined and should be the same as were outlined on the floor of the House. The Government have taken the direct charge of education in Quetta and Baluchistan but they have not established a single college there. The progress of several universities has now come to a standstill on account

of uncertainty whether they are educational institutions or corporations. The Government of India are silent and do not move in spite of repeated requests made by the Premier of Bengal. I also complain that the Central Government, in spite of the repeated requests, gave no grant to the Aligarh University for the development of technology and I earnestly hope that when funds permit the grant shall be given to the University. The system of awarding European scholarships is also defective and it should be given in rotation to colleges and universities maintained by the Government of India. The educational institutions, especially in Delhi, should be encouraged to make greater use of radio in teaching languages and other subjects and specially radio programme should be prepared for them.

It was pointed out by my friend, Mr. Manu Subedar, and also suggested by the Federation of the Chamber of Commerce, that income from import duty on sugar is estimated at a very low figure of 20 lakhs and they are of opinion that the income will be substantially greater and might be in the neighbourhood of two crores. Arguments given by my friend, Mr. Manu Subedar, are that Indian consumption is about 10½ million tons and the production in Indian mills has diminished and, consequently, the import will be greater. He assumes in this argument that the consumption would remain the same and he takes no account of the fact that consumption diminishes with the rise in prices. The price of sugar has now diminished from 5½ seers to three seers per rupee and the result is that persons of small income, who were eating sugar, have now taken to gur and the consumption will thus diminish. The diminution in home production does not mean an increase in import, therefore, the conclusion drawn by some speakers that the income from the sugar duty will substantially increase during the year is not justifiable. Sound financial policy demands that income should be estimated at its minimum figure and expenditure at its maximum.

Since the time England went off the gold standard, India has exported gold valuing about three hundred and thirty crores. Sir, it is very desirable that further exports should be stopped. This may be done either by putting an export duty on gold, or by legislative or executive action putting an embargo on gold. Every country is hoarding gold, as it is the only currency which is recognised in war time.

Mr. M. Asaf Ali: Sir, I have been in this House for the last four and a half years, and this is the fifth Budget which the Honourable the Finance Member has presented, but I do not remember a single occasion on which I have risen to participate in the general discussion, and that for a very good reason. I have always considered the problem of preparing budgets and criticising them a matter for experts. Fortunately I am not an expert and there are so many that I have always left this task to those whom I have considered better fitted to undertake the duty of criticizing the Finance Member. Now, this happens to be his last Budget, and I do most earnestly hope that this is going to be the last Budget of this Assembly, and that the next Budget will be presented in another House, under different circumstances and in a different structure of Government altogether. Whatever the future may hold for the Finance Member and his country, and for us, and our country, since this is his last Budget, I do assure him that there is not the slightest desire on our part to depart from the usual traditions of the East and, therefore,

[Mr. M. Asaf Ali]

I should say, "let us part as friends". Sir, in spite of whatever reactions he may have experienced during the past four and a half years to the spirited opposition which has been offered to him all the time, I hope he will carry no bitterness in his heart and that his memory, associated with India, will not be coloured by any acrimonious feelings, because every time we have criticized him, it has not been in his capacity as Sir James Grigg, but in his capacity as a dual personality, viz., a Finance Member who has to divide his allegiance between this country and another. In fact, instead of criticizing him, we have criticized all the time the system under which he has had to work, under very difficult circumstances. If anything, we have commiserated him. I can tell him now that he was, we recognize, placed in a position which it was very difficult for any man of known integrity to fill without running the risk of being accused of a number of suspicious moves. Unfortunately, the structure of Government in which he has been drafted does not permit of his focussing his attention entirely and absolutely on India, India's resources and India's interests. He has, of necessity, to look in two different directions and all the time I have felt while I have sat here listening to him that he, like most of us also on this side, has suffered from what may be called "the Jekyll and Hyde" complex showing himself to be a Dr. Jekyll in one part of his life and Mr. Hyde in another. This is the difficult situation in which he finds himself and the account he has rendered of his five years' stewardship to this country will only be judged, not now, but in the future. As he himself knows, the work of his predecessors has been judged by the policies which they had formulated and his work will be judged by his successors to whom he will be leaving the legacy of a policy which may or may not fulfil the promise with which he has presented it to this country.

Sir, in so far as this year's Budget is concerned, I have been rather astonished to hear a certain remark repeated, probably borrowed from the Press—and the Press generally gets hold of some idea and it is repeated over and over again—that this is a featureless Budget. I remember the last year's budget which was also considered a dull and featureless one and when I looked into it I found it was one of the most sensational from another point of view, and it proved to be a sensational Budget in that sense. The objectionable features of that Budget shocked this House to such an extent that the Leaders of Parties agreed among themselves not even to participate in the general discussion and to turn down the Budget and the Finance Bill and walk out of the House. Sir, that objectionable feature of the Budget still persists, I do not see any mitigation. It is exactly the same. The only difference which I can notice in this year's Budget, in addition to that objectionable feature, is the increase all-round in the non-voted heads. If you just look at the analysis of the voted and non-voted heads in the explanatory memorandum on page 11, you will find that in respect of all the items below the Head 71—you will find non-voted Heads viz., the Staff and Household allowances of the Governor General, the Secretariat of the Governor General, Principal Supply Officers' Committee, Public Service Commission, Ecclesiastical, Payments to Crown Representative, Defence Department, Tribal Areas, External Affairs, Baluchistan, Defence Services (net), and if you go down the list of these items you will find that there is an increase in expenditure all round, so much so that there is an increase even in the Ecclesiastical Department; I do not know what

special spiritual comforts are now required in these days in India that even the Ecclesiastical Department must have a lakh more than it did the year before.

Again, Sir, I find that in respect of Defence Budget, the Finance Member has been congratulated; I certainly congratulate him in so far as he has tried to resist with all his might the onslaughts of the Defence Department. I congratulate him on that, to the extent to which he has gone, but perhaps he himself will be surprised to hear that this year's Budget—I am talking of the gross expenditure—has increased by three and a quarter crores of rupees. People have been talking about a crore or something—it is not so. If you look at the figures you will find that last year the Honourable the Finance Member budgeted for an expenditure of only Rs. 50,77,69,000. As against that, you will find this year Rs. 53,98,26,000. It is clear, therefore, that there is an increase of three and a quarter crores of rupees. You cannot get away from it. We should add to that two or three other items which are also, when properly viewed, defence items, namely, the loss on strategic lines, which amounts this year to 1,72 lakhs—3 lakhs more than last year. The Defence Department that is now working has also increased its expenditure by a considerable amount in other directions. Then, again, take another item. All the expenses incurred in respect of the tribal areas are purely defence items and nothing else and they amount to Rs. 1,87,44,000; so that altogether the defence budget, as I see it, amounts to Rs. 57 crores and 33 lakhs or a little more. I certainly admire the ingenuity of both the Honourable the Finance Member and the still more amazing ingenuity of another authority which is really responsible for this Department for splitting up these various items in such a way as to conceal the real amount that is spent on India's defence. Looked at from that point of view, I can assure him that penny for penny we are spending a great deal more on our defence services than any country in the world. Perhaps I am making a very big assertion but inasmuch as penny for penny is concerned I am quite justified in making that assertion. Consider the average income of our country and consider the average income of other countries and then compare the expenditure of various countries and that of India and you will find that we are spending a great deal more than we really can afford. I admit that the Honourable the Finance Member has made heroic efforts in resisting the demands of what may be called the military requirements of this country, not as viewed by him but as viewed by some other people, and the military requirements of this country in relation to the International situation. He certainly has tried to stem the tide of these demands. But what is the total result of it? The total result of it is that although he shows in his Budget more or less a stationary condition, namely, that the net expenditure from his point of view will not go beyond 45-18 crores, he cannot say by what amount it is going to be increased by the time his successor has got to consider the revised budget. Last time also he started with his figures and the Defence Department increased the budget by two crores and by the time the revised budget was being prepared, the gross expenditure of 50.78 crores had gone beyond 52 crores and odd lakhs. Now, this increase is beyond the Finance Member's control and this unexpected increase is beyond everybody's control because the Legislature has no voice in the formulation of either the defence policy of this country or the foreign policy of this country, and so long as this House has not got the effective control of both the defence and the foreign policies of this country, it is impossible for any Finance

[Mr. M. Asaf Ali.]

Minister who may succeed Sir James Grigg to control the expenditure under these heads in accordance with the capacity of the country.

Sir, one other point with regard to this defence budget may also be mentioned at this stage. Here, again, I find that Sir James Grigg is wholly helpless because he is not responsible for that policy. The proportion of the British troops maintained in India, as against the Indian troops, has always been a matter of vital importance to us and to the finances of our country. Every British unit of infantry costs us something more than 19 lakhs as against which every Indian infantry unit is costing us five lakhs and odd thousands. The British unit of infantry costs four times as much. I can assure my Honourable friend that I am not making any mistake because I have taken these figures from the cost shown in the defence estimates under the head 'cost of typical units'. I may be out by a few thousands but so far as lakhs are concerned, I am absolutely correct. If you retire even four British units and replace them by eight Indian units and, thereby, double the strength, you will still be saving about 50 lakhs or so and you would not, in that case, have to resort to a measure of taxation which is being criticised in the manner in which it is being criticised. This was the direction in which the Honourable the Finance Member might have looked for effecting economies. His search for economy ought to have carried him into the field of the maintenance, organisation and payment of British forces.

Mr. Chairman (Dr. Sir Ziauddin Ahmad): The Honourable Member has two minutes more.

Mr. M. Asaf Ali: I shan't be long, Sir.

Now, Sir, that was the direction in which the Honourable the Finance Member may have looked. Even now, there is a chance for India to revive if only India is rid of what I have always described as the octopus of these British forces stationed in India. It is possible for India to make a saving. I repeat it today again. India can save no less than 20 crores of rupees, if not more, which can be usefully utilised in building up India's finances on a much sounder basis and without any dependence on anybody else. And not only that, India would gain prosperity.

Last of all, I should just like to tell Sir James Grigg, now that he is winding up his stewardship, that he should some time try and cast a glance at the totality of the results achieved because I, as a layman, can only judge things by results. Formidable array of figures frighten me. I want to know in so many words what is the total net result of the policy which he has pursued during these five years? Has the average income of Indians gone up? Has the total number of industries that flourished when he came increased? Has the price of commodities risen? If none of these results has come out of the policy which he has followed, then all I can say is that in so far as budgeting is concerned I am very sorry to say this—I am not saying this in any derogatory sense—any old woman could frame such budgets.

The Honourable Sir James Grigg: There is hope for you yet.

Mr. M. Asaf Ali: It is merely a question of having a certain structure of expenditure for which you want to find money and you are bound to find money in a big country like India. What about the vast resources we have? What about the extraordinary labour power and man power we possess? What about harnessing all these to fructifying activities by the policy which he has followed in his budgets? If the result satisfies him he may go home with a clear conscience and we wish him bon voyage. In any case we wish him bon voyage. If this is not the result which he has achieved, perhaps he might give us credit for having criticised him to some purpose.

The Honourable Sir James Grigg: Sir, Mr. Asaf Ali started off with some valedictory remarks to me personally and I certainly got the impression that they were meant to be kind, but I am not so sure after his concluding remarks that I can retain my original impression.

Mr. M. Asaf Ali: They were all intended to be kind.

The Honourable Sir James Grigg: That part of me which Mr. Asaf Ali would regard as being Dr. Jekyll is extremely grateful for his good wishes, and if in the rest of my remarks today there should be anything which Mr. Asaf Ali does not like, he can put them down to that wicked fellow, Mr. Hyde. I am quite content to be judged by the three criteria which Mr. Asaf Ali pointed out, namely, has the average income of the people of India increased during the last five years, have the industries of India become more prosperous and have prices risen? I am content to be judged by these three criteria. I can answer quite definitely that all three of them are satisfied. But truthfulness and modesty impels me to add that a good deal of the improvement which is reflected by these three indices is due to circumstances which would have happened anyhow. They would have happened even if Mr. Asaf Ali—or any old woman—had been in my place.

There have been a good many questions raised in the course of the debate and most of them I shall pass over with a cursory reference because the points put forward have been mutually destructive. Mr. Gupta wanted to reduce the price of salt to the poor consumer. Mr. Mann Subedar, who is not here today, and his friend, Mr. Lalchand Navalrai, on the other hand complained bitterly because the price of salt had gone down in Bengal and they wanted something done to raise it. These two sets of gentlemen can knock their heads together. The fact that two opposing views have emerged from within the same Party is a source of some surprise and satisfaction to me.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Then, there are those who advocated free and imaginative finance on the model of the United States or Germany and want unbalanced budgets to show what a prosperous country we are. Mr. Mann Subedar was the representative of that school. On the other hand Mr. Aikman took the view that a balanced budget was the real test of the success of financial policy. I will leave these two gentlemen to fight it out. I must also pass over perfunctorily the various references to military expenditure. In the first place the Party opposite have put down a vote of censure on the

[Sir James Grigg.]

Government for their defence policy and no doubt the defence of the Government in the matter of defence will be made on that occasion. There is another reason for not entering into a long discussion on military expenditure, namely, that the whole of the facts are not yet before us. His Majesty's Government have not yet taken decisions on Chatfield Committee and until they have, it is impossible to present a picture of defence expenditure or policy as a whole. I would just like however to give one or two figures to answer Mr. Asaf Ali's contention that penny for penny—whatever that might mean—India spends more on defence than any other country in the world. I will take the defence expenditure in round figures at 50 crores.

Mr. M. Asaf Ali: 57½ crores.

The Honourable Sir James Grigg: Then let us take the defence expenditure in round figures at 60 crores—if that will satisfy my Honourable friend—then out of a national income of 1,600 crores, or it may be as high as 2,000 crores, this is only 3 or 4 per cent. Mr. Asaf Ali may be interested to know that Germany at the present moment is spending 25 per cent. of her national income on armaments and United Kingdom is spending 12½ per cent. Perhaps they might reflect on these figures when they talk of defence expenditure in future.

Now, Sir, I should like for the rest of the time allotted to me to deal with the four questions which have emerged most frequently during the course of our discussions today. The first is that I have been deliberately under-estimating in order to produce a deficit budget, the second is the wisdom or the unwisdom of doubling the duty on raw cotton, and the third is that the Government of India in general and myself in particular are actuated by the motive of trying to do good to Lancashire and that this is our main objective in life. Then there was the secondary objective which the Government of India in general and myself, in particular were accused of, namely, of being great defenders of the rich and having as a policy the desire to promote and protect their interest. Let me take these in turn. Of course, this accusation of under-estimating which has been repeated by various Members of the Congress Party is an echo of, shall we say, their master's voice, the Federation of Indian Chambers of Commerce. In order to give precision to my answer on this point, I will use the figures which the Federation have put before the world and myself as illustrative of this general argument. They first say that there will be an import of at least 150,000 tons of sugar this year, so that the sugar revenue is under-estimated by 157 lakhs. Now, I should start by warning my Honourable friends opposite to be very chary about these estimates from people who have a motive in giving estimates of this sort. In the first place they want to prove that there is no need for any further central taxation. In the second place they want to indicate that the protective duty on sugar should be kept up in order that their profits may not be diminished. Personally like my Honourable friend, Mr. Shahban, I do not believe for one moment in the figure of 150,000 tons. Orders can always be cancelled. It has been known that people place orders which they have no intention of fulfilling and this they do in order to create a certain impression. And, anyhow, this crushing season in which there is said to be a great shortage of indigenous sugar, is not the

end of the story, so far as the financial year is concerned. Practically the whole of the next crushing season will be in the financial year with which we are dealing. Moreover, part of the shortage of indigenous sugar, if any, can be met from a switch-over to *khandasari* and, as Mr. Shahban pointed out, if the syndicate or whoever is responsible are going to keep the price of sugar up at the present level there is bound to be a diminution in consumption. But let us suppose that instead of 150,000 tons it is 100,000 tons. Then the degree of underestimating under that particular item is reduced to 64 lakhs. If we assume that the import is 50,000 tons and that no part of the shortage of this year's indigenous production is made up in the next season, then my estimate so far from being an underestimate will be an overestimate. And anyhow I will point out,—I will come back to this later on,—that this windfall if it happens will be a windfall which is for one year only and will not represent recurring sources of revenue on which you can make permanent calculations of your financial position. But if you are going to point to various respects in which underestimates of revenue have been made I think we must take into account the factors in respect of which it is possible that I have overestimated and represented things too optimistically. As the House knows, the mechanics of budget-making in India have certain awkward features about them. They are based on figures of very nearly a month earlier and quite often things happen during the course of that final month which affect the budget very materially. I think I can say that if I were making the estimates now, five weeks after they were made, I would make various alterations which could not have been properly foreseen at the time. I would certainly write down the duty to be received on cotton piece-goods of British origin by at least 25 lakhs. The trend of figures is such that I have no doubt that we have overestimated the revenue from the products of Lancashire. Also since I have made the budget estimates one of the Provincial Governments has indicated its intention of introducing complete prohibition in a very large, important and cosmopolitan city. They assume that this prohibition will be working for eight months of the year. On that assumption the loss to central revenue from customs duty on imported liquor will be 80 lakhs plus something on the loss of the income-tax which would have been derived from those people who have hitherto made a livelihood on the sale and import of intoxicating liquors. That figure of 80 lakhs incidentally will become 45 or thereabouts in a full year.

Then, Mr. Abdul Qaiyum took me to task over the amount provided for defence expenditure. He said that the expenditure of 45 lakhs on account of Waziristan,—which incidentally is an estimate in respect of the year which is now closing and I have made no provision for Waziristan expenditure next year,—will be at least 2 crores. I do not take him as a prophet too seriously, but supposing the Waziristan expenditure continues to a certain minor extent next year, that is a respect in which the budget figures are too optimistic. Now let me sum up. I take what I personally conceive to be an optimistic assumption of 100,000 tons of sugar imported in this coming year which, as I pointed out, will give me a single non-recurring 64 lakhs of extra revenue. Against that 60 lakhs or so of non-recurring revenue there is an indefinite amount of non-recurring expenditure on Waziristan, not as much as 2 crores but something; and there is on the present showing a drop of at least 70 lakhs a year in our recurring resources. And in giving these figures I made no mention of the various demands which have been made that some of the

[Sir James Grigg.]

expenditure which was excised in the course of economy campaign should be put back. So I would say that if I have got to take a different view from that put forward in the budget, so far from the budget being framed on a scandalously optimistic basis the boot is on the other foot.

Now, let me come to the observations of this same "Master's Voice" on the subject of my income-tax estimates. They say that I have grossly underestimated the extra income-tax which I shall derive from the new Income-tax Act and from the new rates in the Finance Bill. As regards the second of these heads, namely, the money to be derived from the new scale, obviously the calculations of the Federation are an example of what I believe is known in modern jargon as wishful thinking. They obviously want to prove, being not all of them very poor men, that there is no need for higher rates of taxation on the rich people. As regards the former, i.e., the amount to be derived from the alterations of law in the Bill which has just become an Act, I put down 50 lakhs for the operation of the Act in its first year. But I made it clear that I hoped for a great deal more than that in future years. The Federation seem to think that there is a good deal more tax-dodging and foreign investment than even I had supposed, and they probably are in a position to know. But what they forget is that the full rigour of the anti-evasion measures in the new Act cannot come into force for eight years. A great part of them will come into operation earlier than that, but the full rigour will not be effective for eight years. In any case there is one simple fact which completely destroys the gossamery web of unsupported assertion put forward by the Federation, namely, that even if they are right all the extra money will go to the provinces and not to the Central budget. So that, even if they are right it does not get them any nearer or get me any nearer producing a surplus which I can dispose of in uncovenanted benefits to this same federation of rich people. I should be very interested to see what alterations in their estimates of revenue the Provincial Governments make as a result of the diatribes of the Federation of Indian Chambers of Commerce and Industry. I do not pretend and never have pretended to be a particularly good prophet. The Federation evidently think that they are good prophets. I will repeat to them a remark which I have made before in this House, which was originally made by Mr. Bonar Law, that it is no good arguing with a prophet, you can only disbelieve him; and I do disbelieve the Federation. And remember one thing: that as between the Federation and myself, in these matters I am disinterested and they are not. I will say without any fear of contradiction that the accusation that I have deliberately fudged the figures in order to find an excuse for punishing the millowners or having a parting kick at them—I think that is the exact expression—is too grotesque and ridiculous to be even mentioned seriously. On the other hand this Federation wants to demonstrate that there is no need for further taxation, either of raw cotton or in the shape of increased income-tax rates. Mr. Bonar Law recommended that we should disbelieve all prophets. I will say that the motive for disbelieving interested prophets is even stronger than in the case of the generality of prophets.

Now, I come to the next point which has occupied attention in this debate and that is the question of the enhanced tax on raw cotton. At this stage of our debates I do not want to say very much. So far I am content to let the millowners and the cotton growers answer each

other which they appear to be doing with increasing acerbity. But I would like to point out support from an unexpected quarter and that is from the Karachi Merchants Chamber. The Karachi Merchants Chamber, who presumably briefed my Honourable friend there, did not say that the tax will do no good to Indian cotton—they only want the proceeds to be devoted to speeding up the benefit. I will give to the House a few general arguments on this question.

As far as I can see, it is not in the least true that all of the cotton which is now imported is such that it cannot be grown in India. There is a definite range where substitution is possible, and incidentally the House might be interested to know that I am credibly informed that in some parts of the Punjab, American cotton is getting lower prices than ordinary *deshi* cotton because the millowners are so busy importing American cotton that they have got no time to buy it in India. As I say there is a definite range of counts, to use a technical phrase with which I am not very familiar, over which imported cotton is substitutable by Indian cotton, and I am told that that is the range of counts represented by the figures 21 to 40. But apart from that, I refuse to believe, as it has been so gaily asserted, that India is for all time incapable of growing Egyptian cotton. So we have this position: that for counts of under 21 there is no question of imported cotton because none is imported—it is all Indian—and therefore there can be no question of this duty affecting Indian mills deleteriously. Between 21's and 40's the mills can perfectly well use Indian cotton if they want to. So there need be no effect on them whatever. Above 40's, which are the finer counts, my calculations are that for a mill using entirely imported cotton and nothing else, the effect of doubling the duty on raw cotton will be roughly equivalent to 3 per cent. on the cost of production. The present duty on Japanese imports is 50 per cent., plus the quota, which probably makes the duty equivalent on the whole system to something like 100 per cent.; the duty on Lancashire goods is 20 per cent. over the largest part of the field and 25 per cent. over another part of the field. So this talk of a duty of 3 per cent. on a comparatively small part of the cotton mill industry—and I would say that taking the industry as a whole the average effect of doubling the raw cotton duty is less than one per cent. of the cost of production—this talk of ruination is all rubbish. Honourable Members will bear in mind that—I think about two years ago—the duty on Lancashire piece-goods was reduced by 5 per cent.: and if a reduction of one per cent. on the average and three per cent. at the maximum is going to cause ruination to the industry, one would have expected that a five per cent. reduction would have produced blue ruin or any other coloured ruin you like. But what has happened? Imports of Lancashire goods fell just as precipitously as they were falling before, and they are now lower than they have been at any time in the history of India; and it is obvious surely that if the imports of foreign goods are falling off very very rapidly, then the duty is too high. Incidentally in the case of Japan this heavy duty of 50 per cent. plus the quota—the quota being linked with the purchase of Indian raw cotton—I understand that the position still is that Japan cannot fill her quota, so that the competition to the mill industry from Japanese imports has gone down very materially. Incidentally the cost of cotton cloth has, I understand, suffered only a very small reduction, if any, since the peak of prices which occurred in the early months of 1937, whereas the price of raw cotton has

[Sir James Grigg.]

gone down by 80 per cent., so that there is a further uncovenanted or unexpected benefit to the mill industry. It is perfectly true that there was a wages increase as a result of the Bombay Textile Inquiry—my Honourable friend, Mr. Joshi, will correct me if I am wrong—but this did no more than mop up part of the uncovenanted gain they got from the fall in the price of raw cotton . . .

Mr. N. M. Joshi (Nominated Non-Official): About half of that.

The Honourable Sir James Grigg: I thought that was the position, and I am glad to be confirmed, and indeed all the figures show that the mill industry is still making very substantial profits, if not very high profits. With these observations of a general character, I will leave that controversy for the time being, though I am prepared to resume it at any time it may be necessary.

Now, I come to the other two accusations which have been made seriously on his budget, and I really was a little grieved to be told by Mr. Joshi of all persons that our policy, the policy of His Majesty's Government, of the Government of India and of myself in particular, has been to do everything we possibly could to benefit Lancashire. Let me remind him that some time in the middle twenties the imports of Lancashire cloth were somewhere between 2000 million and 3000 million yards—nearer 8000 millions than 2000 millions. They are now just over 200 million yards; and I will repeat what I have said before in this country: do Honourable Members really imagine that if the Government of India and His Majesty's Government in general and myself in particular had set out to do everything we possibly could to help Lancashire, we should do it as badly as that? Surely it is silly rubbish on the face of it. I am surprised that Mr. Joshi, who is normally one of the most sensible men, should divagate so sadly. . . .

Mr. N. M. Joshi: I did not say a word about Lancashire.

The Honourable Sir James Grigg: Mr. Joshi went on to make an accusation which was very nearly as aberrant—if I can coin such word—as to what he said about Lancashire. He accused the Government of India in general and myself in particular of devoting the whole of our energies towards bolstering up the rich . . .

Mr. N. M. Joshi: Yes, I said that.

The Honourable Sir James Grigg: This accusation is one which must be treated seriously and one to which I am very sensitive. I am not a bit sensitive about the accusation of my being a commercial traveller from Lancashire.

Mr. N. M. Joshi: I did not say that.

The Honourable Sir James Grigg: Because I don't mind things which are manifestly absurd, but in this case the accusation that the tax system of this country is one which is designed to favour the rich is, as I say, one to which I am very sensitive. I have never, as the House knows, concealed

my view that the tax system in India is in technical parlance regressive. I would say that in an agricultural country where there are very small middle and upper classes, it is natural that there should to a certain extent be a preponderance of indirect taxation. Obviously in a comparatively undeveloped country the fiscal machine concentrates on things which are easily collectible in bulk at the ports and factories, and not on taxes which are collectible from individuals, so that the preponderance of indirect taxation is bound to be there in any country whose circumstances are the same as in India. But, as I have said even taking that into account, I think I have always held the view that the tax system is regressive, and it is more regressive than even it appears to be on account of two reasons. The first is that of the large number of protective duties contained in our fiscal system which impose a very heavy burden on consumers but which yield no money to the fisc. These protective duties which succeed in keeping out foreign goods are just as much of a burden on the consumer as any form of direct taxation which yields money to the fisc. Only in that case, in the case of successfully protective duties, the manufacturer gets the money, and in the other case the exchequer gets it. And there is another reason why the tax system is more regressive than even it appears to be, and that is, we have hitherto had an ineffective law and machinery against Income-tax dodging, and I would point out that there is not much point in the poor practising tax dodging. It is only the comparatively well-to-do who have any motive for acquiring proficiency in that art. Moreover, hitherto the income-tax scale has been too flat, if I may make myself clear by using that expression. As regards the first point, I have made about the protective duties and their regressive effect, I have, as Mr. Manu Subedar pointed out, fought against unnecessary increases in this direction, and devoted a good deal of my energy to this task, and Dr. Sir Ziauddin gave figures to the House which showed my personal record in this respect. I am bound to say that in spite of Mr. Manu Subedar's diatribes, it is a record of which I am not ashamed, except possibly that I ought to have fought harder and got more reductions made and not least I have a great sympathy with the view put forward by the Leader of the European Group that the surcharges on customs duties are still there in spite of five years aspiration on my part to get them removed. He is absolutely right about that, and if the revenue system of the country had been sufficiently elastic, I would very much have liked to have reduced the general rate for indirect taxation. But if my memory serves me right, one person who has always opposed my point of view bitterly whenever I wanted to reduce protective duties was the Honourable Member from Bombay who represents labour interests . . .

Mr. N. M. Joshi: When did you hear my speech?

The Honourable Sir James Grigg: I have never heard anything else from you, and I have always taken it a little hard, that one who undoubtedly has got the interests of the poorer classes very much at heart should not have supported me when I had sought to prevent the exploitation of the consumer.

Then, Sir, as regards the regressive character of the present income tax, I need not say very much when the shouting which took place over the Income-tax Bill is still resounding in our ears, and the Finance Bill certainly contains a new scale stiffening the rates in the upper regions a good deal. I am bound to say in fairness to my friend from Bombay that on the matter of the Income-tax Bill he helped me a good deal, and I

[Sir James Grigg.]

confidently expect his help on the second half of the task which arises on the Finance Bill. Altogether I do not feel that either of the reproofs which Mr. Joshi has brought lies against me, and moreover, seeing that Mr. Joshi is by conviction a high protectionist, I do not think he is a right person to make it even if he were justified.

Sir, I have now disposed of the few points to which I intended to direct the attention of the House. I realise that this debate has taken place when men's minds are elsewhere, and in a good many cases their bodies too, and that our debate has seemed rather remote from practical affairs. I apologise if the House thinks that I have accordingly been rather perfunctory and I apologise to my friend, Mr. Asaf Ali, if he thinks that my speech has contained rather more Mr. Hyde than Dr. Jekyll. No doubt we shall get opportunities of dealing with these matters more fully later on, and after what Mr. Asaf Ali has said, I will promise him that at any rate I will let the Dr. Jekyll in me peep out now and again.

Mr. President (The Honourable Sir Abdur Rahim): That closes the first stage of the discussion on the budget.

STATEMENT LAID ON THE TABLE.

TENDERS ACCEPTED BY THE HIGH COMMISSIONER FOR INDIA IN PURCHASING STORES FOR THE GOVERNMENT OF INDIA.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I lay on the table a statement furnished by the High Commissioner for India, showing that there have been no cases in which tenders other than the lowest have been accepted by him in purchasing stores for the Government of India during the half year ended the 31st December, 1938.

High Commissioner for India,
India Store Department

STATEMENT FOR HALF-YEAR ENDING 31st DECEMBER, 1938.

No cases in which tenders for stores demanded by the Central Government, other than the lowest complying with the technical description of the goods demanded, were accepted on the grounds of superior quality, superior trustworthiness of the firm tendering, greater facility of inspection, quicker delivery, etc.

ELECTION OF MEMBERS OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir James Grigg (Finance Member): Sir, I move:

"That the non-official Members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, four members to be members of the Committee on Public Accounts in place of Mr. Umar Aly Shah, Captain Sardar Sir Sher Muhammad Khan, Sirdar Jogendra Singh and Prof. N. G. Ranga, who retired on the 25th February, 1939, in accordance with the provisions contained in sub-rule (4) of the same rule."

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

"That the non-official Members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, four members to be members of the Committee on Public Accounts in place of Mr. Umar Aly Shah, Captain Sardar Sir Sher Muhammad Khan, Sirdar Jogendra Singh and Prof. N. G. Ranga, who retired on the 25th February, 1939, in accordance with the provisions contained in sub-rule (4) of the same rule."

The motion was adopted.

ELECTION OF MEMBERS FOR THE STANDING COMMITTEE ON EMIGRATION.

Sir Girja Shankar Bajpai (Secretary, Education, Health and Lands): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non-official members to serve on the Standing Committee on Emigration."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non-official members to serve on the Standing Committee on Emigration."

The motion was adopted.

ELECTION OF MEMBERS FOR THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official members to serve on the Standing Committee to advise on subjects in the Department of Commerce."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official members to serve on the Standing Committee to advise on subjects in the Department of Commerce."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of members to the Public Accounts Committee, Standing Committee on Emigration and the Standing Committee for the Department of Commerce the Notice Office will be open to receive nominations upto 12 Noon on Wednesday the 15th March and that the election, if necessary, for the Public Accounts Committee will take place on Friday the 17th March, while the elections for the Standing Committee on Emigration and the Standing Committee for the Department of Commerce will be held on Saturday the 18th March, 1939. The elections which will be conducted in accordance with the principle of proportionate representation by means of the single transferable vote will as usual be held in the Assistant Secretary's Room in the Council House, New Delhi, between the hours of 10-30 A.M. and 1 P.M.

THE INDIAN SOFT COKE CESS COMMITTEE (RECONSTITUTION AND INCORPORATION) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I move for leave to introduce a Bill to reconstitute and incorporate the Committee constituted under the Indian Soft Coke Cess Act, 1929.

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

"That leave be granted to introduce a Bill to reconstitute and incorporate the Committee constituted under the Indian Soft Coke Cess Act, 1929."

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I introduce the Bill.

THE REGISTRATION OF FOREIGNERS BILL.

The Honourable Sir Reginald Maxwell (Home Member): Sir, I introduce the Bill to provide for the registration of foreigners in British India.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): I do not move items Nos. 6 and 8 today. I move item No. 10. Sir, I move:

"That the Bill further to amend the Workmen's Compensation Act, 1923, for a certain purpose, be taken into consideration."

Sir, this is a very simple measure. It has become necessary owing to the difference of judicial opinion over the definition of "workman" contained in the Workmen's Compensation Act, 1923. The definition is contained in section 2(1) (n). Omitting the words that are not necessary for the purposes of this Bill,—I am confining myself to that portion of the definition with which we are concerned,—"workman" is there defined as meaning "any person employed on monthly wages not exceeding Rs. 800." That read with the provisions of section 5 of the Act should have made it clear that what is meant is that a workman is a person, subject to the other matters laid down in the sub-clause, whose rate of wages, when calculated in accordance with the method laid down in section 5 of the Act, did not exceed Rs. 800 a month. And that is the view taken by the Bombay High Court. On the other hand, the Madras High Court have taken the view—and I think they have read this definition, with all respect, as divorced from the provisions of section 5 of the Act—that the benefit of this Act could go to a workman only if he is employed by the month, that, if a workman is employed by the day or by the week, he is not covered by this definition. By amending the first part of section 5 of this Act by means of clause 2 of this Bill we are seeking to set that right. We are also taking the opportunity to exclude from section 5 (b) of the Act the words "deemed to be" which really are redundant. That is only a drafting amendment.

(1788)

We are also providing by clause 3 of the Bill that where a workman's claim to compensation has been dismissed, as a result of the construction which the Madras High Court have placed upon the definition of a workman in the Act, the claim can be reopened at the instance of the workman. That is to say, we are seeking to give retrospective effect to the provisions of this Bill. Sir, I do not think that there will be any controversy over this matter at all. I move.

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

"That the Bill further to amend the Workmen's Compensation Act, 1923, for a certain purpose, be taken into consideration."

Mr. N. M. Joshi (Nominated Non-Official): I do not wish to oppose this motion, but at the same time I wish to suggest to the Government of India that, instead of bringing forward measures amending the workmen's compensation law in small matters as they have done on this occasion and on some of the previous occasions, they should undertake a thorough revision of this law. The workmen's compensation law was amended some years ago after the publication of the report of the Royal Commission on Indian Labour. But, Sir, in that legislation several defects have remained; especially the rates given for compensation for several injuries and for death were kept very low on that occasion. There are also other defects in the legislation. I do not wish to make a speech about all the defects of the workmen's compensation law, but I would like—whether it would be in order or not, it would be for the Chair to decide.

The Honourable Sir Muhammad Zafrullah Khan: Why has that thought struck you, Mr. Joshi?

Mr. N. M. Joshi: The thought struck me because some gentlemen before you wanted to take on himself the duties of the President.

The Honourable Sir Muhammad Zafrullah Khan: Nothing of the kind.

Mr. N. M. Joshi: He said I would not be in order.

The Honourable Sir Muhammad Zafrullah Khan: Sir, if Mr. Joshi must know, Mr. Spence was saying, "I do not know whether he is or is not in order." And that I think is the feeling of Mr. Joshi himself.

Mr. N. M. Joshi: I do not wish to discuss that point any more. The point is that the Government of India should not bring forward small measures for amending some of the smaller defects of the Act. It is time now that they should revise the whole of the workmen's compensation law, so that the law in India may be brought into line with the law in Great Britain and other advanced countries. With these words, I support the motion.

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

"That the Bill further to amend the Workmen's Compensation Act, 1923, for a certain purpose, be taken into consideration."

The motion was adopted.

Clauses 2, 3 and 4, and the Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I beg to move: //

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE COTTON GINNING AND PRESSING FACTORIES (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I beg to move:

"That the Bill to amend the Cotton Ginning and Pressing Factories Act, 1925, for certain purposes, be taken into consideration."

This is a simple and non-controversial measure. The reasons for the amendments which the Bill seeks to make in the Cotton Ginning and Pressing Factories Act, 1925, have been fully explained in the Statement of Objects and Reasons. It will be seen that the Bill amends only two sections of the Act, namely, sections 9 and 14, and the need for amending these two sections has been represented by the Indian Central Cotton Committee, which is a statutory body constituted under the Indian Cotton Cess Act, 1923, for the improvement and development of the growing, marketing and manufacture of cotton in India. By clause 2 of the Bill, section 9 of the Cotton Ginning and Pressing Factories Act is being amended so as to require the owners of factories in existence before the commencement of the Act to conform in respect of structural alterations and additions to the requirements laid down in respect of factories constructed since the Act was introduced. In certain pre-Act factories in the Punjab, for instance, additions and alterations were made which were not in accordance with the plans and specifications prescribed by the Provincial Government under section 9(1) of the Act. Such owners of these factories as were prosecuted under section 9(1) (b) of the Act were acquitted by the Courts on the ground that the said section, as at present worded, did not apply to factories constructed before the Act was passed in 1925. If the additions or alterations to ginning and pressing factories, constructed before the passing of the Act, were allowed to escape from the obligation to conform to the plans and specifications imposed upon factories constructed after the passing of the Act, the object of the Act would be defeated. In amending this section, however, two objects have been kept in view. First, it was thought that it would be inequitable if the result of amending section 9 was such that no alteration, even of the most trivial character, to a pre-Act factory could be undertaken without imposing on the owner the liability to reconstruct the whole factory. The section has, therefore, been so amended that no alteration or addition leaves the factory as a whole further from the requirements of section 9 than it was prior to the alteration or addition being effected. Secondly, some 14 years have now passed since the commencement of the parent Act, and it will be unfair if the amended Act can, retrospectively, come down upon factory owners who may, within that long period, have taken advantage, with or without *mala fides* of the loophole we are now endeavouring to close. In order to avoid such an unfair operation

of the Act, it was considered necessary to supply a date from which this new sub-section will operate. It will be observed that the date mentioned in the Bill is the 27th day of February, 1930.

Clause 8 of the Bill will put a stop to the rigid application of the existing section which caused great hardship to the trade, inasmuch as it enabled purchasers to declare cotton not a fair tender even if there were only minor technical faults in marking and the quality of the cotton tendered was not in dispute. The result of the proposed amendment will be that the right of a purchaser to reject a bale of cotton will be limited to the bale not bearing the special mark prescribed for the factory under section 4(1) of the Act. Under clause 3(1) (b) the proviso to the existing section 14 is being omitted as having been long spent. The new sub-section to section 14, which it is proposed to add by clause 3(2) of the Bill, will result in throwing the onus of proving the falsity of the presumption on the person alleging such falsity. Here again, it was represented that in the absence of such a provision certain purchasers refused to accept bales on the ground that the marking had not taken place before the bales left the factory. The proposed amendment will remove this difficulty.

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

"That the Bill to amend the Cotton Ginning and Pressing Factories Act, 1925, for certain purposes, be taken into consideration."

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong: Non-Muhammadan): The Bill, as has been explained by the Honourable the Mover, is a complicated one and not so simple as he would have us believe. I think the House would not be discharging its responsibility in a technical matter like this, if it passed the Bill at once. I would request the Honourable the Mover to send the Bill to a Select Committee. It has been explained that the Bill seeks to give retrospective effect to certain provisions in their application to factories which were built before the passing of the original Act, and we cannot understand exactly what the implications of the new amendments will be. This is a very technical matter requiring some sort of engineering skill, and I would ask the House not to pass the Bill without referring it to a Select Committee. Unless the Honourable Member consents to send the Bill to a Select Committee, the House will have no option but to oppose the Bill.

The Honourable Sir Muhammad Zafrullah Khan: I am afraid Mr. Chaudhury is under a misapprehension. It is not proposed to make the Cotton Ginning and Pressing Factories Act retrospective and to apply it to pre-Act factories in the sense that they will all be asked now to reconstruct themselves and conform to the provisions of the Act. The retrospective effect of the Act will be only with regard to structural alterations or additions which are now made on the original factory itself, and I submit there is nothing technical in this measure.

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

"That the Bill to amend the Cotton Ginning and Pressing Factories Act, 1925, for certain purposes, be taken into consideration."

The motion was adopted.

Clauses 2, 3 and 1, and the Title and the Preamble were added to the Bill.

1799

LEGISLATIVE ASSEMBLY.

[9TH MARCH 1939.]

The Honourable Sir Muhammad Ismail Khan: Sir, I move.

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 9th March, 1939.

LEGISLATIVE ASSEMBLY.

Thursday, 9th March, 1939.

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

MEMBER SWORN.

Mr. Henry James Frampton, M.L.A., (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

APPRENTICES AND OTHER EMPLOYEES OF THE EAST INDIAN RAILWAY.

1886. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable Member for Railways state:

(a) the total number of apprentices employed in the Jamalpur and other workshops of the East Indian Railway as on the 1st January 1939, and how many of them were Anglo-Indians, and how many Indians;

(b) the total number of non-gazetted employees in the East Indian Railway getting a salary of Rs. 100 and more per month, as on the 1st January, 1939, and how many of them are Indians and how many Anglo-Indians;

(c) the total number of men in the lower gazetted staff in the East Indian Railway as on the 1st January 1939 and how many of them were Indians and how many Anglo-Indians; and

(d) whether it is a fact that the number of Indian apprentices is growing less in comparison with Anglo-Indian or domiciled European apprentices; what are the numbers for the past three years in each case?

The Honourable Sir Thomas Stewart: (a) The number of subordinate workshop apprentices, i.e., excluding apprentices in inferior service, was 116 of whom 30 were Anglo-Indians or domiciled Europeans.

(b) Such information as is available will be found in Appendix F of the Railway Board's Report for 1937-38.

(c) 80, both permanent and temporary, of whom 25 were Europeans, 25 Anglo-Indians or domiciled Europeans and 28 other communities.

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

1799

(d) The reply to the first part is in the negative. I am laying on the table a statement giving the relevant figures for the last eight years.

Statement.

Year.	Anglo-Indians and Europeans.	Other communities.
1931	20	24
1932	13	24
1933	8	22
1934	11	23
1935	4	24
1936	13	12
1937	14	11
1938	14	12

APPRENTICES AND OTHER EMPLOYEES ON THE GREAT INDIAN PENINSULA RAILWAY.

†887. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable Member for Railways please state:

(a) the total number of apprentices in the various workshops of the Great Indian Peninsula Railway as on the 1st January, 1939, and how many of them were Indians and Anglo-Indians; and

(b) the total number of men

(i) in the non-gazetted staff getting over Rs. 100 a month; and

(ii) in the lower gazetted staff,

in all branches, as on the 1st January, 1939, and how many of them were Indians and Anglo-Indians?

The Honourable Sir Thomas Stewart: (a) 557 Indians, of whom 95 were Anglo-Indians.

(b) (i). Such information as is available will be found in Appendix F of the Railway Board's Report for 1937-38.

(ii) 63, both permanent and temporary, of whom 22 were Europeans, 21 Anglo-Indians and 20 other communities.

APPRENTICES AND OTHER EMPLOYEES ON THE NORTH WESTERN RAILWAY.

†888. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable Member for Railways state:

(a) the total number of apprentices in the various workshops of the North Western Railway as on the 1st January, 1939, and how many of them were Indians and how many Anglo-Indians or domiciled Europeans; and

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

(b) the total number of men

(i) in the non-gazetted staff getting over Rs. 100 a month, and

(ii) in the lower gazetted staff,

in all branches, as on the 1st January, 1939, and how many of them were Indians and Anglo-Indians or domiciled Europeans?

The Honourable Sir Thomas Stewart: (a) 904 Indians, of whom 28 were Anglo-Indians or domiciled Europeans.

(b) (i). Such information as is available will be found in Appendix F of the Railway Board's Report for 1937-38.

(ii) 67 permanent, all Indians, of whom 35 were Anglo-Indians or domiciled Europeans.

INCOME FROM LICENCE FEES ON RADIO SETS.

†889. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Communications state:

(a) the number of licences issued and the amount of licence fees collected in the last financial year for radio receiving sets;

(b) whether the use of unauthorised sets has been detected, and, if so, how many of them; and

(c) considering the revenue from licence fees, what is the net amount that the exchequer will have to contribute to the All India Radio in the coming financial year?

The Honourable Sir Thomas Stewart: (a) 55,704 and Rs. 5,29,610.

(b) Yes. 1,814 during 1937-38 and 1,484 during the first nine months of the current financial year.

(c) I would refer the Honourable Member to the Demand No. 49-Broadcasting for 1939-40 which has not yet been voted by the House.

SCIENTIFIC WORK DONE IN THE KODAIKANAL OBSERVATORY.

†890. *Mr. C. N. Muthuranga Mudaliar: (a) Will the Honourable Member for Communications please state the names of successive Directors of the Kodaikanal Observatory and the scientific work of each since Dr. Evershed's retirement;

(b) Is it not a fact that the scientific work has been steadily deteriorating in the Kodaikanal Observatory?

The Honourable Sir Thomas Stewart: (a) Dr. T. Royds and Dr. A. L. Narayan. Besides maintaining the high quality of the routine scientific work of the Kodaikanal Observatory, which is planned in accordance with the recommendations of the International Astronomical Union, both these gentlemen have made important contributions to the science of solar physics.

(b) No.

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

ADVERTISEMENTS FOR THE POST OF DIRECTOR OF THE KODAIKANAL OBSERVATORY.

†891. *Mr. C. N. Muthuranga Mudaliar: (a) Will the Honourable Member for Communications please state the number of times that the post of the Director of Kodaikanal Observatory has been advertised in the past since the retirement of Dr. Evershed?

(b) Will Government please place on the table of the House copies of the advertisement in each case?

(c) On how many of these occasions did Government constitute a committee of competent experts for selecting the candidates for the post of Director? If no committee was appointed, what steps did Government take to ensure a high standard of research work by the Director?

The Honourable Sir Thomas Stewart: (a) No occasion has arisen to advertise the post since Mr. Evershed's retirement.

(b) Does not arise.

(c) On each occasion that the post has fallen vacant since Mr. Evershed retired, it has been filled by the appointment of the Assistant Director who had been specially selected for the post of Assistant Director, Kodaikanal Observatory. No question of direct recruitment by a selection committee has, therefore, arisen.

DEPUTY DIRECTORS IN THE RAILWAY BOARD.

892. *Mr. Abdul Qaiyum: Will the Honourable Member for Railways please state:

(a) the number of Deputy Directors in the Railway Board;

(b) how many of them are Indians;

(c) whether the Deputy Directors' posts are tenure posts, and if so, the length of the tenure;

(d) whether the tenure of any Deputy Directors has expired or is shortly to expire; and

(e) if so, whether these posts will be Indianised?

The Honourable Sir Thomas Stewart: (a) Six.

(b) Four.

(c) Yes. Normally a period not exceeding four years.

(d) The tenure of two Deputy Directors has already expired, and they will be transferred shortly to their railways. The tenure of the third Deputy Director will expire in March, 1939.

(e) These posts are filled by selection from amongst those considered most suitable to discharge the duties thereof, irrespective of nationality.

Mr. Abdul Qaiyum: May I know if it is a fact that in respect of the Deputy Directors' posts any percentage has been set aside for Europeans?

The Honourable Sir Thomas Stewart: No, Sir. So far as I am aware, no percentage has been set up.

Mr. Abdul Qaiyum: May I know if selections are made on the basis of seniority or merit?

The Honourable Sir Thomas Stewart: Seniority and merit.

MANUFACTURE OF AEROPLANES AND MOTOR ENGINES IN INDIA.

893. *Mr. Abdul Qaiyum: Will the Honourable Member for Communications please state:

(a) whether aeroplanes and motor engines are being built in India;

(b) if not, what are the obstacles in the way of such articles being manufactured here, and whether Government have considered that the same cannot be surmounted; and

(c) whether Government are satisfied that it is not absolutely essential to manufacture such articles in India in view of the uncertain international situation?

The Honourable Sir Thomas Stewart: (a) No.

(b) The Honourable Member is referred to the replies given to starred question No. 131 by Mr. Satyamurti on the 5th September, 1935.

(c) So far as the requirements of Civil Aviation are concerned, that is the position.

Mr. Abdul Qaiyum: Is the Honourable Member aware that only recently the French Government decided to set up a big factory in French Indo-China, where conditions could not have been different from what they are in this country?

The Honourable Sir Thomas Stewart: I have no information to that effect.

Mr. Abdul Qaiyum: Is the Honourable Member aware that Australia only recently started the manufacture of aeroplanes and engines?

The Honourable Sir Thomas Stewart: I am aware that efforts are being made in Australia.

Mr. Abdul Qaiyum: May I know why Government have not made inquiries from that country to find out how they have surmounted all the obstacles which are supposed to exist in this country?

The Honourable Sir Thomas Stewart: I am not aware that the difficulties have been surmounted.

Mr. Mann Subedar: May I know whether there are any consultations between the Honourable Member and the Defence Department in order to pool the industrial demand and the industrial effort in this country in matters like this?

The Honourable Sir Thomas Stewart: No, Sir, there can be no question of having consultations with a view to pooling, because the Civil Aviation Department possess no aircraft of their own.

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

Mr. Manu Subedar: May I know whether Government have considered the total demand both of Civil Aviation in the country and the Defence Department and consider that they would not be justified in setting up an aeroplane plant in this country?

The Honourable Sir Thomas Stewart: In view of what I have just said, I think the Honourable Member should address his question to the Defence Secretary.

Mr. Manu Subedar: My question was whether any consultations take place and particularly in order to see whether the total demand of India, present and prospective, would justify the installation of such a plant?

The Honourable Sir Thomas Stewart: Such consultation would be unnecessary since the Civil Aviation Department have no demand for aeroplanes.

Mr. Abdul Qaiyum: Is the Honourable Member unaware that in Australia they have actually set up a factory recently to turn out aeroplanes and engines?

The Honourable Sir Thomas Stewart: I am aware that for very many years past attempts have been made in Australia to manufacture aeroplanes and engines with indifferent success.

PARTICIPATION OF RAILWAYS IN ROAD SERVICES.

894. *Mr. Abdul Qaiyum: Will the Honourable Member for Railways and Communications please state:

- the cases where Railways have participated in the road services, and the financial effect thereof;
- whether this system is being extended; if so, the names of the Railways which intend to participate; and the roads on which they desire to compete;
- whether the Railways take part directly or merely lease out their right to private persons; and
- whether Provincial Governments are consulted before any such participation by Railways is actually begun?

The Honourable Sir Thomas Stewart: (a) and (c). I would refer the Honourable Member to the Proceedings of the Meeting of the Standing Finance Committee for Railways held on the 10th December 1938, and to page 57 of the Railway Board's Annual Report on Indian Railways for 1937-38, Volume I, a copy of each of which is in the Library of the House. Government understand that the North Western Transport Company is making satisfactory financial progress. It is not possible at the present stage to say what return may be anticipated as regards the Madras and Southern Mahratta Railway scheme.

(b) Government understand that the South Indian Railway Company contemplate operating a road motor service for goods traffic between Coimbatore and Satyamangalam and between Theni and Gumbum with four lorries of their own.

(d) So far as Government are aware, the Provincial Government was consulted by the North Western Railway Administration. They have no information in regard to other road services.

Mr. Abdul Qaiyum: May I know if this road enterprise is financed entirely by the railways, or do they take on people from outside?

The Honourable Sir Thomas Stewart: I will answer a question in that regard later on.

Mr. Brojendra Narayan Chaudhury: May I know the distance covered by the goods motor traffic inaugurated by the railway?

The Honourable Sir Thomas Stewart: I should be unable to answer that without notice.

PARTICIPATION OF RAILWAYS IN ROAD SERVICES.

895. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Railways please state:

- which Railways are participating in road motor services and the names of the partners in the service; of the partners how many are Europeans or European managed companies;
- whether rival motor services are permitted to run on roads upon which the Railways thus operate;
- whether the Railway motor service command certain advantages as through 'Tickets'—entrance to the Railway premises close to the Railway platform, which are denied to other transport owners;
- whether Government are prepared to consider the propriety of directing that the Railways should run the services themselves without partnerships, if they find the service will pay; and
- the object of the Railways taking partners in running road services?

The Honourable Sir Thomas Stewart: (a) The North Western Railway are participating in road motor service and the Madras and Southern Mahratta Railway will shortly do so. Road schemes are not run on the basis of partnership, but by private limited companies in which the Railways have a substantial interest. In the case of the North Western Railway, the Company is Messrs. Makhan Singh and Sons, and in the case of the Madras and Southern Mahratta Railway, Messrs. Simpson and Company.

(b) and (c). Yes.

(d) It is for Railway Administrations to make their own decision as to which method they consider most efficient and economical.

(e) As explained in the reply given to part (a) above these two schemes are not run on the basis of partnership.

Mr. Brojendra Narayan Chaudhury: May I know what is the distinction between partnership and the railways participating in these concerns?

The Honourable Sir Thomas Stewart: The railways are shareholders in a limited company—that is not a partnership.

Mr. Brojendra Narayan Chaudhury: Has the Honourable Member considered the probabilities of abuses creeping in when the railways enter into such contracts with private companies?

The Honourable Sir Thomas Stewart: No, Sir, in these circumstances I see no reason why abuses should creep in.

PILOTING OF PASSENGER TRAINS BY AN ENGINE ON THE EAST INDIAN RAILWAY.

896. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

- whether a pilot engine to passenger trains would not ensure better safety against derailment; and
- the difficulties about introduction of piloting as above; and the probable cost per passenger mile?

The Honourable Sir Thomas Stewart: (a) No.

(b) Does not arise.

SPEED OF TRAINS ON THE EAST INDIAN RAILWAY.

897. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

- whether there has been considerable improvement of speed of trains on the East Indian Railway since 1890;
- whether the Chord Mail of 1890 reached Allahabad from Howrah in 17½ hours over 564 miles with 20 halts;
- whether to-day the Delhi Mail takes 13 hours to reach Allahabad with nine halts only; and
- whether from the past experiences of derailments, it has been found that more derailments have occurred in the case of faster trains than in the case of slower?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) No. From January to September, 1890, the Chord Mail reached Allahabad in 20 hours and 5 minutes with 30 halts.

(c) No. 1 Up Mail takes 14 hours and 2 minutes to reach Allahabad with 10 halts.

(d) No.

PILOTING OF MAIL AND EXPRESS TRAINS BY AN ENGINE ON THE EAST INDIAN RAILWAY.

898. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

(a) whether after the derailment of the 1 Up Punjab Mail on the 4th April, 1922, near Madhupur at midnight, a pilot engine escorted the Punjab Mail for many years;

(b) when the pilot engine was discontinued and why; whether Government now propose to reintroduce the pilot engine at least for Mail and Express trains; and

(c) whether searchlights were introduced after the above derailment?

The Honourable Sir Thomas Stewart: (a) and (b). As regards (a) and the first part of (b), Government have no information. The reply to the second part of (b) is in the negative.

(c) I would refer the Honourable Member to the reply given to part (a) of his question No. 647 of 24th February, 1939.

Mr. Brojendra Narayan Chaudhury: Do not the Railway Board ask the Railway Administration to keep themselves well posted with the past history of the railway as regards these matters?

The Honourable Sir Thomas Stewart: No, Sir, I admit quite frankly that the Railway Board do not possess a minutely detailed history of past events on each railway.

LOCATION OF POST OFFICES IN CALCUTTA AND MUFFASIL IN GOVERNMENT BUILDINGS.

899. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Communications Member please state:

- whether formerly most post offices in Calcutta and some in Muffasil town in Eastern Circle used to be housed in rented houses;
- when and why these began to be located in Government's own buildings;
- whether there are now any post offices in Calcutta and Muffasil towns or postal officer's quarters in Eastern Circle in rented houses for which Government have to pay rent; and
- if so, whether they also are proposed to be located in Department's own building; if not, why not?

The Honourable Sir Thomas Stewart: I do not know to what exact period the Honourable Member refers when he speaks of "formerly" in part (a) of his question. There is also no circle known as Eastern Circle. In Calcutta, as well as in some of the muffussil towns of Bengal, there are some post offices and some postal officers' quarters located in rented buildings. As regards the general policy of the Department in the matter of constructing its own buildings, I would refer the Honourable Member to the reply I gave to his starred question No. 168 on the 7th February, 1939.

LEVY OF ECONOMIC RENTS FROM EUROPEAN REFRESHMENT ROOMS ON THE BENGAL NAGPUR RAILWAY.

900. *Mr. T. S. Avinashlingam Chettiar: Will the Honourable the Railway Member state:

- whether in the Bengal Nagpur Railway the European refreshment rooms are worked departmentally and so no rent is charged for the rooms, while the Indian refreshment rooms are charged economic rents;
- whether the departmental working has resulted in profits or loss in the last two financial years;

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

- (c) why the European refreshment rooms are worked departmentally; and
- (d) what is the total income received by way of rents from the Indian refreshment rooms in the last two years?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the statement laid on the table of this House on the 7th February, 1939, in connection with Mr. S. Satyamurti's starred question No. 1088 of 16th September, 1938. The Bengal Nagpur Railway charge licence fees and not rents.

(b) Departmental catering has resulted in a loss in the last two financial years.

(c) This departmental catering for first and second class refreshment rooms was started over 20 years ago as an experiment and has since proved satisfactory.

(d) 1936-37—Rs. 76,455.

1937-38—Rs. 76,877.

LEVY OF ECONOMIC RENTS FROM EUROPEAN REFRESHMENT ROOMS ON THE ASSAM BENGAL AND MADRAS AND SOUTHERN MAHRATTA RAILWAYS.

†901. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Railway Member state:

- (a) whether on the Assam Bengal Railway and the Madras and Southern Mahratta Railway the European refreshment rooms are charged only a nominal rent of Re. 1/- per month, while the Indian refreshment rooms are charged economic rents;
- (b) whether the European refreshment rooms are used only by a few people;
- (c) whether they are used mostly by well-to-do people;
- (d) if so, whether Government have considered the advisability of levying economic rents on these refreshment rooms; and
- (e) what will be the income per year to the administration, if they were charged economic rents?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the statement laid on the table of this House on the 7th February, 1939, in connection with Mr. S. Satyamurti's starred question No. 1088 of the 16th September, 1938.

(b) Government understand that some of them are poorly patronised.

(c) I am prepared to accept the Honourable Member's statement as correct.

(d) The matter is under consideration.

(e) Government have no information.

GUARDS ON THE GREAT INDIAN PENINSULA RAILWAY.

902. ***Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable Member for Railways be pleased to state the number of guards working on the Great Indian Peninsula Railway on passenger trains? How many of them are Indians and how many Europeans and Anglo-Indians?

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

(b) What is the number of guards working on goods trains, how many of them are Indians and how many Europeans and Anglo-Indians?

The Honourable Sir Thomas Stewart: (a) 271, of whom 152 are Europeans and Anglo-Indians.

(b) 447, of whom 60 are Europeans and Anglo-Indians.

Qazi Muhammad Ahmad Kazmi: In answer to part (a) of the question, the Honourable Member said that the number of Europeans is 271.

The Honourable Sir Thomas Stewart: No, I said the total number is 271, of whom 152 are Europeans and Anglo-Indians.

Qazi Muhammad Ahmad Kazmi: And what is the number of Europeans with reference to part (b) of the question?

The Honourable Sir Thomas Stewart: 447 is the total number of whom 60 are Europeans and Anglo-Indians.

Mr. Abdul Qaiyum: May I ask if in this particular branch of service any percentages have recently been laid down for the various communities, viz. Europeans and Anglo-Indians?

The Honourable Sir Thomas Stewart: This is a subordinate service to which the 75/25 ratio does not apply.

Mr. Abdul Qaiyum: Does not the Honourable Member think that the Europeans are over-represented in this service?

The Honourable Sir Thomas Stewart: The Honourable Member is asking for an expression of my personal opinion.

Mr. Abdul Qaiyum: May I know if it is for strategic reasons that Europeans are being employed mostly as guards and drivers, so that in case of trouble they can run these railways?

The Honourable Sir Thomas Stewart: I am not prepared to accept the Honourable Member's suggestion that Europeans are being employed.

Qazi Muhammad Ahmad Kazmi: What is the reason that Indians are not given a sufficient chance for carrying passenger trains when there is a sufficient number of them in the service already?

The Honourable Sir Thomas Stewart: I do not accept the Honourable Member's suggestion.

Qazi Muhammad Ahmad Kazmi: I do not quite follow the Honourable Member when he says that he does not accept my suggestion. It is a fact, according to him, that out of 271, 152 Europeans and Anglo-Indians are running the passenger trains and although the number of Indian guards is sufficiently large, they are not given any opportunity to run the passenger trains.

The Honourable Sir Thomas Stewart: That is the result of the past history of the recruitment in the railways.

GRIEVANCES OF GUARDS ON THE GREAT INDIAN PENINSULA RAILWAY.

903. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable Member for Railways please state whether it is or it is not a fact that in the Great Indian Peninsula Railway there are four classes of guards, the lowest being D and the highest A?

(b) Is it or is it not a fact that the only prospects that a D, C and B guard has is a promotion to the next higher grade?

(c) Is it or is it not a fact that the promotion from one class to another depends upon the vacancies occurring in the higher grade?

(d) Is it or is it not a fact that in cases of vacancies in grades B and C, only 20 per cent. of them are filled up by promotion from the lower grade, and the remaining 80 per cent. from ticket-collectors, number-takers, assistant and head-number-takers and cabinmen, who have passed an examination of a guard?

(e) Is it or is it not a fact that very often persons who are senior in D grade to the entrants from other branches are not given promotion, as against entrants from other departments?

(f) Is it or is it not a fact that ticket collectors, shunting masters and number-takers have got chances of promotion in their respective department as well, while the guards in lower grades have got no other openings?

(g) Is it or is it not a fact that formerly the persons of the departments mentioned in part (d) above used to be taken to grade D, where their seniority could be easily determined with respect to the other members of grade D?

(h) Have Government considered the great disadvantage to which the guards in grade D are put by this method of recruitment and have they considered the advisability of restoring the old procedure of fresh recruitment being made directly to grade D only and to no other grade?

The Honourable Sir Thomas Stewart: (a) to (c). The facts are as stated, except that a "B" grade guard may also be promoted as a "B" grade Assistant Station Master.

(d) 20 per cent. of the "C" grade posts are filled by the promotion of "D" grade guards and the remainder by shunting masters, number-takers, cabinmen and ticket collectors. Ten per cent. of the "B" grade posts are normally allotted for promotion of "C" grade men, and 15 per cent. for promotion of ticket collectors and yard supervisors, but in practice the percentage of vacancies so filled is higher: for the balance direct recruitment is made.

(e) Senior "D" grade guards who are properly qualified are given preference over others.

(f) Opportunities for advancement of the staff referred to in the first part, within their respective categories, are comparatively small. Guards in the lower grades are eligible for promotion to the higher grades and may also be promoted to posts such as Assistant and Deputy Controllers, Yard Foreman, Assistant Station Masters and Station Masters.

(g) I understand that there have been a few such cases.

(h) The present procedure is considered to be more suitable as conducive to efficiency, and Government see no reason justifying their asking the General Manager to consider reverting to the previous arrangement.

Qazi Muhammad Ahmad Kazmi: With regard to the answer to part (e) of the question, has the Honourable Member made any inquiry—and that is the chief complaint—that the "D" grade guards who are senior in service, which is to be counted from the date of the passing of the examination of the guardship, on account of the percentage that has been fixed, are not given proper treatment with the result that the senior persons are kept in the back-ground and the junior persons are taken from other departments on account of this percentage?

The Honourable Sir Thomas Stewart: I do not agree that the "D" class guards are unfairly treated. This system of promotion has been worked out so that a fairly large number of not merely the "D" grade guards but other employees should be given avenues of promotion.

Qazi Muhammad Ahmad Kazmi: That is perfectly correct. What I want to know is that on account of this percentage does it or does it not happen that a senior "D" grade guard is kept back while a junior person in service, so far as the examination is concerned, is given promotion to "C" grade from other branches?

The Honourable Sir Thomas Stewart: If the Honourable Member will study the reply that I have given—I admit it is an elaborate one—he will see how the system of promotion is worked out.

GRIEVANCES OF GUARDS ON THE GREAT INDIAN PENINSULA RAILWAY.

904. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable Member for Railways please state whether it is or it is not a fact that at the time of increase of work in the Great Indian Peninsula Railway junior passed hands from other departments are appointed to the officiating posts in grades C and B of guards, in preference to guards of grade D?

(b) Have Government considered the hardship of this procedure on the guards of grade D and considered the advisability of stopping this practice?

The Honourable Sir Thomas Stewart: (a) and (b). When there is pressure of traffic, the arrangements made to deal with it are those that are considered most suitable, but I understand these do not involve hardship to guards in grade "D".

Qazi Muhammad Ahmad Kazmi: Will it not be proper to give an opportunity to the "D" class guards to work on such occasions instead of getting new entrants?

The Honourable Sir Thomas Stewart: Well, Sir, the problem has been the subject of very serious consideration by the Administration concerned and, as I have told the Honourable Member, the arrangements now in force are those best calculated to maintain the efficiency of the service.

Qazi Muhammad Ahmad Kazmi: Is it not a fact that people who have already been in service and who are working as "D" class guards will be better qualified to run the trains rather than the new entrants who are at once taken to "C" and "B" grades?

The Honourable Sir Thomas Stewart: I am no more a railway expert than the Honourable Member, but I accept the opinion of the Administration who have advised me in this regard.

Mr. Lalchand Navalrai: With reference to clause (a) of the question, may I know whether the persons who are taken in when there is an increase of work supersede the permanent employees or they are taken in temporarily?

The Honourable Sir Thomas Stewart: The purport of my reply is that this process is carried out when there is an emergency.

Mr. Lalchand Navalrai: Even in the case of emergency, will it not be unfair if they are given promotion by superseding others?

The Honourable Sir Thomas Stewart: I do not admit that it is unfair.

TEMPORARY OFFICERS IN THE VIZAGAPATAM PORT.

905. *Mr. K. S. Gupta: (a) Will the Honourable Member for Communications please state how many temporary officers there are in the port of Vizagapatam?

(b) When will they be substituted by permanent men?

(c) What is the salary paid to each of such temporary men, and what would be the salary of each of them if they are permanent incumbents?

(d) Since how long have these temporary officers been holding these permanent posts in each case?

(e) What are the changes made in the administration of the port of Vizagapatam since the publication of the Report in 1937?

The Honourable Sir Thomas Stewart: (a) to (e). The information is being collected and will be laid on the table in due course.

SALARIES OF CERTAIN OFFICERS OF THE VIZAGAPATAM PORT.

906. *Mr. K. S. Gupta: (a) Will the Honourable the Communications Member please state the salary of the Traffic Manager and Deputy Administrative Officer of the port of Vizagapatam? Is he a European or Indian? If he is a European, is no Indian available to hold the post?

(b) What pay is the present assistant of the Traffic Manager drawing per mensem? What was his previous appointment and on what salary?

(c) What is the salary of the Harbour Master? What are his duties?

(d) How many pilots are there in the port of Vizagapatam? What are their respective salaries?

The Honourable Sir Thomas Stewart: (a) The present Deputy Administrative Officer and Traffic Manager is a European and receives a pay of Rs. 2,500 per mensem plus £13-6-8 per mensem sterling overseas pay. As regards the last part, no change in the incumbent of the post is contemplated, so the question does not arise.

(b) Rs. 850 per mensem in the scale of Rs. 300—50—900. Prior to his appointment at the Port of Vizagapatam in July, 1934, he was Head Train Controller on the Bengal Nagpur Railway on Rs. 500 per mensem.

(c) Rs. 1,800 per mensem in the scale of Rs. 1,100—50—1,800. As regards the duties of the Harbour Master, I would refer to the reply given by the Honourable Mr. A. G. Clow to part (f) of the Honourable Member's starred question No. 415 on the 23rd August, 1938.

(d) Three, who draw Rs. 875, Rs. 875 and Rs. 850 per mensem, respectively, in the scale of Rs. 750—25—1,100.

COST OF MAINTAINING THE DREDGER AT THE VIZAGAPATAM PORT.

907. *Mr. K. S. Gupta: (a) Will the Honourable the Communications Member please state how much it cost the port to maintain the dredger during the years 1936, 1937 and 1938?

(b) How many Engineers are there to look after the dredging operations, and how much does each get per month as salary? How many shifts do they work? What is the need for these shifts?

The Honourable Sir Thomas Stewart: (a) and (b). The information has been called for and will be laid on the table in due course.

SIGNAL STATIONS IN THE VIZAGAPATAM PORT.

908. *Mr. K. S. Gupta: (a) Will the Honourable the Communications Member please state how many signal stations are there in the port?

(b) What is the staff for each signal station?

(c) Is there any proposal to reduce the number of signal stations? If not, why not?

(d) Is there any proposal to reduce the Harbour dues and godown rents to improve the income of the port by the increase of ships calling at the Harbour for exports and imports?

(e) Is the Honourable Member aware that these heavy dues, etc., scare away the merchants who thus divert the shipping of groundnut to Bimlipatam, Coconada and Masulipatam?

(f) Is there any proposal of transferring the management of the Harbour to the Bengal Nagpur Railway as is reported on page 15 of the *Madras Mail* of the 23rd January, 1939? If so, why?

The Honourable Sir Thomas Stewart: (a) to (e). The information has been called for and will be laid on the table in due course.

(f) Such a proposal has been under consideration in connection with investigations as to the best method of administering the port without making it a charge on the public revenues. No decision has been reached.

PORT ENGINEER OF THE VIZAGAPATAM PORT.

909. *Mr. K. S. Gupta: (a) Will the Honourable the Communications Member please state what is the salary of the Port Engineer at present?

(b) Is he a European or Indian? When did he take charge?

(e) Are the posts of Harbour Master and Mechanical Superintendent declared independent of the Port Engineer? If so, since when and why?

The Honourable Sir Thomas Stewart: (a) Rs. 1,100 per mensem in the scale of Rs. 1,100—50—1,350.

(b) Indian. 1st December, 1938.

(c) Yes, with effect from the 1st December, 1938, in the interests of economy.

PURCHASE OF COMPANY-MANAGED RAILWAYS BY GOVERNMENT.

910. *Mr. Abdul Qaiyum: Will the Honourable Member for Railways please state:

- the cases in which it is proposed to acquire Company-managed Railways;
- the cases since 1st January, 1935 in which Government did not exercise their option of purchase of either Company-owned or Company-managed Railways on the due date;
- the cases where the option to purchase is likely to fall due in 1939, 1940 and 1941; and
- whether any decisions have been arrived at about the cases mentioned in clause (c) and, if so, the nature thereof and the reasons therefor?

The Honourable Sir Thomas Stewart: (a) It is presumed that the Honourable Member is referring to State-owned Railways, managed by companies. If so, no decision, terminating the contract of any such Company in the near future, has so far been reached. In this connection, the attention of the Honourable Member is invited to part (a) of the reply to starred question No. 1568 asked by Mr. Satyamurti on the 29th November, 1938.

(b) The option of purchase was not exercised in the case of the Bengal and North Western, Rohilkund and Kumaon, Madras and Southern Mahratta, and Darjeeling-Himalyan Railways.

(c) The Hardwar-Dehra and South Bihar Railways fall due for purchase in the year 1939, and the Dibru-Sadiya, Shahdara-Saharanpur, Light, Assam Bengal, and Bombay, Baroda and Central India Railways, in 1941.

(d) It has been decided to purchase the Hardwar-Dehra and South Bihar Railways as the purchase in their case is a good financial proposition. No decision has yet been reached in respect of the other railways.

Mr. Abdul Qaiyum: With reference to part (b) may I know why the option was not exercised in these cases?

The Honourable Sir Thomas Stewart: Because it did not appear to be a satisfactory financial proposition.

Mr. Brojendra Narayan Chaudhury: May I know whether the question of the purchase of Assam Bengal Railway is being considered?

The Honourable Sir Thomas Stewart: That will be considered.

EXPIRY OF CONTRACT OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

911. *Mr. Manu Subedar: (a) Will the Honourable the Railway Member please state when the contract with the Bombay, Baroda and Central India Railway Managing Company expires?

(b) Have Government any proposal for terminating the contract?

(c) What notice is required to be given of such termination?

The Honourable Sir Thomas Stewart: The attention of my Honourable friend is drawn to the reply given on the 29th November, 1938, to Mr. Satyamurti's starred question No. 1568.

Mr. Manu Subedar: May I know whether, before taking a decision, the Government will place all the materials before the House showing all the financial estimates and all other considerations in order to enable the House also to form an opinion?

The Honourable Sir Thomas Stewart: No, Sir. I can give no such undertaking.

Mr. Manu Subedar: May I know why Government do not think it proper to supply to this House all relevant materials in order that Members of this House could determine what should be done? Will all the leaders of parties be taken into confidence?

The Honourable Sir Thomas Stewart: I can give no such guarantee.

Dr. Sir Ziauddin Ahmad: From what fund is this money taken? From the capital fund or out of working expenses?

(No answer.)

Mr. Manu Subedar: Will the Honourable Member state what is the period of notice of termination to B. & C. I. Railway?

The Honourable Sir Thomas Stewart: So far as I remember, one year.

ISSUE OF SINKING FUND ANNUITIES ON RAILWAYS.

912. *Mr. Manu Subedar: (a) Will the Honourable the Railway Member please state in the case of how many railways sinking fund annuities have been issued?

(b) When were these issued?

(c) How many of these have been paid off and what is the balance?

(d) How much money was paid towards the payment of annuities for State Railways from revenue (showing the share under the separation of railway finances convention)?

(e) Is the payment of annuities, which involve capital repayment, taken into account?

The Honourable Sir Thomas Stewart: (a) No sinking fund annuities have been issued. Probably the Honourable Member is referring to the sinking funds created to redeem the stock which was issued to cancel a

small portion (about one-seventh) of the annuities of the East Indian, Eastern Bengal and Scinde Punjab and Delhi Railways.

(b) The portion of annuities referred to above was issued and cancelled in the same year in each case, i.e., in 1880, 1884 and 1886 respectively.

(c) Out of the total debt of a little over £18 million created for the purpose, approximately £10½ million have been paid off to end of 1937-38, the amount now outstanding being about £2½ million.

(d) The total annuities of the railways outstanding after the creation of the stock referred to in (a) and (c) amounted to £81.84 million. Of this total, a sum of £21.75 million was paid from railway revenues towards payment of railway annuities up to the date of separation of railway from general finances. Thereafter, £22.20 million have been paid from civil revenues to the end of 1937-38. Thus the amount now outstanding is about £37.89 million, which is, of course, in addition to the liability mentioned in (c) above. No annuity has been paid off from railway revenues after the separation, the amount which was outstanding at the time of separation continuing to remain as part of the capital at charge of railways.

(e) The intention of the Honourable Member is not clear, but it may be stated that the annuity payments are intended to cover both capital and interest.

Mr. Manu Subedar: May I know whether the Honourable Member can tell us if the annuity contracts are contracts which cannot be disturbed during the period on account of the low money rates and whether it is not open to Government to buy out these annuities in the market?

The Honourable Sir Thomas Stewart: I want notice regarding the terms of the contract.

GROSS PROFIT OF THE BENGAL NAGPUR RAILWAY.

913. *Mr. Manu Subedar: (a) Will the Honourable the Railway Member please state what was the gross profit of the Bengal Nagpur Railway during each of the last three years, and how much of this came to the State and how much went to the managing Company?

(b) On what basis is the profit calculated?

(c) Were any objections taken during any of these three years to the allocation of any items of expenditure to capital, which should have been allocated to revenue?

(d) Is the audit done by an officer responsible to the Auditor General?

(e) What was the original capital of the Bengal Nagpur Railway managing Company, and what was the percentage of the Company's income during these three years to their total original capital?

The Honourable Sir Thomas Stewart: (a) Assuming that the Honourable Member is referring to surplus profit, the Bengal Nagpur Railway did not earn any surplus profit during the years 1935-36 and 1936-37. In the year 1937-38 the total surplus profit amounted to Rs. 67,03,577 of which Government's share was Rs. 68,02,271 and the Company's share Rs. 4,01,306.

(b) Presumably the Honourable Member refers to the Company's share of surplus profit. The total surplus profit, that is, the total of the Company's and Government's share, is arrived at by deducting from the net earnings (i.e., gross receipts minus working expenses) the interest on the Secretary of State's capital and the Company's share capital and debentures, and this total profit is divided between Government and the Company in the ratio of their respective capital investments. For further details I would invite the Honourable Member's attention to the summary of the provisions of the contract given on page 25 of the History of Indian Railways corrected up to 31st March, 1937, a copy of which is in the Library of the House.

(c) Objections of this nature have occasionally arisen in the course of audit. They have been settled in accordance with the terms of the contract.

(d) Yes. The Government Examiner.

(e) The original capital of the Bengal Nagpur Railway Company was three million pounds or rupees four crores and fifty lakhs. This carries guaranteed interest of 3½ per cent. In addition the surplus profit earned by the Company in the year 1937-38 amounted to approximately .89 per cent. on the original capital. As already stated in reply to part (a) no surplus profit was earned in the years 1935-36 and 1936-37.

INSTRUCTIONS FOR COMPILATION OF RAILWAY STATISTICS.

914. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Honourable Member for Railways please state:

(a) the methods by which the figures given in Volume II of the Railway Board's Report for each year are collected, compiled and published;

(b) whether there are any instructions for the compilation of these railway statistics issued by the Railway Board;

(c) whether such instructions will be published for the information of the public;

(d) whether these instructions are treated as confidential, and if so, why; and

(e) whether Government propose to reconsider this matter and publish these instructions for the benefit of the public, so as to make the figures more intelligible?

The Honourable Sir Thomas Stewart: (a), (b), (c), (d) and (e). The methods and instructions for the compilation of these statistics are incorporated in various departmental circulars issued by the Railway Board during the past eleven years. The question of embodying all these instructions into a statistical code is under consideration and a copy of the code when prepared will be placed in the Library of this House.

Mr. F. E. James: May I know whether the Honourable Member will give consideration to the suggestion that has been made on more than one occasion from these Benches that the Railway Board report, Volumes I and II, should be published in a more summarised and convenient form instead of the present bulky volumes which are exceedingly dull and very expensive?

The Honourable Sir Thomas Stewart: Yes, Sir. We have under consideration the preparation of a more summarised account of our activities comparable to the volumes issued by the London Transport authorities.

Dr. Sir Ziauddin Ahmad: It should be in addition, not in place of?

The Honourable Sir Thomas Stewart: Yes, in addition.

Mr. Abdul Qaiyum: What is the answer to part (e) of the question.

The Honourable Sir Thomas Stewart: I said that we had under contemplation the preparation of a statistical code and a copy of the code when prepared will be placed in the Library of the House.

Mr. Abdul Qaiyum: I want to know whether the instructions on which this particular code is prepared will be published,—the instructions of the Government laying down the method and the manner in which the code should be prepared?

The Honourable Sir Thomas Stewart: The Honourable Member seems to be under some misapprehension. The code will be the corpus of instructions to the railways as to how to compile statistics.

GRIEVANCES OF TRAIN CLERKS ON THE NORTH WESTERN RAILWAY.

915. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Honourable Member for Railways please state:

- whether it is a fact that on the North Western Railway the defaulters of other branches are reverted as train clerks as a sort of punishment, consequently adversely affecting seniority of train clerks already in service;
- whether it is a fact that some railway train clerks are promoted as yard foreman on the same pay grade; if so, why;
- whether it is a fact that the promotion as special ticket examiners is purely reserved for ticket collectors; if so, why;
- whether train clerks are supplied with uniforms; if not, why not; and
- whether the station staff on the railway is allowed any calendar day rest in a week; if not, what overtime remuneration is paid to them?

The Honourable Sir Thomas Stewart: (a) Government have no information on this point, but the reversion of an employee to a different category may, on occasions, affect the seniority of some of those who are in that category.

(b) to (e). I would refer the Honourable Member to the reply I gave to Mr. Lalchand Navalrai's questions Nos. 788, 787 and 872 on the 28th and 24th February, 1939.

Mr. Abdul Qaiyum: With reference to clause (d) of the question may I know whether, since that last reply was given, Government have decided to supply uniforms to train clerks?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the reply given to question No. 787 asked by Mr. Lalchand Navalrai on the 28th February last.

NON-SANCTION OF THE ADJUSTMENT OF PROVIDENT FUND CONTRIBUTIONS TOWARDS INSURANCE PREMIA BY THE RAILWAY BOARD.

916. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Honourable Member for Railways please state:

- whether it is a fact that the Railway Board have not sanctioned the adjustment of provident contributions towards insurance premia; and
- whether Government have considered the advantages to railway employees in permitting this system and whether they propose to pass favourable orders thereon sanctioning this system?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) Government have considered the question in all its bearings and have come to the conclusion that it is not in the interest of the subscribers to railway provident funds to allow them to substitute premia towards insurance policies for subscriptions to the fund or to withdraw deposits to meet payments on such policies.

Mr. Mann Subedar: May I know whether it is a fact that in certain other departments of the Central Government and in many departments of the Provincial Governments this permission is given?

The Honourable Sir Thomas Stewart: That I believe to be the case.

Mr. Mann Subedar: In view of the fact that the Provincial Governments, local authorities and some departments of the Government of India consider this innocuous and not harmful, will the Honourable Member look into this question further?

The Honourable Sir Thomas Stewart: What may be innocuous in regard to certain classes of persons is not necessarily innocuous with regard to others.

PERSONS DETAINED IN BRITISH INDIA FOR REASONS OF STATE CONNECTED WITH EXTERNAL AFFAIRS.

917. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Secretary for External Affairs please state:

- according to the latest information available, the number and the names of persons detained in British India for reasons of State connected with external affairs;
- where they are detained;
- whether they are detained in the centrally administered areas, or in areas administered by Provincial Governments; in the case of the latter, whether the consent of the Provincial Government concerned has been taken;

(d) the reasons for which these persons have been detained and the period during which they have been detained; and

(e) whether their cases are taken up by the Government of India when States outside India are concerned in the matter and their cases reviewed from time to time with a view to ordering their release; if not, why not?

Sir Aubrey Metcalfe: (a) and (b). On the assumption that the Honourable Member is referring to persons detained for reasons of external affairs under Regulation III of 1818 by the orders of the Government of India, I lay on the table a statement, which contains the information required.

(c) They are detained in the areas administered by the Provincial Governments whose consent has been obtained.

(d) They have been detained in fulfilment of Government's international obligations. The dates on which these persons were originally detained are shown in the statement which I am laying on the table.

(e) Yes.

Statement showing the names of persons at present detained in British India under Regulation III of 1818 for reasons connected with external affairs.

Serial No.	Name.	Place of detention.	Date of commencement of detention.	Remarks.
<i>Bengal.</i>				
1	Abdul Aziz Khan	Calcutta	20-3-1917	
<i>Bombay.</i>				
2	Khan Baba	Belgaum	5-10-1934	
3	Mohd. Ibrahim	Do.	5-10-1934	
4	Muhd. Hassan	Do.	26-10-1934	
5	Muhd. Ismail	Do.	18-9-1933	
6	Taj Muhd.	Do.	18-9-1933	
7	Ali Ahmad	Satara	26-10-1934	
<i>Central Provinces.</i>				
8	Abdullah Khan	Jubbulpore	21-12-1925	
9	Abdul Hamid Khan	Do.	21-12-1925	
10	Abdul Quayyum Khan	Do.	24-7-1934	
11	Khawaja Abdul Karim	Saugor	23-12-1933	
12	Muhd. Nasir	Do.	23-12-1933	
13	Ali Muhd.	Chindwara	18-9-1933	

Serial No.	Name.	Place of detention.	Date of commencement of detention.	Remarks.
<i>Madras.</i>				
14	Abdul Hakim Khan	Yercaud	14-3-1930	
15	Amin Jan	Kotagiri	14-3-1930	
16	Ghausuddin Khan	Kodaikanal	14-3-1930	
17	Abdur Rahman Khan	Coonoor	21-12-1925	
<i>United Provinces.</i>				
18	Muhd. Azam Khan	Dehra Dun	16-7-1915	
19	Muhd. Akram Khan	Do.	16-7-1915	
20	Muhd. Afzal Khan	Do.	14-1-1929	
21	Sultan Ahmad Khan	Allahabad	20-3-1917	
22	Sher Ahmad Khan	Do.	20-3-1917	
23	Muhd. Sarwar Khan	Do.	20-3-1917	
24	Nur Ahmad Khan	Do.	20-3-1917	
25	Abdur Rashid Khan	Do.	20-3-1917	
26	Muhd. Hassan Khan	Shahjahanpur	14-1-1929	
27	Abdur Rahman Khan	Meerut	14-1-1929	
28	Muhd. Umar Khan	Dehra Dun	14-1-1929	
29	Gul Muhd. Khan	Do.	14-1-1929	
30	Abdul Ali Khan	Do.	14-1-1929	
31	Abdur Rahim Khan	Do.	14-1-1929	
32	Muhd. Azim Khan	Do.	14-1-1929	
33	Muhd. Mohsin Khan	Sitapur	14-1-1929	
34	Ghulam Nabi	Do.	2-11-1933	
35	Mohd. Din	Do.	2-11-1933	
36	Mohd. Siddiq	Lucknow	2-11-1933	
37	Abdul Hakim	Do.	2-11-1933	
38	Abdul Majid	Do.	2-11-1933	
39	Muhammad Jan	Sitapur	2-11-1933	
<i>North-West Frontier Province.</i>				
40	Malang Ghulam Qadir	Haripur, Hazara District.	10-2-1938	
41	Fateh Khan	Peshawar	14-10-1938	

Mr. Abdul Qaiyum: With reference to clause (a) of the question may I know what is the total number of persons thus detained?

Sir Aubrey Metcalfe: The total number at present is 41.

Mr. Abdul Qaiyum: Can the Honourable Member furnish information as to the total amount which these people receive?

Sir Aubrey Metcalfe: No, I could not give that. I think I did give that information quite a short time ago in reply to another question, but I have not got it before me at the moment.

Mr. Abdul Qaiyum: May I know if the cases of any of these persons were reviewed in 1938, and if so, whether any decisions were arrived at?

Sir Aubrey Metcalfe: Certainly, a large number of cases were reviewed and a large number are now under review and we hope to make substantial reductions in the number of the persons who are being detained.

Qazi Muhammad Ahmad Kazmi: Will the Honourable Member please state from which of the States the majority of these persons come?

Sir Aubrey Metcalfe: The majority of them are Afghans by origin.

Sardar Sant Singh: May I know if in reviewing the cases of those persons who are detained the views of the Governments whose subjects they are are also taken into consideration in ordering their release?

Sir Aubrey Metcalfe: I can hardly give a detailed answer to that without touching on international relations which would be improper.

CAMPAIGN AGAINST RADIO PIRACY AND REDUCTION OF LICENCE FEE.

918. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable Member for Communications be pleased to state whether any Government officials have been found guilty of radio piracy?

(b) What measure of success has the present Government campaign against radio piracy achieved?

(c) What is the total amount of fees realised from licences of radios during the present financial year and would have been the total probable yield if there were no piracy?

(d) Have Government considered the desirability of reducing the licence fee as well as providing greater facilities to popularise radio in the rural areas?

The Honourable Sir Thomas Stewart: (a) I understand that some Government officials have been found in possession of radio sets without licences.

(b) I would refer the Honourable Member to my reply to parts (a) and (b) of Mr. Manu Subedar's starred question No. 435 on the 15th February, 1939.

(c) The amount realised as fees for wireless receiving licences for the nine months ending the 31st December, 1938, was Rs. 4,90,326. It is not possible to say what loss has been incurred on account of piracy.

(d) I am not quite sure what facilities the Honourable Member is referring to. The Central Government have co-operated with Provincial Governments in putting into effect schemes for the provision of sets in rural areas, and have initiated a concentrated scheme of rural broadcasting in the Delhi Province as an experimental measure. There is no reason for believing that at the present time a reduction of licence fees would have any practical bearing on the sale of receiving sets in rural areas.

Mr. M. Asaf Ali: Sir, with your permission, I should like to ask question No. 919.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member got an authority?

Mr. M. Asaf Ali: Yes, Sir, I have, but not in general terms, so I cannot ask you to permit me on that account. But I am asking for permission to ask it, because this question is a very important one.

Mr. President (The Honourable Sir Abdur Rahim): Very well.

STOPPAGE OF TRIBAL RAIDS IN THE SETTLED DISTRICTS.

919. ***Mr. M. Asaf Ali** (on behalf of Mr. Mohan Lal Saksena): (a) Will the Foreign Secretary be pleased to state whether the Government of India have consulted the North-West Frontier Province Government with a view to devising ways and means to put an end to the tribal raids in the settled districts? If so, will Government state if the Provincial Government are in agreement with their present policy?

(b) Have the North-West Frontier Province Government submitted any proposals for stopping the tribal raids? If so, will Government be pleased to lay a copy on the table of the House?

Sir Aubrey Metcalfe: (a) No formal consultation has taken place between the Government of India and the North-West Frontier Province Government on this subject. But it is understood that informal conversations take place between the Agent to the Governor General and his Ministers with regard to countering tribal raids in so far as they affect the Settled Districts of the Province. The second part of this question does not arise.

(b) No.

Mr. M. Asaf Ali: Have Government taken any steps to check these raids, not in the sense of carrying on operations in Waziristan but in the sense of trying to come to some understanding with the people who may be considered responsible for these raids?

Sir Aubrey Metcalfe: I submit that that in no way arises out of the question or the answer which I have given.

Sardar Sant Singh: With reference to clause (b) of the question, may I know whether any machinery has been devised by which these raids can be prevented by co-ordinating the efforts of the External Affairs Department with those of the Provincial Government?

Sir Aubrey Metcalfe: I submit that that also does not arise. I am asked a perfectly plain question to which I have given a perfectly plain negative reply.

Mr. Abdul Qaiyum: With reference to clause (a) of the question may I know if the suggestions made by the Provincial Government in the course of these informal conversations have been forwarded to the Government of India by the Agent to His Excellency the Crown Representative?

Sir Aubrey Metcalfe: I have not said that any suggestions were made.

Mr. Abdul Qaiyum: The Honourable Member said that some informal talks have taken place. If so, surely some suggestions for ending these raids must have been made by the Provincial Government. I want to know whether the Agent to the Governor General has forwarded those suggestions to the Government of India.

Sir Aubrey Metcalfe: The matter would be confidential and I am afraid the Honourable Member's curiosity on that point must remain unsatisfied.

DEPUTY COMMISSIONERS IN THE NORTH-WEST FRONTIER PROVINCE ACTING AS POLITICAL OFFICERS FOR THE ADMINISTRATION OF TRIBAL AREAS.

920. *Mr. Mohan Lal Saksena: (a) Will the Foreign Secretary be pleased to state whether the Deputy Commissioners in the North-West Frontier Province also act as political officers for the administration of tribal areas in addition to their duties as district officers?

(b) If the answer to part (a) be in the affirmative, which authority is responsible for their promotion and transfer?

(c) Have the Provincial Government made any representations to the Central Government in this behalf?

Sir Aubrey Metcalfe: (a) Yes.

(b) So far as promotion and transfer within the North-West Frontier Province and adjacent tribal areas are concerned the Governor and Agent to the Governor General, North-West Frontier Province, is in most cases the ultimate authority.

PROMOTIONS TO THE INDIAN SERVICE OF ENGINEERS ON THE NORTH WESTERN RAILWAY.

921. *Dr. Sir Ziauddin Ahmad (on behalf of Khan Bahadur Shaikh Fazl-i-Haq Piracha): (a) Will the Honourable the Railway Member please state the number of officers who have been promoted from the Lower Gazetted Service of Engineers to the Indian Service of Engineers, during the last fifty years on the North Western Railway and how many of them were Muslims?

(b) If no Muslim is promoted up till now, what steps do Government propose to take to adjust the promoted non-Muslim percentage with Muslim officers in the service?

The Honourable Sir Thomas Stewart: (a) The Lower Gazetted Service was constituted in March, 1931. Since then five officers of this service have been promoted to the Indian Railway Service of Engineers. None of these was a Muslim.

(b) Promotions are not regulated by communal considerations.

Dr. Sir Ziauddin Ahmad: Was the case of any Muslim candidate considered by the administration?

The Honourable Sir Thomas Stewart: I can only presume that before the promotions were made the administration considered all possible candidates.

MUSLIM OFFICERS IN THE LOWER GAZETTED SERVICE OF ENGINEERS ON THE NORTH WESTERN RAILWAY.

922. *Dr. Sir Ziauddin Ahmad (on behalf of Khan Bahadur Shaikh Fazl-i-Haq Piracha): Will the Honourable the Railway Member please state how many Muslim officers are working at present in the Lower Gazetted Service of Engineers on the North Western Railway, giving dates of their promotion to Lower Gazetted Service, and the dates of their confirmation?

The Honourable Sir Thomas Stewart: Three: one was promoted in 1933 and confirmed in 1934, the second was promoted in 1936 and confirmed in 1938, and the third has been officiating since June, 1938.

PROMOTION OF MUSLIMS TO THE INDIAN SERVICE OF ENGINEERS ON THE NORTH WESTERN RAILWAY.

923. *Dr. Sir Ziauddin Ahmad (on behalf of Khan Bahadur Shaikh Fazl-i-Haq Piracha): (a) Will the Honourable the Railway Member please state if it is a fact that an officer of the Indian Service of Engineers on the North Western Railway has resigned his post? If so, does the Honourable Member propose to take this opportunity to cope with the deficiency of Muslims in that service?

(b) Is it a fact that the duties of the Lower Gazetted Service of Engineers are identical with those of Indian Service of Engineers, and if so, why are the Muslim officers who are working satisfactorily in the Lower Gazetted Service, not so far promoted to the Indian Service of Engineers?

(c) Did the Railway Administration, with a view to adjusting the surplus officers in the Indian Service of Engineers, decide to stop the promotion of Lower Gazetted Service for a few years? If so, are the Railway Administration prepared to fix and reserve vacancies for the Muslim Lower Gazetted officers in the Indian Service of Engineers, to bring the proportion to the level of other communities?

The Honourable Sir Thomas Stewart: (a) The reply to the first part is in the affirmative. As regards the second part, I would refer the Honourable Member to the reply I have just given to part (b) of his starred question No. 921.

(b) The posts assigned to officers of the Lower Gazetted Service are generally of the same kind as those allotted to junior scale officers of the Indian Railway Service of Engineers. The latter part of the question has been dealt with in my reply to part (a).

(c) The reply to the first part is in the negative; the second part does not, therefore, arise.

TOLLS LEVIED ON THE SONEPOR BRIDGE ON THE BENGAL AND NORTH WESTERN RAILWAY.

924. *Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member in charge of Railways please state the amount of tolls realised for footpath of the Sonapore Railway Bridge on the Bengal and North Western Railway since 1st April, 1924 to 31st March, 1939?

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

(b) What are the conditions on which such toll was levied?

(c) Do Government propose to abolish the toll on the said Bridge in lieu of the large sums realised hitherto?

The Honourable Sir Thomas Stewart: (a) I regret, that no figures are readily available other than those supplied to him in the reply to part (c) of his question No. 888 of the 29th September, 1937, on this subject, and to them I invite his attention.

(b) The toll is levied to compensate the railway for the cost of maintaining the footpath, including interest and depreciation charges. It is levied under section 51 (f) of the Indian Railways Act and the provisions of the contract made between the Secretary of State and the Bengal and North Western Railway.

(c) Under the contract of the Bengal and North Western Railway Company with the Secretary of State the Company is entitled to levy the toll, and it cannot be abolished without the Company being compensated for the loss. Government, therefore, do not propose to abolish the toll.

INDIAN REFRESHMENT ROOMS AND OTHER VENDORS ON THE BENGAL AND NORTH WESTERN RAILWAY.

†925. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Railway Member please state:

- (a) the total number of Indian refreshment rooms, food shops and tea stalls separately over the Bengal and North Western Railway in (i) Bihar, and (ii) United Provinces, and the number of such refreshment rooms, etc., run by Muslim contractor; and
- (b) the number of Muslim sweetmeat and betel vendors over the Bihar and the United Provinces branches of the Bengal and North Western Railway, separately?

The Honourable Sir Thomas Stewart: (a) and (b). I lay on the table a statement giving the information asked for.

	Statement.		
	Total No. of Indian refreshment rooms.	No. run by Muslim contractors.	Total No. of station vendors for selling sweetmeat, fruits and betels, etc.
Bihar	6	Nil	39
United Provinces	6	1	67

	No. of Muslim sweetmeat, fruit and betel vendors.
Bihar	4
United Provinces	9

At a number of important junctions where one contractor controls the Indian refreshment rooms and the vending, the contractors employ Muhammadans to serve pan and kabab roti to Muhammadan passengers.

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

SUB-LETTING OF FOOD SHOPS AND TEA STALLS ON THE BENGAL AND NORTH WESTERN RAILWAY.

†926. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Railway Member please state:

(a) whether applications were filed to the Agent, the Traffic Manager and Members of the Railway Advisory Committee, Bihar branch of the Bengal and North Western Railway stating that shops and stalls are sub-let over the Bengal and North Western Railway in 1938, and demanding an open enquiry;

(b) if so, the result of enquiry, if any, made therein; and

(c) whether it is a fact that the food Inspector is a vegetarian; if so, how he tests the cooked and roasted meats?

The Honourable Sir Thomas Stewart: (a) and (b). Government understand that one application was forwarded to the Agent and General Manager, Bengal and North Western Railway, but have no information regarding any other applications alleging sub-letting of contracts and demanding an open enquiry.

(c) Yes. His duty is to see that the general quality of the food served is good and that it is prepared and served under sanitary conditions.

OPENING OF A RAILWAY STATION AT NEMATTANPATTI IN RAMNAD DISTRICT.

†927. *Shrimati K. Radha Bai Subbarayan: Will the Honourable Member for Railways be pleased to state:

(a) whether the South Indian Railway intend to open a trial station at Nemattanpatti in Ramnad District; and if so, when;

(b) if it is a fact that there is a strong demand for it from the public who have made representations on the matter to the South Indian Railway authorities; and

(c) whether Government propose to take immediate steps to open this station, and if not, why not?

The Honourable Sir Thomas Stewart: (a) and (b). Government have no information.

(c) The amount of traffic offering at this place would be a deciding factor, but the matter is entirely within the province of the South Indian Railway Administration.

ENTRY OF MUSLIMS IN NEPAL STATE.

928. *Dr. Sir Ziauddin Ahmad: (a) Will the Foreign Secretary please state whether Muslims are disallowed to enter Nepal State?

(b) Did the Government of India have any communication with the Government of Nepal on this subject?

Sir Aubrey Metcalfe: (a) There is no restriction on the entry of Muslims into Nepal. The Honourable Member's attention is, however, invited to the reply given to part (a) of Mr. Akhil Chandra Datta's starred question No. 12 on the 8th February, 1939.

(b) No communication.

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

ELIGIBILITY OF MUSLIMS FOR APPOINTMENT IN THE DIPLOMATIC OFFICE IN NEPAL STATE.

929. *Dr. Sir Ziauddin Ahmad: (a) Will the Foreign Secretary please state whether Muslims are eligible for appointment in the office of the Diplomatic Officer of the Government of India in Nepal State?

(b) Can a British Officer serving in British Diplomatic Service take a Muslim servant with him?

Sir Aubrey Metcalfe: (a) So far as the Government of India are aware there is no bar to the appointment of Muslims to posts in the office of the British Legation, Nepal.

(b) The Government of India are not aware of any restrictions in the matter.

Dr. Sir Ziauddin Ahmad: Has the attention of the Foreign Secretary been drawn to the fact that a British officer who was deputed to serve in Nepal had a very old Muslim private servant and he told him that it was very necessary to dispense with his services as he was not allowed to take Muslims into Nepal?

Sir Aubrey Metcalfe: I have no information about that at all. In any case, his private servant would not be a Government servant.

Dr. Sir Ziauddin Ahmad: But did he not say that Muslims were not allowed to enter into Nepal, and, on this ground, his services were refused?

Sir Aubrey Metcalfe: He certainly did not say so to me.

SUPERVISION OF RAILWAY MAIL SERVICE DIVISIONS.

†930. *Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Communications please state whether since the abolition of Railway Mail Service Circles in the Posts and Telegraphs Department, Government have taken any steps to see that either the Postmaster General or the Deputy Postmaster General in each Postal Circle is a man having three or four years experience of a Railway Mail Service Division to insure proper supervision and efficiency of that important section of the Department?

(b) If the reply to part (a) be in the affirmative, will Government place on the table a statement showing the names of the Postmasters General and Deputy Postmasters General, Circle by Circle, who held charge of a Railway Mail Service Division for three or four years prior to their appointment to the present post?

(c) If the reply to part (a) be in the negative, will Government state what steps they propose to take to insure that, in future at least, either the Postmaster General or the Deputy Postmaster General in each Postal Circle is an officer with three or four years' experience of a Railway Mail Service Division?

The Honourable Sir Thomas Stewart: (a) No, Sir; it has been prescribed that at least one of the Assistants Postmasters-General in the Circle office should be an officer with experience of the Railway Mail Service work.

(b) Does not arise.

(c) Government do not consider any such prescription necessary.

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

PARTICIPATION OF RAILWAYS IN ROAD SERVICES.

931. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Honourable Member for Railways please state:

(a) whether it is a fact that certain railway systems, Madras and Southern Mahratta Railway and North Western Railway, have entered on the business of road transport by motor vehicles in conjunction with private companies or individuals;

(b) if so, which are the companies with which they have entered into such arrangement;

(c) what the terms of the arrangement are;

(d) whether the Railway Board have given their consent to the arrangement;

(e) whether one of the conditions is that these railways will not enter on any road transport except in co-operation with the specific companies, firms or individuals; and

(f) what are the public interests on which the Railway Board have agreed to those companies entering into road transport by motor in co-operation with private individuals or companies?

The Honourable Sir Thomas Stewart: (a) and (d). Yes.

(b) Messrs. Simpson and Company in the case of the Madras and Southern Mahratta Railway, and Messrs. Makhan Singh and Sons in the case of the North Western Railway.

(c) Copies of the Memoranda and Articles of Association will be placed in the Library of the House.

(e) No.

(f) I would refer the Honourable Member to paragraphs 159 to 162 of the Report of the Indian Railway Enquiry Committee, 1937, a copy of which is in the Library of the House.

WITHHOLDING OF A TELEGRAM ABOUT RIOTS AT HASANPUR, IN DARBHANGA DISTRICT.

†932. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Communications please state:

(a) whether his attention has been drawn to an article headed "Hindus Manhandle Muslims", published in the *Delhi Times*, column 4, page 5 of the 18th February, 1939, regarding withholding the wire of the Deputy Magistrate by the postal authority of the Hasanpur Posts and Telegraphs office in the District of Darbhanga (Bihar) in January 1939; and

(b) if so, whether the department has taken any action against the telegraph clerk for withholding for several hours the telegram of the said Deputy Magistrate regarding the serious riot; if so, what; if not, whether Government propose to take any step against the telegraph master or clerk in question and lay the result of such action on the table of the House at an early date?

The Honourable Sir Thomas Stewart: (a) Government have seen the article referred to.

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

(b) No. Sir. Enquiries show that no telegram sent by the Deputy Magistrate regarding the communal riot was withheld or delayed by the Hasanpur Sugar Mill combined post and telegraph office in January, 1939. The remainder of the question does not arise.

Mr. Manu Subedar: No. 933.

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands the Honourable Member has got only a general authority. The Honourable Member must specify the questions which are asked and the particular date.

***CARRIAGE OF THIRD CLASS PASSENGERS BY PUNJAB MAIL TRAINS FROM BOMBAY AND CALCUTTA.**

†933. *Prof. N. G. Ranga: Will the Honourable Member for Railways be pleased to state:

- (a) if it is not a fact that the Punjab Mail trains from Bombay and Calcutta, do not carry any ordinary third class passengers and that no third class bogies are attached to them;
- (b) for how long these trains have been running;
- (c) whether it is not a fact that for a long time the demand that third class should be attached to these trains, had been made by various members of the House in the Assembly;
- (d) the number of bogies these trains usually carry;
- (e) whether all these bogies carry passengers either to maximum capacity or normal capacity;
- (f) whether Government are satisfied that as it is, their running cannot be made more profitable, if third class passengers are also carried on them;
- (g) whether Government have considered the advisability of carrying long distance third class passengers on them, and, if so, when; and
- (h) whether Government propose again to consider this question and attach at least two third class bogies, if necessary, by reducing one of the higher class bogies?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the replies given to part (a) of Mr. N. M. Joshi's starred question No. 647 of 24th September, 1935, and to part (f) of Mr. Sri Prakasa's starred question No. 548 of 8th March, 1937.

(b) 5 Up and 6 Down East Indian Railway Mails have been running to and from Howrah since the 1st October, 1933. The Bombay, Baroda and Central India Railway Frontier Mails have been running since 1st September, 1928.

(c) Yes.

(d) The load of the East Indian Railway Mails is eight to nine bogies. The load of the 3 Up and 4 Down Frontier Mails is up to twelve bogies.

(e) Normal capacity in both cases.

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

(f), (g) and (h). As there is no room for additional carriages and first, second and intermediate class accommodation cannot be curtailed, these questions do not arise.

OVERCROWDING ON RAILWAYS.

†934. *Prof. N. G. Ranga: Will the Honourable the Railway Member be pleased to state:

- (a) whether, in view of the fact that he has himself stated in his reply on the debate on third class passengers on 21st February, that overcrowding exists in certain carriages of some trains, Government are prepared to consider the advisability of directing the Passenger Inspectors and other station staff at least at the junction or big stations to help the third class passengers in the overcrowded carriages to go into the less crowded carriages; and
- (b) whether Government propose to issue instructions to all Station Masters at which spare carriages are kept, to attach the required number of spare carriages whenever the local issue of tickets exceeds the maximum number of passengers permissible for one full carriage and other conditions are satisfied?

The Honourable Sir Thomas Stewart: (a) It is understood that station staff do their best to make an even distribution of third class passengers throughout the train, but this is often a very difficult matter, as passengers rush to the nearest carriage and when told that there are less crowded carriages on the train, they often refuse to move. A copy of the question and the reply thereto will be sent to all Agents and General Managers asking them to remind the staff to do what they can in this matter.

(b) I would refer the Honourable Member to the reply given to part (d) of his starred question No. 201 of the 31st August, 1937.

EDUCATIONAL FACILITIES IN THE TRIBAL AREAS.

†935. *Prof. N. G. Ranga: Will the Foreign Secretary be pleased to state:

- (a) the population of the tribal area;
- (b) the approximate number of their children of school going age;
- (c) the percentage of the children of school going age who attend the schools;
- (d) the number of primary schools established in the tribal area;
- (e) the number of teachers employed;
- (f) their grades of pay and allowances;
- (g) whether it is proposed to establish compulsory, free, elementary education there, and, if so, when; and
- (h) whether any adult educational campaign is being run there?

Sir Aubrey Metcalfe: In so far as the tribal areas in Baluchistan are concerned, the replies are as follows:

(a) 1,97,924 according to the Census Report of 1931.

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

- (b) 23,750 calculated as 12 per cent. of the figures given at (a) above.
- (c) 5.4 per cent.
- (d) 21 for boys and two for girls.
- (e) 24 for boys and seven for girls.
- (f) Grades of pay:
 - (i) men Rs. 30—1—40/1—50.
 - (ii) women Rs. 40—2—50.

Allowances at Rs. 5 per mensem for non-locals at Kohlu, Kahan, Dera Bugti, Murgha Kibzai, Kurram, Drug, Dalbandin and Nok-Kundi.

(g) and (h). No.

Information regarding the tribal areas on the North-West Frontier is being obtained, and will be laid on the table in due course.

STATEMENT ISSUED BY MAULANA ABUL KALAM AZAD ON THE SITUATION IN THE FRONTIER.

†936. *Prof. N. G. Ranga: Will the Secretary for External Affairs be pleased to state:

- (a) if he has seen the press statement issued on the 19th February by Maulana Abul Kalam Azad on the situation in the Frontier;
- (b) if he has had any talks with the North-West Frontier Province Government in regard to the prevention of raids from tribesmen and others; and
- (c) whether any agreement has been reached between the Central Government and the Frontier Ministry as to how to maintain law and order in their respective places of jurisdiction, so as to assure the people of the Frontier Province safety from raids and kidnapping by tribesmen?

Sir Aubrey Metcalfe: (a) Yes.

(b) No.

(c) The Honourable Member's attention is invited to the answers given to parts (d) and (e) of question No. 1741, asked by him in this House on the 2nd December, 1938.

IRREGULAR DELIVERY OF LETTERS, ETC., IN VILLAGES OF THE MADRAS PRESIDENCY.

†937. *Prof. N. G. Ranga: Will the Honourable the Communications Member be pleased to state:

- (a) if there has been any increase in the number of postal runners to distribute letters to villages away from the post office in Madras Presidency and, if so, what its magnitude has been during the last five years;
- (b) if the number of deliveries in a week has been increased, and, if so, for how many villages and what is their percentage when compared to the total number of villages which are favoured with only occasional deliveries in a week;

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

- (c) what percentage of the villages in Madras Presidency go without any systematic deliveries at all during a week;
- (d) whether it is the policy of Government to arrange for regular deliveries at frequent intervals in a week for all the villages, if not for daily deliveries, and if so, in how many years they hope to reach that goal;
- (e) whether it is not a fact that complaints had been made by the Manager and Editor of the *Zamin Ryot* of Nellore that its copies are not regularly delivered to villagers, its subscribers, since the postmen did not wish to take the trouble to visit those villages; and
- (f) whether Government propose to permit their postal runners to own cycles and use them for carrying their mails and thus expedite the distribution of mails to villagers and, if not, why not?

The Honourable Sir Thomas Stewart: (a) and (b). By the term 'postal runner' I presume the Honourable Member refers to postmen serving rural areas. I regret the information required by the Honourable Member is not readily available and cannot be collected without an undue expenditure of time and labour.

(c) .89 per cent. for the Madras Postal Circle.

(d) The policy of Government is to provide as frequent deliveries as possible having due regard to the amount of postal traffic in the locality and subject to the availability of funds. It is not possible to state in how many years the goal envisaged by the Honourable Member will be attained as this would depend upon the rate at which postal traffic for delivery in rural areas develops.

(e) No such complaints have been received by Government.

(f) I would refer the Honourable Member to the reply I gave to part (d) of Mr. C. N. Muthuranga Mudaliar's starred question No. 580 on the 20th February, 1939.

RECRUITMENT OF MUSLIMS AS INSPECTORS OF WORKS ON THE EAST INDIAN RAILWAY.

938. *Dr. Sir Ziauddin Ahmad (on behalf of Khan Bahadur Shaikh Fazl-i-Haq Piracha): (a) Will the Honourable the Railway Member please state how many Inspectors of Works (I. O. W.) are there on the East Indian Railway?

(b) What is the system of their recruitment?

(c) How many persons are recruited every year?

(d) Is it not a fact that the percentage of Muslims in this line is about one per cent.?

(e) What steps do Government propose to take to secure adequate representation of the Muslims?

(f) Do Government propose to send a copy of these questions to the General Manager, East Indian Railway?

The Honourable Sir Thomas Stewart: (a) 65.

(b) By promotion from the grade of Assistant Inspector of Works.

(c) There is no fixed number for recruitment. Promotion to the grade is made as and when a permanent vacancy arises.

(d) No: the percentage is 3.08.

(e) The paucity of Muslims in this category is due to Muslims with the requisite qualifications not having been available in the past in the lower post from which promotion to this category is made. The deficiency will automatically be made up as and when qualified Muslims become available.

(f) Yes.

PROMOTION OF MUSLIMS TO THE LOWER GAZETTED SERVICE ON THE EAST INDIAN RAILWAY.

939. *Mian Ghulam Kadir Muhammad Shahban: (a) Will the Honourable Member for Railways, please state how many upper subordinates on the East Indian Railway have been selected and promoted to work temporarily or permanently in the cadre of Lower Gazetted Service between the years 1926 and 1938, and how many of them were Muslims?

(b) Is it a fact that there were a number of Muslim Senior Upper Subordinates drawing the same, or more, salary than the non-Muslims and yet their cases were overlooked?

(c) Are the Government now prepared to consider this question and make up the deficiency of Muslims in Lower Gazetted Service by promoting Senior Upper Subordinate Muslims to this cadre?

The Honourable Sir Thomas Stewart: (a) I am calling for the information required by the Honourable Member and will place a reply on the table of the House when it is received.

(b) No. Promotions of subordinates to the Lower Gazetted Service are not regulated by communal considerations nor is the pay a determining factor. Such promotions are made on merit.

(c) The deficiency will automatically be made up as and when qualified Muslims are available.

Dr. Sir Ziauddin Ahmad: May I ask whether Government have set down any principle as to when they are going to apply the principles of seniority and in what cases they are going to apply the principles of efficiency?

The Honourable Sir Thomas Stewart: When it is a case of promotion to a post requiring particular attainments, then merit is invariably taken into account.

Dr. Sir Ziauddin Ahmad: Why don't you call a spade a spade? It is applied in order to keep out Muslims.

The Honourable Sir Thomas Stewart: The Honourable Member is entitled to his own opinion.

DEMAND FOR THE PROVISION OF AN EVENING TRAIN FROM MONGHYR.

940. *Babu Kailash Behari Lal: Will the Honourable the Railway Member please state:

(a) if the Chief Operating Superintendent, East Indian Railway, Calcutta, received a largely signed petition from the public of Bhagalpur and Monghyr for providing a shuttle or a passenger train to depart from Monghyr between 5 and 6 P.M.;

(b) if it is a fact that this is a long standing grievance of the public and they have been petitioning and placing their grievance before the authorities since 1936;

(c) if he is aware that most of the travelling public between the hours of 5 and 6 P.M. in the evening are litigants who have to leave Monghyr after court hours by motor lorries for want of any convenient train; and

(d) if it is a fact that the public in their petition mentioned the fact that travelling by motor bus during rainy season is risky?

The Honourable Sir Thomas Stewart: (a), (b) and (d). Yes.

(c) Government have no information beyond that the matter is being investigated by the East Indian Railway Administration.

Babu Kailash Behari Lal: In view of the fact that the Government are anxious for the economical working of the railway administration, may I suggest that this will be profitable and that he should draw the attention of the railway authorities to look to such grievances where a service is going to be profitable?

The Honourable Sir Thomas Stewart: This is a matter, I should have thought, which should have been brought to the attention of the railway administration by the local advisory board.

PROMOTION OF MUSLIMS TO THE INDIAN SERVICE OF ENGINEERS ON THE NORTH WESTERN RAILWAY.

941. *Mr. H. A. Sathar H. Essak Sait (on behalf of Mr. H. M. Abdullah): Will the Honourable Member for Railways please state:

(a) how many officers of the Lower Gazetted Service of Engineers were promoted to the Indian Service of Engineers during the last fifty years on the North Western Railway and how many of them were Muslims;

(b) whether it is a fact that no Muslim officer of the Lower Gazetted Service has ever been promoted to the Indian Service of Engineers since the birth of the North Western Railway; if so, what steps are proposed to be taken to make up the communal inequalities;

(c) whether it is a fact that promotion from the Lower Gazetted Service to the Indian Service of Engineers is going to be permanently stopped with a view to absorbing the surplus officers already taken in the latter Service; if so, whether Government are prepared to take into consideration the paucity of Muslims in the cadre of the Indian Service of Engineers and to reserve for them a portion of the vacancies occurring hereafter;

(d) whether it is a fact that the duties of the Indian Service of Engineers are identical with those of the Lower Gazetted Service; and

(e) if the answer to part (d) be in the affirmative:

(i) why Muslim officers who have done satisfactory work in the Lower Gazetted Service have not been promoted to the Indian Service of Engineers;

(ii) why supersessions have been permitted; and

(iii) why special recommendation is necessary on officers of the Lower Gazetted Service prior to the consideration of the question of their promotion to the Indian Service of Engineers?

The Honourable Sir Thomas Stewart: (a) to (d) and (e) (i). I would refer the Honourable Member to the replies I have just given to Khan Bahadur Shaikh Fazl-i-Haq Piracha's questions Nos. 921 and 923.

(e) (ii). The officers selected for promotion were considered more suitable and better qualified than those senior to them.

(e) (iii). Special recommendations are called for as promotion to the Indian Railway Service of Engineers are made on merits.

Dr. Sir Ziauddin Ahmad: May I ask whether a senior Muslim officer was available, and he was passed over, because he was not efficient?

The Honourable Sir Thomas Stewart: I should require notice of that.

Dr. Sir Ziauddin Ahmad: I thought it was included in part (e) of the question.

INADEQUATE REPRESENTATION OF MUSLIMS IN CERTAIN SERVICES ON THE NORTH WESTERN RAILWAY.

942. ***Mr. H. A. Sathar H. Essak Sait** (on behalf of Mr. H. M. Abdullah): Will the Honourable Member for Railways please state:

(a) the percentage of Muslims in the following services in the North Western Railway:

(1) Permanent Way Inspectors,

(2) Inspectors of Works,

(3) Signal and Block Inspectors, and

(4) Sub-Divisional Officers;

(b) whether he is aware of the fact that the percentage of Muslims in the services referred to in part (a) above is too meagre as compared with their population in the Provinces which the North Western Railway is intended to serve and on which the income, finances and resources of the North Western Railway are mostly based;

(c) if the answer to part (b) be in the affirmative, what steps the Honourable Member proposes to take for the adequate representation of the Muslims in the services in question; and

(d) how many Permanent Way Inspectors, Inspectors of Works and Supervisors, have been promoted to the cadre of Sub-Divisional Officers in the Lower Gazetted Service during the last ten years and how many of them are Muslims?

The Honourable Sir Thomas Stewart: (a) I lay on the table a statement giving the information required.

(b) The Honourable Member may draw his own inferences from the figures given in the statement. I would, however, add that recruitment to the posts referred to is made by promotion, except that some Sub-Divisional Officers are recruited direct. It will therefore be some time before the communal percentages fixed for direct recruitment in the initial grades are reflected in the higher grades.

(c) The paucity of Muslims in the categories referred to is due to Muslims with the requisite qualifications not having been available in the past in the lower posts from which promotion to these categories is made. The deficiency will automatically be made up as and when qualified Muslims become available.

(d) 17, of whom two were Muslims: one Muslim is also now officiating in the cadre.

Statement.

Category.	Percentage.	
	Permanent.	Officiating.
Permanent Way Inspectors	17.2	6.6
Inspectors of Works	24.0	10.0
Signal and Interlocking Inspectors	31.8	..
Block Inspectors	27.3	..
Sub-Divisional Officers	12.3	1.4

Dr. Sir Ziauddin Ahmad: With reference to part (b), the Honourable Member said that it would take some time before the communal percentages are reflected in the higher grades. May I know how much time it would take?

The Honourable Sir Thomas Stewart: I can make no forecast of that.

Dr. Sir Ziauddin Ahmad: Will they be completed in a century during the life time of the British Government?

(No answer.)

ABOLITION OF THE POSTS OF COACHING AND GOODS INSPECTORS ON THE EAST INDIAN RAILWAY.

943. ***Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable Member for Railways be pleased to state the strength of senior grade Inspectors of Coaching and Goods (Rs. 300—20—500) under the late Oudh and Rohilkhand Railway, and how many such posts existed on the late East Indian Railway under Company management?

(b) Is it a fact that after the amalgamation of the said Railways these posts were also amalgamated and the scales of pay were co-ordinated?

(c) Is it a fact that some of the posts were held to be surplus and were brought under reduction?

(d) If the reply to part (c) be in the affirmative, will the Honourable Member be pleased to state how many Oudh and Rohilkhand Railway posts were abolished and how many of the East Indian Railway posts were abolished?

The Honourable Sir Thomas Stewart: (a) Three Senior Inspectors (Rs. 300—20—500) under the late Oudh and Rohilkund Railway.

Thirteen Senior Inspectors on the East Indian Railway under the Company management, viz.,

9 Grade I—(Rs. 440—20—500).

10 Grade II—(Rs. 345—15—390).

(b) After amalgamation, the above 16 posts were all retained up to 30th September, 1926. With effect from 1st October, 1926, a co-ordinated scale of pay, namely, Rs. 290—20—450 was sanctioned in respect of ten of the above posts, while the remaining six posts were abolished.

(c) Six posts of Senior Inspectors were rendered surplus and brought under reduction with effect from 1st October, 1926. Three posts of Senior Inspectors were further reduced with effect from 1st January, 1929, when the cadre was revised. (The men rendered surplus were treated as super-numerary and counted against the sanctioned posts in the lower scale, with the benefit of retaining the higher scale and the usual annual increments that they were entitled to.)

(d) This question does not arise, as the revised sanction was for the entire system and not for separate cadres of individual railways. Posts on the revised cadre, as it stands now, can be held either by the old East Indian Railway staff or by the old Oudh and Rohilkund Railway staff, in accordance with seniority combined with efficiency.

SENIORITY OF COACHING AND GOODS INSPECTORS ON THE EAST INDIAN RAILWAY.

944. *Qazi Muhammad Ahmad Kazmi: Will the Honourable the Railway Member please state on what considerations the seniority list of the senior grade Coaching and Goods Inspectors was compiled on the amalgamation of the East Indian Railway and Oudh and Rohilkhand Railway staff?

The Honourable Sir Thomas Stewart: The seniority was fixed under the rules for determining the relative seniority of the non-gazetted staff (other than inferior servants) in State Railway Accounts Offices, a copy of which is available in the Library of the House.

SENIORITY OF COACHING AND GOODS INSPECTORS ON THE EAST INDIAN RAILWAY.

†945. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Railway Member please state whether it is a fact that it is a general rule on State Railway Administrations that apprentice period of service does not count for seniority?

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

(b) Is it a fact that Inspectors of Account under the late East Indian Railway were kept as apprentices and were not holding any substantive appointment in the cadre of Inspectors, nor had a lien on any post, nor they worked in any permanent vacancy, but they were entirely super-numerary?

(c) Is it a fact that this period of apprenticeship has been counted for seniority and thus the rights of the late Oudh and Rohilkhand Railway staff have suffered supersession at the hands of these apprentices? If so, under what rules or special notification a departure from standing rules and practice has been made and the period of apprenticeship has been counted for seniority?

The Honourable Sir Thomas Stewart: (a) Ordinarily, periods of apprenticeship do not count for seniority.

(b) No. In the Company's time, probationary Inspectors fell into two classes, viz., probationers (i.e., men still under training) and Relieving (i.e., fit to perform duties). The number of posts of probationers was permanently sanctioned; hence men appointed against these posts held liens on the permanent posts.

(c) No. The seniority was fixed by counting the service of an Inspector from the date on which he was declared fit to be an Inspector and actually took charge of the duties of an Inspector.

RECRUITMENTS TO THE COMMERCIAL GROUP ON THE NORTH WESTERN RAILWAY.

946. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state the number of appointments in the Commercial Group advertised to be recruited on the North Western Railway in February, 1939?

(b) What was the number of the candidates to be selected by each Division for Final Selection at the North Western Railway Headquarters?

(c) What was the principle adopted in fixing the number of candidates to be selected by each Division?

(d) Has the attention of the Honourable Member been drawn to an article entitled "Sindh in North Western Railway" appearing in the *Sind Observer*, dated the 3rd February, 1939? If so, what action does the Honourable Member propose to take to see that Karachi Division is permitted to send number of candidates commensurate with the number of vacancies existing on that Division? If not, why not?

The Honourable Sir Thomas Stewart: (a) 50.

(b) I lay on the table a statement giving the required information.

(c) The number of candidates to be selected by each Division was based on the communal quotas which were apportioned among the Divisions in ratio to the total number of applications received by each Division from each community.

(d) The reply to the first part is in the affirmative. As regards the second part, I understand that the question of basing the number of candidates to be considered for selection in each Division on the number

of vacancies in that Division was considered by the Administration but was not found to be practicable on account of the difficulties it would create in the maintenance of communal proportions.

Division.	Statement.	No.
Delhi		14
Ferozepore		15
Karachi		3
Lahore		48
Multan		9
Quetta		3
Rawalpindi		13

Mr. Lalchand Navalrai: With regard to part (c), making due allowance for maintaining the communal ratio, may I know what is the principle adopted in taking certain candidates from each division? Is it based upon the population basis or on the number of officers required in each division or is it done at random?

The Honourable Sir Thomas Stewart: Sir, if the Honourable Member will study with some care the answers I have given to parts (c) and (d), he will learn what has been the principle adopted in making these selections.

Mr. Lalchand Navalrai: What I am asking is this. What happens now is this, applications come from each division, the number of applications are counted, the number which exceeds from a division are sent to that division. There ought to be some ratio fixed for each division, because there are seven divisions, and some principle should be adopted. Whenever questions are asked to the Agent.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is making a speech.

Mr. Lalchand Navalrai: No, Sir. I am putting a question. I want to know whether the Honourable Member will ask the Agent to give more consideration to this question on which there have been numerous complaints.

Mr. President (The Honourable Sir Abdur Rahim): It is asking for action.

Mr. Lalchand Navalrai: Will the Honourable Member send these questions.

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

INVOICE TYPISTS ON THE NORTH WESTERN RAILWAY.

947. ***Mr. Lalchand Navalrai:** With reference to the Honourable Member for Railways' reply to part (c) to my starred question No. 1836 of the 21st November, 1938, will the Honourable Member be pleased to state:

- (a) whether six grade II posts have since been created for Invoice Typists on Karachi Division of the North Western Railway; and

- (b) if the reply to part (a) above be in the negative, when it is likely to create these posts and what is the delay due to?

The Honourable Sir Thomas Stewart: (a) No.

(b) Financial considerations have for the present necessitated the proposal being kept in abeyance. It is not practicable to say when conditions will have altered sufficiently to justify reconsidering the matter.

Mr. Lalchand Navalrai: Will it be in the near future, as there is a complaint?

The Honourable Sir Thomas Stewart: I have just said it is not practicable to say when conditions will have altered.

Mr. Lalchand Navalrai: Even after a year or two or 50 years?

(No reply.)

LOSS OF LIFE AND PROPERTY BY AIR RAIDS IN THE NORTH-WEST FRONTIER PROVINCE.

†948. ***Mr. K. S. Gupta:** Will the Foreign Secretary please state:

- (a) the total loss of life and property by the air raids in the North-West Frontier Province in the years 1936, 1937 and 1938; and
(b) what is the total loss of life and property to the Hindus living in the North-West Frontier Province due to the successive raids by those living in the tribal belt; whether any compensation is paid to the sufferers by these frequent raids; if so, how much and to how many; if not, why not?

Sir Aubrey Metcalfe: (a) There have been no air raids in the North-West Frontier Province and accordingly no loss of life or property from this cause.

(b) Fourteen Hindus living in the North-West Frontier Province lost their lives during the years 1936—1938 in raids from the tribal areas. No statistics of loss of property are available. Compensation has been paid in certain cases in which fines have been recovered from the tribe concerned. The details asked for by the Honourable Member are not available.

UNSTARRED QUESTIONS AND ANSWERS.

CONTRACTORS ON THE NORTH WESTERN RAILWAY.

29. **Mr. H. M. Abdullah:** Will the Honourable Member for Railways please lay on the table a statement showing the total number of contractors on the North Western Railway, and how they are distributed communitywise?

The Honourable Sir Thomas Stewart: With your permission, Sir, I propose to reply to this and question No. 30 together.

The number of contractors on the North Western Railway is very large and the collection of the information would entail a considerable amount of time and labour quite disproportionate to any use to which the information could be put.

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

CONTRACTORS ON THE NORTH WESTERN RAILWAY.

†30. **Mr. H. M. Abdullah:** Will the Honourable Member for Railways please lay a statement on the table showing the number of contractors who have been enjoying the same contract for five years or more on the North Western Railway?

RACIAL DISCRIMINATION IN THE DELHI DIVISION OF THE NORTH WESTERN RAILWAY.

31. **Prof. N. G. Ranga:** Will the Honourable Member for Railways please state:

- whether it is a fact that racial discrimination is rampant in Delhi Division, North Western Railway;
- whether it is a fact that Indian non-gazetted staff in that Division are not detailed for re-examination in the category in which they fail to pass the required test in eye-sight; and
- whether it is a fact that "colour blindness" is a permanent defect of eyes?

The Honourable Sir Thomas Stewart: (a) Government have no reason to believe that the facts are as stated by the Honourable Member.

(b) Government have no information. I will, however, send a copy of the Honourable Member's question to the General Manager of the North Western Railway for such action as he may consider necessary.

(c) Colour blindness is a permanent defect if it is congenital. Acquired cases, which I understand are rare, afford a prospect of amelioration if they are diagnosed early and properly treated.

THE REGISTRATION OF FOREIGNERS BILL.

The Honourable Sir Reginald Maxwell (Home Member): Sir, I move:

"That the Bill to provide for the registration of foreigners in British India be taken into consideration."

Sir, the object underlying this Bill will, I think, readily commend itself to Honourable Members of this House. From questions which have been put to me during this and the previous two Sessions, it is evident that the presence of foreigners in this country and the extent of foreign immigration are matters which are attracting an increasing amount of attention. The House will already have observed from the answers given to questions on this subject that the extent of information, which Government are in a position to supply as regards the numbers and distribution of foreigners in India, is very limited. This is a situation which might reasonably have caused surprise, since, as is well known to Honourable Members, persons arriving in this country are subjected to an examination of their passports, but I would remind the House that the examination of passports is limited to the object which the Passport Act is designed to secure, namely, that no person shall obtain entry into India without a valid and properly endorsed passport. We might, it is true, compile the information obtained from passport examination so as to know the number of foreigners who have, at any time, obtained admission to this country, but this process

†For answer to this question, see answer to question No. 29.

THE REGISTRATION OF FOREIGNERS BILL.

by itself would not help us since there is no examination of passports previous to embarkation or departure from India, and the only information we could obtain by this method would, therefore, be the total number of persons who have, at any time, entered India in possession of foreign passports. Many of these persons, indeed, I believe a majority of them, are merely casual visitors, and in the absence of any means of ascertaining where they are, or how many of them have again left India, there is no means of knowing how many and which foreigners are present in India at any given moment or how they are occupied. We have, as Honourable Members are aware, an Act called the Foreigners' Act of 1864, which provides certain powers for dealing with foreigners. Of this Act, however, only sections 1 to 4 are regularly in operation, and the only power provided by these sections is the power to order a foreigner to remove himself from British India. The remaining sections of the Act, from section 5 onwards, can be brought into force only by a special notification for such period as may be declared therein; that is to say, these sections are intended only to be of temporary use in an emergency of some kind, and the powers which they provide are not available in normal times, nor are these powers in themselves sufficient. It is true that sections 6 to 9 of the Foreigners' Act impose on foreigners the duty of reporting their arrival in British India together with certain particulars regarding themselves, but as I have explained already, a mere record of arrival does not meet the whole requirements and the provisions of the Foreigners' Act do not give the power to make inquiries about resident foreigners. It is this power which the present Bill is designed to provide.

Its object is a simple one, and its provisions are confined to the creation of the legal machinery necessary for maintaining a register of foreigners who are at any time present in British India and keeping that register up-to-date. It will readily be admitted that information of this kind is an essential preliminary to the consideration of any problems arising out of immigration or the presence of foreigners. For instance, some interest has been taken in this House recently regarding the extent to which foreigners compete with Indians in the various professions. I do not suggest that there is any ground for apprehension on this score at the moment, but it is clear that even in normal times the possession of reasonably complete information about the numbers, nationalities, whereabouts and occupations of foreigners in this country is very desirable. Inquiries have shown that almost all other principal countries regard the registration of foreigners sojourning for any length of time within their limits as a perfectly normal process for which machinery is provided as a matter of course in the legislation of the country.

I do not, however, pretend that this is the only or even the principal ground for bringing this measure before the House. I have, hitherto, been speaking only of what is necessary in normal times, that is to say, times of peace. In present world circumstances, however, we cannot ignore the possibility that this country might, at some time or other, become involved in war and that in such a war some of the foreigners present in the country might conceivably become a source of danger. I do not say that any special or immediate apprehensions exist at this moment, but it is a possibility that must be kept in mind, and in such matters the only safe maxim is to be prepared in peace for any measures that may become necessary in war. As this House is probably aware, Government have for some time past been engaged in an examination of the measures which

[Sir Reginald Maxwell.]

might become necessary in a war emergency, and the problem of dealing with foreigners is one of the subjects which have come under consideration. Without information obtained in advance, much time will be lost at the outset of any war in giving effect to precautionary measures such as the internment of potential combatants or the repatriation of non-combatants. The only way, in fact, of avoiding difficulties, dangers and delays which in the event of a war might prove to have very serious consequences is to maintain, as a regular procedure in times of peace, a register of foreigners which could be used as a basis for any other action which was dictated by the emergency. This, then, is the reason why the present Bill must be regarded as meeting a very urgent requirement. Even after the Bill has become law, it will take a considerable time to complete our registers of foreigners, and until that is done, we cannot be said to be in a safe or proper position as regards the problem of dealing with aliens in war.

I have, I think, said sufficient to indicate the desirability of taking powers to obtain particulars about foreigners in British India and to show that the Statute-book does not, at present, provide such powers in a convenient form or to a reasonably complete extent. There is, however, one more matter about which I should perhaps give the House some indication of our intentions and that is the proposed application of the provisions of the Bill. As I have explained already, our information about the number of foreigners of different nationalities in India is extremely incomplete, and the last reliable information which we possess is that derived from the 1931 census. At that time there was a total of 572,000 foreigners recorded in India. It would obviously involve grave administrative difficulties to attempt to maintain a complete register of such large number of aliens. But, as the House is well aware, a very large number of these foreigners are such that by long usage we hardly consider them to be foreigners in India. They are technically foreigners, but they come from countries contiguous to India with which India has, for generations, enjoyed close and friendly intercourse, and they are not likely to become our enemies at any future time. The large number which I mentioned as derived from the 1931 census includes, for instance, over 300,000 Nepalese; there were also, again, over 80,000 Afghans. I need not give particulars of the nationalities of all the foreigners recorded at the last census because the figures are obviously long out of date, but the total number of Asiatic foreigners recorded at that time was over 444,000, leaving only about 128,000 who were born in Europe, Africa, America or Australia. Power has been taken in clause 6 of the Bill to exempt either in whole or in part certain classes of foreigners from the application of the Bill. Under this power, it is proposed, if the Bill is passed, to exempt all foreigners of Asiatic birth residing in countries having a common boundary with British India. I think the House will probably agree that there are no sufficiently strong economic or political reasons at present for maintaining a complete register of aliens coming from these neighbouring countries, and their exemption, which could, of course, always be withdrawn in case of need, would greatly simplify the proposed task and reduce it to what is really necessary.

There is only one other point to which I need draw the attention of the House as regards the application of the Bill. Owing to the definition of a foreigner in the Foreigners' Act, which for practical purposes means a

person who is not a British subject, it has been thought advisable to avoid any doubt on the subject by making it clear in the definition that the Bill is not intended to apply to the subjects of any State in India. In fact, the House can consider this matter on the assumption that the Bill cannot, in any circumstances, be used to impose any restrictions whatever on Indian nationals and that it will not, in practice, apply to the inhabitants of surrounding friendly countries unless, of course, at any time, they seem likely to become our enemies.

I need not, I think, take up the time of the House further at this stage by entering into the detailed provisions of the Bill, for I see that one of the amendments of which notice has been given is for reference of the Bill to a Select Committee. For the reasons of urgency which I have already explained, I had at first hoped that the consideration of this Bill could be completed at the present stage, but since I find from discussions with Leaders of Parties in this House that it would make for the convenience of Honourable Members if they could deal with this measure first, in a Select Committee, I am prepared to accept the amendment which has been put down to that effect, on the understanding that the work of the Select Committee will be completed in time to enable the Bill to be taken through the final stages during the current Session. This should be possible if, as is proposed in the amendment which I have seen, the Select Committee is required to report by the 23rd March. Therefore, I will not, at this stage, as I should otherwise have done, go into a more detailed explanation of the central features of the Bill, which are particularly contained in clause 3, and I think it will be more convenient to leave those matters to be considered by the Select Committee if the House passes that amendment. Sir, I move.

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

"That the Bill to provide for the registration of foreigners in British India be taken into consideration."

Sardar Sant Singh (West Punjab: Sikh): Sir, I beg to move:

"That the Bill be referred to a Select Committee consisting of the Honourable Sir Reginald Maxwell, Mr. H. J. Frampton, Lieut.-Colonel M. A. Rahman, Mr. Y. N. Sukthankar, Mr. J. Ramsay Scott, Lieut.-Colonel Sir Henry Gidney, Bhai Parma Nand, Sir Muhammad Yamin Khan, Sir Syed Raza Ali, Mr. S. Satya-murti, Mr. M. Ananthasayanam Ayyangar, Mr. Mohan Lal Saksena, Mr. M. Asaf Ali and the Mover with instructions to report by the 23rd March, 1939, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, in making this motion, I want to assure the Honourable the Home Member that it is not intended to be a dilatory motion. In the original amendment which I sent in I intended to move that the report of the Select Committee should come in by the end of March 1939, but taking into consideration the emergency of the measure, as has been explained by the Honourable the Home Member to this House, I have decided to bring it down by a week earlier, so that this Bill may have a full chance of passage in this Session.

This Bill is designed to register foreigners who are either residing in India at present or might come in future to reside here. My difficulty in this Bill has been, and I only want to state it for the consideration of the Select Committee later on—that I desire to know whether this Bill is designed merely to register the foreigners who are the subjects of European countries or American countries, or also to register the foreigners who are residing in the countries bordering India. The Honourable

[Sardar Sant Singh.]

Member in his speech has tried to explain that the power which the Government wants to get to exempt certain classes of foreigners from the operation of this Bill includes the power to exempt subjects of those countries which are bordering India. If this Bill is designed entirely for the purpose of preventing what may, in ordinary language, be termed spying by nationals of those countries, who may, on some future day, be at war with England, then this Bill does not go far enough. I think this House should take note of another fact that there are foreigners who are competing with us in this country in most of the professions and other ordinary employments. I had an occasion to make a visit to the new canals that are being dug in the Punjab and saw the labour employed there. I found not a single Punjabi of any community employed. Most of the labour was brought from outside India. This naturally takes away some of the bread from the poorer classes of India and I think that some provision is needed by which Indians should be given preference over those who come from the countries which border India. At the same time, taking into consideration the unemployment prevailing in this country, it will not be a long time before we will have to take measures of a radical character against some of the countries where Indians do not find employment, including some of the States in India itself. Therefore, the Select Committee will have to consider this aspect of the question as well.

Further on, referring to the provisions of the Bill, the definition of the foreigner will have to be considered in view of the fact that the definition proposed in the Bill excludes certain classes of persons from the definition. For example, the Consul or Vice Consul. I am not very well acquainted with this subject and so far as my information goes, and I speak subject to correction, that there are certain foreign merchants who are vested with the powers of a Consul or Vice Consul and they are acting in a dual capacity, both as merchants as well as Consul or Vice Consul. The question will be whether merely possessing the status of a Consul or a Vice Consul entitles them to exemption under this Bill as is proposed in the Bill or they will have a dual capacity and they will be registered as merchants or commercial people while in another capacity of Consul or Vice Consul they will be exempt. Similarly, clause 3 of the Bill presents the same difficulty which I always feel where a skeleton Bill is produced for the consent of the Indian Legislature. Here again, unlike the Aliens Act which was passed by Parliament in Great Britain and unlike the Orders in Council where certain indications are given as to the policy underlying the Bill, this Bill does not indicate much about the policy. I think it will be left to the Select Committee to give an indication to the country also as to what powers should be vested in the executive and how they should be exercised. The Honourable the Home Member in his speech has referred to the Passport Act which gives statutory power to examine passports of all foreigners who enter into India. In that connection I would like to know whether a person who enters India by the land frontiers will come under this Bill. What is the present position with regard to the working of the Passport Act? Are the passport regulations enforced against the entry of foreigners into India from the land borders or is it confined only to the sea ports. Is it enforced against the 80,000 foreigners who come from the Afghan borders, according to the statement of the Honourable the Home Member? No doubt there will be administrative

difficulties in registering a large number of foreigners who seek entry into India by the land borders but there is no reason why they should be exempt because of this difficulty. If I look at the Bill from the point of view of the Home Member that the emergency may arise at any moment, I think the dangers from the countries bordering India are equally great, if not greater. I think it is in the interests of the safety of the country that all foreigners, irrespective of the country of origin, should be registered in India and their activities should be known to the executive authorities. Therefore, I will suggest to the Honourable Member not to feel shy of the greater responsibility which is involved in the maintenance of law and order in this country and agree to the registration of all foreigners irrespective of the country of origin. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands that the Honourable the Home Member desires that Sir Aubrey Metcalfe be substituted for Lieut.-Colonel M. A. Rahman on the Select Committee. Is that so?

The Honourable Sir Reginald Maxwell: Yes, if the Honourable the Mover would accept that.

Sardar Sant Singh: I agree.

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

"That the Bill be referred to a Select Committee consisting of the Honourable Sir Reginald Maxwell, Mr. H. J. Frampton, Sir Aubrey Metcalfe, Mr. Y. N. Sukthankar, Mr. J. Ramsay Scott, Lieut.-Colonel Sir Henry Gidney, Bhai Parmanand, Sir Muhammad Yamin Khan, Sir Syed Raza Ali, Mr. S. Satyamurti, Mr. M. Ananthasayanam Ayyangar, Mr. Mohan Lal Saksena, Mr. M. Asaf Ali and the Mover with instructions to report by the 23rd March, 1939, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): I do not think the Government of India have acted at all too soon in bringing this measure before the House. Action in fact on similar lines was taken in England in the year 1914. The Bill, it must be remembered as has been introduced, goes further than the British Aliens Restriction Act of 1914. I am very glad that the motion before the House, in which the Government have concurred, is to refer the Bill to a Select Committee. There are some important points that will have to be very carefully considered by the Select Committee. On the general question, I may say that the tendency in democratic countries is not only to make more rigorous the law relating to the visit of foreigners but also to discourage immigration. A very important question arises out of the Immigration Act that is in force in India. Reference was made to this matter by a previous speaker. I certainly think that the time has come when the Government should undertake a very careful revision of the Immigration Act. I hope that a measure aiming at the modification and revision of the Immigration Act will soon be undertaken by the Government, in that the Government are now alive to the necessity of the registration of foreigners in this country. Now I will not say more on the question of immigration, which, in fact, is a most important matter having regard to India having become really a dumping ground for the surplus population.

[Sir Syed Raza Ali:]

of those countries which can manage to send out a number of adventurous people to India. But confining myself to the question that is before the House, I must say this, that, while since the war the law relating to the registration of foreigners, or aliens as the term is known to British law, has been made more strict, and while specific laws have been enacted in England and the United States of America to keep a closer watch over those foreigners who visit these democratic countries, my experience of such undemocratic countries as Germany and Russia is that these laws are not so strict there as they are in democratic countries. I mention this fact so that this question might be carefully gone into in the Select Committee. Two years ago I was in Germany and there I was not required to report my arrival to any magistrate, nor was I required to inform any magistrate when I proposed to leave Hamburg, for instance, for Berlin or for Munich. No doubt there is a register requiring important information to be embodied by the visitor who stays in one of the hotels, but a similar purpose, of course, is served by the requirements of the Foreigners Act of 1864. It is under that Act that hotel managers keep detailed registers and get all foreign visitors to give the necessary information, which of course, in due course, is submitted to the police authorities or the magistrates. Now this was in Germany five years ago. I was in Russia about nine years ago and I may say again that I was not required to give the information of my arrival to any magistrate, nor was I required to report my movements either to the police or to magistrates. Whether the law of Soviet Russia is the same today as it was nine years ago is more than I can say. But at that date, when England had enacted the British Aliens Restriction Act and provided for foreign visitors reporting their movements to the prescribed authorities, no such action had been taken in Russia. Of course, in Russia and Germany the main problem which a visitor has to face is about getting money or cashing cheques. There is no trouble, as far as I know, so far as his movements are concerned. In Russia, I must add, if you wish to visit any one of those provinces where the settled convictions of the public are not supposed to be very enthusiastic about Soviet Rule, you are required to obtain permission from the magistrate. But this is not the case in Germany. Now, Sir, a question that the Select Committee will have to consider will be whether it is necessary to agree to the Bill as it stands, or to make important changes in some of the provisions of the Bill.

This, of course, is no time for me to say much about the various provisions of the Bill. I may, however, in passing draw the attention of the House to the definition of "householder" as embodied in clause 2, sub-clause (b). There a householder is defined thus:

"'householder' includes any person having management of a hotel, boarding house, sarai or any premises of like nature."

Now, the English Act which I have had occasion to look up rather carefully casts the obligation of reporting the movements of a foreigner staying in a hotel on the manager. I take it that if a foreigner visits England and stays with a friend, the law in England is that it is not the duty of that friend to give information to any magistrate or to the police. But it is quite clear—I have read the sub-clause—that under clause 8, sub-clause (e), it will be the duty of any householder with whom a foreigner is staying as a guest to give that information to the necessary authority.

If the householder fails to do so he will be liable to the punishment prescribed in clause 5. Now that goes much further really than the English Act. The British Aliens Order of 1920 clearly says in section 7, sub-section (6), this:

"This article applies to any premises whether furnished or unfurnished where lodging or sleeping accommodation is provided for reward."

That means that if you are staying at a hotel or a boarding house, then surely it is the duty of the manager to give that information to the prescribed authority. But the Bill before this House goes much further and that, I am sure, will lead not only to complications but to hardships. Assuming that we were to accept the British Act and the Order of 1920 in toto, I find that there is yet another provision which, as embodied in the Bill, goes much further than either the Act of 1864, which is our Indian Act, or the law in England. Clause 4 clearly lays down that if a question as to any foreigner's status comes up, then the person concerned shall be assumed to be a foreigner "notwithstanding anything contained in the Indian Evidence Act, 1872". That, again, I submit, goes beyond any provision of law in force either in India or in England. I can quite see the logic of your casting the duty on a foreigner, whose case is under consideration, of proving that he is not a foreigner. That you can do. The English law does that and our own Act of 1864 does that. But when you say that notwithstanding anything contained in the Indian Evidence Act, 1872, he shall be considered to be a foreigner, you go much too far. I believe this question will come up at the proper time. I do not know what the framers of the Bill really have in their mind. Do they have it in their mind that even if the onus of proof is satisfactorily discharged, the person concerned will yet be considered to be a foreigner? I do not think they could have meant that. But I am afraid the language as used in clause 4 would go to suggest that inference.

Lastly, there is the question of punishment. That is a minor matter, no doubt, but in the matter of punishment, too, the Bill is more stringent than the law in England. That, again, is a question which, I am sure, will have to be carefully considered by the Select Committee. Time was when the fact of the enactment of a certain statute in England by the British Parliament was considered as sufficient justification for the Indian Legislature taking action on similar lines. I remember, 30 years ago, if an Act was passed in England, that was considered a sufficient justification for the Indian Legislature placing on the Statute-book a similar Act. That tendency, fortunately, has received a check. The fact, however, is if we had taken action, after action had been taken in England shortly after the war, I do not think anybody would have had any grievance. But all the same I am not one of those who would like to imitate the British parliamentary effort irrespective of the peculiar circumstances in which we are placed in India. What I mean is that the Honourable Sir Reginald Maxwell has made out a *prima facie* case for this Bill being considered on its merits. I, for one, must say that he has succeeded in making out a *prima facie* case. But if he had not succeeded in the effort that he made this afternoon, I certainly would not have been a party to a Bill of this character being considered simply because a similar measure finds a place on the Statute-book of England. Sir Reginald Maxwell has given reasons which, I believe, ought to be considered on their merits. I am afraid in analysing the position he put, if I may say so, the cart before

[Sir Syed Raza Ali.]

the horse. He mentioned the fact that he had been pestered and bothered by requests from outside India to give the whereabouts of foreigners and a number of inquiries had been made both from outside India and in this House. Well, I believe that is a consideration, although a minor consideration, to which none of us would be unwilling to pay attention. But the real urgency of the measure is the present world condition to which he made reference, not in the first place but in the second. That is why I say that he has put the cart before the horse. The real reason is that the world conditions are very unsettled. There is a very large number of foreigners in India and they belong to all sorts of nationalities and some of them might become a source of potential danger unless Government take authority to keep a close watch on the movement of these people. That is a valid reason. I am very glad that the Home Department have had the courage to come out with true facts. I, for one, would give them the credit for this candour. I know that there are certain Departments of Government which are very wanting in candour towards this House. The result is not very fortunate. Trust begets trust: distrust begets distrust. I am very glad that the Home Member put all his cards before this House and I am sure this Bill will be given that consideration by the Select Committee which is its due.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, I do not wish to detain the House very long. I only want to draw the attention of the House to a few considerations. Now that the Bill is going to a Select Committee, the occasion for any detailed criticism really does not arise. Sir, the word 'foreigner' has had peculiar connotations in this country not always too pleasant to our ears. It has been one of the grievances of the Indian people that the Government have, in the past, permitted all sorts of people not only to enter India but also to trade, to claim and acquire equal and superior status, at all events in social matters because they claim to be Europeans.

An Honourable Member: In legal matters also.

Mr. Manu Subedar: Yes, there has been in legal matters also. Even in the matter of burial, because an Indian Christian is to be buried in a black cemetery whereas European Christians could be buried in a white cemetery. There has been considerable looseness from our point of view with regard to the attitude towards the arrival in this country of foreigners and the privileges which they have been allowed to enjoy. The demand that this country's markets, this country's industries and opportunities for trade should be thrown open without any restriction on perfectly equal terms to the Britisher has been embodied now into statutory provision in the Government of India Act, a thing which was administratively in the past, at all events, exercised equally freely by all aliens, so much so that the Indian was the least privileged person in his own country. I am very glad that opportunity is now being taken to provide on the Statute-book a law which will permit of discrimination between Britisher on the one hand and a non-British foreigner on the other. I am not certain whether the provisions would prove adequate first as to the extent. Foreigners can enter into India—the geographical mainland—from the Indian State ports and may remain there. The Honourable the Mover

of the Bill has not mentioned to this House what provision, if any, has been contemplated or already made in order to secure the observation of some of the provisions of registration with regard to those foreigners who, after arrival in India, go to an Indian State or who arrive in the first instance in an Indian State and remain there. If the object of this is not merely to supply information to this House or to foreign governments, if the object of this measure goes deeper, namely, to take care of the interest of his country economic, political, military as against all hostile aliens of all kinds or against undesirable characters coming to India from abroad, then I am not quite certain whether Government have adequate legal powers at present to deal with undesirable persons of British origin coming to this country. The term 'British subject' is a very wide term, it involves subjects in various parts of the world including New Zealand and convict colonies and many other places. I, for one, am not prepared to accept the position that every British subject is from the point of view of this country either a desirable person or a person whose movements or whereabouts or activities, it is not the duty of the Government to watch. If that is so, clearly the definitions here do not go far enough. I should like the Government of this country to arm themselves with powers that in case of even British subjects—I do not want to dictate to them when they should use them,—when they consider in their discretion that such British subjects or individuals or characters are in any manner undesirable, then the Government should have powers to control or check their movements and to have fullest information about them. With regard to the extent of powers. I am sorry that the Bill merely says: "To provide for the registration of foreigners". I should like them to go further and say: 'To provide for the registration and control of foreigners'. I do not mean to say that the necessity for control will arise in every case or in most cases or in normal times. As the Honourable the Mover has envisaged the maximum use of this Bill will undoubtedly arise in the case of emergencies of the kind we contemplate. I do urge that some more powers should be taken by the Government. Reference was made to the provisions of the Act of 1864 and Act of 1872. These Acts give the Government certain powers. But while we do this, it should be possible to have a consolidated Act having all these references in one place and giving the Government very wide powers. I for one do not quite understand clause 6 which says:

"The Central Government may, by order, declare that any or all of the provisions of the rules made under this Act shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified in the said order . . ."

I take it that the modification here referred to is with regard to details or occasions of the registration and the modification does not imply the power to order a foreigner to remain in a particular place and not to move out of it and to report every half an hour, for example, to the police station which will virtually be detention. I should like very wide powers to be in the hands of the Government in such matters as and when there is an emergency in which in the interest economic, political and military of this country, may demand the use of such powers. The Honourable the Mover of the Bill has given us some rather stale statistics from a previous census which do not carry us very much further. But I wish he had told us the total figure of visitors to this country of all kinds and of these visitors any estimated quantity of foreigners to whom presumably this Bill, when it becomes law, is going to be applied.

[Mr. Manu Subedar.]

Another request which I should like to make to the Select Committee is whether it may not be possible to bring in the focus of a single document all the provisions relating to this matter in view of the very large number of people, even casual visitors, even innocent householders who would be affected by the provisions of this Bill. For example, there are references to the Act of 1864 and there is a reference to the Act of 1872. I know that I am treading on very dangerous grounds. I do not know whether Government receive a subsidy from lawyers for doing this, but all lawyers have the peculiar knack of putting Statutes in mystifying forms and in forms which do not give complete information in one and the same place. This is one of those Acts which will be applied to several hundred thousands of people in this country and I do recommend that if it is at all possible it should be produced in a form in which its perusal would make immediately quite clear what the obligations are and what the penalties are and on whom the obligations fall and when.

Sir, the principal ground why I feel very happy in supporting the motion for sending this Bill to the Select Committee is, that we have frequently in this House made requests to Government for retaliatory measures or for reprisals against the arrival and activities of persons from those countries which have refused to give a fair deal or which have gone out of their way to accord insulting and provocative treatment towards our nationals. I want to strengthen these provisions because more than once occasion has arisen and I can assure this House that these occasions will multiply in future when we are not going to sit quietly and take lying down the insulting and discriminatory behaviour towards our nationals abroad as we have been doing in the past under the aegis of this Government. Under those circumstances, I do desire that the powers of restriction even on the entry of certain types of persons and the powers by which certain types of persons can be prevented from landing or from going beyond the areas of the port, or could be ejected—all these powers ought to be taken by Government, so that as and when in the interest of the good name and self-respect of this country the occasion arises, the Government of this country may be ready to take those steps. Sir, I support the motion.

Several Honourable Members: The question may now be put.

Mr. Abdul Qayyum (North-West Frontier Province: General): Sir, in view of the anxiety of the Government Benches to have the question put and in view of the fact that they feel that they have got far too many people behind them and our ranks are rather thin, I got up to make a speech. I do not think it is fair on the part of Government to stifle discussion on such an important matter. I am glad that the Government of India, after all, have moved in the matter; but, as is customary with the present Government of India, they are doing things in a half-hearted way—and this is another instance of it. In this particular Bill before the House the definition of "foreigner" has to be recast, and I hope and trust that the Select Committee will give very careful consideration to the question of defining a "foreigner". As the definition stands at present a foreigner means anyone other than a British subject; and British subjects may be British subjects from Australia or Canada or New Zealand or even from South Africa and Kenya. Are we going to

treat these people with indifference as we have hitherto treated them in the past? It is really most surprising indeed. We have in India a large number of persons who come and serve as British officers in the Indian Army, and while they are serving in the Indian Army there is a campaign going on in India that these particular officers should be settled in the Highlands of Kenya on their retirement; and very attractive terms are offered to them. In fact, people come out from Kenya with the blessings of the present Government and induce these gentlemen to go and settle down in Kenya. Now, these very British officers—who come and deprive our young men of their right to a living in the army, on their return to Kenya they have the audacity to raise their voices, along with their countrymen who are already there, to shut out the same Indians whom they exploited throughout their long career of service. We do not want them at all in this country, because we have people who can take up these posts even more efficiently. If the present definition of "foreigner" is to stand then these gentlemen from South Africa and from Kenya, who insult our people and are daily meting out all manner of humiliating treatment to them, will have to be excluded. Therefore, I hope and trust that the Select Committee will go into this question of definition and will make it obligatory on the Government of India, by suitable amendments in the course of the Select Committee discussions, that along with the statistics and registration of foreigners it should be laid down that British subjects from the Dominions and from colonies, such as, Kenya, should be compulsorily made to register themselves on their arrival into this country. Not only that, but they should be forced to tell us what particular jobs they have taken up, and the nature of their movements. They should be made to report their movements so that this House may be in a position to know how many people from those countries are actually in residence in India, and are making money at the expense of the Indian people—while they mete out absolutely humiliating treatment to our nationals when they go to their country. Therefore, I insist that along with foreigners, the registration of British subjects from the Dominions and the colonies should be made obligatory.

Then, there is another thing. The Indian States cannot be left out of the purview of this Bill, as has been sought to be done by the Honourable the Mover of this Bill. In clause 2 (iii) we find that the word "foreigner" does not include any ruler or subject of any State in India. Now, Sir, there are States and States in British India. I know there are States which not only prevent people from owning and acquiring land but have actually gone to the length of turning out British Indian subjects who had already taken up service in those particular States. I do not pretend to possess a knowledge of all the States and the discriminatory laws which they have imposed against those British Indians who happen to be in their territory; but I know of one State which is quite near to my province and I know that in the State of Kashmir not only are people from British India not allowed to purchase land but they have actually been turned out of service. There are many young men who have had their careers ruined because the State of Kashmir refuses to accord decent treatment to British Indian subjects. What is true of Kashmir must be even more true of many other States in India. We find that a large number of people come out from this particular State and find employment not only in our province but in the Punjab and all over India. Therefore the Government of India should now give up

[Mr. Abdul Qaiyum.]

this patronising attitude towards the States by treating them as if they were too tender to be touched. I think the time has certainly come when the Government of India should, in the interest of British India, and in the interest of people who have the misfortune to live under the present Government in British India, do something in the matter, by adopting retaliatory measures against the subjects of States and even their rulers, if need be, who do not agree to accord decent treatment to British Indians who happen to be in their territory.

I am glad that as a result of the complications which have arisen from the recent international situation, the Government of India have thought fit to bring this Bill before this House. My Honourable friend, Sardar Sant Singh, was talking of 80,000 Afghans who are in India and three lakhs of Nepalis who are here. These people have been here since long, and it is not out of any considerations for our people that this Bill is being brought up. It is being brought as a result of imperial considerations. Great Britain is likely to be involved in a war, and in view of this fact the Government of India have probably received instructions from their masters in Whitehall to move and move quickly in the matter; and, therefore, we find that this Bill has been brought before this House.

Now, the Honourable the Mover of the Bill stated that the citizens of countries which are contiguous to British India or India will not be brought within the purview of this Bill when it becomes law. I do not know whether that would be a proper thing. We know that Japan is rapidly marching into China and we will soon have Japan on the borders of India.

I wonder if the Honourable the Mover of this Bill really intends to exclude the Japanese from the purview of this Bill, because very soon they will also be people whose borders run along with the borders of India. I personally think that this Bill has been drafted very badly, and it does not include certain things which should be there. For instance, I think that the provision which requires foreigners in peace time to report their movements is utterly uncalled for. Much though I dislike certain foreigners—and specially foreigners whether they are British subjects or others who do not accord decent treatment to our nationals, I should not like them to be tortured in the manner in which the Honourable Sir Reginald Maxwell proposes to torture them, viz., by forcing them to report their movements at every police station. I do not think it is fair. At the same time, there are many other things which he can very profitably do, for instance, in this very Bill, suitable amendments can be made making provision whereby it will be impossible for persons, whether they are foreigners or British subjects,—if the States from which they come have placed restrictions on the entry of Indians, or on the employment of Indians, or on the eligibility of Indians to hold lands in those particular colonies and countries to even enter this country or to trade with it. I think it would not be unfair if we were to retaliate against those States; and I am really surprised at the inaction of the Government of India. The Government of India have absolutely no reasons for this state of passivity and inactivity to which they have been subject for such a long time. I think the time has arrived, and if the Government of India were to take a bold step in this direction they will have not only the full force of public

opinion behind them, but even the blessings of many people in this country. But the Government of India are actuated by considerations which do not purely aim at helping the people of this country: they have to please the people at Whitehall, and they have to please other people who happen to be their compatriots in the various colonies. I think that this Bill requires considerable overhauling and I hope that the Indian members of the Select Committee will see to it that retaliatory measures are inserted in this Bill against British subjects whose countries treat Indians very badly. I also hope that the clause which seeks to force foreigners who visit this country to report their movements to the police stations will be deleted, because this is not a sort of thing which should be resorted to in normal times; I think it will be very insulting to them, and very few foreigners would care to come to this country as visitors. With these remarks I support the motion for reference of this Bill, which is a very weak and very poor Bill, to the Select Committee, and I hope that after the Select Committee have reported on it, it will come out in a much better form than it is at present.

Some Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think there has been yet sufficient discussion on this Bill. It is not an unimportant measure.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I do not think there ought to be impatience over a Bill like this, at any rate for those who are not on the Select Committee. They must be allowed to state their feelings. Now that this Bill is going to the Select Committee I would like to make certain observations to show that this Bill is much wider than originally indicated. Special attention should be given to clause 3 (e) and other provisions with regard to the burden of proof and the penalties. The original object of the Bill can be seen from the notes on the clauses. As regards clause 3 (e) the notes say:

"This provision is based upon Article 7 of the British Aliens Order of 1920 and is primarily intended for use in the case of hotels."

It is quite true that certain restrictions are imposed in western countries as regards hotels: hotelkeepers are made responsible for giving certain information and reports; but here it is very wide. Sub-clause (e) says:

"for requiring any householder, in whose premises any foreigner is residing, whether temporarily or permanently, and whether on payment or otherwise, to report the name of such foreigner to a prescribed authority. . . ."

These words are very wide and will rope in many persons who may even be sent to jail for a year or six months. Many persons will come in under this clause. If householders who have houses to let allow their friends to live in their own tenements, as Sir Syed Raza Ali has said, even temporarily as guests, why should it be necessary for the householder to go and make a report? It is the duty of the foreigner to do and if he does not make the report, he should be punished and not anybody else. Then it says "on payment or otherwise". Suppose my friend, Mr. Asaf Ali, has a number of houses in Delhi and suppose his tenants are foreigners, he will have to give the information—it will be too much to ask: he may let his houses for a year or a shorter period. I, therefore, submit that particular attention should be given to this in the Select Committee.

[Mr. Lalchand Navarai.]

As regards the meaning of "householder", it includes any person having management of a hotel, boarding house, *sarai* or any premises of a like nature. Taking the same example again, the words 'like nature' are very wide and should be made clear. If the intention of the Government is only to see that hotelkeepers or keepers of boarding houses or people who take in paying guests should do these things, then it is different. But to say that this Bill is a very simple Bill and will not affect Indians here is wrong. It will certainly affect Indians very much. When foreigners come to this country, that fact cannot remain concealed from the Government; Government is bound to know which foreigners have entered this country and for what object, and it is, therefore, the duty of the Government to make such foreigners amenable to the provisions of this law. You can make any provisions you like for those foreigners, but a householder in India should not be made punishable. Further on, Sir, it is said here "householder" includes any person having management of a hotel, boarding house, *sarai* or any premises of a like nature, and, therefore, this definition of a "householder" should also be made quite clear.

Mr. M. Asaf Ali (Delhi: General): It is too wide.

Mr. Lalchand Navarai: I am glad the Honourable Member says it is too wide. I hope the Government will also take notice of this and discuss it in the Select Committee, in fact on many matters suggestions given in the House would be of invaluable help to the Select Committee.

Then, Sir, coming to the legal aspect of this Bill.....

Mr. M. Asaf Ali: Are you omitting (f)?

Mr. Lalchand Navarai: "For requiring any person having the management or control of any vessel or aircraft to furnish....."

Mr. M. Asaf Ali: That affects you in Karachi particularly.

Mr. Lalchand Navarai: If it affects me, it affects you also, it affects the whole of India. Therefore, I say that this clause also should be carefully considered by the Select Committee, and it should not remain as wide as it appears here.

Then, coming to the question of the burden of proof, I want to point out here that whenever these Bills come up here, Government want to do away with the evidence Law that exists in this country. Sir, the Evidence Act has remained in force in this country for a very long time, and we find that the principles enunciated in it are excellent, but, unfortunately, the Government always attempt to whittle down its provisions or to nullify them, and I consider it is really wrong on the part of the Government to do so. The fundamental principle is that when you have to prosecute a man, when you call him a foreigner, you must first of all prove that he is a foreigner. The burden of proof must be on him, it may be that the burden of proof may be only *prima facie* on the Government. They must establish to some extent that the person intended to be prosecuted is a foreigner, because, Sir, when a person is brought before a court as an accused person, the burden is on the prosecution to prove by adducing every factor and every matter connected with the prosecution that he is the

accused person, and, therefore, I ask why should not the same principle be applied here also? The burden of proof should lie wholly on the foreigner. It may be that the prosecution may put in some evidence of such a nature as would shift the burden at once, and I submit that the Select Committee should also consider this point.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue after lunch.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. Lalchand Navarai: I was speaking before the luncheon interval on the burden of proof. Clause 4 lays down:

"If any question arises with reference to this Act or any rule made thereunder, whether any person is or is not a foreigner, or is or is not a foreigner of a particular class or description, the onus of proving that such person is not a foreigner or is not a foreigner of such particular class or description, as the case may be, shall, notwithstanding anything contained in the Indian Evidence Act, 1872, lie upon such person."

It is plain that it goes beyond the Indian Evidence Act and there is no reason why it should do so. I submit that no case has been made out with regard to two points, namely, first, with regard to the burden of proof, and secondly, with regard to the roping in of the householder who may be a private man. The Statement of Objects and Reasons says:

"Apart from the fact that from the Census Report of 1931 it is known that in that year there were in India some 450,000 persons who stated that they had been born outside His Majesty's Dominions."

So many people have informed as to their birth place and where is the case that a foreigner would come here and conceal the place of his birth? It will happen only in rare cases, and to depart for the purpose from the general fundamental principles of the Evidence Act is not a fit piece of legislation. I do not think we should be parties to it. I hope the Mover of this amendment, Sardar Sant Singh, who is himself a lawyer, will realise this difficulty and place it prominently before the members of the Select Committee and come to this conclusion, unless it is shown that they have certain evidence to that effect and the burden should be shifted. I do not see any difficulty, because, further on, I find in the Statement of Objects and Reasons:

"... there is no information as to the number, nationality whereabouts of foreigners in India."

Even if there be any difficulty I do not see why it could not be solved without throwing the burden of proof upon the man. I am sure the British Government is resourceful. They have got many organisations, they have their ambassadors, their agents, and information can be easily obtained by several means of communication now in vogue, and what will be the difficulty? We know the saying, the sun never sets on the British Empire. But where is that now? Do the Government call themselves impotent or helpless? I am very keen that the burden should not be thrown on those persons. Again,—

"... nor, in the absence of any statutory obligation on foreigners to report their presence and movements, is it possible to obtain such information."

[Mr. Lalchand Navalrai.]

As I have said, that statement is not wholly correct, but if there is difficulty, I have no objection to applying this Bill to foreigners alone, why make it apply to persons who are householders,—who are Indians? Private persons also may come under this. If the Government want a Bill for foreigners alone, surely, let them have it, but I do not think the Select Committee should agree that any Indian should be affected by this Bill. Then the Statement of Objects and Reasons says:

"In the majority of other countries, both within and outside the British Commonwealth, foreign visitors and residents are required to report their presence and movements to specified authorities."

From this it is clear that it is not the householder who is made responsible even in those countries; the householder does not come in there at all. In this Bill they want also to rope in the householders. This is only an after-thought on the part of the draftsman. Clause 3 (e) is very objectionable and the Select Committee should pay attention to it.

Then, Sir, coming to the punishment section, in the case of a foreigner, the punishment is imprisonment for a term which may extend to one year or fine which may extend to Rs. 1,000 and in the case of a man who is not a foreigner it is imprisonment up to six months and fine up to Rs. 500. On this point I find an amendment in the name of Mr. Asaf Ali. In the case of a new Act, I submit that the punishment should be lenient in the beginning and later on if the evasions are many then a severer punishment should be meted out. From the Statement of Objects and Reasons, it is clear that foreigners have not concealed their real place of birth and, if so, why should the punishment be so severe? Then, with regard to householders the punishment is also very severe. There is a private householder with several houses which are tenanted. These houses are looked after by their managers and the householder may not know who the tenants are and is the householder going to be punished on this account? And then, the punishment also is objectionable. I trust that when this Bill comes back from the Select Committee its rigour will be softened and many of the objectionable features removed and that it will come to us in such a form that we can pass it unanimously.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I am glad that Sir Aubrey Metcalfe's name has been added to the Select Committee, because he will place very useful information before the Committee about the manner in which Indians are treated in foreign countries, so that we may be able to frame our regulations accordingly. One prominent example came to my notice which I put in the shape of a question. There was a Muslim servant of a British officer who came to me and said that he had served under the British officer faithfully for 18 years, that the officer went to Nepal in connection with the Foreign Department and the officer was not allowed to take the servant with him, because he was a Muhammadan. I wish that the Foreign Secretary would make inquiries about this and if it is a fact then we will insist that all the Gurkhas should be dismissed from the military department of the Government. We will insist that they should not be given any passport to come to this country. I hope that this question of disability is incorrect and we must see that no disabilities exist for Indians in foreign countries and if they exist we must take steps to protect our nationals. If not, we must take similar steps in regard to visitors and the nationals of other countries coming here.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): I rise to support the motion for referring this Bill to a Select Committee, but I must confess that the Bill, as it stands at present, is a very defective one. The first question which confronts us in this connection is—Is it a war measure or a measure for use in times of peace? From the Statement of Objects and Reasons it is found that it seeks to combine provisions both for war purposes and for purposes of peace. This is very unsatisfactory. To seek to combine measures for war time and measures for peace times in a single Bill is very unsatisfactory. In war times it is necessary to place restrictions on the rights of foreigners as well as of nationals of the country, but in ordinary times it would be unwise to place such restrictions. At least, the rigour of the restrictions should not be so great.

Then, Sir, we should consider the extent of this measure. It appears to me that in some respects this Bill goes too far and in other respects it does not go far enough. I will take the second point first. This Bill puts a very limited definition on the word 'foreigner'. As some of my friends have already said, this definition should be expanded, so as to include persons who come from countries where Indians are not properly treated. In South Africa and in Kenya, Indians are very badly treated but when the nationals of those countries come here, they become not only equal to our people but they strut about as if they are superior to us. This should not be allowed any longer, our self-respect will not allow this thing to continue further. As regards the first point, I wish to point out that the restrictions which this Bill seeks to impose go too far. They are very stringent. The definition of the word "householder" is very extensive; in fact it is absurd, for nowhere, in no dictionary will you find this word "householder" defined in such terms. The penalty clauses also are very stringent. In war times, I admit, very severe penalties may be imposed upon foreigners and even on Indian nationals, but in peace times these penalties should not be severe. I hope the Select Committee will soften the rigour of these penalties.

Sir, these powers will have to be exercised by the police, and we all know that in India powers are very often misused and abused. I would like to know what safeguards are provided in this Bill against the abuse of powers by the police. Let us hope and trust that these provisions will not be so used by the police so as to oppress or even to harass the people.

The Bill will thus require very careful consideration at the hands of the Select Committee. We all hope that when it emerges from the Select Committee, it will be divided into two parts—one part dealing with measures applicable to peaceful times of peace and another part applicable to war time, and that the provisions will be so carefully devised that no oppression or harassment occurs to the ordinary people.

Some Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the question be now put."
The motion was adopted.

The Honourable Sir Reginald Maxwell: Sir, I am glad to find that this Bill has, on the whole, had a favourable reception from this House and I am glad myself that this debate has taken place, because it will be of very considerable help to the Select Committee and to myself in preparing for

[Sir Reginald Maxwell.]

it to know what particular points have attracted the notice of Honourable Members. I have no doubt that all the material points of detail which have been raised in the course of this debate can be met in the discussions in the Select Committee to the satisfaction of Honourable Members. To turn to the more general criticisms which have been put forward against the Bill, I think that their general trend, particularly of the speeches made this morning, was to the effect that the Bill does not go far enough. It is true that the Honourable Member who has just sat down said that the Bill went too far.

Dr. P. N. Banerjee: In certain respects.

The Honourable Sir Reginald Maxwell: But so far as the general application of the Bill goes, I think several Honourable Members have expressed the wish that it had gone even further than it does. Well, it is a new position for the Government to be accused of undue moderation. But when I consider the suggestions that have been made for the extension of its application, I find that Honourable Members wish this measure to go considerably beyond its original scope and purpose. We have been urged, firstly, to make it apply to foreigners from neighbouring countries, that is, not to exempt them, and then another Honourable Member, Mr. Abdul Qaiyum, wishes it to apply to Indian State subjects. Then, Mr. Manu Subedar wishes it to apply to the residents of the Dominions and Colonies, and Mr. Abdul Qaiyum again wants it to be applied to "British undesirables". I trust Mr. Abdul Qaiyum had not in view any Members sitting on this side of the House.

Mr. M. Asaf Ali: I am not so sure.

The Honourable Sir Reginald Maxwell: And, therefore, I should like to remind the House that there are really two underlying principles in this measure. In the first place, it is intended to apply to foreigners: mainly, as I said in my earlier speech, because they are potential enemies. There were other reasons, and my Honourable friend, Sir Raza Ali, accused me of putting the cart before the horse because I mentioned those other reasons first, but I told the House that those other reasons were not the main or principal object of the Bill. One principle of the Bill is to safeguard ourselves in regard to the presence of foreigners in our midst on the occurrence of an emergency, and the second other principle of the Bill, on which I want to lay emphasis, is that it is a Bill intended to provide for registration, not control, and I would ask the House not to confuse the two objects. Control involves certain matters of policy which may be decided in the light of particular groups of circumstances, but registration is the necessary preliminary to the consideration of any such questions of policy on whatever occasion they may arise, and, therefore, we have tried to keep the objects of this Bill down to the single one of registration, that is, registration of foreigners. To turn back to the suggestions which were made for the extension of the scope of the Bill to foreigners coming from bordering countries, I said that it was the intention of Government, if the Bill were passed, to exempt them under the power to be taken under clause 6. But, of course, the Bill, if it is passed in its present form, does permit the registration of foreigners from surrounding countries. There is nothing in the text of the Bill which prevents them from being registered as soon as

the Bill is passed or at any future time when it may seem on grounds of policy to be desirable, so that that is not a criticism against the Bill: the Bill permits it, and it is a simple question of policy and practical convenience whether it is necessary to register the kind of foreigners who are present in India from the bordering countries.....

Mr. M. Asaf Ali: May I ask one particular question in view of the fact that you have got clause 6 under which you can exempt anybody, any class of persons, where is the necessity for retaining 2 (a) (i), (ii) and (iii), namely: "a person duly appointed by a foreign Government to exercise diplomatic functions or a Consul or vice-Consul, or any ruler or subject of any State in India"? You can exempt them; if you want to, under clause 6, and this is superfluous?

The Honourable Sir Reginald Maxwell: That is true; they could have been exempted under the exemption clause, but the point is that whatever is put in clause 2 as a definition in the text of the Bill limits the power of Government and the executive to do this or that. There, if we wish the exemption of any class to be optional, it should not be in the definition because the definition limits our subsequent power to exempt or not to exempt.....

Mr. M. Asaf Ali: At the same time this definition really detracts from the definition of "foreigner" under the Act of 1884. You can exercise your powers under clause 6 if necessary?

The Honourable Sir Reginald Maxwell: I appreciate the Honourable Member's point but that is the sort of thing that could more easily be dealt with in the Select Committee than on the floor of the House. I was trying to talk about the general scope and principles of the Bill at the moment and I said, with reference to the criticism that this measure of registration would apply to foreigners from surrounding countries, that it was really a tactical question, viz., whether it was necessary to obtain this information about their numbers and whereabouts which the Bill would enable us to obtain. One point that occurs to me in that connection is that these foreigners from the surrounding countries are mostly not persons who find their way into key posts in this country. Generally speaking, they are persons who immigrate in a humbler capacity. We know probably enough about them without requiring detailed information about their movements from time to time. That is a general matter of practical convenience and general knowledge of the purposes for which we should require the information.

Then, to turn to the suggestion that Indian States subjects should not be exempted from this measure of registration. I observe that one private Member, Mr. Gadgil, has already brought in a Bill in this House to the effect that the Foreigners Act should not apply to Indian States subjects. That is a proposal in the opposite direction. I do not quite know what the question is on that point, but I should like to point out one thing in regard to the registration of subjects of Indian States. It is going to be extremely difficult for anyone, whether a hotel-keeper or a person who is in charge of a shipping or air-craft company or anyone else, to distinguish a resident of an Indian State from a resident of British India. After all, they all belong to the same race and it is going to introduce very difficult distinctions if people who are to all intents and

[Sir Reginald Maxwell.]

purposes the same are not liable to the same treatment as regards registration. Some of them will be liable to registration and some not. I believe some very distinguished members of the Congress Party themselves are technically residents of Indian States.

Mr. M. Asaf Ali: We have absolutely no objection to their being declared foreigners.

The Honourable Sir Reginald Maxwell: One other point in that connection was raised by Mr. Manu Subedar who asked, what was the intention as regards the foreigners who went to Indian States? Well, actually, I think, the ultimate result, if this Bill is passed, will, no doubt, be that the Rulers of Indian States will apply a similar measure to their own jurisdiction and so we shall have a complete registration. But, in point of fact, if a foreigner goes to an Indian State, he is not in British India and the British Government ceases to have any concern with him for the time being. At any rate, under the provisions of the Act, everyone will know when he does leave British India and goes to the State.

Thirdly, as regards the residents of Dominions. I have explained that it is a matter which is really outside the scope of this Bill altogether because we want to confine our attention at the moment to potential enemies. In any case, I might draw the attention of the House to an Act which already stands on the Statute-book, namely, the Immigration into India Act of 1924. In that Act it is provided that the Governor General in Council may make rules for the purpose of securing that persons not being of Indian origin domiciled in any British possessions shall not have greater rights and privileges as regards entry into India and residence in British India than are accorded by the law and administration of such possessions to persons of Indian domicile. So, if the suggestion is to have power to make rules, which is the only power that is taken in this Bill in regard to the foreigners, then it already exists in regard to Dominion subjects. At any rate, quite apart from that point, I would ask the House to remember, in that connection, that the number of Indians who are enjoying the hospitality of various Colonies is vastly greater than the number of Colonials who are present in India. In fact, my information is that the number of Colonials in India is a mere handful. That is a point of which the House should not lose sight.

As regards the British undesirables, I have nothing more to say except that we have certain powers of exclusion if we know a person to be undesirable; but it is not always easy to do. I remember one case in which it was desired to exclude a certain British undesirable from India. I think he was a journalist. He took a ship to Ceylon, went across the Straits and then came back to India that way. As I have already said, the principle of the Bill is registration and not control. Mr. Manu Subedar suggested that he wished a consolidated Act which would give power both to know, full particulars of aliens in this country and also consolidate the law to control them. That, firstly, would be a departure from the very simple principle of this Bill and, in the second place, the amount of control we can exercise depends on the particular purpose for which we want it. That was a point asked: Is this a war measure or a peace measure? Dr. Banerjee, when he asked: Is this a war measure or a peace measure? This Bill is a preparatory measure either for war or for peace. That is to say, if you have

your registration as a normal feature of every-day administration just as all the European countries have it today and then if it is your purpose to prepare for war, you can use that information in laying your plans. I may assure the House that so far as war is concerned, Government already have their plans but they need this means of obtaining the preliminary data on which they can put those plans into operation. As far as peace is concerned, there, again, if it is a question of, say, competition with Indians in the professions or in business or any other purpose, once we have definite data about the number of foreigners and how they are occupied, we shall know how to proceed and this Bill gives us power to obtain that information. Then, we can, at any rate, apply some constructive thought to the question. But at the present moment we are obliged to work in the dark and we cannot frame a policy until we have the data which we should require.

I need not refer at great length to any other points which were raised by some Honourable Members as points which they would desire to go to the Select Committee, but I might elucidate just one or two isolated matters which were raised. Sir Syed Raza Ali mentioned his experience in Germany and Russia and said that, so far as he could see, the requirements as regards registration in the dictatorship countries were less rigorous than in the democratic countries. Actually, I find on looking up the point since he made his speech that in Germany the present rule is that foreigners must register with the police. The actual details of the registration vary from district to district but, actually, the present rule is that every foreigner must register in Germany. And in Russia a foreigner must register with the police within 24 hours. That is the present actual situation.

Sir Syed Raza Ali: Can the Honourable Member say when this law came into force in Germany and Russia?

The Honourable Sir Reginald Maxwell: I cannot say when it came into force, but the information is derived from a British passport circular of 1938. Of course, the Honourable Member had been speaking of his experiences during his visit some time ago. I fancy, too, that if he or any other Honourable Member has moved about in Europe, as a temporary visitor, without being conscious of the fact that he had to register himself, it is largely because the machinery for registration is exactly what we wish to set up under this Act, namely, that the mere registration of a visitor's name in a hotel book discharges him from his other obligations. That is one of the reasons why we wish to have sub-clauses (e) and (f) in clause 8 of the Bill, to obtain the co-operation of the agencies with which the foreigner ordinarily would be residing and thus enable him to give the necessary information with the minimum of inconvenience and, in fact, not to be conscious of it. That brings me to the point which was stressed by more than one Honourable Member that it is asking too much to put the obligation on the householders to report the presence of foreign visitors. I may explain to the House the reason why this definition was put in clause 2 at all, namely, that a householder includes a person having the management of a hotel, etc. The House will notice that it is not really a full definition. It does not define a householder, but it merely says, it includes any person having management of a hotel, boarding house, etc. That was put in because it was actually experienced in working the Defence Ordinance of 1914 that the courts questioned whether the term householder

[Sir Reginald Maxwell.]

does include a hotel manager. The obligation was, in 1914, placed on householders generally and it was then intended that it should include hotel managers and managers of boarding houses and such people, but the courts raised difficulties about it and, therefore, it was the intention in putting this clause into the Bill to obviate any such question being raised in courts.

My Honourable friend, Sir Syed Raza Ali, raised the question as to whether the law in England does impose a similar obligation on private householders. He quoted from Article 7 of the Aliens Order and quite correctly followed it up by saying that under it hotel managers and such other people have to keep a register of visitors. But I think he overlooked Article 6 of the same Aliens Order, sub-paragraph 8 of which prescribes that if an alien who is required under this article to register or report is lodging with or living as a member of the householder of any other person, it shall be the duty of that person, (that is, the person with whom he is lodging) to take steps, by giving notice, etc., to secure compliance with the requirements. So, he will find there that although the drafting of the Aliens Order separates the two analogous functions, namely, those of a private householder and those of hotel managers, there is the same obligation on both and, in fact, I might quote that point in answer to Mr. Manu Subedar—I think it was he who raised this point and if I am misquoting him, he will correct me—who said that our Acts should be made more intelligible. Before criticising our drafting in India I think if he will refer to the language of ordinary Acts on which people work in England, he will find that, so far as conveying meaning to the ordinary man in the street goes, the drafting of our measures is considerably easier to understand.

To return to the point on the merits, that is, whether a private householder should be required to assist us in the process of registering foreigners, that is the point particularly which I wish to have considered in the Select Committee and if there is a strong feeling in the House or in the Select Committee that the obligation should not be placed on the private householder I should be quite prepared to drop the provision. But at the same time I might mention that even if we were to leave it standing in the Act, it is not our intention to make rules by which it should be imposed. We merely wish to have a provision in the Act so that if any emergency arises, rules could be prescribed by which householders in any particular locality could be asked to give us this co-operation. But as was stated in the notes on clauses, it was never our intention to place that obligation on ordinary private householders in times of peace. So that I do not think the House need be afraid even if the provision is left as it is. But if there is a strong feeling on the point, I am quite prepared to give it up.

Mr. M. Asaf Ali: What about part (f) of clause 3?

The Honourable Sir Reginald Maxwell: That is a matter on which I think we are on still stronger ground. It is in the ordinary course usual for shipping companies and aircraft companies to see the passports of persons whom they carry. It is an extremely simple matter for them, just as simple as it is for an ordinary householder to supply the registering authority with a list of foreigners whom he is lodging in his premises. Under this part (f) of this clause we give authority to the person having

management or control of any vessel or aircraft to ask for passports of persons who travel in those vessels or aircrafts. If this provision be not put in, they may not have the requisite authority to do so.

Mr. M. Asaf Ali: What about boatmen plying boats on the Hughli? Would they be included?

The Honourable Sir Reginald Maxwell: The boatmen on the Hughli will not be conveying passengers beyond the limits of British India, so far as I know. We are speaking of the departure of foreigners from British India and we wish to have information about it. I would emphasise it is a very important thing. It is no good our registering foreigners unless we know when they leave and have all other particulars about them. That is the object of the provisions in parts (c) and (f) of this clause. We have inserted this provision so as to help us to get this information as accurately as possible and to keep our registers up-to-date from time to time.

I will now turn to the question of the burden of proof. It was particularly emphasized by my Honourable friend, Mr. Lalchand Navalrai. I may inform him that this provision already exists in almost the same words both in the Aliens Restriction Act in England—not the Aliens Order, but in the Act itself,—and in the Foreigners' Act which we have already in force in this country.

Sardar Sant Singh: Notwithstanding anything contained in the Evidence Act?

The Honourable Sir Reginald Maxwell: Surely that is a drafting matter. It does not alter the meaning at all. In case somebody should argue that the Evidence Act says something else, we have put in 'Notwithstanding anything contained in the Indian Evidence Act' so as to show that we have not forgotten the existence of the Evidence Act when we drafted this provision. As regards the actual merits of the proposal, I should like to emphasise this. I think it was the Honourable Member, Mr. Lalchand Navalrai, who said that it was not fair to place the burden of proof on the foreigner. That is the one case in which surely the burden is rightly placed on the person who wishes it to be believed that he is not a foreigner, because the individual in any such case is the only person who can quote relevant facts to prove what his nationality is. In a case of that kind, you cannot place the burden of proof on the person who questions the foreigners, because he will not know anything about it. He cannot say where a man was born by looking at him. But the person challenged, if he is there bona fide, can very easily be asked to produce his papers and show where he came from, and so on. In this case, it is perfectly fair to place the burden of proof in the way we propose to do.

Sir Syed Raza Ali: I do not want to interrupt the Honourable Member. The point is not that the burden is cast on the person concerned, but the point is why refer to the provisions of the Indian Evidence Act by making specific reference to the same? You make your point more obscure than clear.

The Honourable Sir Reginald Maxwell: The Honourable Member's opinion conflicts with that received from our Legal Advisers. But it is a matter for the Select Committee and they can best help us out. I have

[Sir Reginald Maxwell.]

no doubt there will be somebody on the Select Committee who will be able to discuss that point. It is purely a drafting matter and I, personally, cannot say whether it is necessary or not necessary to have these particular words in order to make the section operative.

I return once more to the merits of the placing of the burden of proof on foreigners. I think it was Dr. Banerjee who said that the ordinary procedure was that a foreigner who was a businessman would say plainly that he was here for business. He does not conceal his identity. Why require him to prove his identity? The point is that if the man does not conceal his identity, then no question of proof arises. This section which throws the burden of proof on him does not come into operation automatically. It is where the identity or nationality of the person is in question that it comes into operation. And I might finally point out, in this connection, that the kind of person who conceals the fact that he is a foreigner is probably just the kind of person we want to get hold of. It is your lurking enemy who is going to pretend that he is not a foreigner, not your open person who is going about his business without any malicious intentions. Therefore, we must have this power by which we can challenge a person who is not going about his business openly, who is making a secret of the fact that he is a foreigner; and I do not think that is at all an unreasonable provision.

Sir, I think that is all I need say, and I am sorry to have taken up so much time of the House.

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

"That the Bill be referred to a Select Committee consisting of the Honourable Sir Reginald Maxwell, Mr. H. J. Frampton, Sir Aubrey Metcalfe, Mr. Y. N. Sukthankar, Mr. J. Ramsay Scott, Lieut. Colonel Sir Henry Gidney, Bhai Parma Nand, Sir Muhammad Yamin Khan, Sir Syed Raza Ali, Mr. S. Satyamurti, Mr. M. Ananthasayanam Ayyangar, Mr. Mohan Lal Saksena, Mr. M. Asaf Ali and the Mover with instructions to report by the 23rd March, 1939, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE COAL MINES (STOWING) BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion moved by the Honourable Sir Muhammad Zafrullah Khan on the 27th February, 1939:

"That the Bill to make further provision for safety in coal mines, as reported by the Select Committee, be taken into consideration."

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, we have several objections to this Bill which have been indicated in the notes of dissent of Mr. Akhil Chandra Datta and Mr. B. Das. This Bill is an example of the kind of legislation with which we are, unfortunately, too familiar in this country, namely, the desire of this Government to do everything piecemeal and to bring in something at the eleventh hour, in a rush, without providing for all the cases which may suitably be grouped under that same law; to bring in something from directions from which there is much pressure and to leave something else which affects sections which are unable to exercise the same amount of pressure.

Sir, we had the report of the Coal Mining Committee in 1937 and it is well known that many measures with regard to the safety of coal mines have been suggested by them. We had in this country perhaps a less disastrous series of coal mine disasters than in other countries; but since the twenties we had two or three of such magnitude that I do not think there is any section or group in this country which would not desire a wide and comprehensive measure which would cover all cases of precautions where safety is needed in the mines, and not, particularly, the one for which this Bill has been introduced. Sir, I am told,—and this I say subject to correction; it is for the Honourable the Mover of the Bill to enlighten the House on that point,—that this refinement about sand stowing is something so unique that in the United Kingdom and other places where the mines are even deeper and where disasters have been even more disastrous than in India this measure had not been universally adopted. If this is a measure which has not been accepted everywhere, in advanced countries where the cost can be more readily accepted either by the consumer or the producer as the case may be, there was and there is still in my mind reasonable ground for hesitation as to whether a measure involving a considerable amount of direct tax on the producers of coal in this country should be rushed through. When I come to the question of the amount of the burden I shall mention more as to the propriety both of imposing the burden and the manner of distributing it between those who will pay and those who will benefit. But the principal thing is this. There is no difference of opinion with regard to the need of providing safety to the men who are going under the ground, who suffer other privations and who are not always overpaid in respect of wages. It is, at least, reasonable that this section should expect from this House all the provisions for their safety; but this is the only one picked out in this Bill. I wish provisions were made in this Bill for the rest of the measures as and when Government are ready with their consideration. We are told Government are not ready with their consideration. I do not want to be nasty in asking this question but may I ask what Government have been doing during the last 18 months since that report was available, not to speak of 18 years before, during which various accidents have occurred and during which it was the duty of Government constantly to direct their thoughts in this direction? All the same the position is that Government are not ready with their decisions on other recommendations of this Committee. They are ready with this one and they have brought it forward for the consideration of this House.

Then, Sir, there is another habit of the Government of India, a habit of which I think the Finance Department is more guilty than the Commerce Department but the Commerce Member appears to have caught the infection from his neighbour; and that habit is that when Government want a certain amount of money they assure this House and everybody else, "Oh, we are only wanting a little amount; but in order to save ourselves the necessity of bringing in a Bill to raise the amount in future we want to put merely the maximum. We are not going to collect all this that we are indicating now; we are only taking general wide powers so that we do not have to come to the House a second time. We are only providing the maximum and you need not be worried with regard to the burden." Sir, I, who represent Indian commerce in this House, am unfortunately much too familiar with this plea. I have grown old hearing this plea that this is only the maximum and we need not worry. Within a pretty short time we find that the maximum becomes the minimum when

[Mr. Manu Subedar.]

the full charge is immediately put on the industry. For this reason I appeal to the House and to the Honourable Members to reflect and not to permit Government to put in charges on the scale which is provided in this Bill, particularly, in view of the fact that my colleagues in the Select Committee were assured that it was not the intention of Government to impose, at present, the maximum figure, but they mentioned a figure of 1½ or 2 annas.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, if I may intervene for one second,—I think I should have said this when I moved for consideration,—Mr. B. Das has said in his dissenting note that he was assured that to begin with not more than one anna would be levied. I am afraid he must have fallen into some error. He made an inquiry and there was no assurance. All that was said was that it was believed that to begin with not more than two annas may be necessary.

Mr. Manu Subedar: I am glad the Honourable Member has made it clear, but this makes the position even worse, and the plea which I was making out for not permitting in this Bill to charge to four annas per ton is very much strengthened by the explanation given by the Honourable the Commerce Member.

The Honourable Sir Muhammad Zafrullah Khan: The correction made.

Mr. Manu Subedar: I am still relying, Sir, on what I find in the minutes of my colleagues. Taking the price of coal at pits mouth at between Rs. 2-8-0 and Rs. 3,—my friend, Mr. Aikman, might be able to give you a wider range of figures with perhaps greater precision up to the exact pice,—this burden of four annas is so considerable that it really amounts to an immediate levy of an excise duty to the extent of about 16 per cent,—never mind the object, never mind the purpose and the manner and who will bear it. But, in the first instance, Sir, this is the charge which the colliery owner has to pay to Government before he is able to remove the coal from his place. The entire risk after the goods have left,—there are usually risks even in commercial debts,—the entire risk falls on the colliery owner. A 16½ per cent. net charge is obviously an excessive charge, and when we come to coal of an inferior quality, what is known as second class coal, and in the production of which Indian colliery owners are much more interested, the percentage of the levy becomes even more atrocious. Is it the intention, Sir, of the Government in bringing this Bill forward by this indirect means, to give a blow to an industry which has, during the last five years, been passing through very critical times? Nobody can say that the coal mines has run away with any big wealth. In fact, if colliery owners were to speak out their minds, they would tell this House a story of enormous privations. It is with great difficulty that they have been able to carry on. There are certain measures like the special freight for export purposes which the Government have given, and for which, I am sure, they have received duly authenticated thanks of the coal interests. Government are now seeking to impose, and my submission to the House is that an excessive rate, a rate which obviously it is not the intention of

the Government at the present moment to impose, should not be included, and we ought to reduce in the Bill the flat rate from four annas to two annas, if Government are satisfied that it is not possible for them to make a distinction in the rate of imposition having regard to the class of coal produced.

Then, Sir, a very objectionable feature of this Bill, in my opinion, is the levy of an import tax on coal coming from Indian States into British India. Sir, nobody is a stronger advocate of ideas of Federation, and no one has pushed those ideas forward so much as the Members of the Treasury Benches opposite, and if that is so, I am surprised that, instead of the usual method, a method which Sir Reginald Maxwell just explained to this House in connection with the previous Bill for getting uniform action on the part of the Indian States, there should be a provision made for this imposition of import duties on goods coming from Indian States territories. Sir, at the time of the Joint Select Committee and at the time of the passing of the 1935 Act, and in all the subsequent discussions with Indian States, we have heard very much with regard to the anti-federal character of all these internal levies, of taxes, export and import levies by an Indian State, and I understood that Government was very anxious to get the Indian States to abandon this particular source or to agree to their abandonment on certain terms as and when the occasions arose. Unfortunately, these negotiations with Indian States are carried on in a secret hush hush manner without anybody in British India being invited to share in those discussions or to know anything about them, with the result that we really do not know what is the exact position, but it is certainly a stultification for this Government to come to this House and make a suggestion that they will levy a countervailing import duty on coal coming from Indian States. May I ask, Sir, whether the Government have approached the Indian States,—there are not too many Indian States which produce coal,—may I ask whether the Government have approached the States which produce coal, which are probably half a dozen in number, and whether they have not persuaded them to take uniform action, and if those States have taken that uniform action, whether we could not delete this extremely anti-federal provision, as this particular measure happens to be, which seeks to divide and cut up this country into little bits of independent economic units, whereas it is our intention,—and it has been openly proclaimed by this Government from the house-tops, to bring the entire country, including the Indian States, into a single administration.

Then, Sir, with regard to the levy, the still worse part of the provisions of this Bill, in my opinion, is the principle on which it is sought to collect this tax, levy, imposition, excise or by whatever name you like to call it, uniformly from all producers and to distribute it to a certain number of individual mines on a basis which I shall presently discuss. Sir, on the principle of ability to bear, I have already demonstrated that there are mines in this country which are working on the margin, which are working under great difficulties, whose seams are not broad, whose quality of coal is not really good, and all these people are also called upon to bear the same burden, and there are first class mines with first class seams, with first class coal, who have a reputation, who have connections both official and otherwise, and who are otherwise in a prosperous condition, some of these companies are paying even in these bad days,—may be a dividend which you cannot turn up your nose at,—are also to bear the same rate.

[Mr. Manu Subedar.]

Sir, this is a murder of the principle of ability on the basis of which the burden ought to be put, and I again venture very respectfully to appeal to this House and to the Honourable the Commerce Member to meet us half way in the course of the amendments which we shall move with regard to removing this particular fault from the scheme of burden which is involved in this measure.

Sir, the second principle which is sometimes used and found very useful in levying impositions is the principle that those who benefit more must pay a little more. Those who do not benefit, do not expect to benefit, do not have to benefit, may pay a little less. Therefore, on that ground also there is room and scope for modification in the method of distribution of the funds which are to be collected. I am not quite certain, but I will expect my Honourable friend, Mr. Aikman, to enlighten the House on this specific point, as to whether those mines in which sand stowing will take place will or will not, for the time being, get the benefit of a certain amount of coal which is standing as pillars which they would be able to remove on account of the non-inflammable material being put in,—whether they will not get an immediate and direct benefit. As soon as this improvement which is justified and which we do not disapprove on the ground of safety for the workmen,—as soon as this improvement is put in, those particular mines will be able to extract a certain amount of coal with a minimum amount of labour because there are exposed pillars the necessity for which no longer remains. If that is so, I think there is case for the funds which will be collected being kept centrally and for only a portion of the expenses being given to a particular mine which, in the opinion of the Inspector, demands and justifies sand stowing measure. The funds will be collected as from the current year, but they will not be available for use, I take it, till twelve months after. Therefore, if there is any detailed work to be done in the interval, Government have practically twelve months time to organise such investigation and to consolidate this measure with regard not only to the safety which is sought to be given through sand stowing, but with regard to other measures for the safety of the workmen.

Sir, representations must have been received by the Honourable the Commerce Member from organisations representing coal interests. I am sure he will not throw them into the waste paper basket, but he will ponder over them. These are the difficulties which those who have got to bear the burden are putting forward before the Government of the day, and I am sure their appeal will not fall on deaf ears so far as the Honourable the Commerce Member is concerned.

Then, with regard to soft coke and hard coke, I am not sure whether this particular burden will fall on the producer or on the consumer.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): On the consumer.

Mr. Manu Subedar: I am very glad you think so. I am not so sure what the effect of that tax on hard coke will be on the engineering concerns in this country and the railway workshops who are users of hard coke. Engineering firms and railway workshops are users of hard coke, and I do not know whether the whole burden, notwithstanding the confident reply

of my Honourable friend the distinguished mathematician, Dr. Sir Ziauddin Ahmad—notwithstanding that confident reply, I am not quite certain whether this burden will be really transferred wholly to the consumer. That is to say, in this case the consumers themselves are an industry. Nobody uses hard coke in his own house; the consumers are an industry, and I do press on the House that some of these questions are questions which deserve closer attention than has been given. If, on the other hand, we must get this Bill through here and now at once, then I think I have already made a request that the rate should be scaled down to the immediate needs and that, if and when Government, after further investigation, after more experience and observation for a couple of years,—if Government do desire to raise the maximum they could introduce Bills like some of the Bills which they are introducing and getting through this House in the course of half an hour. But until that experience and observation has been collected, I wish to reiterate that I have the strongest objection to the scale on which the burden is sought to be put, a scale which works out to anything between 12½ to 20 per cent. of the cost to the producer. And that is a manifestly excessive burden.

Then take the benefit. To whom is the benefit going? All the lean ones will be taxed with the fat ones, but the benefit will go to the fat ones. I do not wish to put it on the usual ground of European and Indian interests. I wish to put it on the just and fair consideration of the capacity to bear burden—that all those who are second class mine owners cannot bear the same burden in the same manner, and further a burden from which the benefit will not be received by them for a long time, perhaps never. I was told that this is merely insurance and that surely everybody who insures does not want the benefit to be given to him at once. That is merely one of those comparisons which do not lead us anywhere. This is a new burden on an industry which is experiencing difficulties during the last five years. It is a burden on a scale which is unusual even in this country, and I do submit that there is a case for part at least of the burden of sand stowing to come out of the pockets of those concerns who are receiving the direct benefit, and part being the subsidy which the Government will in this form give to them. We support that measure of subsidy because it is in the interests of safety of the workmen. I trust that when the amendments are moved Government will take a favourable view of them.

Dr. Sir Ziauddin Ahmad: The question of safety and conservation of coal in mines are questions of national interest. We had several cases of accidents on a large scale and there was one colliery where 200 persons were killed and some of them were women. We have also discovered that there is a good deal of loss in the working of these coal mines, so much so that there is a wastage of 50 per cent. in the working of these mines. These two questions are questions of national importance and no Government can sleep over them. I know some of my Honourable friends who are interested in coal mining only care for dividends and do not care for anything else.

Mr. Manu Subedar: On a matter of personal explanation, Sir. For the benefit of my Honourable friend I may say that I have no interest whatever in any coal mine.

Dr. Sir Ziauddin Ahmad: I did not mean you. From the figures given in this report you will see that in one case they have given a dividend of 65 per cent. in another case—I do not think Mr. Manu Subedar has any interest in it—they gave 22½ per cent., and a third company gave 20 per cent. These big mine owners are interested only in their big dividends, and they have got a system of managing agency which, fortunately, is not so bad as that in the textile industry in Bombay, because their record, though bad, is not so bad as the record of the managing agents in Bombay. I would refer to page 28 of this Coal Mining Committee's report where they have described some of the drawbacks of the managing agency system. They say that if two persons are present, it is sufficient quorum and they can declare dividend. If three persons are present, they can do whatever they like. I am reading from this book and I am not responsible for it. The Government of India realised this difficulty and their attention was drawn when this accident occurred at Purdea. On the 28th March, 1926, they appointed a committee which made a series of recommendations and there was a dissenting note by Mr. Nag and Mr. Krishnan on one very important question on which Mr. Joshi and myself would agree and that is the recommendation that we should nationalise the coal industry of the country. They have taken stock of the coal in the country and they found that the total amount of coal in India is 20 billion tons as compared with 176 billions in the United Kingdom and 2,889 in the United States of America. Considering the small quantity of coal that is available, we cannot possibly afford to waste 50 per cent. and we must conserve this as much as possible. The life of the coal fields is estimated to be 55 to 122 years and we should take every precaution to see that their life is lengthened to a century and a half. The committee made a series of recommendations. I do not like to read all of them but I will just read the relevant portion. They said:

"The advantages of stowing have been known for many years but individual action has not been possible generally because of the competitive disadvantage imposed by the additional cost."

and then later on, they emphasize the importance of stowing, that is, filling up the gaps by means of incombustible material and they said clearly that the average waste of coal is about 50 per cent. of which all but ten per cent. would be saved by stowing. If we accept the Bill, we will save the wastage up to 40 per cent. according to the recommendations of the expert committee. Then again they say:

"National interests require that all kinds of avoidable waste should in future be strictly controlled and prevented as far as possible."

Looking at the interest of the coal industry, a measure of this kind is long overdue. In paragraph 88 they say:

"The effect of compulsory stowing in the Raniganj and Jharia Fields would be that the life and productivity of the collieries would be almost doubled."

If we can double the life of the collieries by passing a measure of this kind, then we should do it, because it is of national importance. Then on paragraph 87 of this report, they say:

"Collieries which are already stowing voluntarily should be encouraged to continue and be assisted."

These are the important recommendations: On page 198 they say:

"Compulsory stowing for purposes of safety and conservation should be financed by a general cess on all coal (including soft coke) and hard coke (unless the coal from which it has been made has paid the cess already) despatched by rail in and into British India. The cess would be collected by the railways as a surcharge on railway freight from the party paying the freight."

This is the report of the committee about the manner of collection. This is the easiest way and it will avoid unnecessary waste of expenditure on collection. They say:

"The above cess should be at the same rate on all qualities of coal and should be applied universally to all coal fields."

Then they say:

"The cess should be accompanied by an equivalent countervailing import duty on foreign coal and coke and an equal drawback on coal and coke exported to foreign countries."

There was an omission in the original Bill and I have put in an amendment according to the recommendations of the committee. Then in para. 94 they say:

"The cess rate should be eight annas a ton on coal and twelve annas a ton on hard coke."

and later on:

"The impact of the cess will fall on the consumer but its incidence will be determined by market conditions of demand and supply."

Then, in para. 105, the committee say:

"The Statutory Authority should be an expert and not a representative body."

And in para. 114 they say:

"The Statutory Authority should be empowered to arrange voluntary amalgamations if possible and then proceed to compulsory amalgamation if the owners will not come to terms."

These are the important recommendations of the Committee. The Government of India after considering the recommendations circulated a note to the various Provincial Governments in which they said:

"A few mines have practised stowing but economic conditions have prevented its widespread adoption and even with the recent rise of prices, it is not easy for individual mines to embark on a scheme."

They have recognised that unless the Government takes it up in a compulsory manner, individual mine owners will not do it, with the result that there will be enormous wastage and there is a great danger of the coal being exhausted very rapidly. Now, there is one point raised by several speakers—whether there should be any differentiation in the matter of cess. Some think that taxation should be according to capacity to pay. That is a dictum which is not applied in every case. In this particular case we have really to fill up the gap by means of sand or stone or any other non-combustible matter. In this case, the opinion of the Committee is very definite. On page 185 they say:

"Apart from the practical difficulties inherent in any such differentiation between fields in the same province, the idea that a cess or any other tax can be imposed in proportion to benefit received is unsound economically. All collieries, for instance, have to pay road cess at one anna in the rupee on their net working profits though some collieries must necessarily receive much more benefit from the District Board funds than others."

[Dr. Sir Ziauddin Ahmad.]

So this question of cess, whenever it has been applied, has not been applied with differentiation. Moreover, it is exceedingly difficult in practice to find out the quality of the different kinds of coal. Therefore, from the point of view of the utility to the miners and from the point of view of the general public, I think it is not desirable to make any differentiation between one kind of coal and another. The recommendations of the Committee are also very definite on this point. The Government have proposed an expert committee. It will consist of miners and engineers. Therefore, in that committee, there is no room to have any layman or representatives of labour or of Provincial Governments. There is no room there for 33 per cent. reservation for minorities. This is really an expert committee and there is no room for a demand for special representation. The representation of labour is provided, but in this expert committee we have got only the representatives of the different mining associations, and it is not possible and neither desirable that people who have got no interest in mines should be there, though they may be representing other interests.

Mr. N. M. Joshi (Nominated Non-Official): Who has proposed that—nobody?

An Honourable Member: The interests of the miners are to be represented.

Dr. Sir Ziauddin Ahmad: My Honourable friend, Mr. Manu Subedar, has advocated two very important points. The first is the question of the Indian States. We have been emphasizing that any kind of duty between one province and another province or any kind of import duty between Indian States and British provinces should be dispensed with altogether. The Government of India should centralize all customs duties and all other kinds of duties in one place and they may distribute them to the persons according to the treaties and so on. This is a point which I have always been pursuing and, I hope, my friend, Mr. Manu Subedar, will assist me when I pursue it on this occasion, and say that all these barriers should be stopped altogether and there should be free movement of all articles between Indian States and so on and they should all work under similar conditions and they should not work under different conditions.

As regards the manner of distribution of funds, I thought this is a matter which may be left to this new authority and the Government of India, naturally, will make some rules guiding the distribution of these funds; and it is for this reason as also for other reasons that they have only taken power to prescribe a maximum of four annas,—and I have been given to understand that they will begin with two annas and see whether they could work up this particular thing and then raise it if necessary with great reluctance. They are creating funds not for themselves but for the benefit of the nation, so that the wastage may be minimised and reduced from fifty to ten per cent., as is promised by this Committee, and also safety may be assured. For one thing I am glad, *viz.*, that they have not confused the issue between the safety and the conservation. Safety is a thing from which no Government can divorce itself; it is the primary function of the Government to see that mines are worked with perfect safety so that all the provisions for safety existing in the Mines Act will continue to function and they will not be released or slackened in the least, but here they will concentrate themselves to conservation of coals, and

that will also affect the safety of the workman and will increase the life of the coalfields. With these words I support the motion.

Mr. A. Aikman (Bengal: European): Mr. President, Sir, this Bill, in the form in which it has emerged from the Select Committee, is substantially the same as the Bill this House briefly discussed some three weeks ago. There have not been any amendments of any substance but I should like to refer to one or two minor alterations.

In Clause 1, the word "safety" was inserted in the title as the Committee felt the Coal Mines Safety (Stowing) Act was a more accurate description of the Bill the purpose of which is to give Government and the agents of the Government stronger powers to safeguard life and property.

Anyone who has visited the older mining fields in Bihar and Bengal knows how urgent a measure of this kind has become. The public, and still more the Government of India, are bound to interest themselves in any question where the lives of men are at stake and in recent years the Government of India have taken progressive steps to bring mining legislation up to the highest modern standards.

A good deal has been done by executive action to give effect to many of the recommendations of the Coal Mining Committee whose report is more familiarly known in the industry as the Burrows Report. But valuable as that Executive action has been, the Bill now under consideration seems to be the most important step that the Government of India have taken as a result of those recommendations, and after consulting the views of the industry and the Provincial Governments immediately concerned.

A criticism has been made by my Honourable friend, Mr. B. Das and supported by my Honourable friend, the Deputy President, that a more comprehensive measure for safety in Coal Mines would have been welcomed by them. My Honourable friends, in their minute of dissent, have further indicated that they would have liked to see a Bill that "covered all the major recommendations of the Coal Mining Committee." Sir, this matter is one of very great public importance and in these circumstances I trust the House will bear with me if I deal with this criticism at some length.

If I have rightly understood the attitude of my Honourable friend, Mr. B. Das, he has in mind two things when he speaks of "the major recommendations of the Coal Mining Committee". First of all, he has in mind the recommendations of that Committee in so far as they relate to safety—safety both of life and of property. In the second place, as it seems to me, he has in mind the problem of conservation—conservation, that is, of the coal resources in the country. Now, so far as recommendations of the Coal Mining Committee relate to safety, my understanding of the action taken by the Government of India since the publication of the Committee's report is that a very large proportion of the Committee's recommendations in this particular respect have either already been implemented, or will be implemented, as a direct result of the passing of this Bill.

That, Sir, is my understanding of the position and I hope my Honourable friend, the Commerce Member, will correct me if I am wrong, and that in his reply to this Debate, he will give to the House some indication of all that the Government has done since 1937 to arm its agents with greater powers to ensure that conditions of work in what is perhaps the most dangerous type of industry in any country are made as safe as is humanly possible.

[Mr. A. Aikman.]

When, however, my Honourable friend, Mr. Das, goes on to talk about the recommendations of the Coal Mining Committee on the subject of conservation, he touches on a section of the Committee's report that, so far as I am aware, has been condemned by almost all the leading Mining Engineering Authorities who have studied it. In order that Honourable Members, who have not had an opportunity of studying the Burrows Report, may appreciate the attitude of the industry on this question and in order too that they may weigh in their minds the merits and demerits of a problem of great national importance, I should like briefly to summarize the main conclusions and recommendations of the Coal Mining Committee in so far as these relate to the conservation of coal.

These conclusions were:

"(1) That conservation should make available safely the maximum quantity of extractable coal of commercial or industrial value.

(2) That the life of the reserves of all good quality coal is 122 years. The life of the reserves of coking coal of good quality is 62 years. The life of the reserves of all good quality coal in Jharia is 81 years, and of coking coal 57 years.

(3) That the reserves of iron ore, even of good quality only, far exceed the available reserves of coking coal.

(4) That no measures of conservation in the interests of the iron and steel companies alone would be justified.

(5) They further were of opinion that the permanently-settled zamindars in Bengal and Bihar have not controlled their leasees properly, even in their own interests, and have in consequence not only lost royalties on large quantities of coal, but have also caused the country's coal resources to be correspondingly depleted.

They recommended that:

(6) The proposed Statutory Authority should be given power to supervise and control the terms of new leases so far as technical matters are concerned. Subsequent *salami* for allowing extraction of pillars should be prohibited. The control should extend to securing lease-holds of adequate sizes and more or less rectangular boundaries, and also periods of leases sufficient to facilitate the use of sound mining methods.

(7) They were of the opinion that it has become the duty of Government as representing the existing community, and as trustees of posterity, to step in and impose some definite line of action upon the coal trade and industry in order to prevent avoidable waste and secure conservation of available reserves."

There is of course general agreement that waste of coal of any kind, and more particularly the waste of good class coal should be avoided and that everything that can be done should be done to prolong the life of natural resources so important to the welfare of the whole nation. I am afraid, however, that the recommendations of the Coal Mining Committee were in some respects too grandiose and in other respects too vague. Not only that but it is clear that they were obviously quite out of touch with some of the latest developments in the matter of the better utilization of coal. Moreover, they hardly touch upon the serious mining and engineering problems involved.

The Mining Committee while they admitted that the resources of second class coal in India were almost unlimited, estimated the life of India's coking coals at 62 years and life of all classes of good quality coal at 122 years. Now these statements find no confirmation in views of such prominent metallurgists as Dr. Fox and Mr. Charles P. Perrin. The latter, for example, has pointed out that these estimates are misleading in view of the possibilities of mixing non-coking coals with coking coals and the use of higher coking temperatures in the process of conversion. In fact we know that the latest practice of the Indian Steel Companies is already

turning to the better blending of coals. In the same way as the Mining Committee had entirely overlooked this important aspect of coal conservation they also failed to consider the great mining and engineering difficulties involved in their sweeping recommendations for compulsory stowing on a large scale. As an instance of the difficulties to be overcome I would mention just two. The problem of sand supply, and problem of finance.

In regard to the former I know of no one familiar with conditions in the Jharia and Ranigunj fields who would agree with the suggestion that the existing sand supplies in that area are anything like adequate for stowing on the scale visualized by the Coal Mining Committee. I shall not weary the House with details but I hope they will believe me when I say that ample evidence is forthcoming in support of my statement. Again over the question of finance the Committee talked in generalities quite unrelated to the hard facts of the case and to my mind showed a serious lack of appreciation of the financial issues involved.

Now, Sir, to reply to Mr. Manu Subedar it is obvious that while a certain amount of conservation must follow as a result of any measures to promote safety in the mines, but it must not be imagined that sand is going to be pumped into mines in high bulk indiscriminately. In the larger collieries, and it is with those that I am familiar, it will be quite impossible in many cases to provide sand in sufficient quantities to admit of pillars being withdrawn. Some of these pillars measure 144 feet by 144 feet and if the House will realise the cone face in some cases measures some miles in extent—in one colliery, I know, it is over 20 miles,—it will be appreciated that these operations must be confined to what concerns safety only. There is no substance in the allegation of my Honourable friend, Mr. V. Chetty, when he spoke in the debate some three weeks ago that this Bill was designed to enforce conservation of coal—Mr. V. Chetty quoted from the Burrows Report, but I would recommend him to read the reply to that Report made by the Indian Mining Association, a body which has studied this question for many years and which body includes amongst its members some of the ablest and most experienced coal mining engineers in India.

Then, Sir, I would turn for a moment to the important question of composition of the Board that will administer the fund. The function of this Board will be to apply its funds to the assistance of stowing operations undertaken as a protective measure by order of or with the approval of the Chief Inspector of Mines either for the safeguarding of human life or for the safeguarding of a mine. I would ask the House to note particularly the powers of the Chief Inspector granted to him under Clause 9 of the Bill. The Mines Department now has responsibility for the administration of safety measures in mines and the Government of India for sound reasons have decided that this position must be maintained. In other words, the responsibility for safety in mines will remain the responsibility of the Mines Department which in turn is answerable to and controlled by the Government of India.

To help and advise the Chief Inspector of Mines in the enormously responsible task he will now have, under his greatly increased powers, it is proposed to establish a Board to be called the Coal Mines Stowing Board. On this Board the industry will have four representatives while the Government will have two and they will further have the right to co-opt members with special technical qualifications. It, therefore, follows that under Clause 9 the Chief Inspector of Mines will be empowered to see that in dangerous mines safety is secured by stowing and it is fairly obvious that

[Mr. A. Aikman.]

stowing will not be resorted to unnecessarily and thus increase the price of product by virtue of the fact that the industry is fully represented on the Board and Government itself will have in addition to the Chief Inspector their own chairman who in this matter will also have their responsibility of seeing that the funds are not wastefully utilised. We believe, therefore, that the composition of the Board is fair and of a nature most likely to ensure the proper working of the new Act.

In regard to the maximum excise that may be imposed we feel that it will be wise to stand on the report of the Select Committee. Clause 5 gives the Central Government power to levy up to a maximum of four annas per ton. It is quite true that in the initial stages only two annas is likely to be imposed but it is perhaps necessary to remind the House that it is impossible at this stage to foresee how much will in fact be required.

Sir, I have no other comments to make at this stage and I commend the Bill to the support of this House.

Dr. P. N. Banerjee: Sir, I have full sympathy with the main object of this Bill which is to ensure the safety of the labourers in mines. But there are certain provisions in this Bill which require careful consideration. In the Statement of Objects and Reasons appended to this Bill it is pointed out that the Government have had, for some time past, under their consideration the devising of measures for the safety of miners and for the conservation of coal. Now, the primary object of this Bill is the safety of miners. I agree entirely with Government that this object should be their first concern and, so far as this object goes, the Government will have our full support. But when the Government say that they had consulted all the interests concerned, I am unable to see eye to eye with them. The Local Governments were consulted and the coal mine-owners were consulted, but the consumers who also should have been consulted were not consulted. If the Bill had been circulated for eliciting opinion thereon, then only it would have been possible to consult the consumers. By consumers I mean not only the household consumers of coal but also the industrialists. So, their views are not before us. That is one drawback which ought to have been removed.

Then, Sir, I find that the Select Committee have not altered, to any substantial extent, the provisions of this Bill and that they have submitted a divided report. Now, in the note of dissent I find that some important suggestions have been made. I do not agree with the dissentient members of the Committee that a comprehensive measure should be brought forward immediately. As my Honourable friend, Mr. Aikman, has pointed out, the conservation of coal is a very complex matter and a great deal of difference of opinion exists on the methods which can be and should be adopted for this purpose.

But with regard to the other suggestions, I would have been very glad if the Select Committee had given them due consideration, for instance, the suggestion that the cess should be levied at the rate of two annas instead of four annas. On this question it may be argued that the Coal Mining Committee suggested eight annas. The Committee considered various methods of financing. They discussed whether it should be the duty of colliery companies or the State or the consumers of coal to find the funds for stowing. Ultimately, they came to the conclusion that a

general cess should be levied on coal. Now, the question is, when a general cess is levied on coal, on whom does the burden fall? Of course, directly the burden falls on the producers, but, ultimately, a great part of the burden, if not the whole burden, is likely to be shifted on to the industrialist and the household consumer. That is the point which we should consider, and this consideration becomes very important when we come to the rate of the cess. Members of the Select Committee were assured that the maximum rate provided in the Bill, namely, four annas would not be levied, but a smaller rate would be levied, in the beginning, only two annas, but later on it might be increased. It was mentioned in the Select Committee that this would give a sum of fifteen lakhs of rupees. Now, Sir, I submit that a sum of fifteen lakhs is quite a sufficient sum to start with. If the rate is left at two annas, then there will be a sufficient sum with which to begin with the experiment. It must be borne in mind that for some time to come this will be in an experimental stage. When it is found that the amount, which will be in the hands of the Board, is not quite sufficient to cope with their functions, then the rate may be increased. It is very undesirable from the very start to provide a high maximum in the Bill even if the maximum rate is not levied from the beginning.

Sir, there is considerable difference of opinion as to the constitution of the Board. It was suggested by one of the Members of the Select Committee, I think it was Mr. Joshi, that the miners should be represented on the Board. Another Member of the Committee made another suggestion that Provincial Governments should be represented. This also is a matter which deserves our careful consideration.

Lastly, there is a very important omission in this Bill, namely, that while the excise duty is to be levied on all coal produced in British India and an import duty is to be levied on all coal imported from Indian States, no import duty is to be levied on foreign coal brought into India. This omission should be removed. There are several amendments which seek to remove this omission and I hope one of these amendments will be accepted by Government.

My Honourable friend, Mr. Manu Subedar, has put in a strong plea on behalf of the producer of coal. I should like to put in a plea on behalf of the consumer. For it is the consumer on whom really the burden will mainly fall, and by consumer we should understand not merely the household consumer of coal but also the industrialist. At a time when most of the industries are struggling here to get a footing, it would be very unwise to put obstacles or hardships in their way. I, therefore, urge that these points of view should be taken fully into consideration and the Bill should not be rushed through the House.

Mr. N. M. Joshi: Sir, this Bill deals with the important subject of safety in mines. It is based upon the recommendations of a committee which reported in 1937. After the publication of the report of this committee, I am told, the Government of India had called a conference of some people in order to consider the recommendations of the committee. So far as my knowledge goes, there was on this conference no representative of the miners who are more interested in the object of this Bill than any other class of people. My Honourable friend, Dr. Sir Ziauddin Ahmad, said only a few minutes ago that labour need not be represented on committees or boards of this kind. He meant perhaps that people

[Mr. N. M. Joshi.]

like myself who are ignorant of the conditions in mining must not be represented. I am sure the Honourable Member never meant to say that people who are actually working in mines for over 20 years or 25 years should not be represented on this conference.

Dr. Sir Ziauddin Ahmad: I said only about the authority which should consist of experienced men. I said nothing about conferences or committees.

Mr. N. M. Joshi: Then even Dr. Sir Ziauddin Ahmad feels that if the Government had called a conference to consider the recommendations of this committee it was necessary that they should have invited one or two or three—whatever the number which the Government thought necessary—representatives of the miners, who are more concerned with the object of this Bill than any other class of people. I can assure the Government and my Honourable friend, Dr. Sir Ziauddin Ahmad, that there are people who work in mines and who understand mining business and who will represent the point of view of Indian miners. Among the Indian miners themselves, there may be people who may not be learned, as we appear to be, but who, on account of having worked in the mines for several years, know what measures of safety are necessary or whether the measures of safety adopted by Government will be enough. I, therefore, feel that it is wrong on the part of the Government to have omitted to invite, at least, a few representatives of the Indian miners on a conference of this kind. I hope the Government of India will realise that even though some people may be illiterate and ignorant, yet they may understand what measures are likely to lead to their safety and what measures are likely to cause danger to their lives. I, therefore, feel that if the Government of India had not invited people on the ground that they are ignorant and illiterate, they had done an injustice to the Indian miners.

Sir, several speakers have pointed out that the committee of 1937 had recommended measures not only for safety but for the conservation of coal, for improving the economic condition of the industry such as voluntary and compulsory amalgamation, control over leases, etc., and they also recommended measures for research and measures of other kinds. The Government of India do not deal with these other measures such as conservation, although conservation might to some extent be secured by the passing of this Bill. But I feel that the Government of India do not deal even with all the points mentioned by the committee as regards safety. This Bill only deals with sand-stowing as a measure of safety, but the committee recommended several other such measures. I would like the Government of India to make a statement to the House as to what they have done as regards the other measures of safety which the Coal Mining Committee of 1937 recommended. Among other measures the committee recommended that the owners and agents of coal mines should be held responsible for accidents. According to section 16 of the present Indian Mines Act, the committee says that it is very easy for the owners and agents to escape their responsibility for the accidents that take place, and they generally throw the responsibility on the managers. The committee reports that it is wrong that the whole responsibility should be thrown on the managers because the managers are not always free agents. The managers cannot spend money; the control over the money is with the agents and the owners and not with the managers. Therefore, the managers

are not in a position to secure safety for the lives of the miners who work under the mines. Therefore, the committee suggested that the responsibility of the owners and of the agents for safety in mines should be clearly laid down by the statute. Sir, you will see how the agents and owners generally evade their responsibilities if you read the provisos to section 16. The owner or agent can plead:

“(a) that he was not in the habit of taking and did not in respect of the matter in question take any part in the management of the mine;

(b) that he had made all the financial and other provisions necessary to enable the manager to carry out his duties;

(c) That the offence was committed without his knowledge, consent or connivance.”

Sir, the committee came to the conclusion that it was very easy under this section for the mine-owners to escape their responsibility. The committee also suggested that there should be some qualification laid down for the owners and agents who undertake the management of coal mines. I want to know what the Government of India have done. I was told some days ago that Government have rejected the recommendation that the mine-owners and the agents of mines should have some qualification and knowledge of mining. I do not know why the Government of India should have rejected this very sensible recommendation of the Coal Mining Committee. Similarly, the committee's recommendation regarding the responsibility of mine-owners and agents should have been also given effect to. I should like the Government of India to explain the reason. This is what the committee says as regards the owner's liability:

“Actually provisos (a), (b) and (c) almost completely divest both owners and agents of legal liability, and we would therefore amend these provisos, so as to make it clear that they are legally liable if it can be proved that the offence or contravention has been committed in order to comply with an owner's or agent's general or particular instructions regarding reduced costs or increased outputs.”

The owners and agents generally give instructions to the managers not to spend money; they give them promotions if they do not spend sufficient money. It is for this reason that the committee recommended that the owner's responsibility should be brought home to him. The Government of India have done nothing in this respect.

Then, Sir, the committee also mentioned in their report the question of wages. If you really want to avoid accidents in mines and secure safety you must send into the mine people who are not hungry, people who get sufficient food. It is on account of that reason that the committee discussed the question of wages in their report and pointed out that when the output of work per individual miner has gone up the wages in coal-mining areas have gone down. The Government of India should have taken some note of the recommendation of that committee and should have taken steps to see that adequate wages are paid to the miners. The Government of India can do this by passing an Act like the Minimum Wages Act so that people who work in mines and do a very dangerous work will be paid adequate wages.

Then the committee recommended other regulations to be made regarding first working, section working, rotation working and several other things. I should like the Government of India to tell us what they have done as regards the recommendations of the committee regarding the regulations which they had recommended to be passed.

Sir, as regards the provisions of this Bill itself I am in favour of the provision in the Bill that sand-stowing should be resorted to where, in the opinion of the Inspector of Mines, sand-stowing is necessary in order to

[Mr. N. M. Joshi.]
secure safety. I do not think the Government of India have done anything wrong in adopting this recommendation of the committee; but I would have liked the Government of India to make some provision where de-pillaring takes place and sand-stowing is not recommended. If de-pillaring is resorted to and even though sand-stowing may not be necessary there will be some danger. And I would like, Sir, the Government of India to tell me what measure they propose to adopt where sand-stowing is not recommended by the Inspector of Mines.

Then, Sir, I don't wish to speak about the question of cess. It is for the Government to judge as to what sand-stowing will cost and what rate should be charged to the mine owners. But I don't agree with my friend, Mr. Manu Subedar, when he says that it is wrong that some mines will have to pay those rates although they may not get the advantage. He also said that some mines may have to pay the same rate though they may not be making a profit. Sir, when you try to levy a cess on an industry, it will be difficult to discriminate between mines which make a profit and which do not make a profit, and I think my friend somewhat exaggerated the burden of the cess. It will be difficult to say what exactly the burden of the cess will be unless you know the price of the coal, but I think his estimate was a little bit exaggerated. I agree with the general principle of the Bill that the cess should be on all the coal produced, and it will be difficult to take note of the varying capacities of the mines to pay the cess.

Then, Sir, I would like to point out that the Government of India have not accepted the recommendation of the Committee regarding the constitution of the Boards. The Committee had shown its preference for an expert Board. The Government of India have departed from that recommendation. They have made it a representative Board. The Committee has stated very clearly that if the Government of India decides to have a representative Board for the management and administration of this fund, then labour must be represented on that Board. I do not know, Sir, why the Government of India did not accept that recommendation. Again, my friend, Dr. Sir Ziauddin Ahmad, said that labour need not be represented, the labour representative may not know anything. Well, Sir, I am quite prepared to lay down in the section itself that the labour representative who will be on the Board should know something about mining, so that people who are ignorant of the mining methods may be kept out, but to say that a Board appointed to administer a fund which is intended in the interests of the miners themselves should have no representative of the miners themselves is not right. Sir, India is not the only country where some funds are started for the welfare of Indian miners. This is a sort of miners' welfare fund, a fund intended to secure the welfare of the miners in the matter of safety. In Great Britain they have got miners' welfare funds collected by legislation. There they appoint the Committee where the miners are very substantially represented, and if a fund is intended for the interests of the miners, I cannot understand why the miner should not be represented on that Board.

It has been stated that generally the burden of the cess will fall upon the consumers. Then what business have these mining agents and mine owners to be represented on that Board? The proper party to be represented on the Board are the consumers, but the consumers are not represented. All right, if you want to give representation to mining agents and mine owners, then at least give some representation to the miners. Let us

remember that if the Board consists of a majority of the representatives of mine owners, that Board has to decide what kind of help is to be given to a particular mine where sand-stowing will be recommended. If the Board is to consist of a majority of owners, they will try to give as little help as possible so that money will be saved, and ultimately the rate also will be reduced. There are people like my friend, Mr. Manu Subedar, who will see that if the fund is not spent and next year they will come forward and say that the rate should be reduced. Sir, it is in the interests of these mine owners to see that the fund is not spent.

Now, Sir, besides the administration of the fund for sand-stowing, the Board has been given some other functions too. The Bill itself provides that besides distributing funds for sand-stowing, the Board should also carry out the other measures of safety which the Government of India may ask the Board to carry out. Now, Sir, under the Indian Mines Act, provision has been made under section 10 for the constitution of a Mining Board, and there the Government of India have given representation to the miners equal to the representation of the mine owners. Section 10 of the Indian Mines Act provides for the constitution of a Mining Board,—a person in service of Government to be the Chairman, then the Inspector of Mines, a person not being the Chief Inspector or the Inspector or the Inspector nominated by Government, two persons nominated by owners of mines, and two persons to represent the interests of miners. Under the Indian Mines Act equal representation is given to labour on the Indian Mining Board. Why should the Government change that constitution in this Bill? The Government of India have laid down a certain constitution in the Indian Mines Act. There are three representatives of the Government, two of labour and two of the mine owners, but why not give the same constitution? Unfortunately, the Government of India have not provided for labour representation. I would, therefore, appeal to the House to rectify the mistake which the Government of India have made, and I shall also appeal to the Government of India to reconsider their decision. They have themselves accepted that principle in Indian Mines Act that on the Indian Mining Board labour should be equally represented with the mine owners. Well, Sir, in this case I may not insist upon equal representation, but if the mine owners have got four representatives let the miners have at least two.

An Honourable Member: Let it be equal.

Mr. N. M. Joshi: If you all vote with me, I have no objection. Then the Government of India have also provided in this Bill Committees in order to hear appeals against the decisions of the Chief Inspector of Mines or the Inspector of Mines where they recommend sand-stowing as a measure of safety. Here again the Government of India have entirely changed their angle of vision. The Indian Mines Act itself recommends a Committee to hear appeals against the decision of the Chief Inspector of Mines. They have laid down the constitution of the Committee in section 11 of the Indian Mines Act. The Committee recommended in the Indian Mines Act consists of a Chairman nominated by the Government, a person nominated by the Chairman, and two persons, of whom one shall be nominated by the owner, agent or manager of the mine concerned, and the other nominated by the Central Government to represent the interests of the persons employed in the mine. In the constitution of that Committee the miners have been given equal representation with the mine owners and mining agents. In

[Mr. N. M. Joshi.]

the case of this Committee Government have certainly done a very great wrong to their own officers, I mean, the Inspectors of Mines, in constituting the Committee which is to hear appeals against the decisions of the Chief Inspector of Mines in such a way that the employers will have a majority on the Committee. The Committee proposed by this Bill is to consist of the Chairman of the Mining Board, who, I consider, will be a sort of impartial person, four representatives of the mining agents and mine owners and one representative of labour. Where a recommendation has to be made by an Inspector of Mines that a particular mine should be sand-stowed, if the Inspector knows that there is to be an appeal to a tribunal in which the number of employers should be twice as much at least as the number of the other representatives, which Inspector of Mines will have the courage to make a recommendation that a particular mine should be sand-stowed against the wishes of the owner or agent of that mine? The Government of India have stultified the powers given to the Inspector of Mines by providing a tribunal of appeal in which the employers have a majority of votes. I do not know why the Government of India should have done that. In this case I would like the Government of India again to consider what was the principle underlying the constitution of the Committee which has been laid down in the Indian Mines Act. The principle was that the Chief Inspector of Mines should be supported by the independent judgment of a Committee. The Government of India now have changed that principle altogether. They have weakened the hands of the Chief Inspector of Mines by giving him a Committee in which there will not be an impartial decision. (Interruption.) The decision will be given by the representatives of the employers.

Mr. F. E. James (Madras: European): See the constitution of the Committee.

Mr. N. M. Joshi: I have seen the constitution of the Committee. The constitution of the Committee is that there should be the Chairman of the Mining Board as the Chairman of the Committee, there are to be four representatives to be nominated by the Chairman out of a panel nominated by the agents and owners of the coal mines. The Chairman has to select out of the people who are nominated by the owners and agents, four representatives of the employing interests on a Committee which is to hear appeals against the Inspector of Mines. This is preposterous and the Government of India should certainly change the constitution of the Committee.

Mr. F. E. James: Who pays for the fund?

Mr. N. M. Joshi: The principle is not who pays for the fund; the principle is the principle of safety. The Chief Inspector is responsible for the lives of the people who work under the mines and the Government of India cannot make any compromise on that point. I cannot understand why the Government of India should show now such lack of confidence in their own officers and weaken their hands and have greater faith in the mine owners and mining agents. If the Government of India insist upon showing lack of confidence in their officers, the House should not show that lack of confidence in the Inspector of Mines. These people have been given the responsibility of safeguarding the lives of several lakhs of miners working in

Indian mines. Let us strengthen their hands, and not weaken them by giving a tribunal where their decision will be altered at the sweet will of the employers. If an Inspector once knows that his decision is subject to an appeal to a tribunal which consists of the employers and mine-owners and mining agents, the Inspector will not have the courage to make proper recommendations. That is the greatest danger in the constitution of the Committee. I hope the Government of India will reconsider it, and if the Government of India does not do so, this House will change the recommendation contained in the Bill. Sir, I have done.

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong: Non-Muhammadan): I am strongly in favour of measures for the safety and conservation of coal mines. Unlike my Honourable friends, Dr. Ziauddin and Mr. Aikman, I strongly object to the manner of the levy of money for sand-stowing and the manner in which the money is proposed to be distributed. I hope the House will not mistake me as being an obstructionist to any measure for the safety of the people working in mines. It has been said by the Honourable the Mover of this Bill that this Bill is intended to be a measure of safety of workers and conservation of coal mines. Safety and conservation are two sides of the same coin and, therefore, I hope I shall be allowed to confine my remarks mainly to the safety aspect of the Bill.

In the Simla Session, last year, I put certain questions to the Secretary in the Commerce Department—the Honourable Member was not here then—regarding the increasing number of accidents in mines, and in a supplementary question I also asked,—“Was the Honourable Member satisfied that there was nothing wrong with the inspecting staff?” He assured me, “No. The Inspector has been doing all that is possible.” But Honourable Members who have carefully gone through the Coal Mining Committee’s report will find that the genesis of this Bill for compulsory sand-stowing was the unwillingness, the soft-heartedness, or I shall call the negligence on the part of the Inspector to enforce section 19 of the Act of 1923. Section 19 gives power to the Inspector to prohibit a mine from de-pillaring unless adequate measures are taken for safety. The wording of the section is such—I will not take the time of the House in reading it, but I hope the Honourable Member for Commerce will agree that the wording of the section is so wide that no de-pillaring shall be done unless adequate measures are taken for safety. The section says:

“If, in any respect which is not provided against by any express provision of this Act or of the regulations, rules or bye-laws or of any orders made thereunder, it appears to the Chief Inspector or the Inspector that any mine, or any part thereof, or any matter, thing or practice in or connected with the mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten, or tend to, the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of the mine and shall state in the notice the particulars in which he considers the mine, or part thereof, or the matter, thing or practice, to be dangerous or defective and require the same to be remedied within such time as he may specify in the notice.”

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member can continue his speech next day.

The Assembly then adjourned till Eleven of the Clock on Friday, the 10th March, 1939.

LEGISLATIVE ASSEMBLY.

Friday, 10th March, 1939.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

GRANT OF POLITICAL AND MUNICIPAL FRANCHISE TO INDIANS IN SOUTH AFRICA.

949. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Secretary for Education, Health and Lands be pleased to state whether the Government of India have taken up, or propose to take up early, with the Government of the Union of South Africa the grant of political and municipal franchise to the Indian residents in South Africa? If so, when, and, if not, why not?

Sir Girja Shankar Bajpai: The attention of the Honourable Member is invited to the reply given by me on the 15th August, 1938, to part (a) of his starred question No. 210 and to the supplementaries arising from Mr. Govind V. Deshmukh's starred question No. 813 of the 9th September, 1938. I have nothing to add to the information given by me then.

Mr. Abdul Qaiyum: What is the present position of Indian settlers as regards political and municipal franchise in the Union of South Africa?

Sir Girja Shankar Bajpai: So far as I know, both the political and the municipal franchise are exercised by Indians in the Cape Province, but in no other province.

Mr. Abdul Qaiyum: Has the Honourable Member any idea as to what percentage of the Indian population resides in the Cape Province?

Sir Girja Shankar Bajpai: I think it should be somewhere between 10 and 12 per cent.

PROPOSAL TO SETTLE THE JEWS IN KENYA HIGHLANDS.

950. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Secretary for Education, Health and Lands be pleased to state:

(a) at what stage the proposal to settle the Jews in Kenya Highlands stands;

(b) whether Government have heard anything further about the proposed Order-in-Council which will permanently and legally debar Indians from holding land in the Kenya Highlands; and

- (c) whether Government have pressed, or propose to press, on His Majesty's Government the need for respecting Indian opinion in this matter?

Sir Girja Shankar Bajpai: (a) The attention of the Honourable Member is invited to the reply given by me on the 8th February, 1939, to Mr. T. S. Avinashilingam Chettiar's starred question No. 188 (b) and (c). I have nothing to add to what I have stated in the course of the debate on the adjournment motion in this House on this subject on the 7th March, 1939.

Mr. Abdul Qaiyum: With reference to part (a) of the question, may I know if the Honourable Member can give us the figure of Jews who have recently settled down in that country?

Sir Girja Shankar Bajpai: I have given the information before. The arrangement is in an experimental stage at the moment. The idea is to settle 25 to begin with, and the maximum contemplated is 150.

RESOLUTION PASSED BY THE INDIAN LIBERAL FEDERATION ON THE POSITION OF INDIANS OVERSEAS.

951. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Secretary for Education, Health and Lands be pleased to state whether his attention has been drawn to the resolution passed at the Indian Liberal Federation, moved by Kunwar Sir Maharaj Singh, ex-Agent-General to the Government of India in South Africa on the position of Indians overseas and whether Government have taken any action thereon?

Sir Girja Shankar Bajpai: Government have seen a press report of the resolution referred to by the Honourable Member. I have nothing to add to what I have already stated in this House in reply to questions on the various subjects covered by this resolution.

COMPENSATION TO INDIANS FOR LOSSES IN THE BURMA RIOTS.

952. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether the question of compensation to Indian victims of the recent riots in Burma has been settled, and, if not, when it is hoped to settle it; and
(b) whether Government have taken steps to see that Indian interests in Burma are adequately protected?

Sir Girja Shankar Bajpai: (a) The attention of the Honourable Member is invited to the reply given by me on the 7th March, 1939, to supplementary questions arising out of Mr. Abdul Qaiyum's starred question No. 800.

(b) The attention of the Honourable Member is invited to the reply given by me on the 8th February, 1939, to Mr. T. S. Avinashilingam Chettiar's starred question No. 191.

Mr. Abdul Qaiyum: May I know whether the Government of India have heard anything from the Government of Burma on this point, since the replies were given last?

Sir Girja Shankar Bajpai: I answered the question on the 9th March, and there has been no reply since.

Mr. Abdul Qaiyum: Have the Government of Burma accepted the principle of compensation for Indians who have suffered?

Sir Girja Shankar Bajpai: The Government of Burma have not yet given a definite reply to that.

DEVELOPMENT OF NEW DELHI.

953. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Honourable the Labour Member be pleased to state:

- (a) whether it is a fact that the New Delhi Development Committee appointed by the Government of India has issued a questionnaire to help in the stocktaking of New Delhi's development;
(b) whether Government will place the questionnaire on the table of the House;
(c) whether it is intended to provide housing accommodation for the employees of mercantile firms;
(d) whether there is any proposal to make these employees contribute towards the provision of such accommodation;
(e) whether there is any proposal to reserve the area within a mile of Connaught Place for the occupation of such people; and
(f) whether in considering this problem Government are also considering the question of making Delhi a residential place for the twelve months of the year?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes. (d)

(b) A copy is laid on the table of the House.

(c) to (f). The Committee is not concerned with the provision or financing of housing accommodation but with the question of the reservation of blocks of land for various purposes. It will, no doubt, take into account, in that connection, all relevant considerations and possible future requirements, including those of the employees of mercantile firms and other non-official elements in the population of New Delhi. Proposals for the reservation of areas have not yet been formulated.

Questionnaire issued by the New Delhi Development Committee to the Chamber of Commerce, Companies, and members of the public.

Sir, the New Delhi Development Committee appointed by the Government of India in the Department of Labour No. B-3, dated 24th July, 1938, (copy enclosed) would value your opinion on the following points:—

- the opinion of your Chamber, as far as it is concerned, on the following points:—
(1) The control of building in New Delhi has hitherto been maintained: (a) by Government acting under agreements for lease and perpetual leases and (b) by the New Delhi Municipal Committee acting under by-laws. Is it considered that the control exercised has on the whole been satisfactory? Has it, for example, resulted in the maintenance of reasonably good aesthetic standards, and of conditions conducive to the health and comfort of residents? Are evasions frequent, and if so is it considered that they are likely to lead to deterioration of conditions? Have you any general observations to make on this subject?

- (2) Is it considered that the areas at present allotted to offices, shops, and non-Government residences is adequate? If not what further area should be allotted to each category? In the event of planned extensions of New Delhi, is it considered that special provision should be made for (a) industry, (b) offices and (c) non-Government residences? If so details should kindly be given.

2. I am to request you kindly to send a reply to this letter by the 31st December, 1938.

I have, etc.

New Delhi Development Commissioner.

Mr. M. Asaf Ali: When was this questionnaire issued, and to whom?

The Honourable Sir Muhammad Zafrullah Khan: To whom it was issued I have answered on previous occasions. I do not know the date. I find that the replies were to be sent before the 31st December. It must have been issued before that.

REPORT OF MR. J. D. TYSON ON THE ECONOMIC CONDITION OF INDIANS IN THE BRITISH WEST INDIES.

954. ***Mr. Abdul Qaiyum:** Will the Secretary for Education, Health and Lands please state:

(a) whether Mr. J. D. Tyson has submitted any interim report regarding the condition of Indians in the West Indies generally and in Jamaica in particular;

(b) whether the demands of the Indians in Jamaica for grant of land and money, has met with any success; if so, to what extent; and

(c) whether Mr. Tyson's report will be published, and the probable date on which it is likely to be submitted?

Sir Girja Shankar Bajpai: (a) and (c). I would invite the attention of the Honourable Member to the reply given by me on the 7th March, 1939, to Mr. S. Satyamurti's starred question No. 795.

(b) So far as Government are aware, no decision has been taken by the Colonial Government in this matter.

Mr. Abdul Qaiyum: May I know if Government are in possession of the figure as to the number of Indians employed in the plantations?

Sir Girja Shankar Bajpai: I do not think that we have information about that.

RESULT OF THE DISCUSSION WITH THE OFFICIAL DELEGATION FROM MALAYA.

955. ***Mr. Abdul Qaiyum:** Will the Secretary for Education, Health and Lands please state:

(a) the result of the discussions with the official Malaya delegation;

(b) whether the negotiations have broken down; if so, on what matters; and

(c) whether he is prepared to supply full information regarding these talks?

Sir Girja Shankar Bajpai: (a) to (c). The attention of the Honourable Member is invited to the statement made by me in this House on the 16th February, 1939, in reply to his starred question No. 465.

PERSONS APPLYING FOR COMPENSATION FOR LOSSES IN THE BURMA RIOTS.

956. ***Mr. T. S. Avinashilingam Chettiar:** Will the Secretary for Education, Health and Lands state:

(a) how many persons have applied for compensation for losses suffered in the recent anti-Indian riots in Burma;

(b) how many of them had secured compensation; and

(c) what is the latest situation in Burma?

Sir Girja Shankar Bajpai: (a) and (b). Attention of the Honourable Member is invited to the reply given by me on the 13th February, 1939, to Mr. Akhil Chandra Datta's starred question No. 328 and the supplementaries thereto.

(c) The attention of the Honourable Member is invited to the replies given by me to supplementary questions to Mr. Abdul Qaiyum's starred question No. 801 on the 7th March, 1939.

MR. M. P. GANDHI'S SUGGESTION *re* COMPULSORY MIXING OF POWER ALCOHOL WITH PETROL, ETC., AND LICENSING OF SUGAR FACTORIES.

957. ***Seth Haji Sir Abdoola Haroon:** Will the Secretary for Education, Health and Lands be pleased to state:

(a) whether the attention of Government has been drawn to the Indian Sugar Industry 1938 Annual, by Mr. M. P. Gandhi, where he has pointed out the possibility of the United Provinces and Bihar supplying power alcohol as fuel to other areas in the interior of the country like the Punjab, North-West Frontier Province, Rajputana, Central India, Northern Central Provinces, portions in Bengal and adjacent parts of Bihar, at competitive rates under the present conditions without any difficulty, if the requisite legislation for compulsory admixture of power alcohol with petrol is passed (*vide* page 117 of the Annual);

(b) whether attention of Government has also been drawn to the fact, as is observed in Mr. M. P. Gandhi's Indian Sugar Industry 1938 Annual, that after the separation of Burma from India, it is desirable for India to develop an alternative source of motor fuel inside the country to ensure supplies of petroleum in the event of there being difficulties about the sea blockade or other reasons in bringing petrol from Burma or other countries from where imports have been steadily increasing; if so, what action Government propose to take in this respect;

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

- (c) whether the attention of Government has been drawn to the necessity of setting up an All-India Licensing Authority for granting licences to sugar factories, before they undertake manufacture of sugar in order to regulate the production and to eliminate the possibility of over production of sugar; and
- (d) whether the Governments of the United Provinces and Bihar which have introduced licencing of sugar factories approached the Government of India for taking such action on an All-India basis in the interests of the preservation of the industry?

Sir Girja Shankar Bajpai: (a) Yes.

(b) Yes; the attention of the Honourable Member is invited to the reply given by the Honourable the Finance Member to Sardar Mangal Singh's starred question No. 140 on the 6th February, 1939.

(c) There is no such proposal before the Government of India at present.

(d) No.

PROPOSAL TO SET UP A CENTRAL SUGAR CONTROL BOARD FOR THE SUGAR INDUSTRY.

1958. *Seth Haji Sir Abdoola Haroon: Will the Secretary for Education, Health and Lands be pleased to state when the Government of India propose to set up a Central Sugar Control Board for the sugar industry, and whether this Board will attempt to regulate the production, to consider the question of issuing licences to sugar factories, and fix quotas for the various sugar factories all over India?

Sir Girja Shankar Bajpai: There is no such proposal before the Government of India.

PERSONNEL AND ACTIVITIES, ETC., OF THE BOTANICAL SURVEY OF INDIA.

1959. *Mr. C. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands be pleased to state:

- (a) when the Botanical Survey of India was brought into existence and for what purpose;
- (b) what the strength of the Botanical Survey of India was to start with, both in men and in money and what was the scope of its work;
- (c) whether any change was effected in the personnel of the Survey and, if so, why, when and how;
- (d) where are the collections supposed to have been collected by the Botanical Survey of India deposited;
- (e) whether these collections were ever utilised by the staff of the Survey and any publications issued upon these collections after 1904 up to date, and
- (f) how the Board of Science and Agriculture formed in 1902 has influenced the activities of the Survey?

Sir Girja Shankar Bajpai: (a) and (b). The Botanical Survey of India was constituted in 1890 for the purpose of exploring the vegetable resources of the Indian Empire and for co-ordinating the botanical work that was

being carried out by certain Provincial Governments and scientific associations in India. The superior staff consisted of the Director, Botanical Survey of India, who was also Superintendent, Royal Botanic Gardens, Sibpur, and the Director, Botanical Department of Northern India. The expenditure from central revenues amounted to about Rs. 20,000 per annum. In addition, certain Provincial Governments made grants aggregating Rs. 1,600 for the exploration of their respective regions.

(c) In 1903 the post of Director, Botanical Department of Northern India, was abolished in consequence of the transfer to the Government of the United Provinces of the herbarium at Saharanpur and the appointment of an Economic Botanist in that province. In 1910, two Assistants for systematic botanical work were appointed mainly to assist in the work of the herbarium of the Royal Botanic Gardens, Sibpur. In 1912, the Department of Economic Products was amalgamated with the Botanical Survey of India in order to provide direct connection between the economic and scientific sides of the Survey. In 1932, one of the two posts of Systematic Assistant was abolished as a measure of retrenchment.

(d) The collections are housed partly in the herbarium of the Royal Botanic Gardens, Sibpur, and partly in the Industrial Section of the Indian Museum, Calcutta.

(e) Yes.

(f) I am not aware of the proceedings of any Board of Science and Agriculture in 1902.

PREPARATION OF A MANUAL OF CULTIVATED PLANTS OF INDIA BY THE BOTANICAL SURVEY OF INDIA.

1960. *Mr. C. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands please state:

- (a) whether it was a fact that the Board of Science and Agriculture, on the advice of the Royal Asiatic Society, London, advised the preparation of a manual of cultivated plants of India by the Botanical Survey of India and, if so, whether any action was taken by the Director of the Botanical Survey of India;
- (b) whether and if so, to what extent, the activities of the Survey were affected by the increase of the staff and by the stabilization of the finances for its working in 1910; and
- (c) what is the total period that the trained science staff has spent in the field for the last 26 years?

Sir Girja Shankar Bajpai: (a) Such advice was given by the Board of Scientific Advice, but the preparation of the Manual could not be undertaken owing to paucity of staff.

(b) The Assistants have been employed mainly on the classification and identification of specimens and in answering enquiries.

(c) About a year in the aggregate.

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

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

DUTIES AND QUALIFICATIONS, ETC., OF THE DIRECTOR OF THE BOTANICAL SURVEY OF INDIA.

†961. *Mr. O. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands be pleased to state:

- (a) when and why the Department of the Reporter on Economic Products was merged with that of the Botanical Survey of India and how the amalgamation affected the activities of the Survey;
- (b) whether it is a fact that the Director of the Botanical Survey of India has several duties to attend to, but that he was at one time only a part-time officer of the Survey;
- (c) what are his duties and to whom all he is subordinate;
- (d) what are the qualifications of the present Director of the Botanical Survey of India and for how long he has been in charge of this post;
- (e) what are his duties as Director of the Botanical Survey of India, and how many departments he has under his charge; and
- (f) what are his scientific publications?

Sir Girja Shankar Bajpai: (a) The attention of the Honourable Member is invited to the reply just given to part (c) of his question No. 959.

(b), (c) and (e). The post of Director, Botanical Survey of India, has always been held *ex-officio* by the Superintendent of the Royal Botanic Gardens, Sibpur. He is subordinate in the former capacity to the Government of India and in the latter to the Government of Bengal. A statement showing the duties performed by him on behalf of the Government of India is placed on the table.

(d) There is no Director at present.

(f) A list of the publications of the last Director is placed on the table.

Statement showing the duties performed by the Director, Botanical Survey of India on behalf of the Government of India.

The main duty of the Director of Botanical Survey of India has been to hold charge of the quinine stocks of the Government of India and to advise them in regard to quinine supplies in India; in addition he has been responsible for—

- (a) The care and improvement of the Public Gallery of the Industrial Section of the Indian Museum, Calcutta, which is mainly an exhibition of economic plants and their products.
- (b) The collection, record and supply of information regarding all such economic plants and their products as do not specially belong to Agriculture and Forestry.
- (c) Purely scientific work mostly concerned with systematic botany and the supply of information in connection therewith.

Statement showing the scientific publications of Mr. C. C. Calder, Director, Botanical Survey of India.

1. Records of the Botanical Survey of India, Volume VI, No. 8.

"The species of *Oxalis* now wild in India".

A New Indian *Vernonia* by C. C. Calder (1918).

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

2. Records of the Botanical Survey of India, Volume XI, No. 1 (i) List of Species and Genera of Indian Phanerogams not included in Sir J. D. Hooker's Flora of British India by C. C. Calder, V. Narayanaswami and M. S. Ramaswami (1926).

3. "Sketch of Vegetation of India" by C. C. Calder in Silver Jubilee Volume of the Indian Science Congress, 1938.

4. Hand-Book of Common Water Marsh Plants of India and Burma, 1936, by K. Biswas and C. C. Calder, published in Health Bulletin No. 24, Malaria Bureau No. 11.

AMOUNT SPENT ON CINCHONA PLANTATION.

†962. *Mr. O. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands please state the total amount spent on the cinchona plantation, Burma, from its inception in 1919 up to date?

(b) What is the outturn of bark fit for manufacture of quinine?

Sir Girja Shankar Bajpai: (a) Approximately Rs. 21 lakhs till the 31st March, 1937, when the plantation was transferred to the Government of Burma on the separation of that country.

(b) Approximately 996,000 lbs. of cinchona bark were harvested up to the 31st March, 1937.

AMALGAMATION OF THE ECONOMIC PRODUCTS DEPARTMENT WITH THE BOTANICAL SURVEY OF INDIA.

†963. *Mr. O. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands please state:

- (a) when the Department of the Reporter on Economic Products to the Government of India was amalgamated with that of the Botanical Survey of India and for what purpose;
- (b) whether the object of amalgamation has been fulfilled and, if so, to what extent;
- (c) what were the sections comprising this Department prior to transfer, and what are the sections after its transfer;
- (d) whether the collections of botanical specimens made by the Survey from the date of its creation to the date of amalgamation were transferred to the Economic Harbarium to be useful in economic enquiries and in finding newer economic plants;
- (e) whether the activities of the Survey have ever been directed to the improvement of the economic Survey of India; and
- (f) whether Government will be pleased to place on the table of this House a copy of the 'British Museum Committee's Report' on their findings regarding the Industrial Section of the Indian Museum?

Sir Girja Shankar Bajpai: (a) The attention of the Honourable Member is invited to the reply I just now gave to part (c) of his question No. 959.

(b) Yes.

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

(c) The Department of Economic Products originally comprised Economic, Art and Ethnology Sections. Only the Economic Section was amalgamated with the Botanical Survey of India and that Section is still in existence.

(d) The attention of the Honourable Member is invited to the reply just now given by me to part (d) of his question No. 959.

(e) Yes.

(f) I know of no British Museum Committee's Report.

RATE WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

964. *Mr. Abdul Qayyum: Will the Honourable Member for Commerce please state:

(a) whether during the last Haj season the rate was brought down by the Moghul line from Rs. 172 to Rs. 70, inclusive of food;

(b) whether this lowering of rate was only operative so long as there was a ship of the Scindia Company in port;

(c) whether soon after its departure the rate was again raised to Rs. 150;

(d) whether the above took place after the termination of the minimum rate agreement on the 1st December, 1938; and

(e) the steps proposed by Government to deal with this situation?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (e). The attention of the Honourable Member is invited to the answers given by me to question No. 213 and its supplementaries on the 8th February.

965*.

NON-APPOINTMENT OF MEDICAL OFFICERS OF HEALTH IN AJMER-MERWARA.

966. *Raj Bahadur Seth Bhagchand Soni: (a) Will the Secretary for Education, Health and Lands be pleased to state whether it is a fact that as recommended by the Central Advisory Board of Health, Provincial Governments have a cadre of Government Medical Officers of Health in their respective Provinces?

(b) Will the Honourable Member state if the Central Government have appointed any Government Medical Officers of Health for Delhi, New Delhi and Ajmer Municipality and Delhi and Ajmer Provinces?

(c) Will Government state the reasons for not appointing Government Medical Officers of Health in the district of Ajmer-Merwara?

Sir Girja Shankar Bajpai: (a) There are Provincial Public Health Services in some Provinces.

(b) The Chief Health Officer for Delhi Province acts as Medical Officer of Health for the New Delhi Municipality. The Delhi and Ajmer Municipalities have their own Health Officers. There is no Health Officer for the rural areas of Ajmer-Merwara.

This question was postponed to be answered on the 21st March, 1939.
Answer to this question laid on the table, the questioner being absent.

(c) The normal practice is that Government contribute half the cost of the pay of the Health Officers employed by local bodies. Enquiry has been made to ascertain whether the District Board, Ajmer-Merwara, is prepared to bear its share of the expense involved.

IMPORT AND PRODUCTION OF ELECTRIC BULBS.

967. *Mr. Mohan Lal Saksena: Will the Honourable Member for Commerce be pleased to state:

(a) the total value of electric lamps (bulbs) annually imported into India during the last three years;

(b) the total value of electric bulbs produced in India;

(c) the names of electric lamp factories in India, with their respective capacity;

(d) the amount of customs duty received during the last three years from electric lamps;

(e) the names of countries and the total value of electric lamps imported from these countries, respectively, during the last three years;

(f) whether Government have considered the question of giving encouragement to the bulb industry in India, if so, what steps, if any, have been taken in that direction; and

(g) whether Government have considered the advisability of increasing the customs duty to help the local industry as well as abolishing customs duty on raw materials like tung-stone and molybdenum glass bulbs and other materials required for the manufacture of electric bulbs?

The Honourable Sir Muhammad Zafrullah Khan: (a), (d) and (e). I would refer the Honourable Member to the Sea-borne Trade Returns, copies of which are in the Library.

(b) and (c). I lay on the table a statement giving the names of electric lamp factories in India. Information regarding their capacity and the value of electric bulbs produced by them is being collected and will be placed on the table of the House when available.

(f) and (g). Imported electric lighting bulbs are already subject to high revenue duties, namely, 50 per cent. (standard) and 40 per cent. (preferential). The question of the abolition of import duties leviable on materials required by the industry will be considered along with similar requests from other industries as and when financial conditions permit.

Statement giving the names of electric lamp factories in India.

1. Messrs. Bengal Electric Lamp Works, Limited, Calcutta.
2. Messrs. Philips Electrical Company (India), Limited, Calcutta.
3. Messrs. Bharat Electric Bulb Works, Limited, Calcutta.
4. Messrs. Mandalassa Glass Institute, Howrah. (Not functioning at present).
5. Messrs. Byles Products (India) Limited, Bombay.
6. Messrs. Hindustan Electric Lamp Works, Limited, Agra.
7. Messrs. Mysore Lamp Works Limited, Bangalore.
8. Messrs. Indian Electric Lamp Manufacturing Company Limited, Calcutta.

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

REPRESENTATION re INEQUITABLE TREATMENT OF MUSLIMS IN THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

1938. *Mr. M. Ghiasuddin: (a) Will the Secretary for Education, Health and Lands please state if it is a fact that the All-India Muslim Rights Protection Board, Lahore, submitted a representation to Government regarding inequitable treatment to Muslim employees in the Department of Education, Health and Lands?

(b) Did Government send any reply to the representation? If so, will they please place a copy of it on the table of the House?

Sir Girja Shankar Bajpai: (a) and (b). A representation was submitted to His Excellency the Viceroy and Governor General. A copy of the reply sent to the Board is placed on the table of the House.

D. O. No. 902-G. G. (C.).
(Bhikna Thoree), 8th/9th December, 1938.

Dear Sir,

I am desired to refer to your letter No. 293, dated the 3rd November, 1938, on the subject of communal representation in the Department of Education, Health and Lands.

2. Both the general allegations in the letter itself and the particular cases referred to in its enclosures have now been examined in detail and His Excellency is satisfied that they are based upon inaccurate or inadequate information. In certain cases both facts and figures are incorrect. In others they are either incomplete or have been misinterpreted. His Excellency, therefore, regrets that he is unable to accept the Board's suggestion that the position warrants an enquiry by a Special Officer.

3. I am to add that His Excellency has no reason to suppose that the rules regarding the communal composition of Government services are not being observed in the Department of Education, Health and Lands.

Yours faithfully,

(Sd.) J. G. LAITHWAITE.

Khan Bahadur Haji Rahim Bakhsh,

President,
Muslim Rights Protection Board, Punjab,
Lahore.

SUPERINTENDENT OF ARCHAEOLOGY, LAHORE CIRCLE.

1939. *Mr. Muhammad Nauman: (a) Will the Secretary for Education, Health and Lands please state who the permanent Superintendent of Archaeology in charge of the Lahore circle is?

(b) When was he appointed in this circle?

(c) Increments of how many employees in the Archaeological Circle did he stop? How many of them were Muslims and how many Hindus?

(d) How many employees including menials did he dismiss or discharge and how many of them were Muslims?

(e) How many temporary and permanent appointments were made by him, and how many of them were Muslims and how many Hindus?

Sir Girja Shankar Bajpai: (a) Mr. H. L. Shrivastava.

(b) On the 7th January, 1937.

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

(c) Two; one was a Muslim and the other a Hindu.

(d) None were dismissed. Eleven were discharged, of whom four were Muslims.

(e) One Muslim, two Hindus and two Sikhs were appointed to permanent posts and six Muslims and seventeen Hindus to temporary posts.

SUPERSESSIONS OF MUSLIMS IN THE ARCHAEOLOGICAL DEPARTMENT.

970. *Mr. H. A. Sathar H. Essak Sait (on behalf of Mr. H. M. Abdullah): Will the Education Secretary please state how many supersessions of Muslim employees occurred during the office tenure of the present Director General of Archaeology, and how many of them occurred prior to his appointment during the corresponding period?

Sir Girja Shankar Bajpai: Complete information regarding supersessions during the office tenure of the present Director General of Archaeology is not available, but is being obtained and will be communicated to the House in due course. Particulars of supersessions during the period prior to his appointment will be obtained if the particular period for which information is required is stated by the Honourable Member.

Dr. Sir Ziauddin Ahmad: The Honourable Member said that he would lay on the table all the cases of supersessions and the reasons for them. May I know whether all these cases were examined by him or the Member in charge?

Sir Girja Shankar Bajpai: That would depend on the nature of the case. If a supersession has been brought to the notice of the Governor General in Council, then I would have an opportunity of examining it, but this question covers the Archaeological Department throughout India. It may be that in many cases no representation has been made to the Governor General at all.

Dr. Sir Ziauddin Ahmad: I wanted to know whether in all cases of supersession some higher authority would examine the cases, besides the Director General.

Sir Girja Shankar Bajpai: I have already said that complete information regarding supersessions is not available, and I cannot answer my friend's question until I have the information.

STOPPAGE OF INCREMENTS OF MUSLIMS IN THE ARCHAEOLOGICAL DEPARTMENT.

971. *Mr. H. A. Sathar H. Essak Sait (on behalf of Mr. H. M. Abdullah): (a) Will the Education Secretary please state how many cases of stoppage of increments of Muslim employees in the Archaeological Department have occurred during the office tenure of the present Director General, and how many of them occurred prior to his appointment during the corresponding period?

(b) Have increments of any Hindu members of the staff in the Archaeological Department been stopped during the tenure of the present Director General? If so, of how many?

(c) Have any supersessions of Hindus by Muslims been sanctioned in that Department during this time? If so, of how many?

Sir Girja Shankar Bajpai: (a), (b) and (c). Complete information regarding the stoppage of increments of and supersessions of members of the staff of the Archaeological Department during the office tenure of the present Director General of Archaeology in India is not available but will be communicated to the House when it has been obtained. Particulars of stoppage of increments during the period prior to his appointment will be obtained if the particular period for which information is required is stated.

Dr. Sir Ziauddin Ahmad: I should like to have information for ten years from 1925.

Sir Girja Shankar Bajpai: I will endeavour to obtain it.

PROPOSAL TO ACQUIRE LAND NEAR OKHLA IN DELHI.

972. ***Mr. Brojendra Narayan Chaudhury:** Will the Secretary for Education, Health and Lands please state:

- whether the acquisition of land near Okhla on an extensive scale is contemplated; if so, where, the quantity, and the purpose thereof;
- whether Government have received any representation regarding the same from the villagers who would be affected;
- whether the people of fifty villages met recently and protested against the intended acquisition;
- whether the intention is to acquire 600 feet land along the roadside for convenience of traffic; if so, what those conveniences are;
- the maximum width of the ribbon for roads in Delhi Province and where; and the average in the Provinces;
- whether the attention of Government has been drawn to the proceedings of the Fifth Indian Road Congress in Calcutta in February, 1939, and particularly to the advice of Mr. Trollip in the paper read by him on "Ribbon Development" wherein he does not advise acquisition but only legislation to control ribbon area, the maximum of which is put at 220 feet; and
- the final decision of Government in this matter?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (d). No. The question of controlling ribbon development is, however, under consideration by the New Delhi Development Committee.

(b) No; but the Chief Commissioner has received a representation.

(c) I understand that the matter was discussed at a meeting of villagers.

(e) If by the expression "width of the ribbon" the Honourable Member refers to road widths, I may say that these vary considerably. The standard width of new roads in the Delhi Province is 80 feet; arterial roads are considerably wider. I have no information regarding the average width of roads in other provinces.

(f) Government have not yet received the proceedings of the 5th Indian Roads Congress, but have seen the paper read by Mr. Trollip on "Ribbon Development".

(g) The matter has not yet come before Government for a decision.

Mr. Brojendra Narayan Chaudhury: Have Government inquired how is it that, in spite of there being no proposal to acquire the land, the villagers got frightened and sent a memorial?

The Honourable Sir Muhammad Zafrullah Khan: Government have not so inquired.

Mr. Manu Subedar: May I know whether there is adequate provision for giving adequate compensation to the villagers in the event of their lands being acquired?

The Honourable Sir Muhammad Zafrullah Khan: Surely, the Honourable Member cannot be ignorant of the provisions of the Land Acquisition Act.

Mr. Manu Subedar: I am well aware of that. In view of the fact that compensation on an adequate scale would be paid, may I know what other reasons there were, if any, which induced the villagers to get frightened?

The Honourable Sir Muhammad Zafrullah Khan: But I am not aware that any villager has been frightened. I have not admitted that any villager has been frightened. All these questions are purely hypothetical.

MANIPURI MUSLIMS KILLED AND WOUNDED, ETC., IN THE BURMA RIOTS.

973. ***Mr. Brojendra Narayan Chaudhury:** Will the Secretary for Education, Health and Lands please state the number of "Manipuri Muhammadans", who (i) have been killed, (ii) seriously wounded or (iii) whose property has been destroyed in the recent anti-Indian riots in Burma and in how many cases compensation has been claimed?

Sir Girja Shankar Bajpai: I regret that separate figures in respect of "Manipuri Muhammadans" are not available. The general question of compensation has already been explained by me in answers to previous questions asked during this Session.

COST BORNE BY THE STATE FOR DESPATCH OF TROOPS TO INDIAN STATES.

974. ***Mr. Mohan Lal Saksena:** Will the Honourable the Leader of the House be pleased to state what portion of the cost, if any, is borne by the State for the despatch to and maintenance of troops in States?

The Honourable Sir Nripendra Sircar: Under section 286 (1) of the Government of India Act, 1935, only the net additional expenses, if any, incurred in connection with the employment of forces in Indian States shall be deemed to be expenses of His Majesty incurred in discharging the functions of the Crown in its relations with Indian States and charged to the Crown Representative's budget. The further question whether all or any portion of such expenditure should be recovered from States is a matter entirely between the Crown Representative and the States.

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

SETTING UP OF A CO-ORDINATING BOARD FOR UNIFORM LABOUR LEGISLATION IN PROVINCES.

975. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Commerce Member please state:

- (a) whether it is intended, or any steps have been taken, to set up a Co-ordinating Board for uniform labour legislation in all Provinces;
- (b) whether the effects on industries of different labour laws for different areas have been considered by Government; and
- (c) whether Government have received any representation from Provincial Governments or any other parts; if so, which, and whether for or against the Co-ordinating Board?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I would invite the attention of the Honourable Member to the replies given to Mr. Manu Subedar's starred question No. 330 on the 13th February, 1939.

(c) Yes, from the Government of the Central Provinces and Berar, and the Associated Chambers of Commerce of India, both of whom are in favour of the establishment of some machinery for ensuring uniformity in labour legislation throughout India.

Mr. Manu Subedar: May I inquire whether Government have already examined the question and find some difficulties,—or is the question under examination?

The Honourable Sir Muhammad Zafrullah Khan: May I invite the Honourable Member's attention to the supplementaries put on the last occasion and the reply that the whole matter was under consideration?

ESCORT FOR CARRIAGE OF GOVERNMENT MONEY IN DEPARTMENTS UNDER THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

976. *Mr. Brojendra Narayan Chaudhury: Will the Secretary for Education, Health and Lands please state:

- (a) whether there is any rule or general instruction requiring armed escort for the carriage or custody of Government money of a specified limit or not, and whether the rule is observed in departments under his charge; and
- (b) the specified limit of the amount, if any?

Sir Girda Shankar Bajpai: (a) I am not aware of any such rules.

(b) Does not arise.

PREVENTION OF PLEDGING OF LABOUR OF CHILDREN ACT.

977. *Shrimati K. Radha Bai Subbarayan: Will the Honourable Member for Labour be pleased to state:

- (a) how long the Act for the Prevention of Pledging of Labour of Children has been in force in the Provinces, and if any of the Provincial Governments have taken action under the provisions of this Act during the last three years ending 31st March, 1938;

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

(b) whether the Government of India have issued any reports on the working of this Act since it was passed, and if not, why not; and

(c) whether the pledging of labour of children exists in the centrally administered areas, and what steps Government take to prevent it?

The Honourable Sir Muhammad Zafrullah Khan: (a) Over five years. Government have no information.

(b) No. I would refer the Honourable Member to the answers given to Mr. N. M. Joshi's question No. 641 on the 24th September, 1935, and the supplementary questions in that connection.

(c) Possibly, but Government are taking steps which they trust will result in greater enforcement of the Act.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 1580 asked by Shaikh Rafiuddin Ahmad Siddique on the 29th November, 1938.

DISCHARGE AND HARASSMENT OF MUSLIMS BY THE SUPERINTENDENT, WATCH AND WARD, EASTERN BENGAL RAILWAY.

(a) Allegations of this nature have been made.

(b) From enquiries made, it would appear that the Superintendent, Watch and Ward, Eastern Bengal Railway, had reason to believe that certain Muslim employees were identifying themselves with agitation subversive of discipline and provocative of communal discord. He, therefore, warned them, but this was in no way connected with the question of these employees having either joined or contemplated joining any society or other Association. As is alleged in the memorandum referred to.

Information promised in reply to starred question No. 1872 asked by Mr. Brojendra Narayan Chaudhury on the 7th December, 1938.

OUTLETS FOR DRAINAGE OF FLOOD WATER BETWEEN DADASHI AND PACHOORIA STATIONS ON THE EASTERN BENGAL RAILWAY.

(a) There are five outlets through the railway embankment in question, of which three are of the type mentioned by the Honourable Member, and two are pipe drains.

(b) Changes occur periodically in the course of the river and are usual and expected, but these changes do not affect the efficiency of the openings which drain water from the other side of the line.

(c) Observation has shown that, whereas in flood times, as much as 5 ft. depth of water may accumulate on one side of the embankment, the corresponding level on the other side is only a few inches less.

(d) and (e). No.

(f) The evidence of the Railway records shows that the existing waterways are adequate and further expenditure is not justified.

Information promised in reply to a supplementary question to starred question No. 2044 asked by Mr. T. S. Avinashilingam Chettiar on the 12th December, 1938.

ABOLITION OF FIRST CLASS COMPARTMENTS ON RAILWAYS.

Railway.	Sections on which first class accommodation has been abolished.
Assam Bengal	On the Chittagong-Dohazari Branch 4 Up and 4 Down trains run daily without 1st class accommodation.
Bengal and North-Western	Nil.
Bengal Nagpur	Nil.
Bombay, Baroda and Central India.	(i) On the Broad Gauge system first class accommodation has been abolished on Tapti Valley Railway on trains Nos. 23 Down and 24 Up, running between Surat and Amalner (through to and from Bhusaval). (ii) On the Metre Gauge system first class accommodation has been abolished on the following trains :— 1. Farukhnagar Branch . 136 Down, 135 Up. 110 Down, 109 Up. 2. Fazilka Branch between Kotkapura and Muktesar 161 Up, 162 Down. 113 Up, 114 Down.
Eastern Bengal	Nil.
East Indian	1. Sections where rakes with no first class are running :— 1. Tinpahar-Rajmahal Branch. 2. Bhagalpur-Mandar Hill Branch. 3. Ondal-Gourangdi Branch. 4. Dhanbad-Katrasgarh-Phularitand Section. 5. Dhanbad-Jherria-Lodna-Pathardihi Branch. 6. Dildarnagar-Tarighat Branch. 7. Akbarpur-Tanda Branch. 8. Barabanki-Bahramghat Branch. 9. Ahmedpur-Madhoganj-Balmai Section of Cawnpore Balamai Branch. 10. Balamai-Sitapur Branch. 11. Shahjahanpur-Sitapur Branch. 12. Najibabad-Kotdwara Branch. 13. Hardwar-Rikhikesh Branch. 2. Sections where rakes with lower class carriages only are running :— 1. 1 and 2 KG Kiul-Gaya Branch. 2. 1 and 2 BK Khurja-Bulandshahr Section of Khurja-Bulandshahr-Hapur Meerut Branch. 3. Dhanbad-Burmo. 4. Dhanbad-Pathardihi.
Great Indian Peninsula	First class accommodation has been abolished on Bhusaval-Amalner-Surat through service trains Nos. 302/301 and 304/303 (with effect from 1st January 1939).

Railway.	Sections on which first class accommodation has been abolished.
Madras and Southern Mahratta.	First class accommodation has been abolished in trains running on the following Branch lines :— <i>Broad Gauge</i> — Guntur-Tenali-Repalli. Samalkot-Cocanada. Nidadavolu-Narsapur. Wallajah Road-Renipet. Bowringpet-Marikuppam. <i>Metre Gauge</i> — Gudivada-Bhimavaram. Hospet-Kottur. Sangli-Miraj-Kolhapur (excluding Trains Nos. 15 and 16). Gadag-Sholapur (excluding Trains Nos. 61, 62, 63, 64 and 32). Dharmavaram-Pakala. Katpadi-Pakala-Renigunta Gudur, (excepting Trains Nos. 81 and 82). Branch lines on which Upper class accommodation is not provided (i.e., 1st and 2nd). Sections. Train Nos. Sialkot-Wazirabad . 294 Down and 293 Up. Chakamru-Lahore . 314 Down and 313 Up. Narawal-Sialkot . 298 Down and 297 Up. Amritsar-Narawal . 302 Down and 301 Up. Batala-Qadian . 328 Down and 327 Up. Bajinath Paprola and Pathankot . 332 Down and 331 Up. Amritsar-Taran Taran . 30 Down and 29 Up. 32 Down and 31 Up. Jullundur City-Jaijon Doaba . 460 Down and 459 Up. 396 Down and 395 Up. Jullundur City-Nawan Shahr Doaba . 270 Down and 269 Up. Jullundur City-Foshiarptur . 390 Down and 389 Up. Jullundur City-Lohian Khas . 354 Down and 353 Up. 276 Down and 275 Up. Jullundur City-Mukarian . 204 Down and 203 Up. 406 Down and 405 Up. 430 Down and 429 Up. Ludhiana-Dhuri . 308 Down and 307 Up. Ludhiana-Lohian Khas . 416 Down and 415 Up. Quetta-Harnai . 470 Down and 469 Up. 468 Down and 467 Up. Samasatta-Multan Cantt. . 286 Down and 285 Up.
North Western	Nil.
Rohilkhand and Kumaon	Nil.
South Indian	(1) First class accommodation has been abolished on the following branch lines :— Madura Junction-Bodinaickanur. Chingleput Junction-Arkonam Junction. Salem Junction-Vriddhachalan Junction. Madras Beach-Chingleput Junction (on other than through main line trains). Tinnevely-Truchendur Railway. (2) Upper class accommodation has been abolished in the following trains also :— Section. Trains Nos. Cuddalore Junction-Vriddhachalan Junction . 421 to 424. Madura Junction-Koilpatti . 109, 131, 132 and 136.

1900

LEGISLATIVE ASSEMBLY.

[10TH MARCH 1939]

Information promised in reply to starred question No. 220 asked by Mr. M. Asaf Ali on the 8th February, 1939.

REPRESENTATION OF NON-OFFICIAL INTERESTS IN THE NEW DELHI MUNICIPALITY AND THE NOTIFIED AREA COMMITTEE OF CIVIL LINES, DELHI.

(a) The composition of the New Delhi Municipal Committee and the Notified Area Committee, Civil Station, is as follows:

	New Delhi Municipal Committee.	Notified Area Committee, Civil Station.
Nominated officials (including <i>ex-officio</i> members)	9	3
Nominated non-officials	7	5
	16	8

Information on the other points cannot be obtained except by a special enquiry the results of which would not, in the opinion of the Government, justify the time and expense involved.

(b) Government do not contemplate any change at present.

Information promised in reply to parts (a) and (b) of unstarred question No. 7 asked by Mr. Manu Subedar on the 13th February, 1939.

DENIAL OF REPRESENTATION TO INDIANS ON THE CEYLON COCOANUT BOARD.

Indians in Ceylon have a large stake in the export of copra and cocoanut oil and an appreciable stake in the cocoanut oil crushing industry but comparatively little in the production of copra. They export about 65 per cent. of Ceylon's copra and 15 per cent. of the cocoanut oil but it is estimated that they own only 6 per cent. of the land producing copra. It is true that they are now denied representation on the Cocoanut Board on which one Indian used to be nominated. The reason for not including an Indian is stated to be that the Board is meant principally to serve the interests of the producers and Indian stake in production is small.

Information promised in reply to parts (a), (b), (c) and (e) of starred question No. 507 asked by Maulvi Abdur Rasheed Chaudhury on the 18th February, 1939.

LEASING OUT OF THE CALCUTTA MAIDAN.

(a) Rs. 41,360.

(b) Different portions of the Calcutta Maidan have been leased out to the following Clubs:

- (1) The Royal Calcutta Turf Club.
- (2) The Calcutta Swimming Bath Club.
- (3) The Calcutta Rowing Club.
- (4) The Royal Calcutta Golf Club.
- (5) The Ladies Golf Club.

STATEMENTS LAID ON THE TABLE.

1901

(c) The Muhammadan Sporting Club and Mohan Bagan Club and several other clubs are given seasonal permits for playing football, by the Commissioner of Police, Calcutta.

(e) Year.	Income. Rs.	Expenditure. Rs.
1932-33	25,005	2,54,711
1933-34	69,583	2,64,145
1934-35	41,781	2,76,699
1935-36	42,123	2,55,589
1936-37	46,286	2,53,843
1937-38	48,167	2,40,195

Information promised in reply to starred question No. 754 asked by Babu Kailash Behari Lal on the 27th February, 1939.

BIHARIS IN THE ACCOUNTANT GENERAL'S OFFICE AND LOCAL AUDIT DEPARTMENT IN BIHAR.

(a) and (b). There are 217 superior non-gazetted posts in the office of the Accountant-General Bihar, including the Local Audit Department. Out of these 90 are held by men of the Province or men domiciled therein.

(c) No.

THE GENERAL BUDGET—LIST OF DEMANDS.

SECOND STAGE.

Mr. President (The Honourable Sir Abdur Rahim): With reference to the General Budget which has now reached the second stage, the Chair understands that the Leaders of Parties have agreed amongst themselves on the following arrangement, which the Chair would be glad to give effect to, if approved by the House, namely, that today the **Barisan Group** will move their cut motions up to 3 p.m. and, in the afternoon, after 3 p.m., the unattached Members will move their motions. On Monday next, the whole day will be devoted to cut motions given notice of by members of the Muslim League Party, that is to say, next Monday, the whole day, and on Tuesday, the 14th March, up to 3 p.m. On Tuesday, the 14th March, from 3 p.m. to 5 p.m., the Congress Nationalists will move their cut motions. Wednesday, the 15th March, and Thursday, the 16th March will be devoted to cut motions to be moved by members of the Congress Party. It has also been agreed, the Chair understands, that the Movers of these motions will be allowed twenty minutes and the other speakers fifteen minutes, and the Government Member replying will have twenty minutes or more, if necessary. Does that meet with the wishes of the House? (*Cries of "Yes, yes"*.) Very well. The Honourable Sir James Grigg.

DEMAND NO. 12—EXECUTIVE COUNCIL.

The Honourable Sir James Grigg (Finance Member): Sir, I move: "That a sum not exceeding Rs. 1,19,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of the 'Executive Council'."

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

"That a sum not exceeding Rs. 1,19,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1940, in respect of the 'Executive Council'."

Relation between Provincial and Central Finances.

Mr. L. C. Buss (Nominated Non-Official): Sir, I move:

"That the demand under the head 'Executive Council' be reduced by Rs. 100"
(To discuss the relationship between Provincial and Central finances).

Mr. President, I need not apologise to the House for raising a discussion on the vitally important issue of Central and Provincial finances since all parties are keenly interested in this matter, though we do not all look at it from quite the same angle.

It is an axiom that good government can only exist on the foundation of sound public finance and it is, of course, this principle which has, at all times, been in the Finance Member's mind throughout his term of office, firstly, with a view to the inauguration of Provincial Autonomy and secondly, to prepare the way for Federation at the Centre. It would not be in human nature for all to agree with all the provisions of the last five budgets but Sir James Grigg's keenest critics could hardly deny that he has been outstandingly successful in achieving his object of providing funds for Provincial needs while, at the same time, securing a position of stability in his own budgets and placing India's credit high.

Well, Sir, that is a notable achievement but, while admitting that, one cannot avoid the reflection that it would have been rendered infinitely more difficult if not impossible but for the careful provisions of the Government of India Act which sought to demarcate the sources of revenue available to the Centre and to the Provinces respectively.

The most important task undertaken by the Federal Finance Committee was the subjection to the test of figures of the classification of revenues suggested by the Peel Committee and the estimation of the probable financial position of the Federal and the Provincial Governments under the new constitution. The Prime Minister, in a letter to the Chairman, pointed out that every precaution must be taken to ensure the financial equilibrium of the new Governments in India. It can, therefore, be assumed that His Majesty's Government did intend that the division of the sources of taxation as between the Centre and the Provinces should be complete. This division was embodied in the 7th Schedule to the Government of India Act, 1935, and it is necessary that one should remember the warning that was given by the Federal Finance Committee in their review of the general financial position of the Provinces. The Committee expressed the hope that Provinces would be provided with a substantial addition to their revenues when the proceeds of income-tax began to be distributed and they pointed out that it was of the utmost importance that the Provinces should make the sacrifices necessary to enable them to take full advantage of the prospective improvement in their position. Provinces have already received substantial advances due to the sound budgeting arrangements of the Finance Member, and, indeed, these advances have been larger than the Provinces had reasonable grounds for expecting. It should not be forgotten, either, that the Provinces have also received additional sums such as the crore and a half that has been distributed by the Centre for rural development. From this, the conclusion can be drawn that Provinces

have, in fact, already received from the Centre rather more than was suggested by the Federal Finance Committee, and that, therefore, despite the acknowledged fact that sources of additional taxation to the Provinces are not many, there is no excuse for Provinces, at any rate at this stage, undertaking legislation designed to bring in revenue which in any way impinges on those that were designed to be open to the Centre alone.

It is necessary at this moment to take a broad view of the matter and not a strictly juridical one and I can do no better than to quote the words of the Chief Justice when giving his opinion in the Federal Court on the recently imposed sales-tax on motor spirit in the United Provinces:

"The Judicial Committee has observed that a constitution is not to be construed in any narrow or pedantic sense. The rules which apply to the interpretation of other statutes apply, it is true, equally to the interpretation of a constitutional enactment. But their application is of necessity conditioned by the subject matter of the enactment itself, and I respectfully adopt the words of a learned Australian Judge. Although we are to interpret the words of the constitution on the same principles of interpretation as we apply to any ordinary law, these very principles of interpretation compel us to take into account the nature and scope of the Act that we are interpreting—to remember that it is a constitution, a mechanism under which laws are to be made, and not a mere Act which declares what the law is to be."

The Chief Justice of India went on to say:

"Especially is this true of a Federal constitution, with its nice balance of jurisdictions. I conceive that a broad and liberal spirit should inspire those whose duty it is to interpret it."

It is not my intention, Mr. President, to attempt any legal definition of the Government of India Act, but it should not be overlooked that it was always intended that Excise duties should form a necessary reinforcement of Federal revenues, and that, therefore, any encroachment in this sphere on the part of the Provinces, whether supported by legal interpretation of the Act or not, is bound adversely to affect the finances of the country as a whole. It is clearly not the intention of the Act that the Provinces should be empowered to levy a sales-tax on a scale that would directly affect the right of the Centre to impose a new Excise duty or to increase an existing Excise duty and thus actively diminish the revenues of the Centre. We feel that it is not a legal interpretation of the fields of taxation open to the Centre and to the Provinces which is necessary so much as a reasonable and commonsense interpretation, and we would urge an even closer co-operation, between the Finance Members of the Provinces and the Centre in order to overcome difficulties which at present threaten the financial structure of the whole country. In the case of the Sales-taxes which have either been introduced in the Provinces or are on the point of being introduced I would draw the particular attention of the House to the question of Excise duties since it is the largely in the field of Excise that sales-taxes clearly threaten to encroach. In the opinion of both of the Peel Committee and of the Federal Finance Committee it is highly desirable to reserve such taxes to the Federal Government whose finances would otherwise be unduly dependent on external customs duties. It was pointed out that such duties would be very largely imposed as a set-off against the decline of customs revenue, resulting from a successful protectionist policy. We have seen this happening in the case of the sugar industry, and it is the inevitable result of the policy of discriminating protection to which India is committed. When I said just now that the Government of India Act "sought" to demarcate the sources of revenue available to the Centre and to the Provinces, I did so advisedly, because signs are not lacking that the language of the Act was not sufficiently precise

[Mr. L. C. Buss.]

to avoid ambiguity and the risk of encroachment by the Provinces on the preserves of the Centre. This would not matter very much and could probably be mutually adjusted without difficulty provided the field of taxation available to the Centre was sufficiently elastic to be more than ample for all reasonable needs. We know well, however, and my Honourable friend, the Finance Member, has once more reminded us of this fact in his introductory speech—that, so far from this being the case, it was only by dint of strict economy and the elimination of expenditure which would otherwise have been regarded as very desirable, that it has been possible to make ends meet at all. My Leader, in speaking at the time of the General Discussion, drew attention once more to the continued existence of the emergency surcharges on import duties. I need not labour this point because I know that the Finance Member has, throughout his term of office, been as anxious as any other Member of this House to find an occasion for removing or, at least, for scaling down these surcharges, because he realised, and has told us, that they are tending towards diminishing returns. That he has not found it possible to do anything about it even in this last year of office is, I am sure, the strongest proof we could have that the Central finances are in no condition to withstand encroachment from the Provinces.

In speaking of encroachment I have, of course, in mind not only the question of Sales-taxes introduced by a number of Provincial Governments. There is also the Employment-tax now before the Legislature of one of the Provinces. As regards Sales-taxes, I am well aware of the Federal Court's opinion that those imposed by the Central Provinces are within the purview of the Provincial Legislative list, and, naturally, I shall not argue that issue.

As regards the underlying idea of the proposed Employment-tax, I hope I shall not be accused of drawing a bow at a venture if I suggest that it is devised to introduce in another form the salary cut on the Imperial Services which is not within the competence of a Provincial Government. I will not presume to anticipate the judgment of those to whom the question must, I imagine, be referred, but I will say this, that both these forms of taxation, the Sales-tax and the Employment-tax, appear to me to be issues about which there is a very good case for discussion of a reasonable interpretation of the Government of India Act. It would be a sorry state of affairs if the intransigence of the Provinces over such matters as these should compel the Centre, through sheer necessity owing to contracting sources of revenue, to withhold their contributions to the Provincial exchequers from such funds as they would normally share with the Provinces and here, let me remind Honourable Members that some of them may themselves shortly be sitting on the Treasury Bench and, unless the situation is put right, it is quite conceivable that it might be their own unhappy lot to have to curtail or withhold their contribution to the Provincial Exchequers. That is a state of affairs which I sincerely hope will not come to pass but it seems to me the logical outcome of the tendency to which I have drawn attention.

Another less direct impingement on Central revenues comes from the introduction of prohibition in certain districts. The brunt of the burden resulting from the loss of liquor revenue does, of course, fall on the Provinces themselves, but the import duties accruing from this source are by no means

inconsiderable, amounting as they do to about two crores in all, and we have heard from the Finance Member that the potential loss of Central revenue in the case of one small but densely populated area where prohibition is to be enforced is about Rs. 30 lakhs. With Central revenues as inelastic as they are, any serious and rapid loss under this head would be very difficult to make good in any way which would be generally acceptable to this House. But it is not merely a question of the direct loss of import duties. The revenue losses incurred and to be incurred by the Provinces in putting into effect their prohibition programme are the immediate source of their own difficulties and the incentive which leads them to look for supplementary revenue in directions which are likely to clash with the interests of the Central fisc. For example, one Province has already indicated its intention to ask for an advance against its expected share of income-tax over a period of years in order to finance the completion of its prohibition programme. This is not the occasion on which to embark on a discussion of the prohibition question, but I do not think it is out of place to observe that temperance is one thing and prohibition quite another. Some of my Honourable friends would, I believe, feel some satisfaction if they were able to embarrass the financial stability of the Centre, but I ask them to reflect whether such action would really do them or India any good, either immediately or in the future. The commonsense answer must surely be "No", since a country cannot prosper, as I am sure all Honourable Members wish India to prosper, if the finances of its Central authority are insecure. Any such lack of security would of necessity cast its shadow on the prosperity of the Provinces, and would have adverse repercussions far beyond the immediate present.

My plea, Sir, is for a reasonable interpretation of the fields of taxation open to the Centre and to the Provinces respectively, and my suggestion is that this can be best achieved by frank and intimate discussion between the financial authorities at the Centre and in the Provinces. My Party do not overlook or ignore the great difficulties inherent in such a suggestion but we believe they are difficulties which should be capable of solution if the indispensable factor of goodwill is present in the minds of all who would participate in these discussions. Without that, there is little doubt that no progress would be possible, but we feel that, if all concerned came to a conference ready to give and take and not with the intention of taking as much as possible and giving nothing, there should be tangible results, small perhaps at first but increasing in value with the growth of mutual understanding. What we have in mind is an annual, or if necessary more frequent, conference of the Financial authorities from the Provinces and the Centre. There is an analogy for this in the Federal Finance Council which operates in Australia, and we think that something on these lines should be set up without delay. My Honourable friend ended his introductory speech on a very welcome note of appeal for a spirit of reconciliation. I cordially endorse that appeal and hope most sincerely that it will bear fruit.

It need hardly be said that such discussions and conferences as we have in mind would be facilitated with the coming into being of a responsible Federal Government. Let us hope that that day is not far distant, but the issue is of such importance that there is no time to be lost and we feel most strongly that an immediate move should be made regardless of the probable or improbable date of Federation.

[Mr. L. C. Buss.]

There is one final point which I wish to bring to the attention of the House. If there is any reasonable doubt about the powers of the Provinces and the Centre in the field of taxation, which is strongly indicated by the Federal Court's opinion in the matter of Sales taxes, surely, now is the time for the Government of India Act to be amended so as to place the issue beyond doubt. I commend this suggestion to the careful consideration of the Finance Member, Sir, I move.

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

"That the demand under the head 'Executive Council' be reduced by Rs. 100."

Mr. M. Asaf Ali (Delhi: General): Sir, if I am not mistaken, the usual procedure which the European Group has followed for the last 4½ years, namely, raising a discussion without any definite purpose, is being repeated today. They certainly have made a certain amount of contribution to the consideration of some vital questions of the times but it does not go far enough. I am not quite certain what exactly the Honourable Member, Mr. Buss, has really suggested today beyond saying that there should be a closer co-operation and closer co-ordination of policies between the Centre and the Provinces. Every one desires that, but does that go far enough. They proceed on the assumption that the present structure of Central Government will last. I do not know how long it is going to last. In any case, I am not aware of any considerable body of opinion in this country which favours the continuance of the present structure of the Central Government. If it is going to be changed, would it not be better for those who suggest that there should be a harmonious development of relationship between the Centre and the Provinces that not merely conferences of this nature or discussions of this nature of a temporary character should be undertaken now, but that a much larger move may be made in the direction of so amending the Central structure, the fundamental structure, that the desired result may be achieved. This to my mind seems to raise a much larger issue than the proposal which has been put forward which, I hope, my Honourable friend, Mr. Buss, will excuse me, I must characterise as nothing better than tinkering. I am not in favour of tinkering. If you want to bring about something really solid and substantial in the life of this country, which may tend to bring about a harmonious growth of political and general relationship between the Centre and the Provinces, please do not think along lines of these stop-gap suggestions, but think of something better than that. I should certainly favour the idea of calling a conference of the accredited representatives of the provinces, namely, the Ministers of the provinces, not merely to consider this question which is troubling now but to consider the larger issues also. If I am not mistaken, a similar conference was once called in Australia, and if my memory serves me right, it was really occasioned by similar considerations because there was a certain conflict between the interests of the various units of the Australian Commonwealth. That conference was called to consider matters relating to taxation. If I remember aright, that conference finally constituted itself into a Constituent Assembly of that Dominion and, eventually, presented the Parliament with a federal constitution under which Australia is functioning. If some such idea is at the back of the mind of my Honourable friend, I shall be only too glad to support it on the ground that such a conference might become the nucleus of the Constituent Assembly for which we have been agitating all these years. If you desire that the

Central and Provincial policies should be co-ordinated in a proper manner then the appeal which the Honourable the Finance Member had made towards the end of his budget speech should really bear fruit in a bigger move. He wanted appeasement. I should say it is not a question of appeasement, but one of readjustment of relationships between, not merely the Centre and the Provinces, but, something bigger between the Government of the United Kingdom and this country and then alone can we really envisage a quick growth of relationship in India in its proper perspective.

Mr. Buss has made several points, in themselves very valuable, but, unfortunately, they still remain on a lower level, that is to say they still proceed on the assumption that this state of affairs is going to last. They cannot last as you very well know. India's constitutional fate is in the crucible, all problems are in the melting pot today and, therefore, these small steps will not help. On the other hand I see in the warning which has been sounded, both by the Chief Justice of India and by the Honourable the Finance Member and by others, that perhaps the loophole which has been pointed out may open out vistas of greater difference of opinion later on. In fact it may become a possible weapon in the hands of the Provinces to compel the Finance Member,—not particularly, the Finance Member who is dealing with the situation today, but his successor if the present situation lasts,—to reconsider the whole situation afresh because here is a weapon in their hands. After all, there is what I may call the canker-worm in the whole situation and that canker-worm is the huge expenditure which the Government of India are incurring, year after year, on defence. The Provinces realise that and they understand that from 20 to 25 crores of rupees are being wasted. And, therefore, they are perfectly justified in bringing pressure to bear on the Central Government to reconsider their whole financial policy. These are questions which may be carefully and seriously considered. I am perfectly aware of the fact that according to Mr. Buss there are serious pieces of legislation now under consideration in the various provinces. He has referred to prohibition from his own point of view; from our point of view it is a moral issue which we cannot overlook and a moral issue which is perhaps linked up with some of the fundamental ideas of this country. It is very easy for people to say, "Why are you giving up your revenues?" One might easily turn round and say, "Why are you fighting for just ordinary issues, fighting the world's battle?" It is a question of ideas, and, after all, it is an idea which is fundamental to our way of thinking today. And although we are proceeding in a gradual manner, testing each step, we want to proceed in that direction. But I am not going to lay any great stress on that point.

As for the other questions which have been referred to, take the question of cuts in salaries. What are the Provinces to do? They are today charged with the tremendous task of nation-building, and you have gone and created, what I may call, a rigid structure within which they have got to live. Will you allow them some little flexibility in the matter of raising revenues and trying to build the life of the people with whose interests they are charged, or will you not? If that is so, the Centre has got to reconsider its policies so that the provinces may be helped in the future. Sir, in so far as the question of discussion and conference is concerned it is a very valuable method, but I only plead for the acceptance and adoption of this method in respect of larger issues rather than in respect of issues which may be of a temporary and transient character.

[Mr. M. Asaf Ali.]

A discussion may take place tomorrow; you may send for the Chief Ministers and you may send for the Finance Ministers of the various Provinces and hold a conference. They will be able to point out their difficulties and you may be able to point out your difficulties. But what about the larger difficulties that still loom large on the horizon? They have got to be solved before anything substantial can be achieved. Sir, with these words while I welcome the opportunity which Mr. Buss has given us of expressing our views I must say that his suggestion, to my mind, is more or less inconsequential from our point of view.

The Honourable Sir James Grigg: Sir, the European Group have raised a most important subject but on the ground which this subject covers there are, as the last speech has reminded us, a large number of notice boards, "Trespassers will be prosecuted", "Keep off the Grass" and that sort of thing; and I have to speak with rather more sense of responsibility than either of the two last speakers in this matter. Sir, with all Federations there must be a period during which the respective taxation spheres of the Federation and the units have to be delimited by the Federal Court; and we in India, cannot expect to escape from this process which, however much it may be represented as a fight between the Centre and the units, is a necessary one. The recent case which has been referred to about the Central Provinces petrol-tax was the first step in this process. I have, on two or three occasions in this House, answered questions to the effect that Government were carefully studying the full implications of the judgment in this case and that, in the meantime, the path of wisdom lay in saying as little as possible; and this, in the main, must be my attitude today, though perhaps I might remind the House again of one or two of the points which I made in my budget speech in this connection. If the judgment of the Federal Court stands, it is established that there is a wide field where there is concurrent taxing power though the exact extent of the field is left in some doubt by the varying *obiter dicta* of the three Judges. But given this concurrent taxing power it is clear, as the Chief Justice points out, that there must be mutual accommodation and forbearance, as between the conflicting jurisdictions. Mr. Buss also stressed this point and I can wholeheartedly agree with him. Perhaps the House will forgive me if I read what I said in my budget speech about that, and from a repetition of that the House will be able to see how complete is my agreement:

"So far as Excises are concerned, a delicate situation has been created by the judgment of the Federal Court which amounts to saying that there is concurrent power in the realm of internal indirect taxation. The full implications of this judgment are not yet apparent to me but one of the most important of them has been pointed out by the Chief Justice himself *viz.*, the need for mutual forbearance in this sphere lest the taxing authorities should by the simultaneous exercise of their powers raise the price of the article taxed to a height at which consumption is seriously curtailed. There is also the reminder of the Chief Justice to make or to make new devolutions under Section 140 of the Government of India Act will be jeopardised. The first subject chosen for the exercise of the concurrent taxing power is of course Motor Spirit and, if I may say so, the *obiter dicta* of the Chief Justice apply with great force in this instance. Certainly for my part I do not propose to meet our own deficit by an increase in the taxation on Motor Spirit."

Sir, as a means of getting this mutual forbearance and accommodation Mr. Buss made a plea for regular conferences of Finance Ministers. On that too I have already explained my attitude in this House. The first

of such conferences was held in January, 1938, at my instance. We then discussed the very problem which has since arisen in a more acute form over the Central Provinces petrol tax,—this very problem of the overlapping of excises and sales-taxes. At that conference in January, 1938, I made certain suggestions which, believing as I then did that the whole of this field belonging to the Centre—or rather let me put it in another way—that it was not open to provinces to impose sales-taxes on individual commodities, the offer which I then made was, in my view, not only fair, but generous. Those proposals were not acceptable to the provincial representatives at that conference; though, to this day, I am not clear whether their reasons for rejecting the proposals I put forward were primarily political or primarily financial. Anyhow, even now when the Federal Court has given a judgment adverse to the view which I then held, I believe that the proposals which I put forward then are the only possible solution of the problem and are completely appropriate even to the changed circumstances. I cannot be more specific than that because the proceedings of that conference were confidential. But I do not want Honourable Members to think that the difficulties which have arisen were not foreseen and that a serious attempt at solving them was not made in advance.

Mr. Buss referred to the employment-tax in the United Provinces. This raises two issues of course. The first is the one of concurrent jurisdiction, whether there is here as in the case of the sales-tax an overlapping field open to both the Centre and the provinces. There is another question also; namely, the special responsibilities for the protection of the rights of the Services; and as there are two questions in this particular instance, it behoves me to be doubly discreet. As regards the sales-taxes and the employment-tax, that is about as far as it is possible for me to go at present, but I would like to remind the House that I have said that the reason for not holding a second conference of Finance Ministers, at about the due time, was not one of principle at all, but merely that with my own pre-occupation with the income-tax legislation it was not physically possible to hold one. But there is no reason why these conferences should not be resumed. I should further like to say that it is no good—and I am confirmed in this by what Mr. Buss said—holding these conferences if they are to be used as a means of a concerted attack by the provinces on the Centre. They must arise from and try to result in a genuine effort at co-operation. and I would like to say that from my own point of view the most important single element in the financial situation of India at the moment and the cardinal need is the financial solvency and stability of the Centre which must be preserved at all costs. We can, at any rate, for a long time have financial stability at the Centre without having it in the provinces; but you cannot even for a short time have financial stability in the provinces without having it at the Centre; and subject to this prime consideration, to which as Mr. Buss said I have devoted the main part of my attention during my five years in India, it is the duty of the Centre to do what it can for the provinces, and I claim that the Government of India have in the last five years done this and are doing it. First of all, there was the extremely careful preparation for the inception of Provincial Autonomy. At the start of Provincial Autonomy, all the provinces were, as a consequence of the Niemeyer Award, placed on a solvent basis. I think in this present budget, there are, either by way of remissions of duty or of actual devolutions of taxation or by specific grants, ten or twelve

[Sir James Grigg.]

crores by way of assistance to the various provinces. As I say, a necessary stage in this inception of Provincial Autonomy on a basis of solvency was the Niemeyer Award. When the Niemeyer Award appeared, nobody supposed that there would be any devolution of income-tax under it for at least five years. In point of fact the devolution of income-tax started straightaway, and not only was there an automatic devolution of income-tax under the Niemeyer Award but I have spent a large part of last year, or the House has spent a large part of last year passing income-tax legislation, which is designed so to improve the machinery and structure of the income-tax that it will be possible to devolve further sums on to the provinces and to devolve them more quickly than Sir Otto Niemeyer had contemplated when he drew up his Award. The Niemeyer process is a continuous one and the Government of India are doing and I have no doubt will continue to do everything in their power to ensure the timely fulfilment of the process. But, if I may say so, I do not think it is going to help much to issue a series of *quasi-ultima* that the full income-tax must be devolved at once, that double income-tax relief must be abolished, and the proceeds handed over to the provinces, that military expenditure must be reduced and as a result further grants made to the provinces, that pay must be cut and the proceeds handed over to the provinces and so on. By this means we shall only arrive at friction and non-co-operation, and what is wanted above all is co-operation to a common end and the common end is the welfare and the amelioration of the condition of the masses of the people. But, of course, if the object is, as Mr. Asaf Ali, I think, suggested—I hope I am not doing him an injustice—not only to destroy the present transitional constitution but the future federal constitution and force something quite different, then everything that I have said will be regarded as completely irrelevant and I have nothing more to say, except that I do not think it is a very good outlook for India.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, when I heard Mr. Buss, I had an expectation that he would sound the same note—both of us being merchants and taxpayers—that as between the provinces and the Centre the poor taxpayer is now being called upon to bear the burden on a scale which he can no longer bear and against which he must protest and towards the alleviation of that there should be a proper inquiry into the taxable capacity of the people. I am, however, surprised. I do not know whether Mr. Buss was saying anything against the Finance Department and the Government of India or whether he was merely holding an apologia for them and accusing the provinces and various other people who are concerned with the administration of the provinces, first, of the intention to destroy the Central Finances and then, to make attacks on the field reserved for the Centre, or at any rate what the finance authorities of the Government of India thought was reserved, but what under the interpretation of the Federal Court stands clearly disclosed today as a concurrent field. The authors of the Government of India Act, in their anxiety to make certain things very clear, have used words which are not capable of an interpretation different from what the Federal Court has put on them. I do not wish to take this House into the history of the consideration of the Government of India Act, how the unitary government of this country was, by various processes, cut up into what are now called Autonomous Provinces.

This was done, as the House will remember, in order to accommodate the legalistic ideas bearing on the Indian States which were assumed to be sovereign authorities which were entering the Federation, while the provinces were formed into autonomous authorities in order to be placed on a par with them. The authors of the Act, in order to make clear a division in the financial field, have gone further than in most of the Federal Constitutions in the world and have used definite words which, as the Chief Justice said, are incapable of any other meaning except what has been put upon them. Now, Sir, we find a demand in Mr. Buss's speech, an undertone, which was put even in a stronger form by the Honourable the Finance Member.—Mr. Buss suggested that if necessary the Act may be amended. Sir, there are two aspects of this question.—one is the purely technical financial issue as between the provinces and the Centre, no matter who the Centre may be and no matter who the provincial authorities may be,—and the second is a question which I find the Honourable the Finance Member hopelessly mixed up in his concluding remark.—the second is the issue as to who is who. May I, Sir, without meaning any offence, make it clear that the provinces, taking all the provinces,—I am not referring only to the Congress provinces,—are the real India, that the Centre, an irresponsible Centre, are the usurpers . . .

An Honourable Member: Exploiters.

Mr. Manu Subedar: . . . and with usurpers it is impossible to excite the sympathy and the commiseration for which the Finance Member pleaded; but does he seriously expect us to come forward and fall in with his idea of what he called co-operation when he has turned down every one of the reasonable requests made from every quarter of this House, from every nook and corner of this country with regard to several items of Central expenditure? Take, for example, the question of defence. After all, the resources available . . .

The Honourable Sir James Grigg: I am sorry to interrupt the Honourable Member. I am very anxious to elicit from himself and the Party for whom he presumably speaks what is the degree of co-operation that we can expect.

Mr. Manu Subedar: I will do my best to enunciate the idea of co-operation if my friend will bear with me for a few minutes. The resources which should be open to one or the other authority must depend on their needs, on their legitimate needs, not on the needs which may be emphasised, however strong the language the Finance Member might use, whereas the needs of the provinces are, in our opinion, supreme from the point of view of nation building and of improving the standard of living of the masses. . . .

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Have they succeeded in any province?

Mr. Manu Subedar: If you have some patience with me and with them, you will know more about it.

Mr. Muhammad Nauman: We have waited for three years.

Mr. Mann Subedar: Take the question of defence and the political charges. We have urged over and over again that there should be a reasonable financial settlement which will do justice to India. We have asked, for example, that the whole cost of the British Army in this country should be taken over by the British Treasury and the money realised in this manner should be used for the re-organization of the Defence Department on a scale of expenditure more suitable to the needs and resources of this country. We have pointed out, over and over again, that it is a scandal. I am sorry to have to say it but I am saying it in all earnestness and seriousness,—that civil and military officials in India are amongst the highest paid officials anywhere in the world. We have made repeated requests that this position should be altered. But, Sir, the reply from the other side is that this position not only cannot be altered but it has been tied up in a statutory form so that it cannot be altered until His Majesty's Parliament sits down and passes an Order in Council or a new law is made by which this could be altered. What we feel is, Sir, that the Finance Member's notion of co-operation and mine are different, because, Sir, here are issues on which we have very strong feelings which we have expressed repeatedly, sometimes in stronger language than my friend opposite likes, and sometimes in language of the kind which I am using today. We have repeatedly made this request. Take other issues. This is no time to go over in a full review of the financial extravagance and the wastefulness of the administration sitting over there,—take other issues; take, for instance, the buildings in Delhi. In the United Kingdom itself there is no palace belonging to His Majesty which has cost more than the palace of the Viceroy in this country. Even the House of Parliament in the United Kingdom has cost less than the cost of the House in which we are sitting here. I do not want to go over the whole long list, we have many grievances of this kind, and what we feel is that you have mismanaged and maladministered the finances of this country. We want you to administer them properly and on a scale which is justified by the capacity and the resources of the people. In this field we have not received the co-operation of the Central Government, irresponsible as it is. Now, the question is, whether we should have a re-orientation of the different heads or we should go on as we are.

Sir, the Honourable the Finance Member spoke both now and on a previous occasion of his willingness to extend his hand of co-operation, and he claimed that during the last five years he had been doing nothing but that, but there is a little difference if I may point out. He loves to play the Pater-familias, the Grandfather round whose knee all the children would crowd asking for little chocolates. The Honourable the Finance Member has expected the Provincial Finance Ministers to come to him for help, hat in hand; he expected them to beg of him for small mercies here, and he the great Hitler would then dole out a little money now and then,—he spoke of generous assistance,—he would dole out to the provinces as he liked, but the boot is now on the other leg. He finds his hands have been forced by the judgment of the Federal Court. Not only in the fields which have been so far disclosed, but in other fields also there is a possibility that both customs and excises and income-tax, which are the principal sources of revenue to the Central Government, of all current activity in the provinces by which the provinces could get the finances which they require; of course, the Centre would correspondingly not receive the same volume though they continue to charge the same rate. Of course,

the poor taxpayer, between them, would be ruined. It is ultimately, Sir, from the plight of the taxpayer which I am once more urging on this House that the solutions will come. If the solutions were asked for on political grounds, then our opposition to the irresponsible Government sitting over there is bound to be continuous and strenuous as in the past, but the solution must come, because, as practical men, we recognise that while our efforts to change the form of Government might go on during the interval, we must have a certain amount of give and take.

Now, Sir, on the plea which the Finance Member made of give and take, he will find us all ready to support him. Our method is the non-violent method, not the one which he has used. Take, for example, the shabby treatment which he gave to this country in the matter of the Stamp Duties Bill. Here was a question, Sir, if I may take one minute more,—here was a question. . . .

The Honourable Sir James Grigg: Does the Honourable Member know the real history of the Stamp Duties Bill?

Mr. Mann Subedar: I will tell the story as I know it.

The Honourable Sir James Grigg: All right.

Mr. President (The Honourable Sir Abdur Rahim): Within the time allowed to him.

Mr. Mann Subedar: Then, I will reserve it for another occasion.

The Finance Member has made a plea for goodwill, but while the word goodwill is in his mouth, there is suspicion and hatred in his heart towards the Provincial Governments. He has no sympathy,—indeed Mr. Buss expressed it in more clear terms,—for the policies which the Provincial Governments have undertaken. Take, for example, the policy of prohibition. Sir, in order to save the Chinaman from the evil effects of opium,—and all the harm, this country was made to sacrifice no less than 4½ crores of rupees revenue at the instance of highly placed persons in the United Kingdom who were not then worried about the financial loss to this country. But when we propose, in order to save our own people, in order to save them from the great harm which drink is doing,—when we propose that India should sacrifice in the provincial sphere a revenue of between ten to eleven crores, there is an immediate howl and the Finance Member is urging that he will lose Rs. 45 lakhs in the city of Bombay.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Mr. Mann Subedar: I will finish within that time. You want us to sacrifice finance from the Provinces and you have to justify to us the purposes for which you spend money in the Centre, and you have to give sympathy and encouragement to the objects which the Prime Ministers have put before themselves,—objects which you yourself acknowledge in general terms, namely, the task of nation building and raising the standard of living of the masses, but which you attack promptly and on every occasion, in detail, as soon as you get a chance. The plea for goodwill and the appeal will not fall on deaf ears if the Finance Minister, I mean the

[Mr. Manu Subedar.]

Finance Member,—he is not Finance Minister—if the Finance Member were to abandon some of the political flair on which the *London Times* complimented him. He said that the Provincial Ministers rejected the solution which he gave at the first conference of Finance Ministers, and they did so on political grounds. I say this is a most unworthy suggestion. They are men with a difficult task before them, with pledges which they gave to their electorates, in all provinces,—I am talking of not merely the Congress provinces but of all provinces. They are men with a difficult task. Much is expected of them, and in their search for resources, if they were unable to accept what the Finance Member called a compromise, and if they appealed for more or looked out for some more, you cannot accuse them of having rejected your compromise for political reasons.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. Manu Subedar: I say that goodwill is a matter of both sides, and goodwill involves, above all, the abandonment of all suspicion and of ascribing of bad motives to either side, and then, in that spirit if they came together, I have no doubt that the imbroglio in which the Centre finds itself would surely clear up.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I quite realise the importance of the subject under discussion and the fact that we should try to have some kind of amicable settlement between the taxation theories of the provinces and of the Central Government. The people who suffer are the poor taxpayers who reside in this country and they will be victims of the differences of opinion between the Centre and the provinces. There is no doubt that the Central Government is helping the provinces to some extent. According to the Niemeyer report, all the revenues which we collect from income-tax excluding corporation tax and all the revenue that we collect from the railways minus 12 crores are paid to the provinces, and that report has also given the proportion in which this income is to be distributed among the various provinces. In addition to this, they give a sum of 805 lakhs every year as subsidies to the various provinces, and this does not include the subsidy that we pay to Bengal out of the revenue from jute. So, we have been paying this amount according to our means, and if the revenue of the Central Government increases, we may pay more. But I have two main difficulties to point out. The first is that, though we are paying a good deal to the provinces, the provinces themselves are taking action to reduce their revenue. They cannot depend entirely upon the income from the Central Government. They should do something for themselves. They have deliberately reduced their land revenue; they are definitely reducing their revenue from excise and from irrigation. I have got before me the budgets of the provinces here. I have just gone through them. I find that the revenue from these three heads alone comes to about 60 to 70 per cent. of the total income. The provinces are diminishing that revenue in order to please their voters, and not in the interests of the provinces; they do nothing else. They deliberately diminish their income from excise, income from land revenue, and so on, and afterwards they say, "All right.

We are now doing away with all these revenues, but we should be compensated." Only in two ways this can be done, either by an indirect encroachment upon the revenues of the Central Government, or by begging, please give us a little more. Let me take up the question of the remissions they have given. I think the policy which they have initiated may be good, but there is no doubt of the fact that it has resulted in the diminution of the revenue of the provinces. I am convinced, though other people may not be convinced, that they are not doing this for the benefit of the agriculturists, because, had that been their policy, they would have first attacked the moneylenders as it is these moneylenders who are sucking the agriculturists, and not so much the zamindars. But they are leaving the moneylenders alone and they are adopting this as a policy to destroy their political opponents.

Sardar Sant Singh (West Punjab: Sikh): What about the Income-tax Bills? Are they not attacking the moneylenders?

Dr. Sir Ziauddin Ahmad: It is in your province.

Sardar Sant Singh: Why? In Madras, in Bombay, in U. P., in Bengal.

Dr. Sir Ziauddin Ahmad: I am speaking of my own province, and there you will find this. (Interruption.) I am speaking of my province. Don't waste my time. The policy which they have adopted is not so much for the benefit of the agriculturists—I can say about this definitely about my own province. Other gentlemen will get up and speak about their own province. If their policy had been in favour of the poor agriculturists, the first people whom they should have attacked ought to have been the moneylenders, but they are the Government.

Mr. M. Asaf Ali: On a point of order, Sir. Is the Honourable Member in order in referring to the policies which the provinces are adopting? He is criticising the policy of the provinces.

Mr. President (The Honourable Sir Abdur Rahim): As a matter of fact, the question that has been raised by the cut motion is the financial relations between the provinces and the Centre. The Chair thinks allusion has already been made by all the speakers, including the speakers from the Congress Benches, to the policy of prohibition by which some revenue is being lost to some provinces.

Dr. Sir Ziauddin Ahmad: Not a word has been said by my Honourable friends on the right to justify how far the provinces are right in not touching the moneylenders. They are only bent on destroying the zamindars. They diminish the land revenue and afterwards they try to encroach on the preserves of the Central Government. I will leave this topic now and come to the next one. That relates to joint and concurrent jurisdiction of the provinces and the Centre. If this is not defined, I am afraid that it may lead to enormous troubles. Take the case of sale duty on petrol. If they begin to levy a sale duty on every article, it really amounts, in other words, to establishing a customs duty of their own. This sale duty on petrol cannot be called an excise duty, because petrol is not produced in the U. P.; therefore, it is a kind of customs duty. Then, we have to pay double customs.

An Honourable Member: What about the Punjab?

Dr. Sir Ziauddin Ahmad: You had better speak about the Punjab.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members must remember that each speaker has only 15 minutes.

Dr. Sir Ziauddin Ahmad: If they have a duty on sales, it means that they have a customs duty in their own province. That means one duty at the ports, and one at the provinces. This will lead to great confusion. An income-tax is proposed to be levied in the United Provinces, and if that duty is levied, I would suggest that the amount should be deducted from the contribution made to the province. Every man in the United Provinces who pays 2½ annas or 1½ annas should get a kind of reduction in the income-tax which he pays to the provinces. We have already got some kind of relief from income-tax. If the relief is given when the tax is paid to a foreign Government, why should it not be allowed when it is paid to our own provinces. If the United Provinces levy this duty, I will certainly come forward and propose that we should be given a corresponding relief at the Centre in the income-tax duty, so that the total amount which we have to pay is the same. This will also lead to a good deal of confusion and also to differences in the duties imposed by different forms of government. This matter requires consideration. Then, the other thing is that they are spending large sums of money, larger than their budgetary position warrants, in the name of rural uplift. It is really Congress propaganda in the villages. I do not mind if the Congress carries on propaganda in the villages if they can afford it, but they cannot afford it. This adds to their expenditure while income is being diminished and they are doing this in the false name of helping the agriculturist, which, really speaking, they are not doing. Therefore, it is very desirable that we should have adjustment of their policy because, unless there is a kind of uniformity of policy between the Central Government and the Provincial Governments, it is absolutely impossible to have any kind of financial adjustment between the provinces and the Centre. We ought to tell them what they should do and what they should not do. In these Provincial Governments minorities have no room. High Courts are openly criticised and their decisions are upset. Unless we have a right to criticise them and their policy and the financial effects of such policies, it is impossible to have any kind of agreement between the Centre and the Provinces.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members must remember that there must be a limitation on the criticisms of the administration of the provinces which are autonomous under the Act. All that Honourable Members are entitled to do is to deal with the question of financial relation between the provinces and the Centre, and they may touch on anything directly relevant to that.

Dr. Sir Ziauddin Ahmad: I am dealing only with such policies of the provinces as are likely to destroy the financial equilibrium in the provinces and that between the provinces and the Centre.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would point out to the Honourable Member that if he thinks he is at liberty to dilate on the general administration of the provinces, because that might have an indirect effect on the finances of the provinces, and, therefore, remotely on the finances of the Centre, then it will really come to this that any Honourable Member can criticise without any limitation the administration of the provinces. That the Honourable Member is not entitled to do.

Dr. Sir Ziauddin Ahmad: I am not criticising the general administration of the provinces. I am criticising only such action of the Provincial Governments which is practically destroying their revenue and that, I think, I am entitled to do. We are only telling them "Why are you destroying a revenue which is open to you and coming to beg of the Centre, directly or indirectly, by putting a taxation on articles on which you are not legitimately entitled to put a tax." We will tell them "Why are you giving up your revenue in order to seek popularity? You must first look to the administration of the province, and everything else afterwards." This is what I am trying to do. At least I am now speaking with reference to my own province. They are spending large sums of money on hydro-electric schemes and for other purposes. I say they should not be extravagant in their expenditure and destroy their own financial position.

An Honourable Member: Why not raise this point in the U. P. Legislature?

Dr. Sir Ziauddin Ahmad: My friend asks me to raise this point in the U. P. Legislature. If my friend will write to Pandit Pant and convey to him the views of this Legislature, that will be more effective than my minority vote at the Lucknow Assembly where I have absolutely no voice. Mr. Pant is suffering from the intoxication of the majority, and he is not prepared to listen to any kind of argument. Therefore, it is very desirable that we should take immediate steps to settle the mutual financial arrangement between the provinces and the Centre. We should also go into matters of policy. They should not give up sources of revenue in order to gain popularity. They should not levy taxes to which they have no right. Otherwise, it will end in their financial bankruptcy and general ruin.

Mr. F. E. James (Madras: European): I think it will be better to bring the debate back to its original starting point and to remind the House that the purpose of my Honourable friend Mr. Buss's remarks was to plead for a reasonable interpretation of the fields of taxation open to the Centre and to the provinces respectively. I maintain that there is an urgent necessity for a more reasonable view to be taken in regard to the respective provinces of the Provincial Governments and the Centre in regard to taxation. I need only mention two matters which particularly affect the Madras Government and the Madras Province and which cannot fail to affect both directly and indirectly the Central revenues of the Government of India. The House is aware that even today there is in Madras an Act which empowers local bodies to impose what is erroneously called a profession tax, which has nothing whatever to do with the exercise of a profession, which is solely related to income, which is based solely on the amount of income which a person receives, and which is directly related to the income-tax returns which even a panchayat President may call for

[Mr. F. E. James.]

from the assessee. That is a tax which the local bodies were empowered to impose many years ago, and we agitated for years with the Finance Department and with the Honourable the Finance Member's predecessors that when the time came for the description of the different legislative functions, between the Centre and the Provinces under the Government of India Act, there should be no doubt, whatsoever, as to the field of taxation on incomes being reserved solely for the Centre. Unfortunately, there were legal difficulties in the way of making invalid a tax which had been valid for so long and, I understand, that the position is that that tax will continue until the Federal Legislature of the future legislates otherwise. But not only have we a profession tax; we are now threatened with a general sales-tax, which is to be based mainly on turnover. This tax is to be levied not merely on the retail sale but also on the intermediate sales. In fact as the Bill is now drawn up, it will mean that the tax system envisaged will be a cumulative one and will be levied upon the producer and the manufacturer and the retailer. Now, Sir, it is no wonder that we plead for a more reasonable interpretation of these two fields of taxation. And we do so not merely because of the burden which threatens to fall upon the limited number of taxpayers in this country but also because of the danger which the cumulative effect of this taxation will bring not only to Provincial Revenues but also to the financial stability of the Centre. My Honourable friend, Mr. Asaf Ali, suggested that this was really a very small matter. I know he is much more interested in politics than in economics; but we do not think it is a small matter. We think that the whole financial structure of the country is involved in this and we regard this as one of the most important subjects which could possibly have been taken up in connection with the Budget demands.

Now, Sir, the Honourable the Finance Member, I am sorry that he intervened quite so early in the debate, but if he can speak again, I hope he will . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has no reply. He cannot have a second speech. Since the Mover has no reply, the Honourable the Finance Member has no reply.

Mr. F. E. James: I am very sorry that he intervened quite so early, but he, in his speech, did make a definite appeal to the Honourable Members on the other side of the House for co-operation. I claim that he has very good justification for making that appeal. I have said elsewhere, on more than one occasion that the Finance Member, Sir James Grigg, has actually done more for the provinces than any previous Finance Member. He has financed them, he has so arranged the finances at the Centre that every province started its new course on a fairly even keel; and, even before that time, he inaugurated a fund for rural development the benefit of which went to the provinces. Now, what is the response which has been given in the House today, presumably on behalf of the Congress Party, to that appeal, which I feel is a thoroughly justified appeal? What is the answer? The answer from Mr. Asaf Ali was that "we cannot co-operate on a small matter like this unless and until there is a thorough-going reconstruction of the present structure of the Government of India". Mr. Asaf Ali went on to make a reference to the policies of the Provincial Governments and suggested that owing to the vast duties which were laid upon them in regard to nation-building, they had to take every available

opportunity of using all the powers which were placed upon them, by the Government of India Act, to tax the people of their provinces. I should like to ask him whether they have, in fact, taken all available opportunities. Have they yet agreed to the imposition of death duties? Can he tell me of any single Congress Ministry which has said that they would be prepared to agree to Central Legislation imposing a death duty the benefit of which would go to their own provinces?

Reference was made by my Honourable friend, Mr. Manu Subedar—I shall come to his speech in more detail later—to the matter of stamp duties, and here again he is possibly unaware of the exact history of that business. I would like to remind him of what actually happened. There was a proposal for the reduction and rectification of duties on certain bills which would have involved certain provinces in a loss of revenue. The provinces naturally said, "we cannot afford to bear this loss of revenue but we would like the Central Government to impose a stamp duty upon cheques." That was the suggestion that came mainly from the Congress Governments in order that the loss of revenue from the other proposal should be made up. What happened in this House? The Government of India, in full faith that the Congress Party would support the wishes of their own ministries, brought in a proposal in regard to the imposition of some duty upon cheques. The proposal had to be withdrawn because it was rejected by the Party which the Honourable Mr. Asaf Ali today represents, at the dictation not of the Congress ministries but of the High Command, which is now in such disfavour. Therefore, it ill lies in the mouths of my Honourable friend, Mr. Manu Subedar, to suggest that there was lack of co-operation on that score here. It is his Party which non-co-operated, and he knows it perfectly well.

The Honourable Sir James Grigg: Of course, he does.

Mr. F. E. James: Now, let me come to Mr. Manu Subedar's speech in a little more detail. I am aware he is in a difficulty. Really he is doing both ways. When he comes to this House he tries to represent the great national party which is struggling for freedom and which is determined to break down this bureaucratic system of Government. When he goes back to his province, he is facing a "national" Government and instead of threatening them, he goes to them in tears and with whines. The institution which he represents here does me the honour of sending me copies of their representations to the Bombay Government; and they have never said anything so whining to the Central Government as the representations sent to the Bombay Government. Therefore, I can understand my Honourable friend's difficulty. He knows that Mr. Buss is perfectly right, but he does not like to admit it. In fact, he dare not do it, and I feel sorry for him. After all, having financed the Party which is now in power in his own province, he finds that Party turning upon those who financed them! What is he to do? He can only come here—and criticize an irresponsible Government! What will happen when that power, which is captured in Bombay by his Party, is captured by that party here? Then he will be engulfed in his own ruin! Now, Sir, he has suggested all kinds of reasons why the provinces and the Congress Party, which he represents, should not co-operate with the Finance Member. What was the basis of the co-operation which the Finance Member sought? The basis was a reasonable measure of taxation for the purpose of the amelioration of the masses of this country, and that is the kind of co-operation which my Honourable friend, representing not only

[Mr. F. E. James.]

the Congress Party but also the big millowners of Bombay, spurns with a heavy hand. No wonder he makes these speeches when his Leaders are absent. As the proverb goes, 'when the cat is away the mice will play'. So, in the absence of the big cats of the Congress, all the mice come popping out of their holes shaking their little paws in anger at the Central Government. We are not taken in by that kind of attitude. I would ask my Honourable friend, who represents the Congress Party here now, if there is any one who can speak for that Party either here or at Tripuri, seriously to consider the tone of the Finance Member's speech when he asked them for this co-operation.

This motion of ours is not a political motion. Even the reference to the necessity, if need be, of amending the Government of India Act is not made with any political intention behind it. But we genuinely feel that the country is facing a very difficult situation in regard to the cumulative effect of taxes both in the Centre and in the provinces and we believe, that there is a real danger of a serious impasse unless it is faced and unless there is some method of clarification. What are the means open to us? There is, first of all, what has been suggested by my Honourable colleague, Mr. Buss, namely, that there should be a frank and intimate discussion between the financial authorities at the Centre and in the provinces. The Honourable the Finance Member indicated that such discussions were held last year, but that his preoccupations made it impossible for him to suggest similar discussions this year. I very much regret that those preoccupations should have stood in the way, and I might perhaps suggest that if it had not been made obligatory for him to sit in this House so often, when it must be wearisome to his spirit, he might have found more time to deal with what, after all, is a crucial, important and vital matter. If that frank and intimate discussion is not possible, either by reason of the preoccupation of the Finance Member or by reason of lack of co-operation on the part of the Ministries concerned, then what else is there? Either to test the validity of these acts before the highest Court of Justice in this land, an expensive, difficult and intricate procedure, or to suggest that if there is any room for doubt, as has even been suggested by the Chief Justice of India, then the proper, the honest and the square thing to do is to remove it as far as the Statute-book is concerned and move Parliament. Where there are anomalies possible under the present conditions of legislation, there should be a clearing up of the matter and a more precise definition found that would leave no room for shadow of doubt.

Mr. President (The Honourable Sir Abdur Rahim): Today being Friday, the Assembly will adjourn now till a quarter past two.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

DEATH OF MR. KABEER-UD-DIN AHMED.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, I have got to announce the sad news of the death of a Member of this House, Mr. K. Ahmed. The news has shocked everybody, because he was here

this morning and I remember passing him in the lobby at about 12-15 P.M. I understand he went to the hospital and he suddenly expired there. He was one of the oldest Members of this Assembly. He was in the first Assembly, and barring a temporary absence of about a couple of months, he had always been a Member of this House. He was very popular in this House, and many a time when the heat of the debate was getting very uncomfortable, he would relieve the tension by one of his inimitable remarks. Sir, this House has lost, I do not know how many Members, possibly ten or twelve Members by death. I believe Mr. K. Ahmed belonged to no Party. He was an unattached Member, at any rate he used to exercise his independent judgment, not being controlled by any Whip of any Party. I request you to kindly convey to the members of the bereaved family our sense of regret at his untimely and sudden death.

Mr. H. Asaf Ali (Congress Party): Sir, speaking on behalf of my Party, I associate myself with all that has been said by the Honourable the Leader of the House. The news of Mr. K. Ahmed's death has come to us as a great shock. As has been pointed out by the Honourable the Leader of the House, he was a very popular figure and he was always full of good will and amiability and he had friends in every section of the House. He was a Member of this House from its inception, and I have no doubt that his absence from our midst will be very keenly felt by all of us. As the Honourable the Leader of the House has said, at times when the tension was the greatest, it was relieved by his apt and witty remarks. I request you to convey the sympathies of my Party to the bereaved family of the departed.

Syed Ghulam Bhik Nairang (Deputy Leader of the Muslim League Party): On behalf of my Party, I associate myself with the remarks expressing sympathy and sorrow at the sudden demise of Mr. K. Ahmed. There is no doubt that not only as one of the oldest Members of this Assembly, but also as a unique figure, Mr. K. Ahmed's death has come to us as a very sudden and regrettable occurrence, the news being quite so sudden and his death itself being so sudden and tragic. The fact that he was in this House this morning and now, in the afternoon, before we meet, we hear of his death enhances the tragedy of his death so far away from his home and from his near and dear ones, and the sympathy which all of us feel for him is rendered all the keener by the circumstances of his having died here. On behalf of my Party, I request you to convey the sense of loss and the expression of our sympathy to the bereaved family. You will allow me to say, Sir, that the news of his death was sent by telegram to his relatives and their arrival—though it is very difficult to be awaited. So it has been decided that the funeral of Mr. K. Ahmed will take place tomorrow, the exact time will be notified later on. The dead body of the deceased will be removed from the Irwin Hospital to his residence, 5, Windsor Place, immediately today.

Sardar Sant Singh (Congress Nationalist Party): On behalf of the Congress Nationalist Party and myself, I associate myself with all the sad sentiments that have fallen from the Leaders of various Parties. I have had the privilege of friendship of Mr. K. Ahmed for the last nine years. He was one of those who was sincere in his convictions, and he was a very genuine friend. During his Membership in the House, so far as I know, we have always felt very much relieved from the heat of the debate

[Sardar Sant Singh.]

and sometimes by his witty and apt remarks he turned the debate from passion to laughter. I am sure, he will be remembered for a long time as one of those who endeared himself to all the various parties without distinction of school of thought. I request you on behalf of the Congress Nationalist Party to convey the sentiments of our sympathy to the bereaved family.

Mr. A. Aikman (Leader of the European Group): Sir, the sudden and tragic death of Mr. Kabeer-ud-din Ahmed has come to the Members of my Party as a great shock. He was a Member of the House, I understand, almost continually since 1921. His kindly humour, probably his chief characteristic, did not conceal his sincerity of purpose or his ability. I would associate myself and my Party with the tributes that have been paid to him by the Leader of the House and by the representatives of other Parties and ask you to associate the name of the European Group with the message of sympathy which I trust you will send to his relatives.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I may be permitted to say a word to pay my last tribute to the memory of an old friend. I had the privilege of being associated with Mr. Kabeer-ud-din Ahmed as a Member of the Assembly since 1921. I had also the privilege of working with him as a member of the Royal Commission on Indian Labour. He was very much interested in the welfare of Indian seamen. Throughout my association with him, I have found him always a cheerful soul, and it was truly said by two of my colleagues that his ready-witted interventions softened many times the acerbities of political discussions in this House and restored good humour all round. He was a very affectionate friend and by his death we shall all miss a genial colleague. Sir, I associate myself with the sentiments expressed by the other Members of this House.

Mr. President (The Honourable Sir Abdur Rahim): The sudden death of Mr. Kabeer-ud-din Ahmed has shocked us all. He was, as has been mentioned, one of the oldest Members of the Assembly, and he was associated with the Assembly as a Member from its very inception. Latterly, he was unable, owing to ill-health, to attend regularly the sittings of the House; but I am in a position, having known him for a very long time as a friend, to endorse the remarks that have been made by the several speakers that he was always a very cheerful person and a very kind friend. And whenever he intervened in the debates in the House, he managed to enliven the proceedings by his keen sense of humour. I feel very grieved by the sudden death of Mr. Kabeer-ud-din Ahmed and it will be my sad duty to communicate the sympathies and condolence of the Assembly to the bereaved family. As a mark of respect, I adjourn the House now for the rest of the day to meet again on Monday next at 11 o'clock.

The Assembly then adjourned till Eleven of the Clock on Monday, the 10th March, 1939.

LEGISLATIVE ASSEMBLY.

Monday, 13th March, 1939.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

GUARDING OF RAILWAY LINE, ETC., WHEN TRAINS CARRY HIGH PERSONAGES.

978. Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

- whether when trains carry high personages the Railway line and the carriages are closely guarded against miscreants; and
- whether the Government of India take the same care to protect the person of every passenger?

The Honourable Sir Thomas Stewart: (a) and (b). The ordinary precautions taken to guard the safety of trains are supplemented only in the case of the special trains conveying high personages.

Mr. Brojendra Narayan Chaudhury: Do pilot engines escort those trains?

The Honourable Sir Thomas Stewart: On occasion, yes.

Mr. Brojendra Narayan Chaudhury: What is the answer to part (b)?

The Honourable Sir Thomas Stewart: It is implicit in my reply. Ordinary precautions are always taken.

Mr. Brojendra Narayan Chaudhury: Why is not the same care taken in the case of ordinary persons as in the case of high personages?

The Honourable Sir Thomas Stewart: It is conceivable that there is necessity for greater precautions.

LEVY OF ECONOMIC RENTS FROM EUROPEAN REFRESHMENT ROOMS ON THE SOUTH INDIAN RAILWAY.

979. Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Railway Member state:

- the number of Indian and European refreshment rooms in the South Indian Railway;
- whether the European refreshment rooms are charged only nominal rent, while the Indian refreshment rooms are charged economic rents;

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

- (c) whether the European refreshment rooms are used only by a small number of people, and those are mostly well-to-do;
- (d) what will be the amount that will accrue to the administration if the European refreshment rooms are charged economic rents; and
- (e) if so, whether Government have considered the advisability of charging economic rents from them?

The Honourable Sir Thomas Stewart: (a) and (b). I would refer the Honourable Member to the statement laid on the table of this House on the 7th February, 1939, in connection with Mr. S. Satyamurti's starred question No. 1088 of the 16th September, 1938.

(c), (d) and (e). I would refer the Honourable Member to the reply given to parts (b) to (e) of his starred question No. 901 of 9th March, 1939.

LEVY OF ECONOMIC RENTS FROM EUROPEAN REFRESHMENT ROOMS ON STATE RAILWAYS.

†980. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Railway Member state:

- (a) whether the Eastern Bengal, Great Indian Peninsula, Bengal and North Western and the East Indian Railways charge nominal rents from European and Indian refreshment rooms;
- (b) whether the European refreshment rooms are mostly used by well-to-do people;
- (c) if so, whether Government have considered the advisability of charging economic rents from the European refreshment rooms; and
- (d) what will be the income to the administration, if they are charged economic rents?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the statement laid on the table of this House on the 7th February, 1939, in connection with Mr. S. Satyamurti's starred question No. 1088 of the 16th September, 1938.

(b), (c) and (d). I would refer the Honourable Member to the reply given to parts (c) to (e) of his starred question No. 901 of 9th March, 1939.

PRECAUTIONS TAKEN TO WATCH THE EAST INDIAN RAILWAY LINE.

981. ***Mr. Abdul Qaiyum:** Will the Honourable Member for Railways please state:

- (a) whether any precautions have been taken since the Hazaribagh disaster to have the East Indian Railway line properly watched;
- (b) if so, the nature of the precautions taken; and
- (c) whether Government are satisfied that the precautions taken in the danger zone are adequate?

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

The Honourable Sir Thomas Stewart: (a) and (b). I would refer the Honourable Member to the reply given to part (b) of Mr. B. N. Chaudhury's starred question No. 762 of 28th February, 1939.

(c) Government understand that the Railway Administration have asked the Provincial Government whether they consider the precautions adequate.

Mr. Abdul Qaiyum: May I know if the Honourable Member is in a position to tell us, what precautions have been taken since then?

The Honourable Sir Thomas Stewart: If the Honourable Member would do me the honour of referring to the question which I have quoted, he will see what action has been taken.

CASES OF TAMPERING WITH THE RAILS ON THE EAST INDIAN RAILWAY.

982. ***Mr. Abdul Qaiyum:** Will the Honourable Member for Railways please state:

- (a) how many cases of tampering with the rails have come to the notice of the Government since the Hazaribagh disaster on the East Indian Railway; and
- (b) whether any body has been detected or charged for the offence?

The Honourable Sir Thomas Stewart: (a) Two.

(b) Government have no information.

Mr. Abdul Qaiyum: With reference to part (a), may I know if the figure "two" covers the cases of tampering on all railways in India?

The Honourable Sir Thomas Stewart: I understood the Honourable Member's question to refer to the East Indian Railway.

Mr. Abdul Qaiyum: Has the Honourable Member got the figures for tampering on all railways?

The Honourable Sir Thomas Stewart: I have no such figures available.

Mr. Brojendra Narayan Chaudhury: Have not the railways to report immediately all cases of attempts at derailment?

The Honourable Sir Thomas Stewart: My recollection is that they are not so required to report immediately.

Mr. Brojendra Narayan Chaudhury: Will the Honourable Member consider whether the rule could be revised?

The Honourable Sir Thomas Stewart: No. I think it is unnecessary to revise the rules. Many of these cases that are classified as attempts to tamper with the railway may be merely stupid school boy pranks: the majority of them indeed are.

Mr. Abdul Qaiyum: Is it not a fact that the rails were found tampered with in one or two districts of the Punjab and the authorities took a serious view of it? It was very far from being a school boy's prank.

The Honourable Sir Thomas Stewart: I have heard of one such case.

Mr. Abdul Qaiyum: What was the action taken and with what result?

The Honourable Sir Thomas Stewart: Presumably investigations are being carried out by the authorities responsible for law and order in that district.

Mr. Brojendra Narayan Chaudhury: Is not school boy's tampering potentially as dangerous as attempts at major derailments?

The Honourable Sir Thomas Stewart: Not always.

RATE PER UNIT OF TIME FOR TRUNK TELEPHONE CALLS.

983. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Communications Member please state how the rates per unit of time for trunk telephone calls between any two stations are worked out?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to rules 1, 459 and 460 of the Indian Telegraphs Rules, a copy of which is in the Library of the House.

Mr. Manu Subedar: May I know whether Government have considered the desirability of reducing the telephone charges between Bombay and Calcutta in the expectation that such reduction would bring greater revenue?

The Honourable Sir Thomas Stewart: The existing rates have been fixed after careful consideration.

Mr. Brojendra Narayan Chaudhury: Have Government considered whether the reduction of the rates would not bring in more traffic and more income?

The Honourable Sir Thomas Stewart: Certainly Government have considered that.

TRAIN DISASTER NEAR HAZARIBAGH ON THE EAST INDIAN RAILWAY.

984. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Railways please state:

(a) whether the following observation of the Senior Railway Inspector in paragraph 52 of his report on the derailment of the Dehra Dun Express near Hazaribagh Road on the 12th January 1939 is correct:

"In the past few years there have been a large number of foiled or unsuccessful attempts at train wrecking;" and

(b) if so, the steps taken to ward off such attempts and how far the steps taken have been effective?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) I would refer the Honourable Member to the reply given to part (f) of Mr. Abdul Qaiyum's starred question No. 1199 of 10th November, 1938.

FILLING UP OF THE POST OF DEPUTY AGENT OF THE SOUTH INDIAN RAILWAY.

985. *Mr. C. N. Muthuranga Mudaliar: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that the present Deputy Agent of the South Indian Railway is being transferred

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

permanently as the Chief Engineer of the Railway from 1st April next and that the post of Deputy Agent will fall vacant permanently from that date?

(b) Is it a fact that the South Indian Railway propose to appoint a junior European officer as Deputy Agent, overlooking the claims of an Indian officer who is senior to him in service and possesses superior educational and technical qualifications?

(c) Having regard to the assurance of the Honourable Sir Muhammad Zafrullah Khan (then Railway Member) in reply to starred question No. 304, put on the 11th September, 1936, that "sanction to the creation of the post was given subject to the condition that an Indian officer should be appointed to the post if a qualified officer was available", does the Honourable the Railway Member propose to address the South Indian Railway and see that no injustice is done to the claims of senior Indian officers in filling up the post of the Deputy Agent in that Railway?

The Honourable Sir Thomas Stewart: (a) Yes, except that the designation of the post being vacated is now Deputy General Manager (and not Deputy Agent), and his transfer to the post of Chief Engineer is, for the present, in an officiating capacity.

(b) Government have no definite information, as the appointment is one within the competence of the South Indian Railway Company, but understand that the officer whom the Company propose to appoint as Deputy General Manager has eighteen years service and has previously acted as such.

(c) The Agent and General Manager, South Indian Railway, states that no Indian officer with the necessary qualifications is available.

CLOSING OF THE LEVEL CROSSING NEAR THE TRIVALORE RAILWAY STATION.

986. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable Member for Railways please state:

(a) whether the level crossing near the Trivalore railway station is closed most of the time during day or night;

(b) whether he is aware that the closing of this level crossing causes great inconvenience to road traffic; and

(c) whether Government propose to instruct the Madras and Southern Mahratta Railway authorities to construct an over-bridge in place of the level crossing?

The Honourable Sir Thomas Stewart: (a) and (b). Government have no information.

(c) The policy of Government is to leave such matters to the discretion of Railway Administrations who are in a position to judge of the local requirements in such cases. The matter appears to be one which can suitably be brought to the notice of the Agent and General Manager of the Railway concerned through the Local Advisory Committee.

ACCIDENTS ON THE DIBRU SADIYA RAILWAY.

987. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

(a) whether any persons have been killed or seriously injured in a collision between a motor lorry and a rail car of the Dibru Sadiya Railway, and how the collision occurred in the first week of February;

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

- (b) the number of accidents on this Railway by collision or otherwise during the last twenty-four months causing death or injury to animals and persons;
- (c) the length of the Railway and its earnings in the last year; and
- (d) whether the number of accidents on this Railway have specially attracted the attention of the Government and whether a special inquiry to ascertain the general causes and to remedy them is contemplated?

The Honourable Sir Thomas Stewart: (a) Yes. An enquiry was held and it was found that the lorry driver, despite lack of visibility owing to a cloud of dust raised by a bus going in the opposite direction, suddenly turned in to the level crossing without satisfying himself that no train or engine was coming along the railway line before he attempted to cross.

(b) The information is not available, but, as regards the last two years ending March, 1938, I would refer the Honourable Member to Appendix D to Vol. II of the Railway Board's Annual Report on Indian Railways.

(c) 91.52 miles. The gross earnings were Rs. 21.21,000.

(d) No.

TICKETLESS TRAVEL ON RAILWAYS.

988. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

- (a) whether in recent years Government contemplated legislation to tackle the menace of ticketless railway travel; if so, whether the idea has been abandoned and why;
- (b) whether there has been an improvement in the situation; if so, to what extent;
- (c) whether in this connection any Bill was drafted; if so, whether he will place the draft on the table;
- (d) whether a new kind of ticketless travelling that has arisen is by masses of labour strikers and kisan demonstrators, and whether any special measures are contemplated to meet these cases;
- (e) whether in the first week of February, 1939, the kisans of Nawadah, district Gaya, lay on the permanent way to stop a train with a view to boarding the train without tickets, and whether in the month of January, kisans led by Swami Sahajananda boarded a train without tickets at Gaya; and
- (f) the steps taken against these persons?

The Honourable Sir Thomas Stewart: (a) The reply to the first part is in the affirmative and to the second part in the negative.

(b) There has been a slight improvement. The percentage of persons detected travelling without tickets fell from 0.60 in 1936-37 to 0.57 in 1937-38, although the number of passengers travelling increased by approximately 31 millions.

(c) I would refer the Honourable Member to the debates in this House on the 2nd February, 1937.

(d) There have been a few such cases.

(e) and (f). In reply to the first part of (e), Government have no information regarding the alleged occurrence in February, 1939. In reply to the second part of (e) and to part (f), I would refer the Honourable Member to the reply given to his starred question No. 523 of 20th February, 1939.

Mr. Brojendra Narayan Chaudhury: What special measures are contemplated to meet the new kind of menace of ticketless travel? I have had no reply to that part of the question.

The Honourable Sir Thomas Stewart: It is by no means a new menace.

Mr. Manu Subedar: May I know whether Government have the power to launch criminal trespass prosecutions against such persons?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the provisions of the Indian Railways Act.

REDUCTION OF NON-GAZETTED AND INFERIOR STAFF ON THE EAST INDIAN RAILWAY.

†989. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable Member for Railways please state:

- (a) if his attention has been drawn to the following letter which appeared in the *Statesman* of the 8th February 1939 from one Mr. T. E. Martin:

"SABOTAGE AND RETRENCHMENT."

SIR, While there has not been "block" retrenchment since 1929, reduction of non-gazetted and inferior staff has been systematically made; the plea is that as a result of job analysis the men are found surplus. Sabotage has been accepted, and it is reasonable to infer that men connected with the working and maintenance of the track must be connected with the removal of fish plates and rails. A reference to the Report of the Indian Railway Enquiry Committee, 1937, shows that the percentage of mates, keymen and gangmen per track mile for the year 1929-30 was 3.6 against 2.6 in 1935-36, that is, a decrease of 72 per cent. This then gives the disturbing thought that all is not well with the track. This matter should therefore be gone into thoroughly. In contrast with the decrease in mates, keymen and gangmen, one learns that the Railway Board has sanctioned additional gazetted staff for the E. I. Ry. An explanation is obviously due.

Yours, etc.,
T. E. MARTIN,
Calcutta."

- (b) the number of mates, keymen and gangmen, as well as permanent way inspectors and sub-inspectors, on all the lines of the East Indian Railway between Asansol and Moghul Serai in the years 1936, 1937 and 1938;
- (c) the number of officers in the gazetted and lower gazetted services in all the departments—transportation, commercial, engineering, etc., in the years 1936, 1937 and 1938 in the same section between Asansol and Moghul Serai;
- (d) whether there has been any decrease, as alleged in the letter, from the numbers in 1929-30, and if so, why; and
- (e) whether there has been any increase in the officer staff during the same period, and if so, why?

The Honourable Sir Thomas Stewart: (a) Yes.

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

(b) and (c). I lay on the table two statements giving the required information.

(d) Yes, but the actual percentage decrease is 28 and not 72. An examination of the strength of maintenance gangs showed that the number of gangmen per mile was higher than on other railways and could not be justified. The reductions made have brought the East Indian Railway on a parity with other railways.

(e) There has been no increase in the number of gazetted officers.

Statement showing number of Permanent Way Inspectors, Assistant and Sub-Permanent Way Inspectors, Maters, Keymen and Gangmen employed on Main Line and Grand Chord between Asansol and Moghal Sarai during 1936, 1937 and 1938.

Years.	Main Line.					Grand Chord.				
	Permanent Way Inspectors.	Assistant and Sub-Permanent Way Inspectors.	Maters.	Keymen.	Gangmen.	Permanent Way Inspectors.	Assistant and Sub-Permanent Way Inspectors.	Maters.	Keymen.	Gangmen.
1936	10	6	138	126	2,531	12	8	180	150	2,754
1937	9	5	138	126	2,531	12	6	180	150	2,754
1938	9	4	143	151	2,531	12	6	192	162	2,758

Statement of officers stationed on the Main Line and Grand Chord between Asansol and Moghal Sarai during the years 1936, 1937 and 1938.

	1936.	1937.	1938.	1936.	1937.	1938.
	Asansol Division.			Dinapore Division.		
Divisional Superintendent	1	1	1	1	1	1
Staff Superintendent	1	1	1	1	1	1
Assistant Staff Superintendent	1	1	1	1	1	1
Superintendent, Way and Works.	3	3	3	2	2	2
Assistant Superintendent, Way and Works.	5	5	5	6	6	4
Superintendent, Transportation	1	1	1	1	1	1
Assistant Superintendent, Transportation.	2	2	3	2	2	2
Assistant Superintendent, Commercial.	1	1	1	2	2	2
Superintendent, Power	1	1	1	1	1	1
Superintendent, Rolling Stock	1	1	1	1	1	1
Assistant Superintendent, Power.	1	1	2	1	1	1
Assistant Superintendent, Rolling Stock.	1	1	..	..	..	..
District Signal Engineer	1	1	..	..	..	..
Assistant Signal Engineer	..	..	1	1	1	1
Coal Area Superintendent	1	1	1	..	..	..
Assistant Coal Area Superintendent.	1	1	1	..	..	..
Divisional Medical Officers or Assistant Medical Officers.	3	3	2	2	2	2

EXPULSION OF THREE INDIANS FROM FRANCE.

†990. *Mr. S. Satyamurti: Will the Secretary for External Affairs be pleased to state with reference to the statement in the House of Commons by the Under Secretary for Foreign Affairs that the French Government had not seen their way to rescind the expulsion orders against three Indian subjects from France:

(a) whether the Government of India have taken up the matter further with His Majesty's Government to ascertain the reasons why these Indian subjects have been expelled from France; and

(b) whether the Government of India propose to pursue this matter further to see that these orders are cancelled as early as possible; if not, why not?

Sir Aubrey Metcalfe: (a) No.

(b) It is not within the competence of the Government of India to effect the cancellation of orders passed by a Foreign Government on a matter which concerns the internal administration of that state. The Government of India do not, therefore, propose to pursue the matter.

TREATY WITH MUSCAT.

991. *Mr. Abdul Qayum: Will the Foreign Secretary please state:

(a) whether a new treaty was signed (*inter alia* dealing with commerce and navigation) by His Majesty's Government at Muscat on the 5th February 1939, on behalf of India;

(b) if so, how this treaty affects India;

(c) whether the Government of India were consulted before they signed; and

(d) what are the most important clauses of this treaty regarding India, and the nature thereof?

Sir Aubrey Metcalfe: (a), (b), (c) and (d). The Honourable Member's attention is invited to the replies given to questions Nos. 556A and 556B asked by Pandit Sri Krishna Dutta Paliwal in the present Session.

RELIEVING OF CONGESTION IN THE IMPERIAL SECRETARIAT NORTH POST OFFICE, NEW DELHI.

†992. *Mr. O. N. Muthuranga Mudaliar: Will the Honourable Member for Communications state:

(a) whether he is aware or not that for practically half the month from the 1st to the 12th or 15th of every month during the winter season there is always a rush in the post office in the North Block of the Imperial Secretariat buildings and that owing to the very limited space and the number of peons waiting there to transact business, no other person has any chance even to approach the windows;

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

- (b) whether Government propose to take steps to relieve this congestion by allotting more space and employing more clerks in this post office and having the letter boxes inside the post office and not outside; and
- (c) the number of money orders and their value, the number of registered and insured articles and letters handled in this post office and in the New Delhi post office during the first ten days of November, December, January, February and March of the years 1936, 1937 and 1938?

The Honourable Sir Thomas Stewart: (a) I have no information to that effect.

(b) The matter is within the competence of the Postmaster General, Punjab and North-West Frontier Circle, to whom a copy of the question is being sent for such action as he may consider suitable.

(c) The information is not available and cannot be collected without undue expenditure of time and labour.

ESTABLISHMENT OF THE FEDERAL RAILWAY AUTHORITY.

†993. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable Member for Communications please state how far the work in connection with the establishment of the Federal Railway Authority has advanced and whether it is proposed to inaugurate the Authority by means of an Order in Council, or by legislation in the Central Legislature? If the latter, when?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to my reply to Mr. K. Santhanam's starred question No. 20 on the 3rd February, 1939.

PROTECTION OF WOMEN PASSENGERS IN RAILWAY TRAINS.

†994. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Railway Member state:

- (a) whether the question of protection of women passengers in Railway trains has recently been considered by Government; and
- (b) if so, whether any definite proposals have been considered and adopted?

The Honourable Sir Thomas Stewart: (a) and (b). I would refer the Honourable Member to the reply given to Mr. C. N. Muthuranga Mudaliar's starred question No. 25 of the 25th January, 1937, and would add that the suggestion that the upper part of partitions separating women's compartments from adjacent compartments should be provided with suitable shielded openings which would more readily permit of oral communications between the two compartments was discussed by Railway Administrations with their Advisory Committees. The majority of Advisory Committees were against the proposal. Some Railways, however, are experimenting with the device.

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

SHORTAGE IN THE SUPPLY OF WAGONS FOR DESPATCH OF COAL FROM BENGAL AND BIHAR.

†995. ***Mr. S. Satyamurti:** Will the Honourable Member for Railways please state:

- (a) whether the Indian Colliery Owners Association sent to the Railway Board a memorandum pointing out that during the last week, that is, in February, the allotment of wagon for up-country was only 25 per cent. and with this small supply it was very difficult to provide all the industries which depend mainly upon Bengal and Bihar coal for their full requirements;
- (b) whether he is aware that stocks of coal have accumulated in the collieries and the situation is becoming serious, as many mills are on the verge of being closed down for want of coal; and
- (c) whether the Railway Board have taken any steps to meet the wagon supply; if so, what those steps are?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) This statement was made in the memorandum from the Indian Colliery Owners' Association to which the Honourable Member refers.

(c) The Railway Administration is taking all possible steps to meet the wagon supply by obtaining wagons from other Railways to the extent to which they are available, by the use of wagons due for periodical overhaul but otherwise fit to run and by the curtailment of the supply of wagons for general merchandise.

PARTICIPATION OF RAILWAYS IN ROAD SERVICES.

†996. ***Mr. S. Satyamurti:** Will the Honourable Member for Railways please state:

- (a) whether before giving permission to Railways, Company or State-managed, to embark on motor transport on roads in co-operation with private individuals or companies or firms, the Railway Board consulted and obtained the opinions of Provincial Governments concerned;
- (b) if so, what their opinions were; if not, why they were not consulted; and
- (c) whether the Railway Board have considered the fact that roads is a Provincial subject and that local bodies have already started, or are starting road transport sometimes with the sanction of their Provincial Governments with a view to add to their resources and to provide cheap and convenient transport for passengers within their jurisdiction?

The Honourable Sir Thomas Stewart: (a) No.

(b) Under sub-section (2) of section 51A of the Indian Railways Act, such consultation is not incumbent on the Railway Department.

(c) The answer to the first part is in the affirmative. As regards the second part Government have no information.

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

COMPOSITION AND INDIANISATION OF THE RAILWAY BOARD.

†997. *Mr. S. Satyamurti: Will the Honourable Member for Railways please state:

- (a) the present composition of the Railway Board;
- (b) the tenure of office of each member of the Railway Board;
- (c) how many of them are Europeans and how many Indians;
- (d) whether there is any proposal to appoint at least one permanent Indian Member of the Railway Board when the next vacancy arises;
- (e) when the next vacancy is expected to arise; and
- (f) whether there is any proposal to completely Indianise the Railway Board as early as possible, if not, why not?

The Honourable Sir Thomas Stewart: (a) Four; Chief Commissioner, Financial Commissioner and two Members.

- (b) Normally five years.
- (c) Three Europeans and one Indian.
- (d) Government are unable to commit themselves at this date.
- (e) November, 1939.
- (f) Members of the Railway Board are selected from officers of long experience with an intimate knowledge of railway working and administration. In this selection no distinction is made between Europeans and Indians.

DEMAND FOR SHIFTING OF THE AJODHYA SUB-POST OFFICE.

†998. *Mr. Mohan Lal Saksena: (a) Will the Honourable Member for Communications be pleased to state if it is a fact that the present site of the Ajodhya sub-post office is not central and there has been agitation for nearly ten years for its being shifted from Raiganj to some more central place?

(b) Is it also a fact that the Deputy Postmaster General visited the place last year and approved of a building in Mohalla Singarghat for the sub-post office and even the proprietor of the house was informed that the building would be occupied by the post office with effect from the 1st April, 1939?

(c) If the answer to part (b) be in the affirmative, will Government state the reasons why the landlord has been stopped from making any additions and alterations to the said building?

(d) In view of the fact that Ajodhya is a big centre of pilgrimage, are Government prepared to see that the Ajodhya sub-post office is located at a central place?

(e) Are Government aware that the public of Ajodhya experience great inconvenience because the branch post offices at Ajodhya are all under Fyzabad city post office? If so, are Government prepared to consider the advisability of making such changes as would obviate the difficulty and inconvenience to the public?

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

The Honourable Sir Thomas Stewart: Government have no information. The matter is within the competence of the Postmaster General, United Provinces, to whom a copy of the question is being sent for such action as he may consider suitable.

WITHHOLDING OF MEMORIALS OF RAILWAY SERVANTS TO THE GOVERNOR GENERAL.

999. *Mr. Govind V. Deshmukh (on behalf of Qazi Muhammad Ahmad Kazmi): With reference to the reply to starred question No. 1692, parts (d) and (g), dated the 17th April, 1936, laid on the table of this House on the 31st August, 1936, will the Honourable Member for Railways be pleased to state:

- (a) whether the Chief Commercial Manager, Chief Operating Superintendent and the General Manager on the East Indian Railway are also included in the category of a Local Government for the purpose of withholding of memorials addressed to the Governor General in Council;
- (b) if the reply to part (a) be in the affirmative, what position is left for the Railway Board for the purpose of withholding such memorials;
- (c) whether the transmission of memorials to the Governor General in Council can be withheld by the Railway Board, if the same has been forwarded to them by the various authorities, viz., Divisional Superintendent, Chief Commercial Manager and the General Manager; and
- (d) through how many authorities a memorial passes on the East Indian Railway before it can reach the Governor General in Council?

The Honourable Sir Thomas Stewart: (a) Yes, in respect of non-pensionable subordinate staff.

(b) The Railway Board is empowered to withhold petitions from pensionable subordinate staff and gazetted staff, addressed to the Governor General in Council.

(c) and (d). I would refer the Honourable Member to Part III and paragraph 6 (2) of the Home Department's Notification No. F-6/7/33/II, dated the 19th June, 1933, embodying instructions for the submission of petitions to the Governor General in Council.

OLD TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

1000. *Mr. Govind V. Deshmukh (on behalf of Qazi Muhammad Ahmad Kazmi): Will the Honourable Member for Railways please state:

- (a) whether it is a fact that the Railway Board restored the old pay of the old travelling ticket inspectors on the East Indian Railway in December, 1932, and while doing so they issued the following instructions:

"With a view to reducing the extra expense arising from the grant of this concession the Board desire that such employees should be considered for promotion to higher posts for which they may be qualified as vacancies occur in such posts";

- (b) since December, 1932, how many old travelling ticket inspectors have been provided in higher posts (Guards, Commercial Inspectors, Claim Inspectors, Traffic Canvassers, etc.) and how many of the staff of the Ticket Checking Branch (other than the old travelling ticket inspectors) and drawing Rs. 95 have been provided in such higher vacancies;
- (c) what facilities, if any, have been given to the old travelling ticket inspectors on the East Indian Railway to qualify in other duties and get necessary training at the Railway School at Chandausi; and
- (d) whether there is any restriction imposed on them against getting such training at Chandausi?

The Honourable Sir Thomas Stewart: (a) to (d). I would refer the Honourable Member to the reply given to his starred question No. 832 on the 26th February, 1936.

PREPONDERANCE OF NON-MUSLIMS IN THE CONFIDENTIAL BRANCH OF THE NORTH WESTERN RAILWAY HEADQUARTERS OFFICE.

+1001. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state whether it is a fact that instructions were issued to the General Manager, State-managed Railways, that there should not be preponderance of any community in any branch of Railway service, particularly in sections dealing with establishment matters and the number of Muslims in such sections should be adequate?

(b) Is it a fact that there is a confidential branch in the North Western Railway Headquarters Office, and certain establishment matters of staff connected with their selections, appointments, promotions, appeals, etc., are dealt with in that section?

(c) Is it a fact that the confidential branch is exclusively manned by non-Muslims and no Muslim has so far been posted in the branch in pursuance of the policy of the Government of India to employ adequate number of Muslims in sections dealing with establishment matters?

(d) Is it a fact that even the shorter vacancies occurring in the branch are not given to Muslims, but are filled in by importing non-Muslims from other sections?

(e) If the reply to parts (a) to (d) be in the affirmative, will Government state what steps they propose to avoid preponderance of non-Muslims in the confidential branch of the North Western Railway Headquarters Office and to employ Muslims in that branch? If not, why not?

The Honourable Sir Thomas Stewart: (a) No. The instructions were that particular communities should not be handicapped by the preponderance of any one community in the Establishment sections of railway offices.

(b) There is a confidential branch which is merely a depository for confidential papers.

(c) There is no Muslim at present, but it is not practicable to say whether there has never been one, without an examination of the records dating back to the period when the branch was constituted.

(d) I am prepared to accept this from the Honourable Member, but would add that recruitment to this branch is made from among stenographers employed in the headquarters office.

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

(e) Postings to branches are not regulated on communal basis, but I will send a copy of the Honourable Member's question to the General Manager of the North Western Railway for such action as he may consider necessary.

REFUSAL OF MEMBERSHIP OF FLYING CLUBS IN ENGLAND TO INDIANS.

+1002. *Mr. Brojendra Narayan Chaudhury (on behalf of Mr. Kuladhar Chaliha): Will the Foreign Secretary please state:

- (a) whether his attention has been drawn to a passage in the *Statesman* of the 24th February, 1939 (Delhi Edition), published under the heading "Colour Bar";
- (b) whether it is a fact that Indians are not allowed to be members in some flying clubs in England;
- (c) whether there is any agreement between the Air Ministry and the clubs in England not to make any discrimination against Indian British subjects;
- (d) if so, whether Government are prepared to enquire why some Indians were refused membership in the flying clubs in England;
- (e) what are the conditions of residence to be conformed to;
- (f) what length of residence is necessary for a British Indian subject to be domiciled in England; and
- (g) if the necessary domicile was acquired by these Indians who wanted to be members of the flying clubs in England, and who were refused membership, whether Government are prepared to take necessary steps, so that no discrimination is made in future in these clubs?

Sir Aubrey Metcalfe: The question should have been addressed to the Secretary in the Education, Health and Lands Department.

MEASURES TO COPE WITH THE TRAFFIC DURING THE MAHABARNI MELA AT HARDWAR.

+1003. *Choudhri Raghbir Narayan Singh: (a) Will the Honourable Member in charge of Railways be pleased to state whether it is a fact or not that there are expectations of a heavy traffic during the Mahabarni Mela at Hardwar during March 1939 and this occasion is held more or less equal to the Kumbh Mela held after every twelve years?

(b) Is it a fact that the Superintendent, Way and Works, Moradabad ordered the dismantling of all temporary constructions which were erected during the last Kumbh and the demolishing work was completed in November, 1938?

(c) Is it a fact that some of the dismantled constructions are again being built from January, 1939, to cope with the Mahabarni Mela to be held next month? If not, from which month are they taking place?

(d) What expenditure is proposed to be incurred on account of dismantling and reconstruction within such a short period, and what were the reasons for having done so?

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

The Honourable Sir Thomas Stewart: With your permission, Sir, I propose to reply to the Honourable Member's questions Nos. 1003 and 1004 together.

Information is being obtained from the Railway Administration concerned and will be placed on the table of the House in due course.

BRICKS PURCHASED FOR THE CONSTRUCTION OF THE HARDWAR RAILWAY STATION.

† 1004. ***Choudhri Raghubir Narayan Singh:** (a) Will the Honourable the Railway Member please state whether it is a fact that bricks for the construction of Hardwar railway station were brought from Saharanpur, Bijndre, by the Railway Administration and the loading and unloading of the same was done by Railway labour?

(b) Is it a fact that the cost was not debited to the contractor? If so, why?

(c) What was the quantity of bricks purchased and at what rate?

(d) What was the expenditure in respect of freight and other charges incurred by the Railway?

BATHING ARRANGEMENTS FOR THIRD CLASS PASSENGERS ON RAILWAYS.

† 1005. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether there are any bathing arrangements at important and junction stations for third class passengers on any of the Indian Railways?

(b) If the reply to part (a) be in the affirmative, will the Honourable Member please state the names of the stations, and the nature of bathing arrangements?

(c) Is it proposed to extend the bathing facilities for third class passengers to the North Western Railway as well? If so, when? If not, why not?

The Honourable Sir Thomas Stewart: (a) to (c). I am calling for the information required and a statement will be prepared and laid on the table of this House when complete.

ALLOWING OF POLICE OFFICIALS TO SIT AT DEPARTMENTAL ENQUIRIES ON THE NORTH WESTERN RAILWAY.

† 1006. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether police officials are allowed to sit at departmental enquiries on the North Western Railway? If so, what are the rules and orders on the subject?

(b) Is this privilege of police officials being on enquiry committees extended to cases in which police have been unsuccessful in obtaining conviction in a court of law?

(c) Is it a fact that in the Rawalpindi Division of the North Western Railway, an Assistant Station Master was challanned by Police, but the case was withdrawn, as no criminal offence had been committed by the employee concerned?

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

† For answer to this question, see answer to question No. 1003.

(d) Is it a fact that the investigating Sub-Inspector of Police, was made a member of the Departmental Enquiry? If so, will the Honourable Member please quote a definite rule under which a police official was made a member of the Departmental Enquiry Committee?

(e) Were these orders of inclusion of a police officer in the Enquiry passed by the local official, or by the General Manager? If by the General Manager, has he laid down any policy on the subject? If so, will the Honourable Member please lay on the table of the House the relevant orders on the matter of the policy?

(f) Is it a fact that in view of the Police Sub-Inspector being on the Enquiry Committee, the Assistant Station Master complained to the Railway Administration of not having received a fair deal from such an enquiry committee? If so, how was his complaint disposed of?

(g) Do Government propose to ensure that the Departmental Enquiries on the railways are free from interference by police? If not, why not?

The Honourable Sir Thomas Stewart: (a) and (b). Police officers are permitted to be present at departmental enquiries into railway accidents. Government have not issued any orders on the subject other than those contained in the Railway Department (Railway Board) Notification No. 1926-T of 19th March, 1930. Cases may, however, arise in which the proceedings of a departmental enquiry would be facilitated by a police officer being on the Committee of enquiry.

(c) to (g). If the Honourable Member will let me have further particulars of the case to which he refers, I shall have enquiries made.

FALL IN EARNINGS ON THE KATHIHAR-JOGBANI AND BARSOI-KISHANGANJ SECTIONS OF THE EASTERN BENGAL RAILWAY.

1007. ***Maulvi Muhammad Ahsan:** (a) Will the Honourable the Railway Member be pleased to state whether it is a fact that sections Kathihar-Jogbani and Barsoi-Kishanganj of the Eastern Bengal Railway have been constantly showing decrease in the Railway earnings towards both passengers and goods traffic, year after year?

(b) If the answer to part (a) be in the affirmative, have the causes of this fall in the Railway revenue been enquired into and with what result?

(c) Are Government aware that this decrease in the Railway revenue is due to the fact that most important centres of trades which are situated beyond the area served by the Railway have considerable difficulties in transporting their produce and making necessary journeys in connection with their trades?

(d) Are Government prepared to consider the question of extending the line from Ararya to Kishanganj as a Branch line via Bahadurganj to make up the losses on the two existing sections now running with fall in the Railway revenue, in view of the difficulties of the transport and public need?

The Honourable Sir Thomas Stewart: (a) No.

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

EXPULSION OF TWO INDIAN JOURNALISTS FROM FRANCE.

†1008. *Sardar Mangal Singh: With reference to the reply to my starred question No. 4, dated the 3rd February, 1939, and supplementaries thereon, will the Foreign Secretary please state:

- (a) whether the Government of India have received any reply from His Majesty's Government to his enquiries regarding the expulsion of Indian journalists from France;
- (b) whether the French Government have agreed to cancel the expulsion orders or have given any satisfactory answer to His Majesty's Government; and
- (c) whether Government are still pursuing this matter, or whether they have dropped it altogether?

Sir Aubrey Metcalfe: (a) Yes.

(b) The French Government have not agreed at present to cancel the orders. Whether their answer is satisfactory or not is a matter on which Government can express no opinion.

(c) The Honourable Member's attention is invited to the reply given today to Mr. Satyamurti's starred question No. 990.

INDIANS INJURED OR KILLED DURING THE JAPANESE AIR RAIDS ON THE BRITISH TERRITORY AND INTERNATIONAL SETTLEMENT IN CHINA.

†1009. *Sardar Mangal Singh: Will the Foreign Secretary please state:

- (a) whether any Indians were injured or killed during the Japanese air raids on the British territory and International Settlement in China; and
- (b) whether any compensation was paid, or will be paid to the families of those killed or injured in these air raids?

Sir Aubrey Metcalfe: (a) and (b). The Honourable Member is presumably referring to the Japanese Air Raid on the village of Shumchun near Hong Kong which was recently reported in the Press.

Government have received no official information regarding the injury or loss of life of any Indians. With regard to similar incidents which took place in 1937 in the neighbourhood of Shanghai the Honourable Member is referred to the reply which I gave in this House on the 8th September, 1938, to part (b) of Babu Baijnath Bajoria's question No. 870.

RESTRICTIONS ON THE FORWARDING OF APPLICATIONS FOR TRANSFER TO OTHER OFFICES IMPOSED BY THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS ON HIS STAFF.

†1010. *Maulana Zafar Ali Khan: (a) Will the Honourable Member for Communications please state whether Government are aware that the Director General of Posts and Telegraphs has issued an order to the effect that applications from the staff of his office for transfer to some other offices will not be forwarded?

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

(b) Will Government please state whether similar orders have been issued by any other Attached Offices of the Government of India?

(c) If the reply to part (b) be in the negative, will Government please state the reason for such differential treatment in the case of the Director General of Posts and Telegraphs staff?

(d) Are Government prepared to cancel the restriction imposed by the Director General of Posts and Telegraphs with a view to affording facilities to such of the staff who want to better their prospects elsewhere? If not, why not?

The Honourable Sir Thomas Stewart: (a) The order to which the Honourable Member refers is to the effect that applications for transfer to posts in other offices will not be granted when it is considered that the applicant cannot be spared without difficulty and it is not in the interests of the Department to lose the services of the applicant in view of the experience gained by him. These orders are an interpretation of the orders of Government which apply to all offices under them.

(b) So far as I have been able to ascertain, no similar order has been issued by any other attached office.

(c) There is no differential treatment involved. The orders issued by the Director General are not in conflict with Government's orders on the subject.

(d) No, for the reasons stated in the reply to part (a).

RELEGATION OF CERTAIN CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†1011. *Maulana Zafar Ali Khan: (a) Will the Honourable Member for Communications please state whether it is a fact that as a result of the recent reorganisation, quite a large number of new Second Division clerks on Rs. 80—200 have been recruited in the office of the Director General of Posts and Telegraphs in place of old Second Division clerks relegated to Third Division on their own scale of pay (Rs. 55—155)?

(b) If the reply to part (a) be in the affirmative, will Government please state how much additional expenditure has been incurred on account of the relegation of the old Second Division clerks to Third Division?

(c) Do Government propose to review the effect of reorganisation from the point of view of economy? If not, why not?

The Honourable Sir Thomas Stewart: (a) It is a fact that a number of clerks have been recruited to the new Second Division cadre in the Office of the Director General, but no clerk belonging to the old Second Division has been relegated to the Third Division.

(b) There has been and will be some additional expenditure but it is not possible to estimate this with any degree of accuracy.

(c) No, because the additional expenditure is considered to be fully justified in the interests of efficiency.

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

RELEGATION OF CERTAIN CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†1012. *Maulana Zafar Ali Khan: (a) Will the Honourable Member for Communications please state whether it is a fact that as many as forty-five Second Division clerks in the office of the Director General of Posts and Telegraphs have been relegated to Third Division on the ground of incompetence during the recent reorganisation of the office?

(b) Is it a fact that selection of personnel for discharge or relegation was made by three officers of the Directorate who interviewed the clerks for the purpose?

(c) Is it a fact that some of the clerks who could not be interviewed, having been on leave at the time, have also been included in the list of relegated officials?

(d) If the reply to part (c) be in the affirmative, will Government please state what means were adopted to test the abilities of such clerks?

(e) Will Government please state whether the selection was approved of by the Posts and Telegraphs Board?

(f) If the reply to part (e) be in the negative, do Government propose to have the selection reviewed by the Posts and Telegraphs Board? If not, why not?

The Honourable Sir Thomas Stewart: (a) to (f). As I have just explained, no clerks of the old Second Division have been relegated to the Third Division. Forty-five of them have been counted against the sanctioned posts of the Third Division to enable the Director General to recruit men of a higher standard in the new Second Division, but they continue to draw their old rates of pay. I am not prepared to discuss on the floor of the House how certain internal administrative arrangements were actually decided upon.

TRAIN DISASTER NEAR HAZARIBAGH ON THE EAST INDIAN RAILWAY.

†1013. *Sardar Mangal Singh: Will the Honourable Member for Railways please refer to paragraph 33 of the Report by the Senior Government Inspector of Railways, Circle No. 1, Calcutta, dated the 25th January, 1939, on the derailment of No. 9 Up Dehra Dun Express between Chikaki and Hazaribagh Road, East Indian Railway, on the 12th January, 1939, and state:

(a) whether the finger marks were sent for tracing by the experts of the Finger Prints Bureau maintained by the Police Department;

(b) whether the investigating staff compared those finger marks with the service records of the existing and the discharged staff of that section; and

(c) whether the finger marks resemble those of permanent way staff who reached the site by 9-10 hours on that date?

The Honourable Sir Thomas Stewart: (a), (b) and (c). Government have no information.

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

DELEGATION OF POWERS TO DECIDE APPLICATIONS FOR ALTERATION OF RECORDED AGE ON THE EAST INDIAN RAILWAY.

†1014. *Sardar Mangal Singh: Will the Honourable Member for Railways please state:

(a) whether the General Manager, East Indian Railway, has delegated the powers to decide the applications for an alteration of recorded age to an authority subordinate to him in his minute sheet No. AE 816/1, dated the 2nd January, 1936;

(b) whether an appeal against the original order of the General Manager on those applications lies to the Railway Board under Rule 17 issued under Railway Board's letter No. E/34/R.G. 6, dated the 22nd June, 1935; and

(c) whether he will place on the table the copy of the General Manager's Circular No. OPE 90, dated the 25th October, 1938, and of the rules and regulations under which no appeal lies to Railway Board against the initial orders of the General Managers?

The Honourable Sir Thomas Stewart: (a) and (b). No.

(c) No circular bearing the number and date referred to was issued. No appeal lies to the Railway Board in view of the delegation of powers to General Managers of State-managed Railways, *vide* page 271 of the State Railway Establishment Code, a copy of which is in the Library of the House.

INTERVIEW AT PESHAWAR BETWEEN HIS EXCELLENCY THE GOVERNOR AND AGENT FOR THE TRIBAL AREAS AND KHAN ABDUL GHAFAR KHAN.

1015. *Mr. Abdul Qaiyum: Will the Foreign Secretary please state:

(a) whether an interview recently took place at Peshawar between His Excellency the Governor and Agent for the tribal areas and Khan Abdul Ghaffar Khan;

(b) whether the question of the tribal areas was discussed;

(c) whether Khan Abdul Ghaffar Khan made some suggestions for removing the tribal unrest;

(d) whether Government have considered and accepted those suggestions; and

(e) if so, whether a change of policy is to take place about these tribes?

Sir Aubrey Metcalfe: (a) Yes.

(b) and (c). Government have no information. The interview was of an entirely private and informal nature.

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

Mr. Abdul Qaiyum: With reference to parts (b) and (c) of the question, may I know, Sir, the reason why the Government of India did not call for any information on the subject?

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

Sir Aubrey Metcalfe: Because there was no reason why they should.

Mr. Abdul Qaiyum: Does it mean that the Agent to the Governor General interviewed Khan Abdul Ghaffar Khan on his own responsibility and did not communicate the substance of the interview to the Government of India?

Sir Aubrey Metcalfe: Certainly.

Mr. Abdul Qaiyum: May I know, Sir, if the Government of India will now make inquiries on this point?

Sir Aubrey Metcalfe: No.

Mr. Abdul Qaiyum: May I know the reasons for this 'no'?

Sir Aubrey Metcalfe: Because the conversation was of an entirely private and informal nature.

Mr. Abdul Qaiyum: Was the subject discussed of a private nature or was it a matter of public interest?

Sir Aubrey Metcalfe: It is quite obvious that I can give no information on the subject or as to the text of the conversation.

Mr. Abdul Qaiyum: If the Honourable Member does not know the substance of the talk, how does he say that the matter discussed was private? I should like to know the reason.

Sir Aubrey Metcalfe: I merely say the conversation was private.

Mr. Abdul Qaiyum: I want an answer to my question, Sir. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot have any discussion. . . .

Mr. Abdul Qaiyum: I should like to state one thing, Sir, and that is that the attitude of the

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot make any statement, no Member is allowed. . . .

Mr. Abdul Qaiyum: Sir, I seek the permission of the Chair to say. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot make any statement.

Mr. Abdul Qaiyum: Am I not entitled to have my say?

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member resume his seat?

Mr. Abdul Qaiyum: I should like to protest against the attitude of the Foreign Secretary in being so utterly uncommunicative.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot get any information; if he likes to protest he must avail himself of a proper opportunity. He must obey the Chair.

Some Honourable Members: Order.

Mr. Abdul Qaiyum: No order; to hell with the Government which behaves thus

Sir Aubrey Metcalfe: May I protest against that, Sir? Is it right to say to hell with the Government? Is that a parliamentary expression?

Mr. President (The Honourable Sir Abdur Rahim): I did not hear that. It is an unparliamentary expression. The Honourable Member must withdraw it.

Mr. Abdul Qaiyum: While withdrawing it, I again protest against their attitude.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must withdraw it unreservedly.

Mr. Abdul Qaiyum: I withdraw it, but I protest also against your attitude.

Mr. President (The Honourable Sir Abdur Rahim): Order, order.

Mr. Abdul Qaiyum: How can you expect people to put up with all this

Mr. President (The Honourable Sir Abdur Rahim): Order, order.

THE GENERAL BUDGET—LIST OF DEMANDS—contd.

SECOND STAGE—contd.

DEMAND NO. 12.—EXECUTIVE COUNCIL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The second stage of the discussion of the Budget will now be taken up. It is now the turn of the Muslim League Party.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I move . . .

Sardar Sant Singh (West Punjab: Sikh): May I know, Sir, what happened to the cut motion moved by the Leader of the European Group? Will there be any voting on it?

Mr. President (The Honourable Sir Abdur Rahim): There has been a time table arranged by the Parties themselves which was accepted by the House. According to that time table, it is now the turn of the Muslim League. As to the motion that was moved by the European Group, there was no time to have any voting on it if they wanted to have it. The result is that the Muslim League will now move their motion

Sardar Sant Singh: What I want to know, Sir, is,—what has happened to that motion which was moved by the European Group? It was not put to the vote at all.

Mr. President (The Honourable Sir Abdur Rahim): It lapses.

Inadequate Representation of Mussulmans in Central Services other than Railways.

Dr. Sir Ziauddin Ahmad: Sir, I beg to move:

"That the demand under the head 'Executive Council' be reduced by Re. 1"—(To discuss inadequate representation of Mussulmans in Central Services other than Railways)

Sir, before I give the history of the efforts made by us and by the Government of India to redress the grievances of the Mussulmans, I would like to mention the difficult position in which we are now placed on account of the change in policy. There exists at present no joint responsibility in the Viceroy's Council; every Member is a Governor General of his own department and Sir Girja Shankar Bajpai, in reply to a question, gave us to understand that the Secretary is the Governor General in Council

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): I never said that.

Mr. N. M. Joshi (Nominated Non-Official): When did he say that?

Dr. Sir Ziauddin Ahmad: In connection with suppression by Mr. Dixit. I would just like to point out how we suffer and how the representation of Mussulmans has suffered by this particular change. Before I give the House definite illustrations, for the sake of convenience I should like to define the words communalists and nationalists, and I would ask my friend, Sardar Sant Singh, to take note of my definition.

Sardar Sant Singh: I am writing it.

Dr. Sir Ziauddin Ahmad: A communalist is a person who attempts to do justice to Mussulman; and a nationalist is a person who in showing favour to Hindus does positive injustice to Mussulmans. These are the definitions of communalist and nationalist

Bhai Parma Nand (West Punjab: Non-Muhammadan): Can you give us an illustration who are nationalists?

Dr. Sir Ziauddin Ahmad: Yourself.

Mr. N. M. Joshi: What about an internationalist?

Mr. President (The Honourable Sir Abdur Rahim): Let the Honourable Member go on.

Dr. Sir Ziauddin Ahmad: The same—yourself. Sir, this definition has been universally accepted by the British Government in India, and the Honourable the Home Member will verify from the Service Books of several officers that every official who appoints any Mussulman or writes notes in favour of Mussulmans is at once dubbed as a communalist, and

this fact is entered in his Service Book. I ask the Honourable the Home Member to say whether I am right or wrong. From the definition it follows that Mussulmans are communalists and Hindus alone can be Nationalists.

I am now coming to a department which is presided over by two nationalists. The Muslim Rights Protection Board at Lahore sent a memorial about the grievances of the Muslims in this particular department and, particularly, in Archaeology to His Excellency the Viceroy. The memorial was sent to the Governor General of the department and a deputation of the Muslim League waited on the Member in charge who promised to look into the figures which were supplied to him. Three months have passed and no reply has been given in spite of repeated reminders, because there is no reply that can be given at all. Sir, the other respect in which we suffer is this. Before now, the Muslim Member in the Viceroy's Executive Council looked after the Muslim interests and he gave friendly advice to his colleagues in camera. Now, any interference on the part of the Muslim Member is resented and is taken as equivalent to interference in a foreign administration and, therefore, he has no hand in the matter as his predecessor used to have. I seek the advice of the outside world what we should do in the unfortunate position in which we are now placed,—the nationalists sitting tight; the Congress remaining neutral; the Treasury Benches terrified by threats of resignation and fasts, and ready to sacrifice all their friends and supporters; our own representative in the Council not being able to intervene as it will amount to an interference in a foreign government; His Excellency the Viceroy not using his special responsibility for the protection of minorities; Mr. Jinnah not understanding British because there are only two persons in the world who have understood the British, one Herr Hitler and the other is Mahatma Gandhi, and they make the British act as if they are hypnotised. I give an illustration of the way in which we are suffering. The Mussulmans had been pressing since 1926 that a Muslim be appointed as Secretary in any department of the Government of India. We repeated our demand before His Excellency the Viceroy, Lord Willingdon, that one of the Secretaries should be a Muslim. I have a letter from Mr. Mievill in my possession in which he said that His Excellency would consider the matter. We understood that Sir Frank Noyce's successor would be a Muslim and his name was also mentioned, but we found to our great surprise that no Muslim was appointed. Then I reminded His Excellency and I got a reply from Mr. Mievill that His Excellency had hoped that a Muslim would be appointed at that time, but on account of the very strong and persistent representation of the Member in charge, who himself was a Muslim, His Excellency could not refuse his request.

Sardar Sant Singh: What department?

Dr. Sir Ziauddin Ahmad: Nationalists department. Coming now to the past history, in 1923, the Government of India for the first time recognised that some measures were called for to prevent a preponderance of any class or community in the public services in the country. This recognition was followed up, two years later, by a declaration in this House that one-third of the vacancies in future would be reserved for all the minority communities taken together. In practice, minority included Sikhs, Christians, Anglo-Indians and even Parsis but not Muslims. The

[Dr. Sir Ziauddin Ahmad.]

next step taken by the Government of India in this direction was in the year 1934 when a definite quota was fixed for the recruitment of the Muslims and other minority communities in the services under the Central Government. This House is aware that one of the points established in the review of the position to which the Resolution of the Government of India alludes was that the Muslim community was not responsible for the failure of the Government's policy to secure their adequate representation. Once it is established that a certain policy has failed in its object and also that the Muslims are not responsible for this result, it becomes the moral responsibility of the Government of India to take special measures to redress the past deficiency of the Muslims in Government services. Our complaint is that the Government of India have failed to discharge their responsibility. The Resolution of 1934 gives to the Muslim community 25 per cent. share, only in the future recruitment; it took no account to make good the existing deficiency of the Muslims, and it was silent about promotions and it excluded technical appointments. The result was that ordinary posts became technical and new recruitment was stopped in upper subordinate and officers ranks. I will try to calculate the period of time which it will take before the Muslims will get their 25 per cent. and I think Sir James Grigg, being a mathematician himself, may be able to help me, my solution has failed and I request him to give me a helping hand. It is well-known that the normal wastage in a cadre is in the neighbourhood of four per cent. per annum. A cadre consisting of, say, 1,000 persons there will be only about 40 vacancies in the year. Out of this, certain vacancies are reserved for promotion and for technical posts which invariably are filled up to the detriment of the Muslim candidates. Of the remaining posts, one-fourth is reserved for Muslims, and the result is that in a cadre of 1,000 the Muslims can hardly secure more than five new admissions, and if we deduct the number of the Muslims who go out on account of retirement, death and dismissal, the proportion is reduced to an infinitesimal number, and it is very difficult to calculate the number of years before the 25 per cent. is fully taken up. In this calculation there is one factor which I cannot get over, and that factor is what the mathematicians call the point of discontinuity. I do not know whether it is a pointwise discontinuity or total discontinuity, for I do not know on what date the administration will become discontinuous by the Government handing over the country and their friends to Mahatma Gandhi and get ready to sail from this country. I think Sir James Grigg is probably the only person who, from his knowledge of this side of India as well as the other, may be able to tell whether this discontinuity which I have mentioned is pointwise or total.

In the Government of India Secretariat the rights and claims of Muslims are so openly disregarded that the Muslim employees have begun to feel that they have no rights or claims whatsoever. In the Labour Department, there is only one Muslim out of 12 gazetted officers. In Commerce, there are 17 gazetted officers out of whom not even one is a Muslim. In fact, no Muslim officer has ever been appointed in this department. There are 12 officers in the Central Board of Revenue, including officers on special duty, and all of them, without exception, are non-Muslims. The three posts of Superintendents and senior assistants that fell vacant in this office have recently been filled up by non-Muslims from other departments although Muslims in this department were duly qualified for the same. I wish to draw particular attention to the unfair

treatment accorded to the Muslims in the Department of Education, Health and Lands and its attached and subordinate offices. In the department proper there has been no Muslim officer for a considerably long time. Recently the post of Joint Secretary, and of two other secretaries, and one of Educational Commissioner have all been filled up by non-Muslims, and out of a superior staff in the department of ten officers five are Hindus and five are Europeans, and there is not one Muhammadan. Formerly, there was one Muslim Superintendent, but now there is not one Muslim out of the five Superintendents. This is Bhai Parma Nand's department. The Authorities of the department have consistently and systematically ignored the claims of Muslims not only in the selection and appointment of superior officers but also in promotions among the staff.

In the matter of grant of extensions of services and selection for posts carrying special pay, I am prepared to give specific instances of injustice done to the Mussalmans in this department. But I do not wish to waste the time of the House over details. Suffice it to say that every Muslim in this department is found to be inefficient, just when the turn comes for promotion, and it is not strange that there should not be a single Muslim in the staff of the department to hold even a junior post in the cash branch which deals with establishment matters, or in fact, any post in any other branch carrying additional emoluments. That is a fact. No Mussalman was ever given a post from which he could rise or in which there is any additional emolument whatsoever in this department which is presided over by the colleague of my Honourable friend, Sardar Sant Singh.

Sardar Sant Singh: Who is my colleague?

Dr. Sir Ziauddin Ahmad: Nationalists.

Mr. Lalchand Navalsai (Sind. Non-Muhammadan Rural): Are you a nationalist?

Dr. Sir Ziauddin Ahmad: I am not, but you have the seal of a nationalist and you call yourself Congress Nationalist.

While the Government of India have been issuing orders to secure an increase in the representation of the Mussalmans, their proportion in this Department was substantially reduced, in flagrant disregard of the claims of Mussalmans and other minorities in the Department of Education, Health and Lands, its attached and subordinate offices and it has now become a scandal. I do not want to quote the example at present of the Archaeological Department which requires special consideration, I call it a department of Kafan Chores and this for two reasons. Firstly, its association with a story, I don't remember whether it is in the Arabian Nights or elsewhere. There was a king who had a special mentality. He always did the exact opposite to the advice given to him. He was advised to fill the office of Prime Minister with a person who may be learned, belong to higher profession. He said 'No, I must give it to a person who follows the meanest profession in the territory' and he gave the appointment to a kafan chore. He told him 'You must raise the status of men belonging to your class, so that they may acquire a position in the world'. There

[Dr. Sir Ziauddin Ahmad.]

was a neighbouring king who found that this territory was ruled by *Kafan Chores*. He attacked him and changed the system of burying dead bodies which were disposed of in other manners, and, thus, ended the professions of *Kafan Chores*. Secondly, this Archaeological Department was started to preserve ancient monuments. This department pays now very little attention to the edifices above the earth and they now take great care in finding what is inside the earth and, therefore, I do not think it is inappropriate to call it a department of *kafan chores*. I do not deal with it at length to day as I have very little time but I shall do so later on.

Then I take up the Medical Department. This office is not also without its tale of woe. The proportion of Muslims is maintained, if at all, by employing Muslims in temporary vacancies and then getting rid of them. Recently the post of office Superintendent was created and some able and senior officials of the Secretariat applied but a junior Hindu was taken. It is not known why Muslims, even with brilliant records, are not considered fit for superior appointments in the Secretariat. If the Government will care to inquire into the relative merits of the applicants for the post of Office Supervisor in the office of the Director General, I. M. S., they will find little justification for appointing the present incumbent. A Muslim was appointed as a Deputy Director General, as a sop, because the claims of a Muslim for the Post of Director General of Archaeology was overlooked. The Muslim Deputy Director General had held office only for six months and then he was sent away. The Medical Research Department which is under the administration of the Department of Education, Health and Lands, through the Director General, has not a single Muslim officer out of 80. There is only one Muslim in the office of the All-India Institute of Hygiene and Public Health. There was a vacancy in the post of Assistant Professor of Bio-Chemistry and Nutrition and a Hindu, with lesser qualifications, was appointed. Again the post of Deputy Director of Public Health has recently been filled up by a Hindu although suitable Muslim Officers were available for the post. I can go on narrating such stories the whole day but time does not permit me to do so.

Now, I want to suggest what the Government ought to do. The Government of India recognised that the shortage of Muslims is not due to the fault of Muslims alone. I want them to consider whether the circular of 1934 has proved sufficient to fill up the deficiencies. Government ought to have a departmental inquiry of their own to find out whether this circular has done real good to the Muslims. The suggestions are (1) Instead of fixing 25 per cent. in first recruitment, they ought to fix a time limit, say, ten years, within which the Muslims ought to get their full 25 per cent. The percentage of recruitment should be fixed in a manner that we get our full quota in ten years, otherwise, it will lead to an insoluble problem. (2) The Home Department should see that after the resolution of 1934, how many departments have stopped direct recruitment in upper subordinate and gazetted ranks. It should also see to the increase in technical appointments. After 1934, this is my third suggestion that in the interest of efficiency I suggest that not more than 50 per cent. of the places should be reserved for promotions and the remainder for direct recruitment. Suppose there are 100 vacancies and X is the number of Muslims appointed by promotions then the number that ought to be appointed by direct recruitment is 25-X and the total may be 25 per cent.

(4) The new rule which they have introduced in the railways and post offices to fill up even the posts of the lower gazetted officers rank by means of promotion from peons and chaprasis should be stopped. There is a growing tendency in these two departments to promote chaprasis and peons to the lower subordinate grade to evade the Resolution of 1934. An educated person (matric or higher) is appointed as chaprasi and as soon as possible promoted to the rank of a lower subordinate post as no reservation exists in promotion and the first appointment of chaprasis. I don't object to such promotions, but I insist that in such cases the appointment should be considered as first appointment. They have directly stopped fresh recruitment in upper subordinate grade and gazetted rank and indirectly in lower subordinate grade. New recruitments are being stopped and every thing is pulled up by promotion. To avoid evasion the Government of India resolution should be modified. We have waited too long. Our patience is exhausted and if nothing is done, we will be forced to act. With these words, I move.

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

"That the demand under the head 'Executive Council' be reduced by Re. 1."

Mian Ghulam Kadir Muhammad Shahban (Sind Jagirdars and Zamin-dars: Lanholders): Sir, the position of Muslims in the Departments under the control of the Communications Department is no better than in the other Departments of the Government of India; but the paucity of Muslim representation becomes all the more serious when it is realised that all these Departments are growing ones and of considerable importance. We discussed the question of inadequate representation of the Muslims in Railway services only two weeks ago and the position in the other Departments of Communications is equally unsatisfactory. Taking first, the Department of Civil Aviation, it is regrettable to note that there is only one Muslim Gazetted Officer employed as Aerodrome Officer; while there is not a single Muslim Ground Engineer. The Civil Aviation Directorate is a preserve for Europeans and, unless more higher posts are given to Indians and steps are taken to equip them as early as possible for these posts, India will not be able to face the danger in time of war. Again, Sir, the Aviation Department gives certain scholarships for training candidates for commercial and other branches of Aviation. There will be hardly one case, out of many, where such assistance has been given to a Muslim. While it is recognised that the Muslims, economically, are not as well off as the other communities, this can be a greater reason for assisting suitable Muslim candidates for such training, whereas other communities can provide men who can afford the training. So far as I remember, the Honourable Sir Thomas Stewart, in reply to a question, promised to give more scholarships to Muslims, but, unfortunately, his promises are not yet materialised. Special steps should be taken by the Department to ensure that the Muslims are properly assisted, by special scholarships if necessary, to fit them to hold their proper share in the superior appointments in the Directorate.

Taking the Department of Meteorology, there is only one Muslim employed in a superior post. The Muslims are not backward in scientific education now, but still we suffer; and, unless steps are taken to recruit Muslims in larger numbers than the Home Department's circular regarding the representation of minorities warrants, it is feared that Muslims

[Mian Ghulam Kadir Muhammad Shahban.]

will never get their proper share in the higher services for many decades to come.

The Department of Communications controls the major ports, which are semi-independent bodies like the Company Railways. While the Government have used their influence with the Company Railways to ensure that seventy-five per cent. of the superior posts on the Company Railways are Indianized, and that the Muslims and other minorities get their due share of these in the same manner as prescribed for Government Departments, similar action has not been taken in regard to Port Trusts. There is hardly a single Muslim employed in any of the superior posts in any Port Trust. We claim that at least the Chairmanship of one of the Port Trusts should be given to a Muslim, when the next opportunity arises, and that the Port Trusts should be required to give proper representation to the Muslims in their superior and inferior services and to follow the Government ratios in this matter. It has been possible for the Government to do so in the case of Company Railways similarly situated, and I see no reason why this cannot be possible in the case of Port Trusts. After all, the Government controls the Port Trusts in many matters and has influence with them. That influence should be used to ensure that Muslim representation in the services of the Port Trust is adequate.

Turning to the Department of Broadcasting, Sir, I find that in the Engineering side Muslim representation is very inadequate, and barring the Chief Engineer, the rest of the important posts in this organization are held by members of only one community. Naturally, the Muslim interests suffer and I would suggest to my friend, the Honourable Member for Communications, that one or two Muslims should find a place on the Selection Committee that may be appointed to select persons for these posts so that Muslim interests are safeguarded. I would like to mention that there is not a single Muslim Station Engineer. There are young Muslim engineers qualified to hold these posts, but they are kept out in one way or the other. In the All-India Radio Department, there are only eight Muslims out of eighty engineers and technical assistants working in the engineering branch of the Department. Every day exemptions are applied for on flimsy technical grounds to provide non-Muslims in the Department. It is only the non-Muslims who possess technical qualifications for the engineering service of the All-India Radio Department and he must, therefore, get an exemption from the general rule of recruitment. What an irony of fate!

Turning to the most important Department under the control of the Communications Department, viz., the Posts and Telegraphs Department, I would only refer to the number of questions asked in regard to Muslim representation and the various speeches made on different occasions by Muslim Members. It is a patent fact that Muslim representation in the superior as well as other services in the Posts and Telegraphs Department is very inadequate. Judging from the list published by the Department, in a year or so, we would not have a single Muslim as Post Master General. There is only one now who will shortly retire. The number of Muslim Deputy Post Masters General is also very small, and complaints have been made both in the Press and in this House of the manner in which it has been devised so that interests of Muslims are injured. Taking the office of the Director General himself, there is not a single Muslim officer holding any of the higher posts, and unless special steps are taken

to remedy this defect in the higher rungs of the service, and that, too, soon, we will find that there will not be a single Muslim officer holding any senior post. If it has been possible, Sir, in the past to import officers from the Indian Civil Service and other sources to fill higher posts in this Department, it should be possible now, when a suitable opportunity occurs, to import from other Departments and from the Indian Civil Service, Muslim officers suitable to fill these posts. The other day a question was raised about the incompetency of a certain Post Master General. The Mussalmans of high qualifications in the Civil Service grade are present, and they are willing to join the Postal Department. Special situations require special steps, and, unfortunately, the Member for Communications has been very slow to recognise this fact. He is a man of peace and does not want to go out of his way to remedy things which would require some trouble and some departure from the beaten track. The Director General has not shown, in the past, any keenness in removing these defects, and we would urge upon the Government to take stock of the position and of the serious agitation in the Muslim community over this matter and to take early steps to remedy the shortcomings.

Turning to the lower ranks, the Director General has devised a new method for selecting subordinates for promotion as Superintendents of Post Offices, which is calculated to keep the Muslims out. Proposals have been accepted by the Government without realising their effect on the minority communities. In this particular matter, the rules are so devised that seldom will a Muslim have a chance. If there is an open competition, Muslims are prepared to take their chance, but the method adopted is liable of abuse to the detriment of the minority community. That the fears that we have are genuine, would be proved by past experience and we are frankly apprehensive of the future. Taking the technical side of the department, the engineering side, the position is as bad and we urge upon the Government to depart from the Home Department circular limiting recruitment of Muslims to 25 per cent., which would not give the Muslims their due share for even a century. These orders must, under the ordinary circumstances, go and be replaced by fresh orders which would ensure that the Muslims attain their proper representation in all classes of service in this Department within the shortest possible period.

One aspect of the question of Muslim recruitment which we feel very strongly is that as soon as the Government of India issued their circular reserving a certain number of posts to be directly recruited by minority communities, there has been in most departments, which are influenced largely by members of one particular community, a tendency to stop direct recruitment and limit it by promotion from lower rungs. This policy has been cleverly devised, as in Railways, at the cost of efficiency, to deprive the Muslims of getting their share in the comparatively higher posts. The tale is the same whether it is the Railway Department or the Posts and Telegraphs Department. Formerly, upper subordinates were recruited direct in the Posts and Telegraphs Department and this has been limited considerably now with the result that most of these posts will go to one particular community by promotion and that Muslims will find a place in the lower rung of the ladder. We demand that direct recruitment to the upper subordinate grades in the Department should be re-opened and percentage of such posts should be reserved for Muslims. Only in such manner it would be possible to give the Muslims their proper share in the

[Mian Ghulam Kadir Muhammad Shahban.]

services. Otherwise, we would have the same old story, which is so familiar, repeated again, where the percentage of Muslims is shown rather high because there is quite a large number of Muslims employed as peons, orderlies and daffries. Now, the percentage of Muslims in the total strength of a department could be shown to be adequate by taking only the most low paid clerks into account. Stoppage of direct recruitment to these intermediary posts has been brought about on the plea of administrative inefficiency but it is a strange coincidence that this great regard for efficiency should have synchronised with the issue of order for reservation of posts for minority communities. I daresay that there have been motives other than pure regard for administrative efficiency behind this measure which must go.

The grade of the Appraisers of the Customs Department may be compared with that of the Superintendent of Post Offices and Railway Mail Services and those of the Preventive Officers with the Inspectors of Post Offices and Railway Mail Services, etc. If only ten per cent. of the posts of Appraisers is reserved for the departmental candidates (that is, Preventive Officers) and no such reservation of Preventive Officers posts for clerks of the Customs Department, why 50 per cent. posts of the Superintendents of Post Offices and Engineering Supervisors of Telegraphs should be reserved for internal promotion. If reservation is at all necessary, it must be on the line of the Customs Department, that is, ten per cent. and not 50 per cent. There is no reservation as far as the posts of the Sub-Inspectors of Police and clerks of the Police Department are concerned. It is not understood why 50 per cent. of the clerical posts in the Posts and Telegraphs Department should be reserved for postmen and packers, etc.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, my Honourable colleague will deal with this debate when it comes to an end. I have no doubt that he will find it very difficult to deal with the rather omnibus accusations that have been made and I wish to assist him by intervening for a few minutes in order that I may refer to some of the departments which are under my control. In the first place, I should like to make it quite clear that I do not feel that I am committed to any such promise as my Honourable friend, Mr. Shahban, put in my mouth. I can recollect no occasion on which I gave a categorical promise that I should give more aviation scholarships to Muslims. I have no memory of having done so, and I think it is exceedingly unlikely that I should ever have signed a blank cheque of that sort. One of his complaints against the Civil Aviation Department was that we had steadfastly turned our faces aside from Muslims and had refused to appoint them as Aerodrome Officers or as Ground Engineers. Now, let me make it quite clear that it is not the Communications Department which makes these appointments. All candidates for appointment to these posts have to go before the Public Service Commission and if Muslims of the requisite capacity and ability do not present themselves before the Public Service Commission with a view to appointment, that is no reason why the Communications Department in particular and the Government of India in general should be blamed. As a matter of fact, when one considers the number of people who are interested in civil aviation, as judged from the number who succeed in getting pilots' licences, one significant feature is

that the number of Muslims who have interested themselves in getting pilots' licences is extraordinarily small.

Sardar Sant Singh: Can you appoint Muslims without pilots' licences in order to give the requisite percentage to Muslims?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot have any further debate. The Honourable the Communications Member is speaking.

The Honourable Sir Thomas Stewart: The principle that I am prepared to follow in this matter is not to appoint to any post, requiring particular skill, some one who is wholly unqualified to carry out the duties of the post. The same complaint was also made in regard to the Meteorological Department, namely, that there is inadequate representation of Muslims. Here, again, I must point out that we recruit to this Department through the Public Service Commission. If Muhammadans of the requisite qualifications are not forthcoming or do not present themselves to the Public Service Commission, then, again, we can accept no responsibility. A plea was put forward that in regard to selections for the Broadcasting Department, there should be Muslim representation on the Selection Committees. Well, we recruit in two ways. For the superior posts, we recruit through the Public Service Commission and as regards these the same arguments that I mentioned in connection with the Aviation and Meteorological Departments apply. For some of the less important posts we have local Selection Committees, and these, invariably, have Muslim representation on them.

More important, perhaps, were the criticisms that were offered to our conduct of recruitment in regard to the Posts and Telegraphs Department and I cannot reply with any hope of convincing anybody by merely saying that the Honourable gentleman is wrong. But I would ask the House to bear with me while I give the defence which is at my disposal. The best of all defences is to quote the actual figures of what we have been doing. So far as recruitment of the gazetted staff is concerned, since 1933, out of 26 gazetted officers recruited, six have been Muslims, which is approximately 23 per cent.

Dr. Sir Ziauddin Ahmad: How many of them were promoted?

The Honourable Sir Thomas Stewart: I cannot tell you how many were promoted.

So far as the non-gazetted superior staff is concerned, the number recruited in 1933 was 335, out of a total of 1,161. In 1937, 12 Noon. the number had risen to 463. Since 1932, the proportion of recruitment has risen from 25.7 to 28.2 per cent. As you know, Sir, our contract, as it were under the 1934 Resolution is 25 per cent. The House may not be so much interested in the inferior staff. But the same phenomenon reveals itself in regard to this. Between 1932 and 1937, the proportion of recruitment has risen from 22.8 per cent. to 29.8 per cent. Again it must be remembered that 25 per cent. is our contract. My Honourable friend, Dr. Sir Ziauddin Ahmad, has enquired at what period of time will this process of recruitment result in adequate representation, all-over representation, of Muslims in the services. In the course of an interruption, he suggested to me a few days ago that it might

[Sir Thomas Stewart.]

take 100 years. The actual fact is that between 1984 and the present time, there has been an increase of one per cent. I think it is highly likely, if that rate of progress continues, that perhaps within the next ten years the proportion of 25 per cent. may be reached. That I only suggest as a possibility; it must not be taken as a promise.

Again, in this debate, as in another one with which I had to deal some days ago, it was perfectly obvious that what was in the mind of the critics of Government was not the cake itself but the plums. I think that in his desire to prove that his part of the cake had no plums in it, my Honourable friend, Mr. Shahban, went somewhat off the lines. He suggested that in the superior directorate of this department, there were no Muslims. The fact of the matter is that there are two out of 18. He also complained bitterly that we had excluded Muslims from a rather attractive branch of service,—the wireless operators and Engineering Supervisor grades. That is the stage at which recruitment is made for the higher Engineering posts. The officers that we recruit for these posts are charged with the care and maintenance of very elaborate and very expensive machinery. I should be reluctant to allow just anybody to be taken on for that work; I do not care whether he is a Muslim or a Hindu or an European, I would not take him on unless I was certain that I could entrust to him, with confidence, the charge of this elaborate and expensive machinery. It may be an unfortunate fact, but it is, nevertheless, the fact that there has not been coming forward the requisite type of Muslim candidates who can pass even the qualifying examination that would entitle him to appointment.

To conclude, I should like to refer to one other matter. Criticism has been made, the suggestion has been made, that in making our recruitments, and in fact in our entire administration of the department, considerations other than efficiency have been present in our minds. These criticisms have, inside this House and outside, been directed towards the Director General of Posts and Telegraphs. In conclusion, I should like to read the concluding sentence of an answer that we gave some time ago to one of these criticisms of our administration, with special reference to the Director General: The representations:

".....appear to give the impression that the Director General and his department have been actuated by a desire to do less than justice to the Muslim community. The Government of India must repudiate any such suggestion in the strongest terms. In all his actions, the Director General has scrupulously carried out the orders of Government and the instructions he has issued have been in full conformity with Government's policy and have been issued after such consultation with the Government as was necessary."

These were our views some six months ago, and these are equally our views today.

Mr. N. M. Joshi: Sir, sometime ago the question of representation of minority communities was discussed, during the discussion of the Railway budget and, when I spoke on that occasion, I made it quite clear that I had the fullest sympathy with the claims made by the minority communities that they should be represented in the Government services in accordance with their proportion in the population. I also stated on that occasion as my view that I would like not only the Muslim community but the other minority communities to reach their proportion at the earliest time. I shall not oppose any measures which the Government of India may take in order to secure that object. Sir, this is necessary not only in the interest of the

Muslim community, not only in the interest of the minority communities, but also in the interest of the country. A good deal of the energy of the people who should engage themselves in better kind of work is spent in this kind of work, in finding out jobs for people in different communities. Sir, this question is being discussed in the Legislature for many years. I remember that it was discussed many years ago and then I made the suggestion to the Government of India that they should publish an annual report on the employment given by them to different communities in different departments. I know there are some departments such as the Railway Department and the Postal Department which give some figures in their annual reports as to the different communities which have been employed in their departments. But, Sir, even those departments do not give really sufficient information. If a certain community does not get its due proportion in the Government service, the department should give an explanation as to why that was not done. If certain departments are being overmanned by some communities, again that department should give an explanation as to why that was being done. The Honourable Member in charge of Communications just now stated that in certain posts, the requisite number of Muslim candidates with the proper qualifications were not available. That may be true. But this does not satisfy the community. It is, therefore, necessary for the Government of India to publish a detailed report stating what the present position is, what the past position was and if certain communities were not getting justice why those communities were not getting justice. Let this information be given department by department. Let this information be given for the military department and for the civil departments. It may be that if full information is given, it may be found that certain communities get more than their share in certain departments. That would be a good explanation if their representation in certain other departments is smaller. I, therefore, suggest to the Government of India that in the interest of the public, in general, they should publish a detailed report of the employment given by them to different communities and the report should be as detailed as they can make it so that, if there is a discussion in the Legislature, the discussion will be based upon facts and not upon mere general statements. Sir, I should like to say this because it is quite possible that if the facts are made clear the minority communities will be able to remove certain defects if their inadequate representation is due to those defects. Personally I feel that if the Muslim community will devote somewhat greater attention to education than they do some of their complaints will be removed earlier.

Dr. Sir Ziauddin Ahmad: They have got enough educated men.

Mr. N. M. Joshi: Sir, I have got quite as much experience as Sir Ziauddin has got. I do some amount of work and my work is done among a class of agitators. Even there I feel the paucity of Muslims. I want a large number of Muslims to be educated and to be able to take part in the labour agitation, and I find it difficult to get them. I believe that if an appeal is to be made to the Muslim workers, it can be better made by a Muslim than by a Hindu.

An Honourable Member: You want us to follow you?

Mr. N. M. Joshi: I am not asking you to follow me, but I do say that there are some classes of public work where we need Muslims very badly, and one of these classes of work is agitation for the improvement of the

[Mr. N. M. Joshi.]

working conditions of the workers in this country. There are a large number of Muslim workers in Bombay; about one-fourth of the textile workers in Bombay are Muslims, but we do not get a sufficient number of Muslims who will agitate on their behalf. I feel the inadequacy and the difficulty also. I quite see that if I get a Muslim to make an appeal to Muslim workers, we shall succeed much better. Therefore, I would suggest to my Honourable friends in the Muslim community that they should give greater attention to education. There are, at present, at least four provinces under Muslim ministries.—Bengal, Punjab, Sind and the North-West Frontier Province. Let at least these Governments, if not the others, devote all the resources which they can command to educate the Muslim youths and children so that the inadequacy and paucity which we feel, not only in Government service but everywhere, may be removed. Sir, unfortunately, some of my Honourable friends are not interested in the expansion of education, and I know quite well why. If the community, as a whole, is educated the monopoly which at present some people enjoy will not remain with them and, therefore, they do not agitate for education. They only agitate for reservation of certain posts. It is a mistake. Similarly, they are getting into another difficulty. They say that people from the lower ranks should not be promoted to the higher ranks in larger proportions.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Who says that?

Mr. N. M. Joshi: You are asking for a larger proportion of direct recruitment. Why? Why should not the young men who are employed on the lowest rung of the ladder rise to the highest posts in the department? There comes the question of class interest. Somebody says that people who are appointed as chuprassies should not be promoted to the post of clerk. Why? Because the chuprassies come from the working classes and our friends of the middle classes do not like that the sons of the chuprassies should be raised. They say they do not want direct recruitment because if the sons of clerks become officers that is also not liked by some people. Sir, it is wrong. Let them educate the community, spend as much money as they like, ask for any special opportunities they want for education of the children of their community. But it is wrong to go on making some demands which do injustice to certain classes in their own community. Why should not the sons of chuprassies rise? Why should you insist that the posts of clerks shall be given only to children of the educated classes? Why should you insist

Sir Muhammad Yamin Khan: There is no such prejudice among Muslims.

Mr. N. M. Joshi: Then you need not bother about whether people are promoted from below or taken by direct recruitment.

Sir Muhammad Yamin Khan: You do not understand it.

Mr. N. M. Joshi: I understand it quite well. What you should say is that you should have a sufficient number of men. It is not your concern whether the men appointed in the higher grades are promoted from the lower grades or appointed direct. I can understand your insisting upon Muslims being appointed in every grade.

Dr. Sir Ziauddin Ahmad: Twenty-five per cent.

Mr. N. M. Joshi: I can understand your demand that in every grade you must have a sufficient number of your own community, but if you insist that people should be taken by direct recruitment, it is a sign of your class interest, I shall oppose it at every stage.

Sir, I do not wish to take up any more time of the House but I would again repeat my request and appeal to the Government of India to publish annually a detailed report as to the employment given by different departments of the Government of India to the various communities of the country.

Mr. Nabi Baksh Ilahi Baksh Bhutto (Sind: Muhammadan Rural): I would like to touch in my speech only few departments which have been left out by previous speakers; I take up Political Department.

There are six officers above the rank of Superintendent. Out of these three are Hindus and none Muslim. Out of these Hindu officers one has been in the department for the last ten years, although the usual tenure of service in the department for Political Officers is three years. Apart from other considerations this practice of allowing an officer to serve in the same post in a department of the Government of India is wrong in principle. The term of service of another Hindu officer has also been extended by another year.

Out of eight Superintendents in the department five are Hindus, and none Muslim. This overwhelming preponderance of Hindu officers has resulted in a proportionate increase in the number of Hindus in the ministerial establishment. The Muslim members are very unjustly treated, and various devices are adopted for suppressing them. Certain posts have been declared technical, while certain other posts have been treated as outside the general cadre. This has provided a back door for the appointment of unqualified Hindus direct to the Political and External Affairs Departments; and it is a favourite method adopted in the departments for evading the orders laid down in the Home Department resolution, dated the 4th July, 1934. In the Political Department no Muslim has been appointed as a permanent Assistant, since 1934, although about ten vacancies have occurred since then. Two permanent Muslim Assistants have been recently transferred from this department to the External Affairs Department. The result of these will be that in a few years there will be no senior Muslim Assistant in the Political Department, and there will be a block of about ten Hindu Assistants. For years to come, therefore, there will be no chance for a Muslim to become a Superintendent in the department.

Similarly, in the Second Division, the senior Muslims who had a chance of promotion to the first division have been transferred to the External Affairs Department on its constitution into a separate department. The result is that even very junior Hindus in the Political Department are officiating in the First Division; and among the ten temporary Assistants nine are Hindus and only one Muslim.

The Joint Select Committee on Constitutional Reforms recommended that the Political Service should remain under the External Affairs Department. The Hindu officers of the Political Department of the Government of India, however, wanted to keep control over the posts on the North-West Frontier, in which there are chances for Muslims, and the recommendation of the Joint Select Committee has not been accepted.

[Mr. Nabi Baksh Illahi Baksh Bhutto.]

All these things are happening in a department which is directly under the control of His Excellency the Viceroy. The matter is, therefore, of greater regret than it would have been otherwise.

This is one of the most important departments at present. The policy recommended by this department is of vital importance to the Muslim community; it is not merely a question of providing a few jobs to Muslims. In this department, out of four gazetted officers, two are Hindus and none Muslim; and at one time, when His Excellency Lord Linlithgow went on leave last summer, all the four officers employed in the department were Hindus. It is, therefore, not a matter for surprise that the policy of Government in regard to constitutional matters has, of late, veered heavily towards the Hindu community and the rights and interests of Muslims have been absolutely ignored.

In the Home Department there are seven officers, of whom two are Hindus and none Muslim; and out of the six Superintendents there are, at present, three Hindus and none Muslim.

One of the special responsibilities of the Governor General, under the Government of India Act, 1935, (S. 12), is to safeguard the legitimate interest of minorities. This includes, according to the Instrument of Instructions to the Governor General, the securing of a due proportion of appointments in the services to the several communities. A glance at the Government of India Directory, however, shows that very few gazetted posts in the Secretariat are held by Muslims, while a disproportionately large number are held by Hindus (mostly of Bengal and Madras). It seems that Indianization of services has been interpreted to mean appointment of Hindus. It is a matter of very great regret that the departments directly under His Excellency's control do not possess a single Muslim officer, namely, the External Affairs Department, the Political Department, and the Reforms Office. These Departments, in view of their direct connection with His Excellency, should be models of communal equity and impartiality to other departments. In the External Affairs Department there are four, and in the Political Department, eight Indian officers (including Superintendents). All of them are Hindus. In the Reforms Office there are at present four Hindu officers (above the rank of Superintendent) and there is no Muslim in the Department of Industries and in Labour and Commerce also there is no Muslim officer.

The work done in the Reforms Office, in particular, is of vital importance not only to the present generation, but also to the future generations, of the Muslim community. As long as the late Mian Sir Fazl-i-Husain was a Member of the Executive Council of the Governor General all the officers in that office were British; and the Secretariat staff sent to England in connection with the Indian Round Table Conference also contained an equal number of Muslim and Hindu officers. This policy has however recently undergone a change, the reason for which is not obvious. The Muslim community will look with the greatest distrust and suspicion at the recommendations of the Government of India in regard to constitutional matters as long as there is a single Hindu officer in the Reforms Office, or as long as there are not as many Muslim Officers in that office as there are Hindus. The terms of the Government of India (Adaptation of Indian Laws) Order, 1937, have already given rise to the greatest dissatisfaction in the Muslim

community. On a cursory glance it appears that the "Central Government" has been substituted in all possible and some impossible places for "Local" or Provincial Government.

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): Mr. President, Sir, in supporting the motion I only feel and my Party feels that we may be styled communalists by our majority community; but they and the Government should now realise that things have reached a stage when Muslim partnership in the Government of the day should be recognised in the interests of the administration and goodwill of the people ruled and they should be given a due share in the services of the country. We have waited too long for a square deal and though gestures were made but nothing has happened as yet. We began by making demands in the press and making speeches and leading deputations to the authorities from time to time; but though all these were treated courteously they were turned down contemptuously, so far as practice was concerned. It is no doubt unfortunate that, Muslims, whose ideals were by far greater than that of earning their livelihood by slavery, are crying for a proportion of services, but the tragedy of the situation is that even that slavery is being refused to them when they want it. My Honourable friend, Dr. Sir Ziauddin Ahmad, has pointed out the position in the different departments of the Government and I need not take the time of the House in giving a categorical example of the situation as it exists in the different departments, although, I can cite a thousand and one more examples if time had permitted and if Honourable Members were willing to receive deputations or otherwise. I would only point out that the position on the railways is most woeful and I need not dwell on this subject any more as the matter was fully discussed in the cut we moved. Muslim representatives have been doing what they could constitutionally but the position has not improved. Different philologies have been given to the word "efficiency" by different heads of departments, to suit their purposes to debar Muslims from their just demands on the principle of right and not as a mere matter of favour.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): What is your definition of efficiency?

Mr. Muhammad Nauman: My definition of efficiency is the same as is found in any other dictionary in the world. Now, I want to point out that the position of Muslims in the industries, which are either subsidised or protected otherwise by tariff duties by the Government, is also deplorable. I may point out that the industries are subsidised or protected by the Central Revenues where also the Muslims claim their partnership. These industries are protected at the cost of the consumers which, naturally, includes one-third of the population of Muslims in this country who have every right to claim the same proportion of the interests all over as they have in this country. The mere fact that the managing agencies are entrusted to non-Muslims, certainly, should not give them a chance to ignore the Muslim partnership in their services. I have no time to point out each industry name by name but I would confine myself to the names of a few of the important industries where Muslims are not getting a due share or even a square deal. I would point out the Tata Iron and Steel Works which employ about 8,000 to 10,000 persons in different capacities on daily or monthly wages and the number of Muslims is hardly five per cent. of

[Mr. Muhammad Nauman.]

the total and even they are in the lowest cadre of the services. They have got probably no Muslims on a salary of a thousand rupees monthly, whereas their general manager gets 10,000 to 12,000 rupees including the different allowances. My friend, Sir Cowasji Jehangir, who happens to be interested in this industry knows probably more about the actual position than anybody else.

Mr. N. M. Joshi: He is a Director.

Mr. Muhammad Nauman: Then again, Sir, in the Dalmia Cement Company, I know it for a fact that by the consent of the Directors, special instructions have been issued that no Muslim should be employed in their company. I know Mr. Dalmia personally, but that is a different thing, but this is unfortunately the story of the companies that he is controlling. Then I would point out that in the Ahmedabad Cotton and other Mills the position is still more deplorable. A certain section of the majority community. . . .

Mr. President (The Honourable Sir Abdur Rahim): That has nothing to do with the present motion which refers to employment of Mussalmans by the Government.

Mr. Muhammad Nauman: May I point out, Sir, that in the industries protected and subsidised by the Government to any extent, the Government of India should have taken some interest. . . .

Mr. President (The Honourable Sir Abdur Rahim): That would be going too far. It does not come within the scope of this motion. The present motion is about inadequate employment of Mussalmans in the Central Services.

Mr. Muhammad Nauman: My point is. . .

Mr. President (The Honourable Sir Abdur Rahim): That is not in order. It is not within the scope of this motion. The Honourable Member must confine himself to the services under the Central Government.

Mr. Muhammad Nauman: It comes indirectly, Sir.

Mr. President (The Honourable Sir Abdur Rahim): It does not come within the scope of this motion. The Chair has given its ruling.

Mr. Muhammad Nauman: I bow to your ruling, Sir.

Then, Sir, I will deal with the other departments of the Government of India. My friend, Dr. Sir Ziauddin Ahmad, has pointed out how inadequately the Mussalmans are represented in the various departments, but I would deal with the Archaeological Department. There were seven Class I officers in this department, of whom the two senior-most have been superseded by a junior Hindu for promotion to the post of Director General, on extremely flimsy grounds, namely, one of them was considered 'unsuitable' for the post and the other was not appointed, being a technical man, although technical men have held charge of much bigger departments and proved successful. Another Muslim officer fell victim to the non-Muslim

clique which is the paramount power. Petty charges were brought against him, and when they were not proved he was removed from service on quite a different charge. Perhaps, the argument against him was: "If you don't commit a crime, there is no reason why we should not punish you". On the other hand, serious allegations against a non-Muslim officer who was found guilty of fraud and misappropriation of Government money some years ago were not even inquired into. The fourth Muslim officer who is a distinguished Architect with European qualifications has not been allowed to cross the efficiency bar and thus his future promotion is stopped. A non-Muslim architect, on the other hand, who received his training at a Bombay school, who has innumerable reports of inefficiency to his credit, earned from many successive Directors General, is duly receiving his increments. The fifth Muslim officer was retrenched when the exploration branch was abolished and the only Hindu officer in that branch was absorbed in the department. No attempt was made to absorb the Muslim officer too in any of the posts that fell vacant due to retirement of officers. The sixth Muslim officer, with European qualifications, has recently been passed over by a junior Hindu at the time of promotion to the post of Circle Superintendent, on the ground that the post of Circle Superintendent is a "selection" post. There has, probably, never been a case in the past of supersession for appointment to this post as promotions to it were always regulated by seniority. The seventh Muslim officer is still untouched, but at the present rate he cannot hope to remain so for long. The increments of Muslim subordinates have been indiscriminately stopped, supersessions have been ordered which are wholly unjustified, the promotion of Muslims has been stopped by the grant of extensions of service to Hindus. They are unnecessarily harassed and oppressed and their good records spoiled by adverse reports. In one case a Muslim subordinate was removed from service, because he had the audacity to point out a case of theft of antiquities committed by a Hindu draftsman.

Capable Muslims, who are juniors, are not given promotions because they are juniors and senior Muslims are debarred because they are "not up to the mark". Muslims with European qualifications, with degrees of Doctorate, are superseded by third class graduates. Muslim graduates are superseded by matriculates, Muslim matriculates are superseded by non-matriculates. This is not rhetoric, but these are painful facts. In November last, a deputation of the Muslim League Party waited on the Honourable Member in charge of this department and placed in his hands a statement of specific instances alluded to above, but he, unfortunately, has not thought it fit to take us into his confidence and to explain his own version of this atrocious treatment.

It is not understood what is the practical utility of the so-called Appeal Rules. In so far as the oppressed Muslims of this department are concerned, these rules are a huge farce. May I ask how many appeals, lodged by Muslims, have been accepted? None, I suppose. A wholesale charge of inefficiency against all the Muslims in this department, their British and Indian qualifications notwithstanding, is rather difficult to swallow. But it is being thrust down the Muslims' throat.

During the short period that the present Director has been the unchallenged master of the destinies of Muslim servants of this department, he has done an incalculable harm to them, and none of them can ever hope, hereafter, to rise to posts of importance, whether gazetted or non-gazetted. Ever since the creation of the department in 1902, the post of Director

[Mr. Muhammad Nauman.]

General has never been held by a Muslim. When the turn of a senior Muslim came to be promoted he was superseded by a junior officer, the present Director. All the senior Muslim officers have suffered one or the other set-backs calculated to debar them from promotion either to this post or to the post of Deputy Director. To the post of Head clerks and office Superintendent in this department, no Muslim has ever been appointed, and those who would, in the normal course, have risen to these posts have been 'nipped in the bud'—they have been superseded or their increments stopped so that they became junior to their juniors and can never hope to rise. The last incumbent of the post of Superintendent was a non-matric, and the present incumbent too is a non-matric whose only qualification and experience is that he was a steno-typist, was heavily in debt, and was once found to have drawn his travelling allowance fraudulently. The reason why these qualifications make a good Superintendent in the Archaeological Department is that the available senior Assistant happens to be a Muslim.

There is another distinguished officer in the department—the man in charge of the Punjab Circle. A bright future has been secured for him by putting him above a senior Muslim officer with European qualifications. This worthy gentleman has stopped the increments of almost the entire Muslim subordinate staff, and has dismissed or punished, in one form or another, almost the entire inferior Muslim staff such as, peons, chaukidars, Mistries, Malis, etc. There is a rumour that he gets a pat on the back from higher authorities for every activity in this line. This department has lately recruited four gazetted officers and seven subordinates, namely, four clerks, one draftsman, one chemical assistant, one anthropological assistant. All the eleven are non-Muslims. In one case, a Muslim was nominated by the Home Department but he was refused.

Now, Sir, after the Archaeological Department, I come to the Reserve Bank of India. What is the position there? We have been making representations after representations for a proper share for Muslims in the Reserve Bank. The Reserve Bank was started not very long ago, it was started only four years ago, and still the quota of Muslims is not to be found there. So what I feel is that in spite of the Resolution of 1934, in spite of the promises held out to us on the floor of the House on more than one occasion, things are going on as before.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got only two minutes more.

Mr. Muhammad Nauman: So we strongly feel that the Government has not treated us fairly in this matter. The Government has not been sincere in translating their resolutions and promises in regard to giving adequate representations to Muslims in all these services. I have said in the beginning that it is a tragedy for us that we should be earning our bread by slavery, but, unfortunately, we are placed in this uncomfortable position in this country, because that is the only line open to us, and the tragedy is that, in spite of our having to submit to slavery, we are refused to earn our livelihood by honest means. Unless, therefore, Government seriously take all these matters into serious consideration, and unless they really do something in right earnest to remedy our grievances, probably things will come to a stage where unconstitutional means will have to be adopted. With these remarks, I resume my seat.

Sir Girja Shankar Bajpai: I intervene in the debate for a very limited purpose, and that is to explain the position with regard to the Archaeological Survey of India which has been the subject of comment by two Honourable Members who have spoken from the Muslim League Party. You will appreciate that, when we are dealing with a department which consists of gazetted, non-gazetted and menial staff, it is not possible to give a complete account of the stewardship of the head of the department with regard, in particular, to the non-gazetted and menial appointments. I think that ultimately policy and administration both are directed by the superior officers, and I shall, therefore, limit my observations to the gazetted staff of the Archaeological Survey of India.

Before I go on to explain the existing position, I should like to refer to one or two individual cases which have been mentioned, in particular, by my Honourable friend, Mr. Nauman. I would like him to reflect on what I say, not because I am animated by any feeling of malice or resentment in this affair, but because it may be that he perhaps has had the facts not correctly presented to him. Now, let me mention one instance. My Honourable friend said that a certain Superintendent in the Archaeological Survey of India, a Muslim officer, had been removed from service on flimsy charges. I shall not mention the name of the officer; my Honourable friend knows it. I shall not mention it because my Honourable friend has not done it, and it does not seem desirable to discuss the merits or demerits of individual officers. In this particular case my Honourable friend has been completely misinformed. When the first charge was made against him, the case, because he was a gazetted officer, was referred to the Public Service Commission. The Public Service Commission recommended that he should be given another chance. He was given another chance. And, I do not think I am disclosing or breaking any confidence when I say that, in the face of the opposition of a number of officers, I recommended to the then Member in charge that this particular officer should be confirmed as Superintendent. He was confirmed as Superintendent, but, unfortunately, certain other things came to light with regard to this officer. We held a departmental enquiry; we could not avoid it because that is a statutory obligation under a certain Act of 1850. We did not ourselves take action upon the recommendation of the departmental enquiry; we referred the result of the enquiry to the Public Service Commission, who, again, under the rules have to be consulted in a matter of this kind. And the unanimous recommendation of the Public Service Commission was that this officer should be removed. I hope that my Honourable friend will agree that in the interests of morale and discipline of the public service, we could take no other action.

Mr. Muhammad Nauman: Was any Hindu officer found in a similar position and was he similarly treated?

Sir Girja Shankar Bajpai: I will come to that. I was, first of all, dealing with this case of the Muslim officer to whom my Honourable friend referred. My Honourable friend then asked, was any Hindu officer similarly treated? Again, I shall not mention the name, but a couple of years earlier, when a Hindu officer holding the position of Superintendent was held up to Government for something similar, a departmental enquiry was made in his case also and that officer was dismissed. That, Sir, I hope will satisfy Honourable Members that, in these matters, we have been

1966

LEGISLATIVE ASSEMBLY.

[18TH MAR. 1969.]

[Sir Girja Shankar Bajpai.]

following the procedure which is prescribed for us, and we have been taking the action which in the individual circumstances was indicated as being both desirable and necessary. Then my Honourable friend referred to a certain case, the case of an officer who he said had been superseded for the post of Superintendent. I think I can assure my Honourable friend that there again he has been misinformed. Two officers were appointed to officiate simultaneously in the post of Superintendent. One, unfortunately, did not have a satisfactory report and, therefore, his confirmation had to be delayed, but it was clearly indicated, when subsequently this officer was confirmed, that the delay in his confirmation would in no way prejudice his claims for consideration for a selection appointment later. I hope there again my Honourable friend will now recognise that just action has been taken. Reference was made to an appointment made two years ago, an appointment, that is, to the post of Director General of Archaeology. I have answered questions on that subject before and it does not seem to me to be necessary to repeat what I have said in the past. But I will say that it was a selection appointment, and I do not think that it will be fair to the officers concerned if I were to mention their names individually and indicate the reasons why preference was given to one over the others.

Now, I come to the existing composition of the gazetted staff of the Department of Archaeology. There are, in all, 15 officers. Of those 15 officers five are Muhammadans. There are nine posts of a position comparable to that of a Superintendent of Archaeology; of these nine posts three are held by Muslim officers.

An Honourable Member: What about the other six?

Sir Girja Shankar Bajpai: I am saying there are 15 gazetted officers. Ten are holding posts comparable to that of a Superintendent. Of these six are held by non-Muslims and four are held by Muslims. Of the remaining five, which correspond to the post of Assistant Superintendent one is held by a Muslim and four are held by non-Muslims. The Government of India's decision with regard to direct recruitment is, that in a non-technical department, 25 per cent. of the vacancies shall go to Muhammadans. The fourth vacancy is to be filled shortly, and I can inform the House now that we shall be asking the Public Service Commission, in that case, to give preference to a Muhammadan. As far as we are concerned, I think that the explanation which I have given now of individual cases, as also of our general policy, ought to satisfy Honourable Members that what is required by us of Government is being done faithfully and loyally.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): May I just ask a question? My Honourable friend, Mr. Nauman, dealt with the cases of six Muslims who, according to him, had been improperly treated by the Department of Education, Health and Lands. My Honourable friend, the Education Secretary, in his reply confined himself to three cases only. What about the remaining three? Mr. Nauman's point was that out of the seven Muhammadans six have been too harshly and improperly treated. Does the Education Secretary admit that the allegations made by Mr. Nauman with respect to the remaining three are correct?

Sir Girja Shankar Bajpai: No, I do not admit that. In fact, I am aware only of those three cases with which I have dealt in the course of my reply. I do not know really anything about these three unnamed officers.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would point out that we are not here to discuss any individual cases. It is the grievance of a community that is sought to be discussed by this motion, not individual cases.

Sir Muhammad Yamin Khan: Let me at the outset make it clear to Government and to the non-Muslim section of this House also that the Muslims do not, in any way, press that inefficient Muslims should be taken into the services and given preference over efficient persons.

An Honourable Member: That is what is being done.

Sir Muhammad Yamin Khan: That has never been the demand of the Muslim community. My Honourable friend has made a remark which I will not deal with now, but shall come to it later. Our demand is that the Government, having come to a definite conclusion and laid down a principle, should adhere to it and see that the officers under the Government work properly according to their instructions. There should be no camouflaging in carrying out the spirit of the Resolution of the Government in fixing the proportion for the Muslims in different departments of the Government. In 1923, we found out from figures that the Muslims were really less than three per cent. in the Government services. That opened our eyes and we said that this state of affairs should not be tolerated any longer. In 1923, different procedures were adopted in order to secure fair representation of Muslims but they were defeated by the ingenuity of those who administer the orders. Ultimately, in 1934, it was decided by the Government that 25 per cent. seats should be reserved for the Muslims in direct recruitment. This was a great improvement on the situation that then existed and our demand was that till the time the Mussulmans got their proportionate share in the services, till it came to 25 per cent., they must be given the increased proportion of 33 per cent., so that 25 per cent. may be achieved in a shorter period. My friend, Mr. Som, speaks of efficiency. I say it is the case of "*Andha bante rewari aur apne apne ko de*". The story is that a wealthy gentleman had a Negro servant. He told him to go to his son in the school and give him some sweets. The servant asked the master 'Who is your son?' I have not seen him'. The master said: 'Give it to the best looking boy that you see there'. When the boy came back, the father asked him whether he got the sweets. The boy said 'No'. When the master asked the servant to whom he gave the sweets, the servant replied: 'You asked me to give it to the best looking boy. In my estimation, the best looking boy was my own son'. This is the kind of efficiency that my friend wants. When you want a good administrator, you don't want a man who can mix chemicals or, if you want a good aviator, you don't want a man who can make mathematical deductions for such a job. I do not agree to that kind of efficiency. A good pedagogue fit to give lectures or write a good essay may not make a good administrator. For different things you want different qualifications. When the job is advertised by the Public Services Commission, then it is put down there

[Sir Muhammad Yamin Khan.]

that a man must have such and such qualifications, out of which one qualification is particular and according to that qualification, there is only one particular man and all the others are barred out. In the eyes of the person who advertises for that post, there is only one man for that job. We want the Government to see that this kind of thing is not encouraged. If you want a man to be entrusted with a particular kind of work, then see whether he is capable of doing that work and prescribe the qualifications only for that purpose. In the Agricultural and other Departments posts are advertised. Hundreds of people apply but there is only one man who is found fit and all the others are shut out. Our point is 'do not give a chance to those who are working under you to hoodwink the Mussulmans and to hoodwink you and defeat the object of the Resolution'. If you find any one who is not carrying out your orders and trying to make a fool of the people, then you must deal with him very seriously and that can be done with the co-operation of all sections of the House. This subject has been raised in this House from 1923 and one is sick of it. Why is this going on? We do not say that the Mussulmans should get in five or six years what they should get in 15 or 20 years. That is not our case. We only want that if you prescribe a rule that rule must be adhered to and worked in the spirit in which it was framed.

Mr. Joshi made a very good and equitable speech. If Mussulmans demand what they do not deserve, then I won't be with them.

1 P.M. But what is the position here. There are 100 posts out of which 60 are filled by direct recruitment and 40 by promotion. Out of this 60, the Mussulman gets 15 but the Mussulman may not get anything out of this 40 by promotion. So, the Mussulmans get only 15 out of 100, not 25 out of 100. You have got to be careful about this. You will never be able to achieve 25 per cent. unless you see that a certain principle is adhered to in the matter of promotion. If you adhere to any principle, it does not matter much whether the appointments should be by seniority or by selection. If you have it by "promotion by seniority", certainly, Mussalman will come up some day when they begin to take up their chance and nobody can then say, "Oh, man, he has worked only for three years, and you are giving him preference over a man who has worked for ten years". Certainly not, that is not our case, but we do say that if you choose a man for a higher job and you say that the selection for higher posts is to be made on the merits and not by seniority, then stick to that principle, and do not alter it to seniority when a capable Muslim comes. Choose, however, one principle, and that must be adhered to. When you say that the higher jobs will be given by selection, certainly you cannot say that in all your Departments every Mussalman is not so efficient as to be chosen. At least they are the proper persons since you have made proper selection. Otherwise, the rule is there, the procedure is there,—but why the results do not come up to the desired effect, why this slow process? If you go on giving proportionate jobs, then, certainly, there must be some defects somewhere which stop you from achieving the desired effects. Now, these figures that are pointed out in regard to different Departments are just to bring it to the notice of the Government who are responsible to see to this that if, in spite of so many years, results have not been really what they should have been, due care should have been given to them. We want now that the Government of India should, in order to stop these

communal questions and wranglings in the House, which really waste our time here, make some kind of procedure which, if adopted, may satisfy people easily and no grumbling may go on.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Sir Muhammad Yamin Khan: The only method which the Government can adopt is this, as suggested by my Honourable friend, Mr. Joshi. They may have the results published. They know what jobs are given directly or indirectly. They must have before them facts as to how many promotions have been made from one grade to the other, whether they have been made always on account of seniority, or they have been made on account of selection. If they are by selection, then they must see why, if there is any Muslim in any Department, who can be promoted and has not been done so, then why he has been ignored? But if you go on by seniority, you will find it a very very easy matter because, in that case, nobody will have any grumbling or say anything. But please see to it that if you go by seniority, then do not have a black mark against a senior man who comes up, and that is in order to stop the promotion, in order to make way for another person. That must not be done because it is not only doing injustice to the community but it is doing injustice to the man also. He may properly demand that he should be treated properly, and if that principle is adhered to, I think it will not be very difficult for the Government to get on. I may again mention that this cut is not intended as a kind of censure on the Government, but we only want to mention, as we mentioned it last time, that we want to bring to the notice of the different Heads of Departments what is happening in their Department so that they may look into the matter and may not allow the things to be done if they are true and to examine these figures.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Sir Muhammad Yamin Khan: With these words I support the Resolution, but I must say that our decision will be dependent on the reply which we will get from the Government and on the extent to which that satisfies us. We have got no desire to divide the House on a question like this.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Sir Muhammad Yamin Khan: We know that we will lose it but we know that in a cause which is right, even if only the Mussalman are to go into one Lobby, they will do so.....

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member's time is up.

Sir Muhammad Yamin Khan: We want a sufficient guarantee from the Government, and that is the only point on account of which we move this cut.

Khan Bahadur Shaikh Fazl-i-Haq Piracha (North-West Punjab: Muhammadan): Sir, Muslim Members of the Legislature have frequently ventilated, on the floor of this House, the grievances of the Muslim community in respect of their representation in Government services. It was only after the introduction of the reformed constitution, in 1921, that the Muslim community could make its voice felt on this subject. After considerable agitation, carried on incessantly, we were able to persuade the Government of India that the grievance was genuine and not a manufactured one. In 1923, the Government of India recognised in a hesitating and halting manner that the Muslim community must receive some protection for the purpose of representation in services. However, for reasons of their own, Government found themselves unable to do full justice and did not go beyond accepting the principle of avoiding the preponderance of any one community in the services. They did not go beyond making a reservation for the minority communities and, although the Muslim community was not fully satisfied, we hoped that we would be able to get our share through the representation given to the minority communities in general. Experience, however, proved that a coach and four could be driven very comfortably through these orders. Actually, the position of the Muslims did not improve very considerably in spite of these orders. In fact all that was possible to defeat the purpose of these orders was done by persons controlling the Government Departments. Muslims continued to agitate for orders prescribing specific representation for the Muslims, for we were convinced that without such specific orders, it was futile to expect that we would get our due share. The orders issued in 1934 were the outcome of enquiries made by Government to ascertain the genuineness of the complaints made by the Muslims from time to time. As result of those inquiries, the orders issued in 1934 provided for a representation of 20 per cent. to be given to Muslims in direct recruitment. These orders are too recent and it would be difficult to draw any conclusions as to the extent to which they have been observed in their letter and spirit. We, however, have reasons to believe that attempts are being made in several quarters to restrict direct recruitment as far as possible and widen the sphere of what the Government choose to call grade promotions.

One of our complaints is that the Government have done nothing to make up the deficiency of previous periods for which Muslims cannot be held to blame. Certain orders were issued and a certain policy was laid down by the Government in 1923. We feel that those orders should have taken into account the injustices which had been done in the past to the Muslim community. In 1934, Government, after recognising that the orders of 1923 had not operated to give to the Muslims their due share, laid down a new policy for the representation of the Muslim community. It was essential, at that time, that proper allowance should have been made for making up the deficiencies of past years. It can be proved that if Muslims continue to get the share allotted to them, and Government departments do not go out of their way to restrict the sphere of direct recruitment, it will take about a century for the Muslims to get the share to which they are entitled on their numbers. We demand, therefore, that the process should be accelerated by increasing, for a temporary period, the extent of reservation made for the Muslim community.

Another grievance about which we feel very strongly is that Government have done practically nothing to give the Muslims their due share in the posts, appointments to which are made by drifting officers from

other services. I am at this moment thinking of the Secretariat where a majority of the posts are held by officers appointed temporarily from the provinces or from Central Services. If the Government were really earnest in their intention to give to the Muslims their due share the position would not have been what it is today. According to the November issue of the Combined Civil List there are only 13 Muslim officers out of a total of 186 serving in the Secretariat and the Attached Offices stationed in Delhi. There is a sufficient number of Muslim officers serving in the Provinces and in Central Services from which suitable officers can be easily made available for service in the Secretariat. We attach very great importance to the Secretariat and to the Attached Offices. It is here that the policies of Government are discussed and laid down; it is from here that the day to day administration of the country is carried on. It is absolutely essential that the Muslim point of view should be adequately expressed and understood in the daily administration of the country. We might be told that there is no special Muslim point of view but we hold that Muslims, with their own peculiar historical, religious and cultural traditions, have their own outlook on life and its problems which differ from the outlook of other communities inhabiting India. We insist and demand that opportunities should be given to the Muslim point of view being adequately expressed in the daily administration of the country. I do not know how far it is true but we understand that very often when two or more Muslim officers are attached to any office a state of general uneasiness is produced in the minds of the authorities. If Muslim officers are really so formidable as this view would make them out to be, we would be quite proud of them. Actually, however, the fact seems to be that as a result of the departments having been manned, almost exclusively, by non-Muslims, conditions have come into being in which the introduction of Muslim element operates like the introduction of a foreign body. This is precisely the reason why we demand that a larger number of Muslim officers should be introduced into the Secretariat and its Attached Offices. It is only by this means that the atmosphere of these offices will be changed and conditions will come into being in which Muslims will find that the atmosphere is not inimical to them. It is only by this means that the Muslim community can be assured that in the day to day administration of the country the view-point of the Muslim community is not entirely unrepresented and that their interests are not ignored.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after Lunch.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Sir Cowasji Jehangir (one of the Panel of Chairmen) in the Chair.

Khan Bahadur Shaikh Fazl-i-Haq Piracha: Sir, I was speaking with reference to the posts of Superintendents in the Secretariat services. We find that according to the November issue of the Civil List, there are five Muslim Superintendents out of a total of 93. The agitation of the Muslim community for a proper representation in the services started very long ago, and even the orders of the Government recognising this demand were issued in 1923. It is a sad commentary on the way in which the recognised,

[Khan Bahadur Shaikh Fazl-i-Haq Piracha.]

policies of Government, in this respect, are executed that after nearly 16 years only five Muslims have been able to rise to the posts of Superintendents. We consider that if the policy of Government had been executed in the right spirit there would have been a larger number of Muslim Superintendents today in the Secretariat and the Attached Offices. One of the difficulties with which the Government have always confronted us, in this matter, is that no special protection can be given to any community in grade to grade promotions. We recognise that grade to grade promotions do not stand on the same footing as direct recruitment but we consider that having regard to the supreme necessity of giving adequate representation to the Muslims the principle of grade promotions should not have been held to be so sacred as it has been. (The principle of grade promotions is actually departed from in several cases and, in any case, we consider that the rights of Government servants, however sacred they may be considered to be, should give way at least to some extent before the rights of the Muslim community.) The principle of grade promotions, even under the existing conditions, may be violated in the interests of so-called efficiency. Efficiency does not mean anything more than the view which an officer takes of the ability of a Government servant in relation to the work which he is called upon to perform. We consider that the Government have made a fetish of this principle and even taking it at the value which has been assigned to it by Government, it cannot be said to be more than departmental efficiency of a narrow kind. We press on the Government the demands of the Muslim community in the interests of national efficiency of a higher order. By giving to the Muslims what is their due share in the services the Government will be ensuring that the rights of the Muslim community in general are not disregarded and will, therefore, produce a state of contentment which will conduce to an increase in general national and administrative efficiency. We have no doubt in our minds that if the Government undertake a general survey of the entire field of Government services with an open and sympathetic mind they would find that a more adequate representation can be given to the Muslims, even in intermediate grade promotions, without curtailing the rights of Government servants beyond a degree which is incidental to Government service. If the Government adhere to the principle that grade promotions are sacrosanct and cannot be touched and, at the same time, permit their officers to curtail the sphere of direct recruitment, we cannot entertain any hope that Muslims will be able to get their due share under the present system of Government.

There is a post of Budget Superintendent in the Finance Department. It is not open to departmental promotion, but is filled by selection from the subordinate staff of the Finance Department and the Indian Audit Department. The importance of this post can be imagined from the fact that its incumbents are promoted to the Indian Audit and Accounts Service after holding it for a couple of years. It has been in existence now for about a hundred years but it has never been held by a Muslim.

Sir, before resuming my seat, I would like to make a few observations regarding the position of Muslims with regard to the Income-tax Department. Sir, there are two kinds of superior posts in the department, namely, the Commissioners of Income-tax and the Assistant Commissioners of Income-tax. As would appear from the statement given by the Honourable the Finance Member to my Honourable colleague, Mr. Abdullah's starred question No. 868 on the 8th March, the other day, out of six posts of

Commissioners, none is held by a Muslim in any Province. In the Provinces of the Punjab and the North-West Frontier, which have an overwhelming population of Muslims, not a single chance, even a temporary or an officiating one, has ever been given to a Muslim of the post of Commissioner of Income-tax. It will be observed that the Commissioners of Income-tax have always been appointed from the I. C. S. service and Government cannot deny the fact that they have suitable Muslim I. C. S., in all the provinces, to be appointed to these posts. From the same statement it appears that out of 84 posts of Assistant Commissioners of Income-tax only three are held by Muslims throughout India. In the provinces of the Punjab, Delhi and the North-West Frontier, where Muslims have a vast majority, none of the permanent posts of Assistant Commissioners has ever been held by a Muslim. In the history of the Income-tax Department, the only chance given to a Muslim in the Punjab, the North-West Frontier and the Delhi Provinces was in October, 1936, when Mir Asaf Ali an Income-tax officer was appointed in a temporary post, but, unfortunately, he died in December of the following year. Since then, it has not been considered desirable to appoint any other Muslim officer to this post.

As would be evident from the reply given to my starred question No. 750 on the 27th February, 1939, by the Honourable the Finance Member, all the superior posts of the office of the Commissioner of Income-tax in the Punjab are held by non-Muslims. I would suggest that in the interest of justice and fair play, to the Muslims of the Department and the province, at least the post of the Personal Assistant to the Commissioner of Income-tax should necessarily be held by a Muslim to safeguard the interests of the Muslim community in running the policy of the Government and the Department. As replied by the Honourable the Finance Member in answer to my starred question No. 750 on the 27th February, 1939, there is a proposal to make additional appointments to the posts of Assistant Commissioners in execution of the schemes of the new Income-tax Act which provides for separation of appellate and administrative functions. I hope the Government will bear in mind the claims of Muslims for the posts of Assistant Commissioners and would give them a fair representation in these appointments to meet their deficiency. Sir, I support the cut motion.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, this is a very important question and it is very difficult for us to traverse the whole field of the services which are nearly 31 in number under the Government of India. It becomes specially more difficult when the Government of India, while prescribing the reservation of posts for Muslims in the services, laid down for the submission of annual returns for each department, showing the percentage of Muslims on the 1st July of every year, but at the same time, they do not make it available to us so that we may go through it and bring to the notice of Government our grievances without referring the matter again and again to this House. I hope the Government of India will pass orders to the effect that a copy of the annual returns showing the communal composition of the services, prepared every year, should be given to Members representing the minority communities in this House. Sir, my Honourable friend, Sir Thomas Stewart, is not going to be impressed and it is only our misfortune that it is so. We should go on trying to impress him. The difficulty is that he gets stereo-typed replies and answers prepared by his Department and he has got no time to go in detail through all the grievances of the Muslims and, therefore, their grievances remain unredressed. I wish to take up first of all the

[Maulvi Muhammad Abdul Ghani.]

Posts and Telegraphs Department. Out of 455 gazetted posts, there were 40 Muslims, percentage, 8·7. In 1935-36 this was the position of Muslims. In 1936-37, out of 468 gazetted posts, Muslims were 41, percentage 8·76. In 1937-38, gazetted posts were 428, number of Muslims 43, percentage 10·2. Now, Sir, in these services direct recruitment was also made in 1936-37 of four persons and not a single one went to Muslims. Now, my Honourable friend was talking of recruitment in 1938 and this is to suit him. The question here is whether the Government Resolution of 1934 is being worked fairly well. He should have better quoted figures of recruitment after that date. In 1937-38, nine recruitments were made in the grade out of which only two went to Muslims.

Regarding the Engineering and other departments, in 1935-36, the percentage of Muslims was 4·6, in 1936-37, it was 4·74 and in 1937-38, it was 4·77. I have got the exact figures, but I am not reading them out on account of shortness of my time. Regarding Engineering Department in the years 1935-37, direct recruitment was made of 24 persons of which only one went to a Muslim.

If you take the total number of wireless supervisors and wireless operators, you will find that in 1935-36, the total number was 154 out of which six were Muslims, percentage 3·8. In 1936-37 the total number was 185, out of which six were Muslims and their percentage was 3·2. In 1937-38, out of a total of 171, the number of Muslims was six which means 3·5 per cent. If the Honourable Member for Communications will see the figures, he will find that the percentage of Muslims from 1935-36 to 1937-38, instead of going up has been steadily going down from 3·8 per cent. to 3·5 per cent. I fail to understand how the Muslims' grievances have been redressed. I think this redress is in the reverse direction. Take the case of direct recruitment under this head. You will find that two persons were recruited in 1935-36, not a single Muslim was appointed. In 1936-37, 19 persons were directly recruited, not a single Muslim was appointed. In 1937-38, 46 persons were recruited, not a single Muslim was appointed. Now, the plea—a novel plea—is urged in the administration report that the Muslim candidates could not pass the examination. It is not known what sort of examination they had to pass. Take the case of Telegraphists and Telegraph masters. Out of a total of 2,447, there were 124 Muslims in 1935-36, percentage 5·06. In 1936-37, out of a total of 2,874, there were 93 Muslims, percentage 3·2. In 1937-38, out of a total of 2,127, the Muslims were 85, percentage 3·9. Now, Sir, it is said that special technical knowledge is required of the candidates. Sir, you know the ordinary telegraph clerks. What knowledge is required of them? In railways lots of people are daily appointed and they are trained within a period of three months or six months utmost. Even in this department, the percentage of Muslims is going down from 5·06 per cent. to 3·9 per cent., during the course of the last three years. The share of Muslims under this service instead of going upwards is going down. At the same time it is astonishing and surprising to see it urged that Muslims cannot be replaced by magic wand. We do not want that any magic wand should be waved, we want justice and fair play and equity. We know how we are treated at every stage. A new discovery is made in order to suit the whims and fancies of the department. I am sorry I have not got the time, otherwise, I would prove to the House to the hilt that at every stage, injustice and unfair play are meted out to Muslims.

In reply to question No. 667 on the 24th February, 1939, the answer was given on behalf of the Railway Member that the rule of seniority is observed in the promotion to Superintendent's grade in the Posts and Telegraphs department. Now, if you look into the Rule of the Home Department, you will find that rule 18 lays down:

"Subject to the following conditions, promotion, whether to permanent vacancies, vacancies expected to become permanent or purely temporary or officiating vacancies shall be made strictly by selection from among the most meritorious candidates."

Now, the Postal Department has evidently acted against this rule. If the seniority rule is observed, then it should be observed all along. In one case seniority is observed, in another case, efficiency is observed. To the Postal Superintendent's post, for the purpose of promotion, the rule of seniority is observed, but in the case of clerks, efficiency rule applies. If the Honourable Member will refer to Nomination Roll of the department of 1934, he will find that clerk No. 18 has superseded clerks Nos. 9, 13, 16 and 17, all are Muslims. Clerk No. 40 superseded clerks Nos. 9, 13, 16, 17, 20, 26, 27, 32 and 36, all these fellows are unfortunate Muslims. Clerk No. 64 superseded clerks No. 9, 13, 16, 17, 20, 26, 27, 32, 36, 41 and 60 who are all Muslims. The only fault of these men is that they are Muslims. There was no examination and they were superseded without any cause.

The other day I was challenged by my Honourable friend, Mr. Bewoor, the present Director General of Posts and Telegraphs, who said that he has not degraded 45 second division clerks to the third division. If he persists in his point I have got facts with me now. He first passed an office memorandum called E. S. A. 58/37/Coll. 12 on the 12th May 1938, but on the 9th June last he inserted another office memorandum of the same date and the same number changing the previous decision, and, in that decision, he said that 45 persons in the second division were placed in the third division vide Statement A.; and in another statement 'C' nine persons of the third division were placed in the second division. All those were too juniors.

Mr. Chaitman (Sir Cowasji Jehangir): The Honourable Member has two minutes more.

Maulvi Muhammad Abdul Ghani: Sir, my time is very short, and so I will discuss it again on another occasion. I want to go on hurriedly and take up other departments and give the figures about them:

Department.	Total No.	Muslims.	Percentage.
1. Merchantile Marine—Calcutta, Bombay, Karachi and Chittagong.	44	5	11·4
2. Commercial Intelligence and Statistics, Calcutta	109	9	8·3
D. D. G., C. I. (Temporary)	13	1	7·7
3. Imperial Council of Agricultural Research—(Officers) on 31st March, 1938.	296	37	12·5
Do. Office establishment	213	37	17·4
4. Imperial Institute of Veterinary Research, Mukteswar and Izatnagar—Clerks.	24	3	12·5
Do. other staff	52	11	14·5

Mr. Chairman (Sir Cowasji Jehangir): The Honourable Member's time is up now.

Maulvi Muhammad Abdul Ghani: I will finish in one minute.

Department.	Total number.	Muslims.	Percentage.
5. Forest Research Institute, Dehra Dun :—			
Class I	9	1	11.1
Subordinate	83	9	10.8
Temporary	102	15	14.7
6. Botanical Survey of India	14	Nil	
7. Fumigation of American Cotton Establishment	3	Nil	Nil
8. Finance	83	18	21.7
Temporary	7	1	14.3
	90	19	21.0
9. Currency and Mint—			
Controllers Office	20	1	5.0
Calcutta Mint—Accountant, Deputy Accountant and clerks.	25	2	8.0
Operative Establishment	13		
Bombay Mint	21	Nil	
Operative establishment	17	Nil	
Assay Office	20	2	10.0
Temporary	13	1	7.7
	129	6	4.6
10. Subordinate staff of the Master, Security Printing permanent.	92	6	6.5
11. Central Board of Revenue—class I and II	47	10	21.7
12. Military Adviser-in-Chief (office)	11	2	18.2
13. Public Service Commission (office)	28	5	17.8

Mr. Chairman (Sir Cowasji Jehangir): The Honourable Member must conclude his speech now. He can continue on another occasion from this very point if he likes.

Maulvi Muhammad Abdul Ghani: I will finish in another half a minute.

Department.	Total No.	Muslims.	Percentage.
14. Geological Survey of India Central Service, class II—			
Subordinate "A" class	6	Nil.	..
" " "B" "	4	Nil.	..
" " "C" "	4	Nil.	..
Lower division clerks	12	1	8.3
"D" class museum assistant.	3	Nil.	..
	29	1	3.4
15. Indian Meteorological Department	15	1	6.6

Mr. Chairman (Sir Cowasji Jehangir): The Honourable Member can give all this statistics on another occasion.

Maulvi Muhammad Abdul Ghani: All right, Sir.

Mr. G. V. Bewoor (Director General, Posts and Telegraphs): Sir, I rise merely to remove a misapprehension which might have been caused by the statement made by the speaker who has just now sat down. He stated that in connection with certain orders passed by the Director General's office, 45 clerks had been degraded. I pointed out when he was making another speech that that was not a correct statement but he has repeated it today and he has referred to certain orders which were issued in an office memorandum. I must first of all make it clear that this office memorandum was not issued by the Director General but by the Communications Department. The second point is, that the 45 clerks to whom he refers and who belonged to the old second division have not been degraded. The Director General's office was reorganised and Government sanctioned a certain number of posts in the first, second and third divisions. Now, the actual number of clerks in the first, second and third divisions was more in the first and second divisions and less in the third division than the sanctioned strength. Government, in order to enable recruitment to be made in the second division, agreed that 45 clerks of the old second division should be counted against the strength of the third division.

Maulvi Muhammad Abdul Ghani: May I seek one information?

Mr. G. V. Bewoor: Please let me finish. The 45 clerks continued to draw the same scale of pay as they were drawing before and their conditions of service are exactly the same. If the Honourable Member had read the reply, which was given today, to a question by Maulana Zafar Ali Khan and which I hope he will please read when it is published, he will find the whole position explained in the reply given by the Honourable Member for Communications.

Sir, I do not wish to say anything else except that the various percentages which the Honourable Member read out regarding the position of Muslims in the Post and Telegraph services are merely the result of recruitments made in the last 30 years, and what the department has to be judged by is the percentage of recruitment made every year in recent years. In that connection he referred to the recruitment of engineering supervisors and wireless operators and he said that these people do not require any technical knowledge, because the telegraphists on the railways and elsewhere do not require technical knowledge.

Maulvi Muhammad Abdul Ghani: Sir, on a point of personal explanation, I did not say it about wireless supervisors and operators but about telegraphists and telegraph masters.

Mr. G. V. Bewoor: So far as telegraphists are concerned there has been no recruitment for the last seven years. However, I am afraid that whatever I may say will not convince the Honourable Member and it is not worth while trying to convince him.

Bhai Parma Nand: Sir, I have been listening very patiently to the speeches that have been made today. All the speeches are on exactly the same style and of the same nature. The complaint is that, in almost all

[Bhai Parma Nand.]

departments of the Government of India, there is inadequacy of Muslims in services. From the figures which have been so elaborately quoted, I can only come to one conclusion. I may be quite wrong, but I cannot help coming to the conclusion that all these figures have been prepared as if by those who are employed in those departments.

Several Honourable Members: No, no: there are reports.

Bhai Parma Nand: I will put a simple question to the heads of departments as to whether it is consistent with the dignity or with the Government service conduct rules for these employees to adopt such a course. . .

Dr. Sir Ziauddin Ahmad: If it is the insinuation that these figures are secured by the Honourable Members through outside agency, I must say it is entirely wrong. We get them from the reports published.

Bhai Parma Nand: It is for the Government departments to see whether this material has been regularly supplied. It is not so much the matter but the manner by which it has been obtained by these gentlemen who have studied it so thoroughly and with such great labour. My point is that it was for the Government Benches to reply to these figures—I have not studied the figures and I have no answer to make. To some of the speeches in which reference was made to the Communications Department, the Honourable Member for Communications has given a very definite and exact reply on which there can be no further say. It is for the Members of the other departments to convince my friends, if it is possible for them to do so.

I repeat once more that our objection is to the very principle of communal representation in the services. . . .

Mr. N. M. Joshi: It is too late.

Bhai Parma Nand: I do not agree with you. It may be too late, but I have been raising my objections to this for ten years and I must repeat them even now.

By the way, Sir Ziauddin Ahmad was talking of communalism and nationalism. I wanted him to explain by an illustration as to what he meant by nationalism and communalism. If he thinks that he has been dubbed as a communalist, so was I all along; and, therefore, I think we are quits in that way. . . .

Dr. Sir Ziauddin Ahmad: But you call yourself a nationalist of the Congress Nationalist Party.

Bhai Parma Nand: They dub me also as a communalist just like you, and there is, therefore, no difference between you and me. To come to my point, I said I object to the principle. Our view is that public service, as its name implies, means that the people, who want to be taken in service in certain departments, should be best able to serve the public; I do not understand why it should be different in India, where it is considered as a sort of emolument and efforts are made to get a fixed share by the distribution of these services. It is not a very high class of idea and does not imply any desire in our minds to seek service for the good of

our country. Anyway, as is well known, agitation was started and in spite of our opposition and to our great disappointment, just as there came a Communal Award in the constitution, a natural corollary from it came the Government of India order, pressure having been brought to bear upon His Excellency the late Viceroy who agreed that there should be this distribution of emoluments in public service. As a result a share of 25 per cent. was fixed for Muslims in the services.

Now, it was for the Government to carry out that decision and so far as I can see the Government Members have been assiduous and sincere in carrying it out, though it was clear that this could not be accomplished in one jump. Complaints were made before and are even now being made. I do not think there can be any complaint so far as recruiting is concerned. We have other reasons and as also the figures that have been given by the Honourable Member for Communications: it is for the other departments to prove it by their figures. We know definitely that the proportion of recruitment for the Muslims has been gradually increasing every year; in some departments, as the Honourable Member told us, it had risen to 29 per cent. to make up for the deficiency in their ratio. I had to mention last year also about Sir Muhammad Zafrullah Khan's orders in which it was said that out of ten men to be taken, eight should be Muslims, one should be a Sikh and one should be some 'other'; which meant excluding Hindus altogether from the North Western Railway Service. This was what I said last year in reply to my friend, Mr. Piracha.

I turn to the question of efficiency and equity. Sir Muhammad Yamin Khan did not object to efficiency. But if efficiency is to be the criterion, naturally some kind of selection has to be made. The proper way, as the Government have decided, is through competition by the Public Services Commission. We have got such commissions in all provinces. So, when our friends object to the distribution of these emoluments they should blame the Public Services Commission for partiality as they are responsible for this distribution: they have definite instructions and, besides that, the Government are always sending instructions to the heads of these departments that the proportion, as laid down in the order, should be followed. But as I gather from the speeches, the complaint now is that in the grade of superintendents or head clerks or gazetted officers, etc., there is not a sufficient number of Muslims. This raises a fresh question altogether. One thing was settled, that the Muslims should get 25 per cent., but now to say that in such and such a grade that proportion should be strictly observed, is simply making a preposterous demand. It amounts to saying that there should be so many Muslim superintendents out of so many and so many Muslim head clerks or gazetted officers out of so many, why not that proportion should be observed in the grade of chaprassis just as much as in any other. . . .

Mr. N. M. Joshi: And in the Army.

Bhai Parma Nand: As Mr. Joshi reminds me, in the army also. If that proportion is to be observed elsewhere, I say it should be introduced in the army where the Hindus should be given 75 per cent. and the Muslims only 25 per cent. as Army is a department under the Government of India. As a matter of fact there are certain departments for which Muslims are more fit and naturally they are taken in a greater proportion in those departments and in others for which the Hindus are more fit.

[Bhai Parma Nand.]

Now, as regards the question of justice and equity, my friend, Maulvi Abdul Ghani, was telling us that they wanted justice to be done to all. I shall put before him one simple instance—suppose there is the competitive examination for I. C. S. selections held by the Public Service Commission, and in that examination say five successful candidates top the list—and they are all Hindus. Now, instead of taking these five, only two or three are chosen and then others who stand 25th or 30th on the list, merely on the ground of their religion, so as to meet the communal inequality. Do you call that fair or equitable? Merely because you want to keep up the communal proportion, you want that a candidate who has stood 25th or 30th in the list should be taken into the I. C. S. is not at all right. That means the introduction of religion as a qualification into the services. It cannot possibly conduce to efficiency. If religion is to be made a factor for the selection of Government appointments, it cannot but mean that the Government encourages proselytisation or conversion of people belonging to one religion into another. I know of two cases in the Punjab in which the candidates were asked to give up their religions if they wanted a particular post. As these cases occurred in the Punjab, there is no use of mentioning them here, and one of these candidates did change his religion and got the job which was the appointment of an Engineer to an important Municipality. That is a kind of temptation put in the way of non-Muslim candidates. How can you apply that principle, and expect your religion to make up for actual efficiency? Whatever that be the Hindus never objected to safeguarding the interests of the minority communities. You, Sir, belong to a minority community, and if a large number of Parsis have held high appointments, the Hindus never objected to it, because they knew that such Parsis have risen in the various professions by sheer fruit of merit, by industry and hard work. We never felt jealous of the Parsis or other minority communities. We never grudge them their due share in the services.

Mr. Chairman (Sir Cowasji Jehangir): The Honourable Member has two minutes more.

Bhai Parma Nand: The Muslims have got it made a statutory obligation that their communal proportion should be observed in all departments,—that by itself meant the introduction of communalism. But our friends want to introduce that communal principle into every branch of every department of the Government services. All the same, I have no objection to Government carrying out the orders, but the question is who is to carry out the order? It is not the Members of this group or that who are employed in the various departments and can prepare the statistics. It can only be the Public Service Commission or the Members in charge of the various Departments or the Government Members themselves who should see that the order based on this principle is put into practice. To say that the Public Service Commission is not honest, that the Government Members do not do their duty properly or the Heads of Department are partial will be going too far and blaming everybody on earth simply because certain people attach too much importance to their grievances. The main reason is that this appetite once aroused can never be satisfied. You create the communal appetite.

Mr. Chairman (Sir Cowasji Jehangir): The Honourable Member's time is up.

Bhai Parma Nand: I shall take only two minutes more.

Mr. Chairman (Sir Cowasji Jehangir). Only two minutes.

Bhai Parma Nand: It grows the more it is fed; the cause of complaint is on the other side. I have been here for ten years now. I was always bothered by the Hindus to tell the Government that they suffered great injustice in the department under the Director General of Post Offices. Sir, I had to put questions many a time. My Honourable friend in charge of the department once bluntly told me that these questions could do no good to the Hindus, and asked me to be more patient. Since then, I gave up putting questions on their behalf. I think it is no use to blame the Director General and say that he is partial to the Hindu community, or unfair to Moslems. The reverse may be true.

One more point, my friend, Dr. Ziauddin Ahmad, referred to a letter in support of his contention. I want to put it to him whether it was proper on his part to make a personal attack on an Honourable Member sitting on the Treasury Benches by disclosing the contents of a letter which was received by some one from the Private Secretary to H. E. the Viceroy.

Mr. Chairman (Sir Cowasji Jehangir): The Honourable Member must now conclude.

Bhai Parma Nand: So far as I know—and I have had many years experience of the Assembly,—Sir Girja Shankar Bajpai has been a most upright and honest man. My friend, Sir Ziauddin Ahmad, said that Sir Girja Shankar never took any Muslim Under Secretary in his department. What was Mr. Hydari who has been Joint Secretary with Sir Girja Shankar for many years now? In the face of that, how can it be said that Sir Girja Shankar never cared to take any Muslim Under Secretary in his department. These are charges made out of prejudice, simply because Sir Girja Shankar happens to be a Hindu. (Some Honourable Members: "No, No.") This was really unfair on the part of my friend, Dr. Sir Ziauddin Ahmad. He should not have made a personal charge against another Honourable Member. I protest against this, Sir, and close.

Sir Syed Raza Ali: Mr. Chairman, in view of the grave communal tension that unfortunately exists in the country, it is not without considerable diffidence and reluctance that I have decided to get up to make a few observations of a general character. Sir, I know that the tendency in certain quarters is to decry any attempts that are made in this House to secure the removal of the grievances of any particular minority community, but merely to take up such an attitude does not do away with the evil itself. The main question that the House has got to consider, on this motion, is whether the grievances of the Muslim community, on the whole, are just, and if they are, what further steps should the Government of India take to obtain the removal of such grievances. Sir, in the course of the debate an observation was made by, I believe, one or two speakers that the Muslims want to secure a representation of their own community in certain services or branches of services even when qualified Muslim candidates were not available. Now, I have no hesitation whatever in saying if I may, on behalf of the Muslim community, that the Muslim community never preferred any claim,—I am inclined to call it an absurd claim,—of this nature. Our grievance has been that in spite of the fact that competent Muslims are forthcoming they are not given the same chance or the same trial which is extended to candidates belonging to the majority community.

[Sir Syed Raza Ali.]

Now, the Muslim grievance resolves itself into two classes: firstly, such grievance will have to be judged in the matter of recruitment of Muslim candidates for the services, and secondly, it will have to be scrutinised with reference to the question of promotions. The principles on which recruitment and promotions are made are, as is known to the House, at times very different. In the matter of recruitment of suitable candidates, I think, not very great difficulty need be experienced for securing suitable Muslim candidates. In a speech that I made the other day, I admitted that during the time that I was associated with the Public Services Commission, there was only one occasion on which we found it difficult to secure suitable Muslim candidates either in the competitive examinations or in the selections, and that was in connection with candidates for Engineering Services. I believe something to the same effect was mentioned earlier this morning by the Honourable the Communications Member, Sir Thomas Stewart. If it is difficult to secure suitable Muslim candidates for any technical or highly specialised services, we are quite prepared to wait till such time as our community can produce such candidates. But I assure the House that such cases are very, very rare in number. During the whole course of time that I was associated with the Public Service Commission there was only one occasion when we failed to secure suitable Muslim candidates for certain engineering appointments. Therefore, let there be no doubt that in the matter of recruitment there can be no difficulty experienced by Government in finding the necessary number of qualified Muslim candidates. In this connection I would enquire what steps Government have taken to see that the proportion laid down for the Muslim community in the Resolution of 1984 is given effect to. Before I left for South Africa I knew it was in the air that a special officer would be appointed by the Home Department to see that such proportion was adhered to in every branch of service under the Central Government. I do not know whether any such officer has been appointed. As far as I know, no such officer has been appointed. May I make a suggestion that, in order to meet this crying need, the Home Department should take very early steps to appoint a man to see that the proportion laid down in the Resolution of 1984 is given effect to. The officer appointed should preferably, so far as I can see, be a Muslim. The advantages of appointing a Muslim will readily occur to every careful thinker of the problem. But, if, for any reason, it is not possible to appoint a Muslim, then I think the officer should be one in whom the Muslim community will have absolute confidence.

Coming to the matter of promotion, the Muslim complaint is this. Promotions are made either on grounds of seniority or on grounds of special qualifications in the case of selection posts. Having been associated with certain departments of the Government of India I can quite see that the division into these two classes, based on seniority and special merit, is on the whole one that can be justified on good grounds. It may be that at times this division leads to hardship, but, on the whole, I think it is based on well-defined grounds. But the Muslim community's grievance is this, that, if seniority is the qualification which is to be considered at the time of promotion, then, unfortunately, Muslims are not available as they are kept down and are not promoted to grades where their claims could be considered for promotion on the ground of seniority. That is the grievance, namely, they are not promoted to the upper grades from which it would be

possible for some of them to be promoted to the next higher grades; therefore, they are not given the chance of becoming senior enough to be considered for promotion when the time for such promotion on the basis of seniority comes. That is grievance No. 1. The second grievance is this. If it is a question of promotion to a post which is a selection post or in the case of which special merit is to be considered, then owing to the step-motherly treatment accorded to Muslim public servants, the man below a Muslim is taken as being specially qualified for discharging the duties of the particular post. The effect of these two sometimes directly opposite and divergent qualifications is this, that the Muslims lose both ways. They cannot be considered in connection with seniority because they are not senior enough, for they are kept down. When it comes to the question of special merit, the man next below the senior Muslim is taken as being more efficient. So, it is a case of heads I win, tails you lose. That is the real complaint of the Muslims. How the grievance can be removed is rather a difficult question, but I would like to make a suggestion in this connection for what it is worth. It is not possible to take away the right of making appointment to a post in case of promotion from the head of the department, but I certainly think that it would be convenient if the Home Department considered the question of the head of the office, where such a vacancy occurred, being assisted by a selection committee of two or three persons. I believe a committee like that already exists in the case of the Government of India. My information is that, in the case of selection of those members of the I. C. S. who are working in provinces and whom it is proposed to transfer to any department of the Government of India at Simla and Delhi, there is a committee of three that goes into the papers of all those candidates who are considered suitable for selection for posts at the headquarters of the Government of India. I suggest that a committee on these lines might be set up.

One more observation . . .

Mr. Chairman (Sir Cowasji Jehangir): The Honourable Member has two minutes more.

Sir Syed Raza Ali: I shall finish within those two minutes. Passions need not be excited in considering the question on which we are now engaged. Sir, the question is a very important one, and therefore, it is the duty of every one to see that the legitimate grievances of Muslims are removed. As a matter of fact, it is all the more necessary in view of the changes that are going to take place,—I do not know when,—in the Central Government, that there should be no suspicion whatsoever attaching to the Hindu or Muslim Ministers of the Governor General, of favouring a people belonging to their own faiths. It always was important that a community's grievance should be removed but as long as the deciding power was in the hands of the Englishman, we were prepared to give him the benefit of the doubt. If an Englishman erred, it was supposed to be a case of mistake of judgment but things are very different now. Now motives are attributed. A Hindu or a Muslim Member of the Government of India is suspected of favouring unduly men of his own faith and showing disfavour to people professing a different faith from his own. That way it is much more important that a radical step should be taken to remove the root cause of the trouble. That is the only way really in which we can help the future progress of India.

Sardar Sant Singh: It is with great hesitation that I have decided to intervene in this debate, not because I am opposed to the principle of communal representation in services, but because the method adopted in enforcing the claim of communal representation and the trend of the speeches made here make me think—I hope I may be wrong—that things are moving in a direction which ultimately threatens to take away entirely—if not entirely, at least to a very great extent—the discipline and efficiency of the public service in India. I have seen the working of communalism in the Punjab. (Interruption.) My friends should not be impatient. I have seen, to my utter dismay, that all ethical and moral considerations have been thrown to the winds, so far as legislation and recruitment to the services are concerned.

An Honourable Member: What about Congress provinces?

Sardar Sant Singh: I have no experience of Congress provinces. Not only that. I say from my place in this House, and I have said it before as the President of a Conference recently, and I have quoted from the highest authority, that democracy does not mean the throwing away of all ethical and moral considerations. However, this is beside the point. It is a matter of congratulation to my friends of the Muslim League that every Member is supplied with a written thesis to say something on this subject.

Mr. Muhammad Nauman: That is very wrong. Our Members have not been supplied with speeches. Some of them have got certain figures and certain facts, and they have typed them out. If this is called a written speech, then my friend is welcome to his opinion.

Sardar Sant Singh: I accept the explanation of my friend. I will only say that the typed portion that I have seen gives me the impression that written speeches are supplied to Members here. However, that is not a matter of very great or material importance. What I was trying to draw the attention of the Government to is this—too much insistence of the Circular of July, 1934, should not affect the judgment of the Government to the prejudice of the claims of other minorities. That, Sir, is wrong in principle. I have never believed in the righteousness of that Circular, but another difficulty has come in. It has been repeatedly said by the recruiting officer that minorities mean Muslim minorities and that other minorities do not deserve any consideration at all. Only day before yesterday, a Sikh, who had been to the local broadcasting station, said to me that when he saw a member of the Selection Board, he was told that the Sikhs were not a minority, and that even if Muslims were not available, other minorities had no claims. That is the interpretation that is being put on the eight and one-third reserved for other minorities. Now, my friend, Dr. Sir Ziauddin, is a very different Ziauddin from what he was in 1934 or 1935. I liked him at that time, but he has now put on a set of different spectacles. Sir, the trend of the speeches indicate something in the nature of terrorist speeches. Here a direct attack is made on one of the Members of Government, the Member in charge of the Department of Education, Health and Lands, simply because he happens to be a Hindu. My friend, Sir Raza Ali, said rightly that in these matters of promotion motives are attributed. If the head of the Department is a Muslim, then the Hindu comes and says that he cannot get the job, because the head is a Muslim and does not like the Hindu. Similarly, if

the head is a Hindu, the Muslim says that he cannot get the job, because the Hindu head of the Department does not like a Muslim. The present trend of the speeches has indicated clearly that the person, be he a Hindu or a Muslim or a European or a Sikh, would be held responsible if he did not recruit a Muslim and Muslim only. I complain of this mentality. Officers are thinking only in terms of Muslimisation, and if this mentality continues to grow, then the position is not safe for other communities, unless they convert themselves to Islam. My friends do not know what they are doing. Some Hindus took to Islam in order to get jobs. Are you going to be a party to this? That is the point. (Interruption.) My friends need not be impatient. I want to make a suggestion before this policy is allowed greater scope. I suggested a remedy the other day. That is, prepare a consolidated list of all the services from the time when the Circular was issued up to the present time, giving full information as to facts and figures and showing how that Circular has worked so far. I still insist on that suggestion. The difficulty is that your prejudices have gone so much against yourself that you do not know what the facts are. (Interruptions.)

Mr. Chairman (Sir Cowasji Jehangir): Order, order. Honourable Members should allow the Honourable Member to continue his speech.

Sardar Sant Singh: Sir, one suggestion I shall make in order to avoid all interference with the private religion of any community. Why not declare that for three years there will be no recruitment except of Mussalmans,—that every Hindu, every Sikh, every European, every Parsi, every Christian, every Anglo-Indian will know that there will be no other recruitment but of Mussalmans, and then this thing will come to an end for two years. Do it, and then let the proportion be fixed.

Mr. Muhammad Nauman: Thank you very much.

Sardar Sant Singh: I am glad my greatest opponent has given expression to his real sentiment. Let there be some end to it. Sir, no administration can run if it is not an efficient administration or if it does not serve the public. The services represent only one per cent., and not even one per cent. of the whole population.

The second point which I want to suggest to put an end to this bickering is to reduce the emoluments of the services, so that the market value of each candidate should not be greater in public service than he can get in the open market. The result would be that only those who want to serve the public will join the service, and not those who are inefficient in the market, but who find favour with the recruiting officer and thus get into the service. My friend, the other day, was making a suggestion, and I put a question just to elicit an answer from the Honourable the Communications Member when I was told that a Muslim pilot could not be had and, therefore, he was not appointed. Now, to insist that a person who has not qualified should be put into a job where qualification is the most essential and vital thing is to suggest disaster to the service itself.

Sir Muhammad Yamin Khan: Nobody ever suggested that, nobody will agree to that.

Sardar Sant Singh: Well, in respect of some of the technical Departments questions are asked—"How many Mussalmans are there, etc.?" The result is that you do not want technical qualifications in technical jobs. Sir, if that be so, then, can any country advance or make any progress?

Mr. Chairman (Sir Cowasji Jehangir): The Honourable Member has got two minutes more.

Sardar Sant Singh: The result is that Departments are divided into communal compartments, and not only that, but each section and each sub-section of the Department, each cadre of gazetted officers, going down to the lowest menial staff, is sought thus to be divided. Sir, would it not be better that each Department should be given a list in which the different communities held the different appointments, with the emoluments attached to each, so that the total amount of emoluments should vary with the population basis of that community? That will be the best method, but if you want to do justice, and my friends have been appealing in the name of equity and justice, may I ask then that should it not be decided on the question of the amount of income-tax paid by each community? (Voices: "No, no.") Should it not be on the basis of the contributions made to the Central Exchequer by each community, and on that basis such things should be done, as also on that basis they should be given the vote? Then, I am sure that people with one per cent. will get twenty per cent. in the public services. (Voices: "No, no.") If we are to contribute to the revenues on the basis of our income, why should we not get a due share having regard to that? These are the various suggestions I put forward for your consideration, and Mr. Chairman, if the communal bickering is to be brought to an end, then some of these suggestions must be given effect to.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, in this atmosphere of communal tension I will place before the House one thing which I expressed on the floor of the House even before this, and it was after the speech made by my friend, Sardar Sant Singh, in this very House last year. Sir, the question of communal representation is now a settled affair. Whoever may object to it, but it is a settled fact, nobody can deny that. My friend, Bhai Parma Nand, said that he had taken objection to this before, but here as the thing is now a settled fact, so for God's sake do not try to dispute it. If we do that, then I warn my friends that the whole constitution of the Government of India perhaps might be unsettled in a day.

An Honourable Member: That is what we want.

Mr. Muhammad Azhar Ali: What I say is, keep your word, keep your promise. You have been taught by Mahatma Gandhi that if you do not keep your promise, if you do not give effect to that, then you will be sorry for the day. I would ask my friends that if Government and the House has once decided the fact that Mussalmans should have such a representation and that the minority rights should be respected and so on, then I hope and believe in the honesty of my friends here who have once been in this House and who have subscribed to that policy, and it is not right to come one day and say, "we do not want these things, we wish to deny them". Sir, I submit this is the considered and settled policy of this

House and the Government that people should adhere to this, and thus for us to seek to unsettle this settled fact is not the way of a parliamentarian, it is the way of dishonesty, it is the way of unscrupulousness. I would ask those of my friends who have really the best interests of this country at heart that they should never seek to unsettle a settled fact. Sir, I was surprised to hear my friend, Bhai Parma Nand—for whom I have very great respect and regard—today saying on the floor of this House—"I was pressing for certain questions, certain representations, but I was pressed from outside to do something and, therefore, I gave it up." Sir, I would ask my friend that he has a conscience and he ought not to give up a thing like that. I am sorry for the statement my friend made on the floor of this House and I would ask him not to make such silly statements.

Bhai Parma Nand: I said, "As the people wanted me to ask those questions, I did that". The question of conscience does not arise.

Mr. Muhammad Azhar Ali: One ought to have some conscience at least and to speak the truth. I am glad you have said it. Sir, today we have to be cautious. I have said something in reply to my friend, Bhai Parma Nand, but we ought to beware of people who come in a friendly garb but they are not friendly in spirit. Sir, my friend, Mr. Joshi, today, said that this is a communal question; he calls it a communal question. I say, Sir, it is not a communal question.

Mr. S. M. Joshi: I say it is a national question.

Mr. Muhammad Azhar Ali: But it is a national question for Mussalmans also. It is your question, it is not my question, which is irrelevant in this House.

[At this stage Mr. President (The Honourable Sir Abdul Rahim) repeated the question.]

My Honourable friend, Mr. Joshi, said that the question of promotion should not be taken in hand by the Government if there is a Muslim who has been promoted. He said it was not the right way and right policy. My Honourable friend, Sardar Sant Singh, suggested different methods and he mentioned two or three methods. We have no objection to the methods. No Muslim has ever said that he objects to this method or that. But we do object to those methods which will prove harmful to our community. There are methods and methods. Some other best method might be evolved as was suggested by my Honourable friend, Sir Syed Raza Ali. But it is for the Government to adopt them or not. We come here to represent to the Government our claims and rights and the rights are those very rights which have once been recognised by all sections of the House. Why should the 1934 Resolution be not discussed today on the floor of the House? Why should anybody say that it is not right in principle? I submit that this is not the true spirit of a true parliamentarian. Government had to minimise direct recruitment and Government have adopted promotion principle to Mussalmans. Now, when my friend, Mr. Joshi, says that that is not the right principle but the recruitment was the right principle, then we are between the devil and the deep sea. What have the Government to do? If the recruitment is to be stopped and the promotions are to be stopped, what have the Government to do? Should that be the

[Mr. Muhammad Azhar Ali.]

way in which the claims and the rights of a community be disturbed and not made up? I submit that is not the way to look at these matters. I am very much thankful to my friend, Mr. Joshi, for his advices but we have to be very cautious about them.

Then, my friend, Mr. Joshi, gave another advice to the Mussalmans and that was that they should look after their education more. My friend knows very well how we have been looking after our education from the very beginning. We have established a University and we are doing our best to educate our co-religionists. It is wrong to say that we are not doing anything in that direction. May I remind my Honourable friends that when the Hindus became more educated did they not ask the Government to protect their rights? Similarly, as Muslims become more and more educated, they will claim more rights not only from the British Government but also from their Hindu brethren. And why should they not? It is the right of every citizen of this country to claim his own rights. Supposing my house were demolished today, do you mean to say that I should not have recourse to a court of law? Where is the harm if I come to this Government through this House and ask them to give me my rights? I submit that that is the right of every individual to put forward his claims in this House. If the House decides that this claim will not be heard any more, I will be quite content. But once you have decided upon a principle, all the remarks of my friend, Mr. Joshi, are out of court and they should not be considered. His suggestions, therefore, are out of point. My submission is that once you have settled a thing, you ought to abide by it. We know the history of this Resolution. It was from the year 1921 that the Muslims began to press their claims and this Resolution was passed only in 1984. So, from 1921 to 1984 is a long period. Therefore, as the policy has once been accepted and the promise has been made, that policy should be carried out. We have never asked for more than 25 per cent. If we do so, then it will be right for Mr. Joshi to say that our claim is not a reasonable one or that it is unconscionable. If the Government consider that the suggestion made by Sir Syed Raza Ali is a good one, let a Committee be appointed which should consist of the Hindus, the Muslims, Christians and other communities and let it find out some *via media* for finding a method. We have absolutely no objection to it. What we say today is, as was stated by Sir Syed Raza Ali, that a Muslim officer who was to be appointed has not been appointed and no independent inquiry has been made so far. These are our criticisms of the Government and we ask them to consider our claims on those grounds. Of course, it may not be right for me to insist upon it today, but some reasonable time should be fixed to settle this question and to stop all this communal tension which is growing every year in this House. With these remarks, Sir, I support the motion.

The Honourable Sir Reginald Maxwell (Home Member): Sir, I am afraid

4 P.M. I have not much to say on this Resolution which has not been said before for several Honourable Members who have spoken have reminded us that this is a subject which turns up at this period of the year like a hardy perennial. Possibly, its annual revival during the Budget season may serve a useful purpose in keeping the Government Departments up to the mark in looking after the working of the 1984 Resolution, but I hope that I shall be able to convince the House that it is not necessary

to express such intense anxiety about its working as some Honourable Members appear to have felt. So far as I can analyse the views which have been put forward during this debate, they seem to fall into two main heads of classification. First, doubt is expressed whether the Resolution of 1984 is being carried out as it stands and, secondly, arguments are advanced for carrying the policy embodied in that Resolution still further so that the recruitment of Musalmans may be accelerated. Of these two lines of argument, the second one, namely, that the policy should be advanced or accelerated, it is not really a valid ground for putting forward a *cut motion*. A motion of this character is, presumably, brought forward to censure Government for not having done something which it ought to have done or which it had undertaken to do. New suggestions, if they are to be put forward, would rather more appropriately come in the form of a Resolution moved in the ordinary way by which such matters could be brought to the notice of the Government. But, unless Honourable Members are able to show that Government have not done something which they have promised to do, they are hardly entitled to censure Government because the carrying out of measures already adopted has not resulted in the fulfilment of their expectations. Therefore, I will leave that point for the moment and go back to the Resolution of 1984 itself. On the face of it that Resolution, if it is carried out, should satisfy the purposes which Honourable Members have in view and I would remind the House of its exact scope. The rules then made, in 1984, are said in the Resolution to relate only "to direct recruitment and not to recruitment by promotion which will continue to be made as at present solely on merit". Then, "these rules apply to the Indian Civil Service, Central Services, class I and class II, and the subordinate services under the administrative control of the Government of India with the exception of a few services and posts for which high technical and special qualifications are required". And, as Honourable Members are aware, it is laid down that in regard to the whole of that field "25 per cent of all vacancies to be filled by direct recruitment of Indians will be reserved for Muslims". I have not detected any definite assertion that that Resolution is not being carried out in those terms but some allegations are made that some provisions are evaded through the avenues provided by the exceptions which I have just read out, namely, filling of appointments by promotion, and secondly, the filling of technical posts. As regards the allegation that the filling of appointments by promotion is deliberately used by some departments in order to evade the prescribed recruitment of Muslims, I am extremely doubtful whether devices, such as those mentioned by Sir Ziauddin, would be possible, because the rules of direct recruitment in all departments are rigorously defined and it would not be open, in my view, to any department to decide that an appointment which was to be recruited under the rules directly should be filled by promotion (we will say) of a *chuprassie*. I doubt, therefore, whether that kind of evasion can really take place consciously, but I will investigate the point and see whether I can discover any evidence of it.

Then, as regards evasion through classification of posts as technical, I might inform Honourable Members that that point has recently been taken up again for examination in my department and we are trying to see whether it is strictly necessary to retain, under the technical classification, all the posts which are now so recruited; and if it is possible to reduce any of them from that category that will be done. But, in regard to really technical appointments for which special qualifications are necessary I do not think

[Sir Reginald Maxwell.]

that any Honourable Member will question the wisdom of that provision in the 1934 Resolution. But in regard to promotion a further argument is brought forward directed to show not that Government have been evading the terms of the Resolution but that the Resolution as it stands, that is to say, excluding posts filled by promotion from the operation of this 25 per cent clause, cannot, at any time, lead to the filling of the services with the desired number of Muslims.

One Honourable Member, Sir Muhammad Yamin Khan, asked whether the appointments by promotion are filled by seniority or selection, and that point was further discussed by Sir Raza Ali. Now, in the case of appointments in which promotion is made by seniority, the general rule is that that promotion is made by seniority subject to the fitness of the senior man. There can be no absolute rule of seniority; there must be some right to exclude persons who are unfit. But, from the point of view from which that point was argued, I do not think any Honourable Member would seriously wish to say that because three successive promotions of Hindus (we will say) in order of seniority had been made, therefore, when we came to the fourth and we found that the fourth post was occupied by a perfectly fit Hindu we should reject him and go down the list, perhaps, however far it might be, in order to find a Muslim. That I think would be a species of unfairness for which no Honourable Member who has suggested this cut will really wish to stand openly in this House.

Sir Syed Raza Ali: Sir, if I may interrupt, the complaint is not that the fourth Hindu is rejected, but that if the fourth man on the list happens to be a Muslim, he is rejected in spite of seniority.

The Honourable Sir Reginald Maxwell: That is not the particular point that I was arguing because I am coming to that later.

Now, I turn to the other question relating to promotion and that is promotion by selection. Usually promotion by selection occurs only where the promotion is not within the cadre for which those involved were recruited but where the promotion is to a post in a superior service, a superior grade of post for which he has no ordinary service expectation. Where a selection of that kind has to be made it has to be remembered that the whole field of recruitment is not open to us. The post to be filled has to be filled by selection from a very limited cadre, that is, of those already filling appointments in some lower grade in Government service. No one can predict that in those lower grades, from which the selection is to be made, there will be any specified proportion of Muslims present; there may be none at all. If there is none at all how is the selection of Muslims to be made? It cannot be done.

Sir Syed Raza Ali: Intermediate recruitment.

The Honourable Sir Reginald Maxwell: I am talking now of promotion which is to be made by selection from a service of one class to a service of another class. And I am saying that where promotion has to be made in that way it is not entirely open to the promoting authority to take a Muslim or Hindu according to some pre-determined proportion. He is limited to the men he finds there; and it is essential that in making rules

of this kind which Government make themselves responsible for carrying out the rules should prescribe something which is known to be feasible in all circumstances. Otherwise, if it is a vague rule, it is open to Government to follow it or not to follow it. Therefore, complaint is made that it is evaded. The only possible way of carrying out a rule of communal recruitment or communal promotion will be that it is one which can be rigorously enforced in all cases; and it would have been perfectly useless, in the 1934 Resolution, to try and frame it in any other way than it has been framed. That is what I want to submit to the House. But, at the same time, I now come to the point which I think was intended by my Honourable friend, Sir Raza Ali, that in fact Muslims do not reach the stage at which they can hope for promotion to these higher posts where selection comes in. On that I would remind him and other Honourable Members that this Resolution of 1934 has been in operation for only four years now and it cannot be expected, by any one, that it would have had its full effect or anything like its full effect. All matters regulating services are long distance matters, if I may put it in that way. The ordinary term of service of a Government servant is about thirty years and if I change my method of recruitment tomorrow, it would take 30 years to make it apply to the whole of any given service. Therefore, it is unreasonable to expect that a Resolution, framed in 1934, would yet have brought the recruitment of Muslims up to the point at which they would be available for selection for higher posts on any system which Government could conscientiously follow. But if it can be shown that the process contemplated by the 1934 Resolution is being carried on steadily and faithfully from year to year, then it must ultimately result in the presence of a much larger proportion of Muslims in the services as a whole. They will then form part of the material for selection and it may be expected that whether the promotion has to be made by seniority only or by selection, pure and simple, the names of Muslims will have to be considered by the appointing authority. I therefore, doubt whether Sir Muhammad Yamin Khan was right in saying that this system of 25 per cent direct recruitment can never operate to fill the service with 25 per cent of Muslims. My own view is that in the ordinary course it must inevitably operate in that way, but you must give it sufficient time to do so.

Sir Syed Raza Ali: It will take twenty to twenty-five years!

The Honourable Sir Reginald Maxwell: The answer is that my Honourable friend, Mr. Joshi, has the whole of history behind him, but even today he complains of a deficiency of qualified Muslims even among agitators. I might remark that where he has got them they make up for the deficiency in numbers by their other qualities.

Now, let me come back to the main lines of the 1934 Resolution, and I want to tell the House that so far as I am able to ascertain in my present position those rules are being worked. The Honourable Sir Ziauddin Ahmad asked for a departmental enquiry to ascertain whether those rules are being worked faithfully or not. But I tell him that the Home Department are the department of Government responsible for seeing that these rules are being worked and they do see with the utmost care that in the case of every department the communal proportions are being observed in direct recruitment.

[Sir Reginald Maxwell.]

That brings me to the point mentioned by Sir Syed Raza Ali when he asked whether any special officer has been appointed for that purpose. He has been absent for some time from this country and he was probably thinking of the appointment of an extra Deputy Secretary which was made in the Home Department with a view to getting these rules for communal recruitment in proper working order. When the foundations of the system were properly laid and the manner in which the information should be obtained and tabulated had been finally decided, it became unnecessary to retain a separate appointment for that purpose alone. But there is still a special branch of the Home Department which is entirely occupied in watching the working of these rules. The Home Department receives detailed information from every department of the Central Government as regards the appointments which it has made from year to year and any appointment which is found to have been made contrary to rule is at once challenged and even cancelled. Moreover, if it is found that any vacancy cannot be filled in the specified way in any particular year, owing to want of a qualified candidate, it is the practice to carry forward that vacancy to the next year so that it is not lost to the community concerned; and as a result of all this the returns which I have seen show that there is a steady rise of the number of Muslims in the services covered by the 1984 Resolution. I have not got all the figures with me and they would be too voluminous to give to this House; and, therefore, I do not propose to deal with individual complaints which have been brought forward, but I would like to draw the attention of the House to the statements which are regularly placed in the Library of the House to give information on all points connected with communal recruitment. Mr. Joshi made a request for a detailed report by departments giving the various percentages and all other information to verify, I take it, whether the 1984 rules were being followed properly or not. I should like to know whether before making that request he had consulted the statements already placed in the Library of the House. No. I would inform the House that regularly, for each department separately, the statements which we receive and which are compiled and placed in the Library contain two heads of information, namely, the communal composition of each department or office or service and secondly, the vacancies which have been filled by direct recruitment, and figures have to be given in respect of each grade or division in which recruitment is made separately and the number and percentage of the members of all the various communities are shown in the appropriate columns. Also there is a column to show how many vacancies were filled in the order of merit and how many by nomination in order to complete the quota of vacancies reserved for minority communities. I think that any Honourable Member who is interested in the subject will find that these statements contain very full information

Mr. N. M. Joshi: May I ask whether Government can supply free copies of the statement to all the Members?

The Honourable Sir Reginald Maxwell: The Honourable Member can get it in the Library of the House. I cannot tell him how many copies are supplied.

Mr. N. M. Joshi: We cannot know when the statement is placed in the Library, but if copies are supplied to us we can read them.

The Honourable Sir Reginald Maxwell: That is a matter with which I am not personally concerned: it concerns the management of the House and its Library and the information given to Members generally. All I can say is that so far as my department is concerned, all the statements relating to departments for 1984 are already in the Library of the House, and practically all those for 1985; as regards 1986 no less than 58 statements have been sent; and as regards 1987, 39 statements have already been sent. So far, I admit, there has been a certain lag in the preparation and compilation of this information and its placing in the Library and we are doing our best to see whether the process can be accelerated. But if there is such delay it is mainly due to the vigilance of my department in taking up cases in which the communal proportions do not appear to have been properly observed. Every year there is a very large amount of correspondence designed to clear up any least point of doubt about the observance of the 1984 Resolution, and I do not think that Honourable Members need feel any great apprehension that any serious evasions take place.

Now, some Honourable Members have referred to the process of selection of officers for the Secretariat, and there is one point I should like to mention, because it touches on what Sir Syed Raza Ali himself suggested as regards the operation of selection, namely, that the Head of the office should be assisted by a Committee of some kind. So far as ordinary selections are concerned, of course, the place of a Committee of that sort is very largely taken by the Public Service Commission, that is to say, where promotion is to be made to a higher service, it is quite the normal thing that the suitability of the candidate is examined by the Public Service Commission and their advice is taken; but in regard to the appointment of officers in the Secretariat, as I think Sir Raza Ali himself knows, such appointments are not entirely made according to the free choice of the Member in charge of the Department. That matter has now been taken out of our hands and placed in the hands of a Selection Board which applies its mind, without any preconceived ideas, to the names which are actually available, and the appointment from among those names is made by the Governor General in Council.

It only remains for me, I think, now to deal with one or two new suggestions which were put forward. As I said, suggestions for new avenues of recruitment for Muslims are not strictly within the scope of a cut motion, but I may briefly notice them. One suggestion was made by Dr. Sir Ziauddin Ahmad where he said that the percentage should be fixed so that the 25 per cent. of the total numbers of the services should be filled by Muslims within a specified period,—I think ten years' time was the time which he mentioned. I have already explained the great difficulty in accelerating any such process without going entirely beyond the principles which ordinarily regulate promotions. It is extremely doubtful whether any such suggestion could be taken up unless experience shows that the working of the 1984 Resolution is not succeeding in the way which I anticipate in filling the services gradually up to the limits which would be expected of it. Once we succeed in getting the 25 per cent. of Muslims recruited into every branch of the service regularly, it seems to me that their percentage will advance sufficiently rapidly to make it unnecessary to try and accelerate the progress; and the same argument will apply to the other suggestion which was made, I think,

[Sir Reginald Maxwell.]

by Sir Muhammad Yamin Khan that we should adopt a higher percentage, 38 per cent. instead of 25 per cent. for the purposes of that Resolution. I think that proposal too is premature, and at any rate at this stage it would not commend itself to the country generally.

Well, Sir, I think that is all I need say in regard to this debate. I think I have made it clear to the House that we stand by the 1934 Resolution. If any Honourable Member can show me or give me details to convince me that the terms of the 1934 Resolution are not being observed by any department of the Government of India, I shall be only too pleased to investigate the case. The Home Department are the watchdogs in this matter, and those who have any complaints to make must come to the police. But it is the intention of Government that this 25 per cent. recruitment of Muslims should take place regularly and steadily, and that it should not be evaded by any devices whatsoever. Whether it is necessary that we should have any additional agency for exercising vigilance is a matter on which I have an open mind. If Honourable Members can show me privately or otherwise that the intentions of Government are in any way being defeated or evaded, then, possibly, we may have to think of some machinery for securing the better observance of the 1934 Resolution, but I can assure Honourable Members that I shall do my best to see that the interests of Muslims are fully secured in the working of the existing orders.

Sardar Sant Singh: May I know from the Honourable Member what is meant by other minority communities in that Circular?

The Honourable Sir James Grigg (Finance Member): Sikhs.

Sardar Sant Singh: The Honourable the Home Member has not replied to that.

Dr. Sir Ziauddin Ahmad: Sir, in view of the assurance given by the Honourable the Home Member that the Department is watching the working of the Resolution of 1934 and that he would see to it that the provisions of that Resolution are not evaded under one pretext or another, and in view of the fact that the question of the modification of the Resolution ought to be discussed in some other manner and not by means of a cut motion, I beg leave of the House to withdraw the motion.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member the leave of the House to withdraw his motion?

Several Honourable Members: Yes.

The motion was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Abdur Rahim): The Chair may mention at the same time that, so far as these cut motions are concerned, they are not necessarily motions for censure. The practice has always been to raise questions for discussions as regards the working of the administration by a token cut like this. Though ordinarily a cut motion is intended by way of censure, it need not necessarily be so.

The next motion the Muslim League Party wishes to move is No. 30. Demand No. 10.

DEMAND NO. 10—INDIAN POSTS AND TELEGRAPHS DEPARTMENT (INCLUDING WORKING EXPENSES.).

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 10,73,73,000, be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1940, in respect of the Indian Posts and Telegraphs Department (including working expenses)."

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

"That a sum not exceeding Rs. 10,73,73,000, be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1940, in respect of the Indian Posts and Telegraphs Department (including working expenses)."

Departure from the Practice of using Urdu Script in Postal Forms.

Khan Bahadur Nawab Siddique Ali Khan (Central Provinces and Berar Muhammadan): Sir, I beg to move:

"That the demand under the head 'Indian Posts and Telegraphs Department (including working expenses)' be reduced by Rs. 100"—(To discuss departure from the practice of using Urdu script in Postal forms)."

Sir, I am sure that Urdu knowing people know that repeated attempts are being made to annihilate Urdu and substitute it by Hindi. This propaganda is being carried on by several Hindi societies and specially the *Hindi Sahitya Sammelan* started by Mr. Gandhi. One would ask as to why this is being done. In my opinion, the obvious reason is that this language is spoken by the Mussalmans. In their enthusiasm, they lose sight of the fact that there are several well-known Hindu authors and poets of Urdu of whom we are proud. I have tabled this cut motion with a view that the Government should not be a party to kill the Urdu language. Sir, I will cite some example to show what the postal authorities are doing in this matter. I will tell you, Sir, what is happening in Ahmedabad. There is one association known as *Anjuman Baitul Mal*. The Secretary of this Association asked the Postmaster in Ahmedabad to send him a money order form in Urdu script. The Postmaster, Ahmedabad, refused to supply this on the ground that the language of the area was not Urdu and he supported his contention by citing clause 263 of the Post and Telegraph Guide. With your permission, I will read the relevant portion from this clause.

"All the entries made in the form must be legible, and may be written in English or in the current vernacular of the district, either by the remitter himself or by any one on his behalf."

I do not know what made the Postmaster of Ahmedabad come to the conclusion that the language of the area was not Urdu. I may say for the information of this House that there are several Urdu schools which are financed by the Ahmedabad Municipality. There is a branch of the *Anjuman Taraqqi Urdu* established in Ahmedabad. If I mistake not, there is also an Urdu paper which is published from Ahmedabad. The same thing happened in Itarsi where, also, they refused to supply Urdu

[Khan Bahadur Nawab Siddique Ali Khan.]

money order forms. There is a branch of *Anjuman Taraqqi Urdu* there and Urdu is spoken by a majority of the population. A very funny incident happened in Jubbulpore.

Mr. Muhammad Aatur Rahim, the Headmaster of the Anjuman High School, Jubbulpore, sent a money order form, written in Urdu, to the post office. The postmaster refused to take it saying that he was unable to read Urdu. The Headmaster, however, insisted that the money order should be accepted. The postmaster again refused. Then he sent his peon and asked the postmaster to give the refusal in writing. When it came to that, the postmaster had to yield and he accepted the money order written in Urdu. I will read something from this book which has been compiled by Syed Ali Shabbar with regard to the condition of Urdu in the Central Provinces and Berar. The author of this book says, that when he visited Seoni—he was touring all over the province to investigate the condition of Urdu in the province,—he went to the post office and asked the postmaster to give him a money order form in Urdu script. The postmaster gave a form to him which was in Hindi. The gentleman said that he would like to have the form in Urdu script. The name of the postmaster is also given in this book, his name is Mr. Puranik. He said that nobody knew Urdu in the town of Seoni and, therefore, money order forms in Urdu script were not available. You will be surprised to hear that the total population of Muslims is 25 per cent. of the whole population. Urdu is their mother-tongue, and this language Urdu is spoken not only by the Muslims but by Hindus also. That is the first town in India where they maintain their account books in Urdu. If one were to pass through the bazars of Seoni one would see the signboards of several Hindu shops written in Urdu. May I say that there are several Urdu schools and a branch of the *Anjuman Taraqqi Urdu* there. I do not understand the postmaster of that place saying that the language of the area was not Urdu. From this treatment in big towns, the state of affairs in villages can be better imagined than described.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better speak up.

Khan Bahadur Nawab Siddique Ali Khan: I am sorry that the Leader of my Party, Mr. Jinnah, is not in the House, otherwise, he would have been able to tell you as to what happened in Bombay, and he had to correspond with the Director General, Posts and Telegraphs.

An Honourable Member: A little louder please.

Dr. Sir Ziauddin Ahmad: Will you permit him to come nearer?

Mr. President (The Honourable Sir Abdur Rahim): Yes, the Chair has no objection.

(The Honourable Member then came to one of the front Benches.)

Khan Bahadur Nawab Siddique Ali Khan: I was just saying that unfortunately the Leader of my Party is not here in the House, otherwise, he would have been able to tell you what complaint was made to him by

the Muslim League of Bombay and, in this connection, he had some correspondence with the Director General, Posts and Telegraphs. I will try to deal with the subject in his absence and will read out to you the D. O. which was sent to Mr. Jinnah by the Director General of Posts and Telegraphs.

"In connection with Mr. M. A. Jinnah's letter regarding the supply of money order forms printed in Urdu, arrangements have already been made to supply them to post offices in localities in which there is considerable Muhammadan population."

This is the interpretation put by the Director General, but the postmasters of Ahmedabad and Seoni arrived at some other conclusion. They say that the language of the area should be the criterion and not this.

"Arrangements have also been made to keep such forms in stock in other offices also for supply to the public on demand."

The Presidency Postmaster, Bombay, is not able to intimate the circumstances in which the supply of Urdu forms to post offices in Bombay was discontinued."

Then Mr. Jinnah wrote another letter to the Director General in which he says:

"I am glad to hear that now arrangements have been made to supply money order forms printed in Urdu. But I really do not understand why the Presidency Postmaster, Bombay, is not able to intimate the circumstances in which the supply of the Urdu forms at Bombay was discontinued. I am very anxious to know why the departure was made and the causes and circumstances which led to the discontinuance of the supply of Urdu forms at the Presidency Post Office, Bombay. I, therefore, once more request you to ask the Presidency Postmaster, Bombay, to state the circumstances in which the supply of Urdu forms at the Post Offices at Bombay was discontinued. I think the matter cannot be allowed to rest in the manner in which the Presidency Postmaster-General, Bombay Circle, desires."

The question is as to why a departure was made and the causes and circumstances which led to the discontinuance of the supply of Urdu forms at the Presidency Post Office of Bombay. I am very keen on the subject and I would have adopted the weapon of Mr. Gandhi and gone on hunger strike to preserve my language. But, unfortunately, my religion forbids me from fasting unto death, which will mean suicide. Therefore, I cannot take that measure. Secondly, I am not also sure whether His Excellency the Viceroy will intervene if I observe fast. The only alternative for me is to press my cut motion. Sir, I move.

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

"That the demand under the head 'Indian Posts and Telegraphs Department (including Working Expenses)' be reduced by Rs. 100."

Mr. Muhammad Nauman: Mr. President, in supporting this cut motion of my Party, I have only to point out that it is probably the first instance in the history of this Assembly when such a motion is moved and, I think, the Government do realise that unless it has reached a limit, where such a resolution is warranted, we would not have done so. It is difficult for me to give all the details as to how Urdu script is being discouraged. There is a slow process and, probably, efforts were made in the beginning to make it imperceptible. The majority community had all the feelings of apathy towards Urdu but they were careful in using all secrecy of their feeling but now, when they think that the time of transference of power from the sovereign authority is drawing nearer, they are revealing this mentality even in small matters.

Mr. M. Asaf Ali (Delhi: General): What has this motion got to do with the Congress. I thought that it was the Central Government which was being censured.

Mr. Muhammad Nauman: I made no reference to the Congress. I referred to the mentality of the majority community.

Sir Syed Raza Ali: In fact, both of you are equal offenders.

Mr. Muhammad Nauman: Probably the House will agree that Urdu was the one single language which could be understood throughout the length and breadth of this country till the end of the 19th century. With the advent of English education on a large scale, the different vernaculars in different parts of India became prominent and Urdu was being given a slow poison. With the advent of the national movement in India, sectarianism began to influence different leaders, in different localities, and somehow or other the majority community began to feel that unless Urdu language was reduced to a sectarian language, the culture allied with Urdu will continue to prevail in India. This predominating influence of the Urdu language began to be looked with contempt and a secret propaganda was started by the majority community to disown Urdu as a common language of the country and this position was clearly brought about with the advent of Congress Ministries in the provinces which encouraged the Congress Groups to come out with the "Wardha Scheme" and try to give a final deathblow to Urdu.

Mr. M. Asaf Ali: Surely ignorance can go no further.

Mr. Muhammad Nauman: Now, Sir, this propaganda has influenced the Postal Department as well and, first of all, peons began to neglect the letters addressed in Urdu and then began to throw them off for the compulsory training of the masses in Hindi and the postmasters in villages and small centres began to work up this mentality and they began to suppress Urdu literature and Urdu printed forms in all places where it became at all possible for them to do so. There is no doubt that the Postal Department of the Government of India is one of the most efficient departments of the Government and probably heads of departments, including Mr. Bewoor, could not get even 1/100th part of the information regarding the highhandedness of the staff.

Now, I come to some concrete facts in Patna District. I found that in the village post offices of Pundarak, Noorsarai and Nagarnosha and many other places where I sent my servant for bringing money order forms in Urdu, the postal authorities told me that they do not receive any forms in Urdu script. The House has heard the interpretation put by the Postmaster of Jubbulpore and the House has also heard the correspondence that has passed between Mr. Jinnah and the head of the Postal Department, Mr. Bewoor. Now, in the village post offices which I have mentioned, I was told that they did not receive the form for months. Last October, during my visit to Lalmanirhat in Bengal, where I went to preside at a meeting of the Muslim employees of the Railway I was told by the Chairman of the Reception Committee, Syed Abdul Hafiz, M.L.A. of Bengal, that all letters addressed in Urdu were, at least, delayed by 48 hours, if not thrown out and I was told that no forms in Urdu were available. During the same month I received representation from some

people of Purnea stating that they do not receive their letters at all in time unless they are addressed in Hindi or English. During my visit to Sitamarhi and Darbhanga in Tirhut Division, last January, I received the same complaint and I personally went to one of the post offices in Sitamarhi and Sakri and I met with the same experience and same complaint. It was not a very great surprise to me as only recently even in Calcutta, things are happening like that. If any letters are written in Urdu, there is a delay of 24 to 48 hours. On enquiry in the post offices I was told that because they have got only one man who can read Urdu script, they are not in a position to deliver letters written in Urdu in time. I have given the House the examples of the villages and also of big cities like Calcutta. This is the way things are being managed. I do not know whether the authorities, sitting on the other side, are aware of the situation but at this stage we feel that we must point out how things are going on and how imperceptibly the majority community are trying to denounce Urdu. Even the postmasters or men in charge of small offices do not give Urdu forms when requested to do so. That is the position, Sir, which has compelled us to table this cut motion and I would request the Honourable Member and Mr. Bewoor to take up the matter in all seriousness and to start inquiries on the data we are giving them. I do not want to try the patience of the House by giving out stories of a few other places or reading out letters which some friends have written to me on this topic but I would request the authorities to make inquiries and see that every post office gets an Urdu script and that arrangements are made that letters addressed in Urdu script are delivered to every body in time and give these letters the same treatment as letters addressed in Hindustani or English. With these words I resume my seat.

Some Honourable Members: The question may now be put.

Mr. M. Asaf Ali: Sir, I did not think that the Party which has tabled this motion was going to bring the debate to a sudden close, but since the suggestion has been made that the question should now be put, I thought that I might just intervene at this stage. Reference has been made by the Mover of the motion to the "Sahitya Sammelan", and it was said by him that it was started by Mr. Gandhi. May I tell him that it was not started by Mr. Gandhi, but Mr. Gandhi certainly patronised it. He was under the impression that it was due to the intrigues of the "Sahitya Sammelan" that the Honourable Sir Thomas Stewart's Department was sabotaging Urdu wherever it had existed before. I do not know to what extent Sir Thomas has any knowledge of such a conspiracy. I trust there is no ground for it, but if there is, it is a grievous fault and grievously he must answer it. In so far as the question of Urdu is concerned, I am afraid it is being mixed up with Urdu script. I am absolutely certain that every section of the House will agree with those who desire that in every part of the country where there is a certain amount of population which calls for forms written in a particular script, such forms should be made available there. I have not the slightest doubt about that. If the object of the League's motion is nothing more than this, I have every sympathy with it, but if their object is that forms in Urdu should be available in every part of the country, in every village and in every backwood's post office, I am afraid they are making a claim which will not be considered reasonable.

An Honourable Member: Why, why?

Mr. M. Asaf Ali: and that for a very good reason. I should like to know why the money of the country should be spent on printing . . . (interruptions) . . . will you kindly listen—why the money of the country should be spent in printing and publishing forms which are not wanted. Do you want every post office to have forms in Urdu? Then, there will be a demand that there should be forms in Gurmukhi and in so many other scripts? In how many languages will you have these?

Mr. Lalchand Navalrai: In my Sindhi also.

Mr. M. Asaf Ali: Do you want that every post office in every part of the country must have forms printed in all the languages in India, of which there are at least two hundred? Well, that is unreasonable. I feel considerable sympathy with your demand when you say that in particular places where Urdu forms should be available they are not made available. The Department concerned must answer the charge. I have every sympathy with that demand. I am simply saying that you certainly do not want to go further than that and say that forms printed in the Urdu script should be available at every post office, everywhere, throughout India. I do not think that is your demand.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): That is our demand.

Mr. M. Asaf Ali: We have got to look to the reasonableness of the situation. I am afraid in so far as my friend, Mr. Nauman, is concerned, I may say that if there is anybody who should stand up in support of Urdu, well, I think it is my humble self—who am born to speak Urdu,—I do not know for how many generations we have spoken Urdu—but it is not we who are clamouring with the same voice as some of those are clamouring now-a-days who, to my best information, cannot speak Urdu! Sir, I was told, the other day, that somebody in Bengal started referring to Urdu as “Nobir Jaban”, that is to say, the Prophet’s language! If that is the conception of Urdu in certain parts of India, I would not like to be associated with it; I am as great a supporter of Urdu as anybody, but Urdu should never be mixed up with that kind of language which certain Governments call Hindustani or Hindi. I do not mind Madrassesees and others claiming to speak a language which they may call Urdu, but which I do not call Urdu. That sort of discussion should never be introduced into this House. It is an absolutely irrelevant topic,—an irrelevant discussion: you want to discuss something which is reasonable, namely, that you want forms printed in Urdu to be available for persons who need them in places where they happen to be in a certain number and where, reasonably, they should be provided. If that is your object, I have absolutely nothing to say against it. But if you want to go further like Mr. Nauman and have a fling at the Congress in season and out of season, then let me tell you that it is due to the Congress that today the country is taking to Urdu, much more than the country has ever done. (Voices: “Question, question”).

Sir Syed Raza Ali: “Not Urdu”.

Mr. M. Asaf Ali: I may tell you here and now that it is the recognised policy of the Congress today—if you like, I shall show you the resolutions passed, not once, but for several years, year after year, and they have been passing resolutions to that effect. . . .

Sir Syed Raza Ali: To what effect?

Mr. M. Asaf Ali: It is our recognised and declared policy that Hindustani should be the language of the whole of India and it may be written in both Hindi and Urdu scripts—the language of each section, whatever it may be, must be preserved and must never be interfered with. If you speak a particular language, you will be left alone and, in fact, your right is safeguarded, wherever you may live,—but if you are speaking the kind of Hindustani some do, then claim that and do not claim the other. I should like to know how many people in certain parts of India there are who speak Konkani, Marathi, Gujarati and other languages. I do not know what mixtures of language they are speaking. I do not associate Urdu with such languages but I am certainly prepared to call that “Hindustani”. I am prepared to speak it to make myself understood by them. Therefore, I do not wish this question to be mixed up. If the demand is confined to the question of script and the printing of postal and telegraph forms in the Urdu script in certain places where they are in demand, it is for the Department to answer and I hope they will answer it with satisfaction.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 14th March, 1939.

V2, 31 N39

N39.2

