

23rd February, 1926

THE

# LEGISLATIVE ASSEMBLY DEBATES

(Official Report) .

Volume VII, Part II

*(10th February to 1st March, 1926)*

FOURTH SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1926



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# Legislative Assembly.

## *The President :*

THE HONOURABLE MR. V. J. PATEL.

## *Deputy President :*

DIWAN BAHADUR T. RANGACHARIAR, M.L.A.

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SIR DARCY LINDSAY, M.L.A.

LALA LAJPAT RAI, M.L.A., AND

MR. ABDUL HAYE, M.L.A.

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MR. S. C. GUPTA, BAR.-AT-LAW.

MR. G. H. SPENCE, I.C.S.

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## *Committee on Public Petitions :*

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COLONEL J. D. CRAWFORD, M.L.A.

MR. JAMNADAS M. MEHTA, M.L.A.

MR. ABDUL HAYE, M.L.A.

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# LEGISLATIVE ASSEMBLY.

*Tuesday, 23rd February, 1926.*

The Assembly met in the Assembly Chamber at Eleven of the Clock,  
Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

### POSTAL, TELEGRAPH AND TELEPHONE RATES.

964. **\*Khan Bahadur W. M. Hussainally:** 1. When were the present postal rates imposed?

2. What has been the estimated and actual income from these rates every year since their imposition?

3. What has been the total income and expenditure of the Postal Department as such every year since the imposition of these rates?

4. What has been the income and expenditure of the Telegraph Department as such every year during the same period?

5. What is the percentage of European and Anglo-Indian employees in the Telegraph Department as such as against that of the Indian?

6. What is the average emolument of the one class as against the other?

7. What is the objection to the telegraph and telephone rates being raised so as to make the Department pay?

8. What is the objection to the postal rates to foreign countries being raised so as to facilitate the lowering of the inland rates?

**The Honourable Sir Bhupendra Nath Mitra:** 1. It is presumed that the question refers only to the rates of letter postage. The present rates for letters and postcards were introduced on the 24th April 1922 and those for book packets and registered newspapers on the 18th April 1921.

2. No statistics are maintained showing separately the estimated or actual income for each class of postal articles year by year. Nor is it possible to ascertain separately the income from such stamps used in payment for telegrams. The estimated and actual income however from the sale of postage stamps (including those affixed to telegrams) *plus* postage realised in cash is noted below:

Year.	Estimated.	Actual.
	Rs.	Rs.
1921-22 . . . . .	8,30,49,000	7,36,40,140
1922-23 . . . . .	9,23,49,000	7,60,06,215
1923-24 . . . . .	7,97,49,000	7,66,85,861
1924-25 . . . . .	7,71,99,000	7,61,27,438

3 and 4. A statement is laid on the table furnishing the information required by the Honourable Member. In arriving at the figures of receipts the sale proceeds of postage stamps have been divided up between the Post Office and Telegraph Department on the basis of rough estimates

5. The present percentages of European and Anglo-Indian employees in the Telegraph Department as against Indians are 63·78 and 36·22.

6. All employees doing the same work and in the same service get the same rates of pay.

7. The objections to raising the telegraph and telephone rates are that the public generally consider that the existing rates are sufficiently high.

8. The total correspondence for foreign countries including Great Britain, Ireland and other British Colonies and Dependencies amounts to less than 3 per cent. of the total correspondence handled by the Post Office of India. Any increase therefore in the foreign postage rate, which is already higher than the corresponding British rate, would not appreciably increase the revenues of the Department so as to render it possible to lower the inland rates.

*Receipts and charges of the Post Office and the Telegraph Department since 1921-22.*

I.—POST OFFICE.

	Receipts.	Charges.
	Rs.	Rs.
1921-22 . . . . .	5,82,74,673	6,41,27,154
1922-23 . . . . .	6,56,61,076	6,30,37,237
1923-24 . . . . .	6,78,54,237	6,55,16,139
1924-25 . . . . .	6,69,91,276	6,41,90,427

II.—TELEGRAPH DEPARTMENT.

	Receipts.	Charges.
	Rs.	Rs.
1921-22 . . . . .	3,48,08,667	3,02,17,261
1922-23 . . . . .	3,24,84,257	3,16,19,536
1923-24 . . . . .	3,14,28,711	3,07,33,024
1924-25 . . . . .	3,27,71,946	3,26,01,171

REVISION OF THE TRANSFER OF PROPERTY ACT.

965. **\*Maulvi Abul Kasem:** (a) Will the Government be pleased to state how many officers were placed on special duty for the revision of the Transfer of Property Act and for how long they were so engaged and what the emoluments of these officials were and what the total cost was?

(b) When were the special officers relieved of their work and what was the result of their labour?

**Mr. L. Graham:** (a) and (b). One only, Rai Bahadur Lal Gopal Mukherji, for a period of 14 months and 21 days from the 11th July 1921 to 31st October 1922. He received Rs. 1,860 per mensem for the first 10 months and 7 days and Rs. 1,950 per mensem for the balance of the period spent on this special duty. The total cost inclusive of travelling and other allowances was Rs. 38,048.

As regards the result of his work the attention of the Honourable Member is invited to my reply to starred question No. 44 on the 2nd July, 1923, and to the statement made by the Honourable the Law Member as recently as the 4th instant during the discussion on the Law of Property (Amendment) Bill.

**TOTAL NUMBER OF HINDUS, ANGLO-INDIANS AND MUHAMMADANS  
RECRUITED SINCE THE 1ST JANUARY, 1924, FOR CERTAIN DEPARTMENTS  
OF THE GOVERNMENT OF INDIA.**

966. **\*Maulvi Abul Kasem:** Will the Government be pleased to state how many assistants (clerical staff) have been recruited since 1st January, 1924, and how many of them are (i) Hindus, (ii) Anglo-Indians, (iii) Muhammadans for the following Departments and Secretariat offices:

- (1) Home,
- (2) Director of Public Information Bureau,
- (3) Education, Health and Lands,
- (4) Legislative,
- (5) Commerce,
- (6) Industries and Labour, and
- (7) Finance?

**The Honourable Sir Alexander Muddiman:** A statement giving the information asked for is being forwarded to the Honourable Member.

**TOTAL RECRUITMENT OF HINDUS, ANGLO-INDIANS AND MUHAMMADANS IN  
1924 AND 1925 FOR CERTAIN SPECIFIED SERVICES.**

967. **\*Maulvi Abul Kasem:** Will the Government be pleased to state what is the number of total recruitments in the following services in 1924 and 1925, and how many of these are (i) Hindus, (ii) Anglo-Indians, (iii) Muhammadans:

- (1) Indian Audit and Accounts Service,
- (2) Imperial Customs,
- (3) Superintendent of Post Offices,
- (4) Indian Medical Service, and
- (5) Indian Forest Service?

**The Honourable Sir Charles Innes** (on behalf of the Honourable Sir Basil Blackett): The information is being collected and will be furnished to the Honourable Member in due course.

SEPARATION OF THE ESTABLISHMENT RELATING TO THE LEGISLATURE  
FROM THE LEGISLATIVE DEPARTMENT.

968. **\*Diwan Bahadur T. Rangachariar:** Will the Government be pleased to state what steps have been taken or are being taken to separate the establishment relating to the Legislature from the Legislative Department of the Government of India, and if no steps have been taken or are being taken, will the Government be pleased to give reasons therefor?

**Mr. L. Graham:** In reply to a similar question by Mr. Neogy an answer was given on the 1st February, 1924, in the following terms:

“The question was exhaustively examined after the Inchcape Committee had submitted its report and it has been decided that for the present in the interests both of economy and of efficiency it is desirable that the business of the Legislature should continue to be conducted by the Legislative Department of the Government of India.”

There is at present nothing to be added to that statement, but, with the permission of the Honourable the President, I am to say that he has directed the preparation of a statement showing how the separation could be effected. On receipt of the views of the President after examination of this statement, the question will be considered by Government.

**Diwan Bahadur T. Rangachariar:** Have the Government any objection to allow the President to nominate a Committee of this House to go into this question?

**Mr. L. Graham:** I am afraid I must ask for notice of that question.

**Mr. B. Das:** In the matter of the separation of the establishment relating to the Legislature from the Legislative Department, do I take it that the decision of the Government of India is final or the decision of the non-official opinion of this House?

**Mr. L. Graham:** The decision of the Government of India, Sir, certainly is a relevant factor.

**Mr. A. Rangaswami Iyengar:** May I know, Sir, if this question of the separation of the Secretariat proper was considered by the Presidents' Conference that met here in January?

**Mr. L. Graham:** That is not a question to ask me, Sir.

NUMBER OF ANDHRAS EMPLOYED IN CERTAIN DEPARTMENTS OF THE  
GOVERNMENT OF INDIA.

969. **\*Mr. K. Venkataramana Reddi:** 1. Will the Government be pleased to lay on the table a statement showing the number of Andhras employed in the superior staff of the following departments of the Government of India:

- (a) Indian Audit and Accounts Service,
- (b) Imperial Customs Service, and
- (c) Military Accounts Department?

2. (a) Is it a fact that Government have laid down that one-third of the vacancies in the above services, to which direct appointments are made by competitive examination, should be held in reserve so as to enable inequalities between classes and communities to be redressed by nomination, if necessary?

(b) If so, will Government be pleased to state the particular classes and communities that have been recognised till now as coming within the purview of this principle?

(c) Do Government consider Andhras as coming within the purview of the principle stated in part 2 (a)? If so, will Government be pleased to state what steps they have already taken or propose to take hereafter to secure adequate representation of the Andhras in the departments of the Government of India mentioned in part 1 of this question?

**The Honourable Sir Charles Innes** (on behalf of the Honourable Sir Basil Blackett): (1) The information is not available.

(2) I would refer the Honourable Member to the speech by Sir Malcolm Hailey in the Assembly on the 10th March, 1923, and the speech by the Honourable the Home Member in the Council of State on the 2nd March, 1925.

# PRIVATE NOTICE QUESTIONS AND ANSWERS.

## ANTI-ASIATIC LEGISLATION IN SOUTH AFRICA.

**Pandit Motilal Nehru:** 1. Will the Government be pleased to state:

- (a) what if any steps they took to prevent the passing of the Mines and Works Act 1911 Amendment Bill known as the Colour Bar Bill by the South African Union Assembly;
- (b) what if any steps have been taken or are in contemplation to protect the rights of South African Indians since the passing of the said Bill;
- (c) the number of Indians in South Africa likely to be affected by this measure?

2. Will the Government be pleased to state:

- (a) what if any steps they took to prevent the passing of the Act to validate the Natal Ordinance 7 of 1923 by both Houses of the South African Parliament;
- (b) what if any steps are proposed to be taken to protect the rights of the South African Indians from the operation of the said Act?

3. (a) Are the Government aware that the Minister of Justice of the Government of the Union of South Africa has published a Bill to amend and consolidate the liquor laws of the Union which prohibit the employment of Asiatics and natives in, at, or about any premises where intoxicating liquor is manufactured, stored, distributed or sold and that such legislation would affect a considerable number of Indians in South Africa?

(b) If so, what steps do the Government propose to take to arrest the further progress of this objectionable measure?

**Mr. J. W. Bhore:** 1. (a) and (b). The Mines and Works Amendment Bill has not yet been passed by the Senate of South Africa. The Government of India have made strong representations to the Union Government on the subject.

(c) The number of Indians likely to be affected by the Bill will depend entirely on the terms of the regulations that may be issued under it and on the provinces or areas to which they may be made applicable.

2. (a) and (b). I have already informed this House in reply to part (f) of Mr. Ambika Prasad Sinha's question No. 843 that the Natal Public Health Committee's Ordinance No. 7 of 1923 was the subject of representations on the part of the Government of India before it became law. The Government of India did not consider that any useful purpose would be served by making further representations on the subject since the object of the Bill which has recently been passed is apparently merely to remove a legal flaw in the operation of the Natal Ordinance No. 7 of 1923 by amending the Union Public Health Act of 1919 so as to include Public Health Committees among the local authorities vested with sanitary powers.

3. (a) The reply is in the affirmative.

(b) Government are at present awaiting the receipt of the text of the Bill, which is expected shortly. It is understood that clause 107 of the Bill as introduced excludes Indians from employment on licensed premises in the Transvaal and Orange Free State only, but a suggestion has been made that these restrictions should be extended to Natal also. Government are watching the situation and on receipt of a copy of the Bill will consider what steps they can usefully take in the matter.

**Pandit Motilal Nehru:** Is it not a fact that the so-called legal flaw which the amending Act removes does affect prejudicially a very large class of Indians?

**Mr. J. W. Bhore:** May I ask my Honourable friend whether he has read the Natal Ordinance as well as the Public Health Act of 1919? If he has not, may I suggest that he should go through them with me, and I shall then be most happy to examine any suggestions that he may make in the matter?

**Pandit Motilal Nehru:** I shall be very glad to sit at the feet of my Honourable friend and learn my lessons from him, but my question is a very simple one, and it is this, whether or not a very large section of Indians is affected by it in South Africa?

**Mr. J. W. Bhore:** As far as I can see, they are not directly affected.

**Pandit Motilal Nehru:** Are they not at all affected?

**Mr. J. W. Bhore:** Not by the passing of this amending Act, as far as we can at present see.



**Pandit Motilal Nehru:** Is it not a fact that this Act was contested by the South African Indians by a test suit, and the judgment of the Supreme Court was in favour of the Indians? Thereupon this amending Act was passed to remove what my Honourable friend euphemistically calls a legal flaw?

**Mr. J. W. Bhore:** It is perfectly true that a test case was brought, but does my Honourable friend know really what was in contest in that case?

**Mr. A. Rangaswami Iyengar:** May I know, Sir, whether the law from which they are now trying to remove the legal flaw does in fact affect the rights of Indians?

**Mr. J. W. Bhore:** I have already said that I do not think it directly does so far as our interpretation of this law goes. If the Honourable Member can satisfy me that it does affect them, I shall be most happy to go further into the matter.

**Mr. A. Rangaswami Iyengar:** May I know, Sir, what was the nature of the representations that you said you had made to the South African Government on this Bill?

**Mr. J. W. Bhore:** Our representation was on the general ground that there should be no taxation without representation.

**Mr. A. Rangaswami Iyengar:** May I know, Sir, in regard to the Mines and Works Act, whether the Government can tell us how many Indians might possibly be affected if the rules that are made are extended to Indians?

**Mr. J. W. Bhore:** That is a hypothetical question as I have already explained. We have made an estimate, but I should not like to give that as an authoritative estimate to this House.

**Mr. A. Rangaswami Iyengar:** May I know why you cannot give that estimate, when this House should know how Indians are likely to be affected?

**Mr. J. W. Bhore:** Because I have explained that it is entirely on a hypothetical basis that the estimate has been made and bears necessarily no relation to fact.

**Mr. C. S. Ranga Iyer:** Will the Government be pleased to communicate to this House the representation that they made to the South African Government on this particular question?

**Mr. J. W. Bhore:** We shall consider that in due course. We have already taken the House into our full confidence in regard to one matter when we thought that publicity would be advisable, and the Honourable Member may rest assured that we will take his suggestion in this connection into consideration.

**Pandit Motilal Nehru:** May I ask the Honourable the Home Member if he will give us a day for the discussion of this question, I mean the South African question, as promised, and when?

**The Honourable Sir Alexander Muddiman:** I think the Honourable Member might have given me notice of that. I promised that I would keep the House informed of the state of affairs in connection with South Africa, and I think that promise has been fully kept by the papers laid on the table. I was not aware that the position had been reached when a day was wanted for the discussion of this subject. I am quite prepared to consider the matter, if it is thought generally after discussion among Members that there should be a day for the discussion of this matter.

**Pandit Motilal Nehru:** I may say quite plainly that the Resolution on the South African question, rather the amendment which stood in my name, was not pressed on the distinct understanding that some other day would be found for it, and if that is not the case, I can only say that we have been disappointed.

**The Honourable Sir Alexander Muddiman:** Far otherwise. I had not the slightest intention of not giving time for the discussion of this subject if the Members pressed for it. That was clear. But the arrangement was, and I will call that to my Honourable friend's recollection, that I should keep the House informed of the progress of our negotiations out there, and that, I think, we have done. But if the Honourable Member and the House generally press for a day, and if they think that will really at this stage be for the benefit of our case and their case, then of course I shall be happy to give a day. But I would ask the Honourable Member, before he asks me to fix a definite day to have some discussion with me in private. There is no question of refusing a day at all.

**Pandit Motilal Nehru:** I wish to make it quite plain that we are in no hurry, but it must be before this Session ends.

**The Honourable Sir Alexander Muddiman:** Very good, Sir. I will take the matter into consideration and will consult the House on the subject.

**Mr. Gaya Prasad Singh:** Sir, I did not move the Resolution on that day on the distinct understanding that an official day will be given to us in the present Session.

**The Honourable Sir Alexander Muddiman:** Does the Honourable Member suggest . . . . .

**Mr. President:** The Honourable the Home Member has answered the question quite distinctly, and no further explanation is called for.

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## UNSTARRED QUESTIONS AND ANSWERS.

### INDIANISATION OF THE TRAFFIC BRANCH OF THE INDIAN TELEGRAPH DEPARTMENT.

176. **Mr. S. Sadiq Hasan:** (a) Will the Government please furnish a statement showing the total strength of the operating as well as the supervising staff of the Telegraph Traffic Branch, showing in each case the numbers of Indians (Hindus, Muhammadans and Anglo-Indians) and non-Indians as it stood on 1st April, 1925?

(b) Will the Government please state whether any steps are being taken to Indianise the service and whether facilities for direct recruitment of Indians exist similar to those conceded in the case of non-Indians?

(c) Is it a fact that the colour question is allowed to count in selecting candidates for appointments in the second grade of the superior Traffic Branch?

(d) If the answer to part (c) is in the negative, will the Government please state the number of such appointments sanctioned and as it stood on the 1st April, 1925, quoting the number of appointments held by Hindus, Muslims, Anglo-Indians and Europeans?

**The Honourable Sir Bhupendra Nath Mitra:** (a) A statement is laid on the table.

(b) Recruitment to the Traffic Branch of the Indian Telegraph Department is made entirely from statutory natives of India. A certain number of Indian candidates (as distinct from Anglo-Indians) are taken directly from schools for the Station Service. The question of recruiting General Service candidates from Indians schools (as distinct from Anglo-Indians) is under consideration.

(c) No.

(d) The number of sanctioned appointments in the 2nd Division of the Superior Traffic Branch on the 1st April 1925 was 35. These were all held by statutory natives of India, four of whom were Hindus and the rest Anglo-Indians.

*Statement showing the total strength of operating and supervising staff of the Telegraph Traffic Branch as it stood on 1st April 1925.*

		Indians.	Non-Indians.	Total.
Supervising Staff	Deputy Superintendents .	54	Nil	54
	Telegraph Masters . .	351	2	353
Operating Staff .	Telegraphists . . .	3,206	21	3,227

#### SUBSTITUTION OF A COMPETITIVE TEST FOR THE PRESENT SYSTEM OF PROMOTION TO THE HIGHER GRADE OF THE TELEGRAPH DEPARTMENT.

177. **Mr. S. Sadiq Hasan:** Are the Government prepared to substitute a competitive test for the present system of promotion to the higher grade of the Telegraph Department in order to ensure an Indian element in the service?

**The Honourable Sir Bhupendra Nath Mitra:** Government are not at present prepared to consider a revision of the system of recruitment.

**CONSIDERATION OF THE CLAIMS OF MUSLIM CANDIDATES FOR PROMOTION TO THE RANK OF SUPERINTENDENT, TRAFFIC BRANCH, INDIAN TELEGRAPH DETARTMENT.**

178. **Mr. S. Sadiq Hasan:** (a) Is it a fact that no Mussalman has yet been appointed to the rank of Superintendent, Traffic Branch, ever since the appointments were thrown open to the subordinate staff in 1912?

(b) If the answer to part (a) is in the affirmative, do Government propose to take steps to see that the claims of suitable Muslim candidates are considered for these appointments?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Yes.

(b) Recruitment to the Superior Traffic Branch is at present made solely by promotion from subordinates, and the chances of promotion consequently depend upon the character of the work done in the subordinate ranks. The claims of all suitable candidates of whatever race or creed are always considered.

**MUHAMMADAN ASSISTANT CONTROLLERS OF STORES ON THE NORTH WESTERN RAILWAY.**

179. **Mr. S. Sadiq Hasan:** (a) Will the Government be pleased to state the number of Muhammadan Assistant Controllers of Stores on the North Western Railway?

(b) Will the Government please state whether they have fixed any number of posts to be allowed to the Muhammadans? If not, why not?

**Mr. G. G. Sim:** The Honourable Member is referred to the reply given to question No. 408 asked by him on the 1st September 1925.

**CONVERSION TO BROAD GAUGE OF THE KOT KAPURA-FAZILKA SECTION OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

180. **Mr. S. Sadiq Hassan:** Will the Government be pleased to state whether it is a fact that the Kot Kapura-Fazilka section of the Bombay, Baroda and Central India Railway is to be converted to broad gauge in the near future? If so, will the Government please state when the execution of the proposed project is likely to be undertaken?

**Mr. G. G. Sim:** The question of this conversion is under consideration, but it is not possible at present to say when it is likely to be undertaken.

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**THE INDIAN TARIFF (AMENDMENT) BILL.**

**PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.**

**The Honourable Sir Charles Innes** (Member for Commerce and Railways): Sir, I beg to present the Report of the Select Committee to which the Bill further to amend the Indian Tariff Act, 1894, was referred.

# THE RAILWAY BUDGET—LIST OF DEMANDS.

## SECOND STAGE.

### *Expenditure from Revenue.*

#### DEMAND No. 1.—RAILWAY BOARD.

**Mr. President:** The House will now proceed with the second stage of the Railway Budget.

**The Honourable Sir Charles Innes** (Member for Commerce and Railways): Sir, I beg to move:

“That a sum not exceeding Rs. 9,68,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the ‘Railway Board’.”

**Mr. Jamnadas M. Mehta** (Bombay Northern Division: Non-Muhammadan Rural): Sir, I beg to move that the Demand under the head “Railway Board” be omitted.

**The Honourable Sir Charles Innes:** Railway Board?

**Mr. Jamnadas M. Mehta:** Yes, did you mean anything else?

Sir, the Honourable the Railway Member in presenting his Budget observed that because the Railway Budget had been threshed out in the Railway Finance Committee, he expected it would have an easy passage in this House . . . . .

**The Honourable Sir Charles Innes:** I said I hoped.

**Mr. Jamnadas M. Mehta:** And that if he was attacked he would find his cause championed by these Benches. Well, Sir, my Honourable friend Mr. Sim will bear me out that before the discussion on the Budget in the Standing Finance Committee began, I had definitely told him that the total omission of this Railway Board Demand stood outside anything that we were considering. Sir, I am not therefore bound by any expectations which the Honourable the Railway Member might have formed. Apart from this I make no apology for moving this amendment. The Railway Member says he expects our assistance, but really he does not care for it. He is more anxious to rely on arbitrary and barbarous procedures than on the goodwill and co-operation of this House; he has, so far as the current year's Budget is concerned, relied less on the opinion and the considered judgment of this House and more on the power of restoration of the Governor General in Council. What is this restoration? The restoration, Sir, is only brute force disguised in a civil garb.

**The Honourable Sir Charles Innes:** Why do you make us use it?

**Mr. Jamnadas M. Mehta:** It is nothing but an instrument of tyranny with a civil garment. Behind this restoration is the British bayonet and the British bomb. (*An Honourable Member:* “British bomb?”) Yes, and aeroplanes. You have done so in the past. Behind this section 67A of the Government of India Act is an instrument of tyranny. Section 67A is supposed to be for the “discharge of the responsibilities” of the Governor General in Council. This is the civil garb, behind it are violence and tyranny as unmistakable as any that were shown during the war by the warring nations against each other. The Honourable the Railway Member has shown

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that he relies on what all civilised countries regard as obsolete and arbitrary powers more than on the goodwill and co-operation of this House. For these two reasons, Sir, namely, first because I have made a special reservation and secondly because the Honourable the Commerce Member does not need our co-operation, and does not care for our co-operation, I think I am relieved of any obligation to consider this Demand on the merits.

Sir, the Railway Board is an utterly unconstitutional, irresponsible and arbitrary body. It is not appointed by this House; it does not owe any responsibility to us for anything that it does. It is willing to get advice from this House and it will carry it out so long as that advice is in agreement with its preconceived notions. But the moment the House expresses a different point of view, the Railway Board ceases to care for us. I shall state what happened on two occasions. The House will remember that we made a cut of Rs. 10 lakhs in the staff quarters in the current year's Budget and we made a cut of another Rs. 37 lakhs for Lee Commission concessions to the Company worked Railways. The Honourable the Railway Member and the Railway Board have sought the assistance of the Governor General in Council to get both these cuts restored. How? Under the powers conferred by section 67A of the Government of India Act; under this section the Governor General in Council can restore cuts if he thinks that course necessary for the discharge of his responsibilities. Now, Sir, let us see what is this responsibility. Would Railways have collapsed if these Rs. 10 lakhs for staff quarters were not restored? Would not the Bombay, Baroda and Central India Railway have gone on working if these Rs. 10 lakhs on staff quarters were not restored? This was an amount for building palatial buildings for Agents and officers. For instance, a palatial building was built for Sir Ernest Jackson, the Agent of the Bombay, Baroda and Central India Railway. This Agent has got a salary, I think, of more than Rs. 4,000.

**Mr. G. G. Sim** (Financial Commissioner, Railways): No.

**Mr. Jamnadas M. Mehta:** Perhaps something less say Rs. 3,500. Further he is to be given a bungalow which will cost Rs. 3 lakhs to build, that is, it will cost an annual interest of Rs. 16,000 or Rs. 18,000. That works out to a rate of Rs. 1,200 or Rs. 1,500 monthly as house rent to Sir Ernest Jackson, and many other similarly situated gentlemen. If these were not given, would the Railways have collapsed? Would the Governor General not have been able to discharge his responsibility? I ask, Sir, was this cut an occasion on which the powers reserved for the discharge of the responsibilities of the Governor General in Council should have been used? Is this the Government's reading and interpretation of that section? The real meaning, the honest meaning of "the discharge of the responsibilities" of the Governor General in Council is that a particular institution will refuse to function, will fail to function, or cannot function unless the Governor General in Council restores a grant. Look at what they have done in the Central Provinces. Government themselves recognize this principle in Bengal and the Central Provinces. After the Demands for Minister's salaries there were thrown out, the reserved part of the Government has been carrying on without a Minister, because they pretend that they must respect the vote of the Council. Educational institutions may go to the dogs, other institutions may not function, but they have not resorted to restoration in these provinces. I do not say that they should. I am merely pointing out that they have not there restored grants which are even more vital than palatial bungalows for Sir Ernest Jackson and his prototypes in the various railway

companies. Therefore, I say that in recommending the exercise of the power of restoration in the matter of this grant of Rs. 10 lakhs, the Railway Board has acted in a manner which is most arbitrary and most unconstitutional, because, although it comes within the letter of section 67A, it is entirely opposed to the spirit of that section.

The same may be said about the restoration of the Lee Commission grants. Only the other day we had a debate on that question and the Honourable the Railway Member replied to my arguments in a manner which showed clearly that he had not read the report of the Acworth Committee or that he had conveniently forgotten it. The Acworth Committee clearly lays it down that you shall have your services organised on a commercial basis. The Railway Member replied saying that that could not be done. I refer him to the remarks of the Acworth Committee. These are two of the many instances in which the Railway Board has acted arbitrarily and unconstitutionally. For such flagrant disregard of the opinion of this House, for having acted in an unconstitutional manner, I think that the least that this House can do is to throw out this grant unceremoniously to teach a lesson, which seems much needed, to the Members of the Railway Board and to the Railway Member himself.

There are other considerations besides these. One is that we share no responsibility in the appointment of Members to this Board.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): They are certainly more powerful than the Government.

**Mr. Jamnadas M. Mehta:** Not a single Member of the Board can be appointed by us, and whatever we do, the Railway Board can negative or nullify as it wishes. It is a Board which is utterly irresponsible to us, and therefore, we owe no obligations to vote for this grant until it becomes an instrument which the House can wield, which the people and not a coterie of a few Englishmen and Britishers can run as they like. That, Sir, is another important argument why this House should not vote the demand for the Railway Board.

Then, Sir, I showed yesterday, that the Railway Board had not worked these Railways in a businesslike manner. I showed that not more than Rs. 200 crores of capital spent by the people were working at a profit; I showed that the remaining 580 crores or nearly 600 crores which the taxpayer had invested in the Railways did not earn anything except interest and working charges. There is no profit on the 600 crores invested by the people of this country. Such is the extravagance, such is the wastefulness of this Board that 600 crores invested by the people of this country did not earn anything except working expenses and interest. The Railway Member in his reply very conveniently ignored that point simply because he had no answer, he cannot possibly have an answer; the Railways have only relatively improved since the last three years, but absolutely they are still working at a loss earning no dividend for the share-holders.

**The Honourable Sir Basil Blackett** (Finance Member): No.

**Mr. Jamnadas M. Mehta:** It is so. It is no use denying that 600 crores are earning nothing to-day in spite of the tall talk of the railway administration having become a striking success. I challenge the Railway Board to disprove this fact. It lies abundantly proved on their own facts

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and figures, on their own papers, and I repeat for the benefit of the Honourable the Railway Member and the Railway Board that Rs. 600 crores of capital is not earning anything to-day except its interest and working expenses.

**The Honourable Sir Basil Blackett:** No.

**Mr. B. Das:** What about the concealed capital?

**Mr. Jamnadas M. Mehta:** Yes. I have said already that Rs. 200 crores of concealed capital only make Rs. 11 crores and the rest makes nothing except working expenses and interest charges. Therefore, if for nothing else, those Members of this House who feel inclined towards economy who want to insist that this railway capital must earn something, must throw out this grant and protest against the extravagant and wasteful character of the administration, which alone can explain this failure of Rs. 600 crores of capital to earn any return.

**The Honourable Sir Basil Blackett:** It has not failed.

**Mr. Jamnadas M. Mehta:** It has failed. If you will not look at it I cannot help it. None so blind as those who will not see. (*The Honourable Sir Basil Blackett.* "Hear, hear.") And if you do not see I am powerless. Then, Sir . . . .

**Mr. President:** Cannot the Honourable Member leave the other points to be dealt with by other speakers?

**Mr. Jamnadas M. Mehta:** Is there any time limit?

**Mr. President:** Apart from the question of the time limit it is desirable that the debate should be controlled and repetition avoided. If the Honourable Member goes into details of all points, there is danger of repetition by other Members who follow him.

**Mr. Jamnadas M. Mehta:** If you will give me five minutes more I will finish. I will come to another defiance and flouting of this Assembly's opinion which has been perpetrated by this Department as regards the Rates Tribunal which this House dealt with at length. It has been stated in this House that the Railway Central Advisory Council was consulted and that it was with their consent that this Rates Advisory Committee was being instituted. I am here to say that that statement is incorrect.

**The Honourable Sir Charles Innes:** Was the Honourable Member a member of the Central Advisory Council at the time?

**Mr. Jamnadas M. Mehta:** Yes. I am going to say . . . .

**The Honourable Sir Charles Innes:** I must contradict that statement absolutely.

**Mr. Jamnadas M. Mehta:** I will show from your own books that you are incorrect. You say that in 1923 it was decided. Here is your own statement in the Administration Report of the Railways for 1924-25 in which in paragraph 21 it is stated that the question of a Rates Tribunal was considered at length but that no final decision was arrived at.



**The Honourable Sir Charles Innes:** Final. We left one point undecided.

**Mr. Jamnadas M. Mehta:** I say that on the 24th March, 1925, there was a meeting of the Railway Advisory Council on the agenda paper of which item No. 3 was the Rates Tribunal and I say that I was on the Railway Advisory Council on that day. We refused to accept a Rates Advisory Committee on that day and I say that it is a misstatement, a misleading statement . . . .

**The Honourable Sir Charles Innes:** The Railway Advisory Council refused to accept it on one point only and that was on the point whether the question whether the rates are reasonable in themselves should be one of the functions of the Rates Advisory Committee.

**Mr. Jamnadas M. Mehta:** We refused to accept the position as the Commerce Member outlined and he promised that he would make a reference to the Secretary of State and then come again.

**The Honourable Sir Charles Innes:** On that particular point.

**Mr. Jamnadas M. Mehta:** And he has never come again.

**The Honourable Sir Charles Innes:** Yes, we have.

**Mr. Jamnadas M. Mehta:** No. Will you kindly mention when you did it? I say that we adjourned the consideration of the question on the 24th March, 1925, and you are referring to a sanction of the Central Advisory Council in July 1923; I say this is utterly misleading, if not an absolute misstatement. It has come to us as a shock of a surprise, that while the Acworth Committee wanted a full fledged statutory body you have without the final consent of or final reference to the Central Advisory Council decided upon a measure in total defiance of the views of this House which were so clearly expressed in the budget debate this time last year. (Mr. B. Das: "Shame.")

I will close my remarks with one observation. On the question of Indianisation, in spite of repeated promises you have not appointed an Indian on the Railway Board although last year you were reminded of the obligation by a cut that was carried in this House. You will give me figures, but these figures are manipulated. They do not tell the whole truth and half truths are more untruthful than the most flagrant falsehoods. And these figures of yours do not tell the real tale of the exclusion of the people of this country. You may have increased the number of Indians earning small salaries of about Rs. 250. You may have increased the number of Indians who are getting from Rs. 300 to 400 a month, but our complaint is that in the top places you have erected an iron wall against Indians. How many Ernest Jacksons are there? I want a Chetty in place of Charles and a Jinnah in place of Jackson, if not a Jamnadas in place of Jackson. (Laughter.) And I say this that so long as Charles is not replaced by a Chaman Lal and James is not replaced by a Jinnah or Jamnadas, so long as Indians are excluded from Agentships, from the Railway Board, your Indianisation is not genuine—you have I understand repeatedly superseded the claims of Indians who in the ordinary course would have been appointed. (Mr. B. Das: "Shame.") There are cases in which Indians have resigned because you have superseded them in high

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appointments. Therefore, I say—I do not quote figures—but I am making this point that you are not carrying out your promises in the spirit in which they ought to be. Your sixes are not half a dozens. That is the way in which you interpret your promises. Therefore, I say until you make good your promises by appointing an Indian in the highest places of the Railway Administration, we shall not be satisfied; do not say that there are no Indians fit for it. Nobody believes it, nobody will believe it. We have an Indian proverb that the Negress always thinks that her own child is the most beautiful and it is the habit of this pampered jade of Asia, the Indian Civil Service, to say that outside its own separate and charmed circle no qualification, no fitness exists; until you kill this superstition, until you kill your own self-deception—and it is nothing else—you will continue to perpetrate this injustice and you will continue to deserve the negative vote of this House.

**Sardar V. N. Mutalik** (Gujarat and Deccan Sardars and Inamdars: Landholders): Sir, I have a similar motion on the agenda about the omission of this grant for the Railway Board. It will be remembered that last year I moved a cut of Rs. 100 to bring to the notice of the Government the demand of this House that an Indian should be appointed to the Railway Board. That cut was carried although a proposal to omit the grant altogether for the Railway Board was rejected by this House. The understanding even then was that a cut of Rs. 100, to quote the Honourable the Finance Member, is as good as, if not better than the omission. The House placed before the Government its definite opinion on the point. On that occasion the House was definitely given to understand that Government would take into consideration the appointment of an Indian on the Railway Board. A few months later we were surprised to see that Government did not find any Indian who was fitted for the post. The argument that was put forward on behalf of Government was that no Indian was fit for the post. If fitness is to be the only test, I would ask Government if they have tried in other countries like America, Germany and Japan to find out a better man than the present incumbent of the post. I do not mean to say that the present incumbent is in any way inferior in qualifications or that he is unfit to carry out his work. But if qualification and qualification alone is to be considered, I should say that we should go to the open market and get a man who is best fitted for that post. If an Indian is to be found, the best possible Indian ought to have been taken for the post and I am quite sure that Indian talent is not so inferior that at least one man will not be fit for the job. For this reason I think that the Railway Board who advised the Government to appoint a European is irresponsive to the demand of this House. There is another point, Sir. I will not go over the arguments of my Honourable friend Mr. Jamnadas Mehta. Every time any cut of importance is made in this House and this House insists on some economy on some principle, the opinion of this House is thrown away, is not cared for. If we are to go on like this, I think it is better that this House should cease to consider anything of this sort and it is no use considering the Demands in this House.

With regard to Indianisation in the services, I have to say a few words. Government are only saying a pious word that they are thinking of Indianisation. May I ask the Government what steps they have taken to fit Indians, if they are not fitted for higher posts? Either they must train Indians as apprentices or send them to foreign countries and make them

qualify themselves by receiving special education in that branch. There is another course open to Government and that is they may give grants to some universities so that the universities may open some Chairs for special training in this particular branch. Government, I submit, should not stop with their own requirements for creating officers for the lower grades. That is not what this House wants. Indians ought to be seen in every grade of officers.

This Railway Board is not quite responsive to the real interests of India and I may quote one instance with regard to manufacturing concerns. With railways of the big magnitude that we have in India, there ought to be manufacturing concerns in India either owned by Government or started by private effort with the aid of Government. I do not think, Sir, this Railway Board is really looking at the question from the Indian standpoint. I have already given notice of a motion and I will not dilate further on this point at this stage.

With regard to economy much was said yesterday that the Railway Board deserves credit for the big surplus, but I will go with my friend Mr. Rama Aiyangar and say that the hidden capital has not been shown. Will Government place before this House the capital that has been repaid and the capital that has been sunk in the lands presented to the Railways by Government? Taking into consideration all these things, if the Railways are making a profit, the credit might go to the Railway Board but on calculation we find that interest charges are scarcely paid by this Railway Board. I do not want to go over all the points but I will only say this much that this Railway Board has forfeited the confidence at least of this House and I will urge this House to reject this grant altogether. Let me make my position clear. I am not an obstructionist. I am a full co-operator. I have no intention of creating any obstruction, but if this House is to tolerate all these things, it will be nowhere. The opinion of this House will never carry weight. In matters like the building of bungalows, the views of this House are flouted and that being so I do not think that any weight will be attached to opinions on big matters of policy. And if in big matters of policy, the opinion of this House is not to be taken into consideration, the only course open for those who wish to express their disapprobation of policy of Railway Board is to reject this grant. With these words I oppose this grant.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : I did not speak yesterday because I did not want to strike a jarring note in the chorus of congratulations that was sung on this side of the House. Sir, some Honourable Members seem to be of the opinion that the millenium had come so far as the Railway Department was concerned, because they thought that the convention to which we had agreed in the autumn of 1924 was going to create a new Heaven and a new earth for the Indian Railways. To my mind, if we strip the matter of all verbiage the separation of general finance from railway finance boils down to a change in the form of accounting,—nothing more and nothing less than that. There is no inherent merit in that system which can account for all the benefits claimed by its admirers. Even if we were to concede that this separation had led to some financial improvements in the railways, I would ask this House to-day to consider the constitutional budget, that is to say, to balance our losses and gains having regard to the constitutional powers of this Assembly with

[Mr. K. C. Neogy.]

reference to the Railway Board. The Honourable Member for Railways in his budget speech stated that the Secretary of State had made a large devolution of financial powers in favour of the Railway Department, and in reply to a query from my Honourable friend Sir Sivaswamy Aiyer, the Honourable Member stated that whereas in the past their financial powers in regard to open lines was confined to 12½ lakhs, it has been extended to 1½ crores; and in regard to new construction from, I think, 20 lakhs to 1½ crores.

**Mr. A. M. Hayman** (Railway Board: Nominated Official): Just the other way.

**Mr. K. C. Neogy:** It may be so. But my point is this. Here is a large devolution of power from the Secretary of State to the Railway Board, a large relaxation of the control which has hitherto been exercised from abroad. I will be the last person to object to this devolution of powers to the Government out here. As a matter of fact I would have been the first man to rejoice in this, if this step had been accompanied by a corresponding increase in the responsibility of the Railway Department to this House. Without such responsibility, the Railway Department becomes independent of the control of the Secretary of State, whilst retaining its independence of the control of this House. That is to say, the Railway Board becomes more and more autocratic. Sir, along with this relaxation of control of the Secretary of State is the fact that there has been also a change in the system of control hitherto exercised by the Finance Department over the Railway Department. I do not want to enter into a quarrel with the Honourable the Finance Member as to whether that change has resulted in a considerable relaxation of control which his Department used to exercise over the Department presided over by Sir Charles Innes; but there is no doubt that there has been some relaxation at least in regard to details of financial questions. That indeed is the merit which the advocates of the system of separation claimed for the new system. Then again, this Assembly has been asked to relax its control so far as the details of railway administration are concerned. We must remember that simultaneously with the separation of finances, there has been a large devolution of powers to the Agents. This undoubtedly has resulted from the recommendations of the Acworth Committee. But the Acworth Committee, I submit, was not concerned with the constitutional aspect of this question. They were considering how best to place the Railway Department on a business footing. The result has been that with a large devolution of powers to the Agents, this Assembly has lost what control even its predecessor possessed over the details of railway administration. Sir, whilst speaking on the motion in connection with the Resolution for separation of general and railway finance in the autumn of 1924, I gave expression to my fear that a time might come when the Railway Department might claim to be treated as an Indian State which must not be interfered with by this House. Sir, I did not know at that time that as a matter of fact the idea of some of the Government officials was at one time to remove the Railway vote altogether from the control of this Assembly, and make it into a non-voted head. Well, that move did not succeed. But as a matter of practice we find that when questions are raised in this House relating to the details of administration, they are brushed aside by the Honourable Member replying on behalf of

the Railway Department on the ground that they are matters within the discretion of the Agents of the different railways. Sir, the practical difference between questions affecting the Indian States and the class of questions to which I have made reference is very little; because, whereas in the case of questions relating to the affairs of Indian States it is your privilege, Sir, to allow any discussion in this House, in the case of the Railway Department although we have the satisfaction of having our questions admitted by you, it depends on Mr. Sim to say that he declines to reply or declines to make any inquiries on the ground that the Railway Agents have acquired independence. Sir, the justification which the Honourable Member in charge of the Railway Department puts forward is that with the institution of local Railway Advisory Councils, these questions of detail had better be left to be decided by them instead of being discussed on the floor of the House. I have received many complaints from gentlemen who serve on these local Advisory Councils. They say they have absolutely no powers, no powers at least of initiating any discussion on any subject however strongly they might feel in connection therewith; and moreover it depends on the sweet will of the Agent to summon any meeting when he chooses. Apart from all that, it must be remembered that in this particular instance, if we are to approve of this delegation of authority to the Agents and to the local Advisory Councils, this House is practically waiving its rights—rights some of which its predecessor, the unreformed Legislative Council, had exercised—waiving its rights in favour of local Advisory Councils which are nominated bodies, appointed by the Agent himself and the constitution of which is far from being democratic. The constitution of those bodies themselves depends on the sweet will and pleasure of the Agent. Sir, the apologists of the separation of finances say “Oh, look at the corresponding advantages, the counterbalancing advantages that you have got.” Mr. Joshi thinks that but for the separation we would not have got this opportunity of discussing the Railway budget for five days in the year. Surely, Sir, this is a great constitutional advance, because in so far as we have got the privilege of exercising our lungs for five more days in the year, it is calculated to benefit the physical constitution of the Honourable Members of this House. Then it is also stated that we have got the Standing Finance Committee which is a new creation and which scrutinises the Budget before it is placed before this House. Sir, the Finance Committee, as has been pointed out, met for 14 days, and it worked for not more than 4 hours on an average each day; that is to say, we spent about 60 hours in discussing the entire Railway Budget. If the House thinks that this is enough supervision that this Committee exercises on its behalf, well, I have nothing more to say. But what, Sir, are the powers of the Finance Committee? We are concerned with the new votable items of expenditure, and as Mr. Rangachariar pointed out yesterday, this Committee has in practice merely endorsed the recommendations made by the Financial Commissioner. I do not complain that we had no opportunity of discussing matters, nor am I to be understood to say that the fact that almost all the demands that were put before us were approved by us, need raise any presumption against the fairness of the Financial Commissioner. But, Sir, what could you expect a new Committee to do in 14 days sitting for 60 hours in the year, and having to deal with the complex problems of the Indian Railways. Sir, apart from that I do not think any Member of the Standing Finance Committee will challenge me when I say that in a certain matter Government have acted in anticipation

[Mr. K. C. Neogy.]

of the approval of the Standing Finance Committee. I could never have believed that this could be the case before Friday last. I do not want to go into the details of this question, because there is a seal of secrecy on my lips. Then, it will be said there is the Central Advisory Council. The Central Advisory Council, I believe, met during the last year for 5 hours. It is again a body constituted not on the lines recommended by the Acworth Committee, but as desired by the Honourable Member in charge. It has no powers of initiation, although the Acworth Committee distinctly contemplated that it should have the authority to initiate discussions on different subjects. Then, what about this House? They say that this House has got a great control over the Railway Budget. Great control indeed. When we find that grant after grant which this House rejects is restored by the extraordinary power of the Viceroy, what do you think of the powers of this House?

**The Honourable Sir Charles Innes:** The Governor General in Council.

**Mr. K. C. Neogy:** The Governor General in Council. There is very little distinction between the Governor General and the Governor General in Council so far as this House is concerned. One is as autocratic as the other. The Honourable Sir Charles Innes was congratulated yesterday on the Budget that he had presented. Let me congratulate him on the skill with which he had got this House to agree to the surrender of its essential powers in the manner I have indicated. Sir, we came here for an expansion of our constitutional rights, and when we go back to-day, we would go back after having surrendered some of the rights which even the unreformed Councils possessed. Sir, I beg to support the motion moved by Mr. Jamnadas Mehta.

**Khan Bahadur W. M. Hussanally** (Sind: Muhammadan Rural): Sir, my friend Pandit Shamlal Nehru whom I saw going out a little while ago was prepared to fight a duel with me on my profanity and audacity in opposing a motion the other day of Swarajists here.

**Mr. B. Das:** Sir, is the Honourable Member in order in referring to private conversations here?

**Khan Bahadur W. M. Hussanally:** But I hope, Sir, that my friends on my right will bless me to-day when I say that I have every sympathy with the motion which has been brought forward by my friend Mr. Jamnadas Mehta. I believe, Sir, that the Honourable Sir Charles Innes slept a sound sleep last night after the chorus of applause and congratulations which he received yesterday and he thought perhaps that he had won his spurs and barrels before he left the shores of India. But I suppose he is disillusioned to-day when he finds that all the applause that he received was very hollow and there was no substance in it at all. Sir, there have been innumerable questions put in this House in regard to railway management on State Railways and other Railways from the very first Assembly; and ever since my friend, the Honourable Mr. Sim has come into this House, the only answer we have heard from him is "Government have no information and do not propose to call for any". That is the sort of reply to which the Honourable Mr. Sim is accustomed, and I think that so far as this House is concerned they will be glad if he is translated to the serenity of another place, so as to get here somebody who will be more sympathetic towards

Indian railway employees. Sir, it is a misfortune that the Honourable the Railway Member could not find any Indian financier to replace the Honourable Mr. Sim in the appointment which he now holds and which he is shortly going to vacate. When the Government of India could find a gentleman of the type of the Honourable Sir Bhupendra Nath Mitra to come from the Military Finance Department and take charge of the Industries portfolio here, and when the Government of India could find him equally fit to replace the Honourable Sir Basil Blackett when he went on leave last autumn, I cannot understand why no other Mitra or Banerjee or Das could be found all over India to replace the Honourable Mr. Sim. (Sir Darcy Lindsay: "Why confine it to Bengal?" An Honourable Member: "Why not from Madras?") I daresay we could find several Acharyas and others also, from other provinces to replace the Honourable Mr. Sim. We are always told that so far as the Members of the Railway Board are concerned a certain amount of technical knowledge of railway management is required for them to be useful on the Board itself. That may be. But I fail to see why a financier, an Indian financier, could not be found to replace the Honourable Mr. Sim. The failure of Government to find one is in itself a sufficient ground for supporting the motion that is now before the House as a vote of censure on Government.

Sir, the Indian employees of the Railways have been complaining from the first day when we came here of their grievances which are legion from one end of India to the other. We have been receiving complaints from the Railway Unions and other bodies asking us to place their grievances before this House, and some of us have done our best to bring forward those grievances on the floor of this House by questions and Resolutions, and yet my friend the Honourable the Railway Member distinctly told us when we brought forward a Resolution here to appoint a Committee to go into the grievances of railway employees, that he did not wish to do so and he thought that the whole railway administration from one end of India to the other would be disorganised and general strikes all over would be the result if he yielded to the wish of the Assembly as if all the railway communications would be stopped in a minute and India was going to be conquered by Russia or Afghanistan. Sir, that is another reason why I should like to see that this motion is carried to-day. Sir, I refuse to believe that railway administration would have come to a standstill if a Committee or a Commission had been appointed to inquire into the grievances of the Indian employees of all Railways. And the partiality with which certain sections of the community are looked upon by the Railway Board and their subordinates—I hope my friend Colonel Gidney will excuse me for mentioning this matter—would have been cleared and Indians would have had certain of their grievances redressed if a Committee of that kind had been appointed. But I forget that the Honourable the Railway Member told us some time ago that his friends, the Anglo-Indians, had a hereditary capability for railway work.

**Lieutenant-Colonel H. A. J. Gidney** (Nominated: Anglo-Indians): Yes, they have. Even Mahatma Gandhi admits this.

**Khan Bahadur W. M. Hussanally**: My friend, Colonel Gidney, says "Yes, they have." Sir, I refuse to believe that any human being is not fit for one job or other. It is only training that we require in order to fit us for one office or another; Indians are equally capable of doing the same kind of work as the Anglo-Indians at the present moment, or even better. But they are not given the opportunity. If they are given the necessary

[Khan Bahadur W. M. Hussanally.]

training they can do any work they are required to. I say, Sir, that Indian guards, Indian drivers and Indian station masters stand equally well along with their European and Anglo-Indian brethren. (Mr. K. Rama Aiyangar: "Much better.") My friend Mr. Rama Aiyangar says "much better", (Mr. B. Das: "They are much more sober.") Let them be put to the test. I refuse to believe that Colonel Gidney and his brethren are in any way made of superior stuff. It is impossible to believe that. Providence made Anglo-Indian of a better make; and the sooner Colonel Gidney disabuses his mind of that the better. (Mr. Joshi made a remark which was inaudible.) I am pleased to hear that from Mr. Joshi. (An Honourable Member: "Hear what?") That is another reason why I support the motion that has been brought forward. But I have one little difficulty and I hope my friends on the Swarajist side, will solve it before I make up my mind to vote (Laughter) (Mr. M. V. Abhyankar: "That is the cloven foot.") I am sorry to see that my friends the Swarajists think I am going to vote with the Government. I am not going to do anything of the kind. I only said I had a little difficulty and that I wanted my friends on my right to solve it before I made up my mind to vote; but of one thing they ought to be certain, that I am not going to vote with the Government any way. My friend, Mr. Jamnadas Mehta, said in his speech that His Excellency the Viceroy in Council, as the Honourable the Home Member put it, would be justified in restoring cuts in the discharge of his responsibility if the cut would make the department or the officers cease to function. Now, the motion that has been brought forward by my friend to do away with the entire demand would necessarily make the Railway Board cease to function. (Mr. N. M. Joshi: "The non-voted portion will function.") It cannot function by itself; it requires the voted portion also to function with it; and if that is so, then I think a substantial cut of less than the whole amount would have been better brought. And I am sorry that my lawyer friends on my right did not advise my friend Mr. Jamnadas Mehta to file a suit for injunction against His Excellency the Viceroy in Council, if they could, to restrain him from restoring the cuts last year.

**Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly: Non-Muham-madan Rural): The Act says no suit will lie.

**Khan Bahadur W. M. Hussanally**: Then the sooner you change the Act the better.

**Mr. A. Rangaswami Iyengar**: That is what we want.

**Khan Bahadur W. M. Hussanally**: That is the difficulty that I have got in my mind. How is the Railway Board to function if the total Demand is turned down? If my friends on the right will solve that difficulty of mine I shall certainly vote with them.

**The Honourable Sir Charles Innes**: Sir, this debate in rather an inverted way reminds me of a famous remark made by Mr. Bipin Chandra Pal in his speech last year. Mr. Pal, I remember, traced for the benefit of the House the progress of the politician in India. I am not quite sure how it began, but I think it was this way: it began with condolences or confinement—at any rate the politician ended up with congratulations. Now, Sir, in this debate I have begun with congratulations and from the tone of the remarks that have been made this morning I very much fear that I may end with condolences or at any rate cuts. Mr. Mehta apologised for his moving this motion this morning . . . .



**Mr. Jamnadas M. Mehta:** I did not apologise.

**The Honourable Sir Charles Innes:** I think, Sir, he had some reason to do so; but I may say that we were quite aware that he did reserve his right to move the rejection of the Railway Board Demand at a very early stage in the Standing Finance Committee's deliberations. In fact, Sir, if for a moment I may be allowed to lift the veil of secrecy which hangs over those proceedings, I understand that what happened was something like this. Mr. Mehta announced his intention to do this, and wished to bring up this question of the Railway Board in the Standing Finance Committee, Mr. Sim in his most terrifying manner said "You may reserve that political stuff for the Assembly," which Mr. Mehta has now done. Sir, I have so much admiration for the Honourable Member's talents on the business side that I must confess that I do regret his misusing his great talents in the way he has done this morning by dragging in these political considerations. He says his first complaint against us was that we had used these obsolete powers to restore grants refused by the Assembly. Sir, I only wish—I am sure I speak for everybody on this side of the House—that the powers were obsolete; and what is the best way of rendering those powers obsolete? Not by making it necessary for us to bring them into use. Now, Sir, the Honourable Member talks about the irresponsibility of the Railway Board, and he referred to one other cut which we restored, a cut for 10 lakhs on account of staff quarters. Now, Sir, let not the Honourable Member talk to me about irresponsibility. That cut was moved by the Honourable Member himself two minutes before the guillotine came down last year; he had no proper opportunity of explaining why the cut was necessary and we on this side had no opportunity of explaining why the cut should not be made; but, Sir, because it was a party question it was voted down against us; and, Sir, the reason why we had to restore that cut was that the money was required for the most part for houses that were already being built. Sir, when at the bidding of my Honourable friend Mr. Mehta himself this Assembly takes action of that kind it does not lie in the mouth of this Assembly to complain that we exercise our reserved powers to set the matter right.

**Mr. A. Rangaswami Iyengar:** You did not do it in respect of the Security Printing Press, Sir.

**The Honourable Sir Charles Innes:** The Honourable Member made great play of the question of the Rates Tribunal. I do not know why the Honourable Member wished to bring up that question on this particular occasion. There are several motions, he himself has got a motion down on the paper about the Rates Advisory Committee, on which the matter could be fully discussed; but, Sir, he accused me of making a deliberate misstatement. (*Mr. Jamnadas M. Mehta:* "Not deliberate.") Well, a misstatement, and I am not in the habit of allowing myself to be accused of making misstatements. I propose to show that it was the Honourable Member who is making a misstatement. Now, Sir, the first time this question of this Rates Tribunal came up in the Central Advisory Council was in July 1923. I will read the extracts of the minutes of the seventh meeting. I will read the first part:

"After discussion of the memorandum put up by the Railway Board it was agreed (1) that a Rates Tribunal should be constituted, and (2) that until sufficient experience is gained to enable the Railways Act to be amended, the Tribunal should be an investigating body only to deal with the subjects mentioned in paragraph 8 of the memorandum."

[Sir Charles Innes.]

Then, Sir, the question came up again. (Mr. Jamnadas M. Mehta: "That is all ancient history.") I wish the Honourable Member would listen to me. The matter came up again on the 8th March, 1925. Here I have the minutes of the meeting:

"The next question taken up for discussion was the proposed Rates Tribunal. Sir Charles Innes read the minutes of the meeting of the Central Advisory Council in July, 1923, bearing on the subject. The memorandum now placed before the Central Advisory Council showed that certain Railways had taken objection to the proposal that the Rates Tribunal should be empowered to investigate the question whether rates were reasonable *per se*."

That question, whether rates were reasonable *per se* was No. 2 in the list of proposed functions for the Rates Tribunal put up before the Central Advisory Council.

"After considerable discussion, Sir Charles Innes moved the following Resolution that a Rates Tribunal be constituted with the limited functions proposed in the Railway Board's memorandum for a period of three years."

Mr. Jamnadas Mehta moved the following amendment:

"In view of the doubt whether the Rates Tribunal will really be useful if item 2 be excluded, further consideration of the subject should be postponed pending a further reference to the Secretary of State."

Now, Sir, that further reference was made, and we got the exact point set right; we got the question whether the rates are reasonable in themselves re-inserted among the functions of the Tribunal, and that is why we went ahead. The Honourable Member says that he has been taken by surprise. Sir, I do not know what he is talking about. He said that last year the Assembly moved a cut which showed their views. Let me read what the Assembly said. I explained perfectly clearly what the position was, and this is how the debate ended up.

"Mr. R. K. Shanmukham Chetty: Are we to understand, Sir, that the Government have come to the conclusion that even if a Rates Tribunal is to be appointed shortly, it will be merely an investigating body and not a Statutory tribunal as contemplated by the Acworth Committee?"

The Honourable Sir Charles Innes: I am not quite sure whether the Acworth Committee did contemplate a Statutory tribunal. But the idea of Government is to start in the first instance with an investigating body, not a Statutory body.

Mr. K. C. Neogy: Sir, in view of the statement made by the Honourable the Commerce Member, I do not propose to press this motion."

Now, Sir, I do not know if the Honourable Member can say that this decision has come to him as a surprise.

Mr. Jamnadas M. Mehta: I think the Honourable Member should say what happened after the reference was advised by the Central Advisory Committee. Did he call for any meeting of the Committee?

The Honourable Sir Charles Innes: No, Sir, because we thought we had carried out your idea. In any case, the Honourable Member has no right to say that he is taken by surprise now because after the explanation I gave last year the motion for the cut was withdrawn.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether . . .

Mr. President: The Honourable Member is not willing to give way.

**The Honourable Sir Charles Innes:** The one thing for which I have some gratitude for my Honourable friend Mr. Jamnadas Mehta is that he has dropped the old thread-bare argument of grievances before supplies.

**Pandit Motilal Nehru** (Cities of the United Provinces: Non-Muhammadan Urban): It is coming up presently.

**The Honourable Sir Charles Innes:** I take it that my Honourable friend is going to bring it up.

**Pandit Motilal Nehru:** Yes.

**The Honourable Sir Charles Innes:** Then, Sir, I might possibly deal with it at once. I can imagine, Sir, in the fuiness of time, when the battle for Swaraj has been lost or won, my Honourable friend Pandit Motilal Nehru being addressed by his son or perhaps by his grandson in the following words: "Daddy, what did you do in the great War?" My Honourable friend Pandit Motilal Nehru will say, with pardonable pride, "I helped to throw out the Demand for the Railway Board". It will be a very startling announcement, and his son will say "What on earth did you do that for?" Then my Honourable friend, Pandit Motilal Nehru, will put forward the mystic formula "Grievances before supplies". It will need some explanation, and eventually the boy will say "Well done, how splendid! How did they get on without a Railway Board?" Then of course my Honourable friend Pandit Motilal Nehru will have to render a long explanation, he will have to admit quite frankly, that this device of bringing pressure to bear upon the executive did not exactly work under the constitution which we are now working, because the long-headed statesmen who devised that constitution made particular safeguards against that particular device, and the Honourable Pandit will have to end up by saying "They got their Railway Board in spite of all, they had their Railway Board all the same". Then, Sir, the small boy will again say "Why did you do it then?" Now, Sir, had my friend been a rough and stern Englishman like my friend here, the Leader of the House (Laughter), I beg his pardon, I forgot, I mean a warm-hearted Englishman like my friend, the Leader of the House—he would undoubtedly have beaten the small boy at this stage, because warm-hearted Englishmen do not approve of a long string of inconvenient questions. But, Sir, the Pandit, being the Pandit, will explain why he did it. But, as I have shown, it is incompatible with the present constitution. It is a device that does not work now. All that you can say for it now is that it is rather more a theatrical way of expressing displeasure than of making a formal cut. That is one side of the question. On the other side, you have to remember the fact, that if you carry this motion, which is No. 1 on the paper, there are 46 other motions for reducing Demand No. I, and you will prevent the House from discussing those 46 motions.

**Mr. A. Rangaswami Iyengar:** You cannot proceed that way. We will not be misled by that kind of thing.

**The Honourable Sir Charles Innes:** That will be a certain amount of balm in Gilead for this side of the House, for we shall be spared the trouble of replying to those extremely numerous motions.

**Mr. Jamnadas M. Mehta:** Then vote for it.

**The Honourable Sir Charles Innes:** What I wish to put to the House is this. Is it in the public interest that you should express your displeasure of these autocratic and arbitrary gentlemen who sit behind me, the Railway

[Sir Charles Innes.]

Board, and myself in this way, or whether you should discuss these questions, some of which I am free to admit are questions of great public importance? That is a point which my Honourable friend Pandit Motilal Nehru will no doubt take into account.

Mr. Jamnadas Mehta then went on to say that the Railway Board is irresponsible. Is that the fault of the Railway Board? It is the fault of the Governor General in Council, if there is any fault at all. It is not the fault of the Railway Board. And in any case, are you going to remove that irresponsibility by taking action of this kind? If that is the view of my Honourable friend Mr. Jamnadas Mehta, I assure him that he is labouring under a very great mistake. If he takes this action he will not embarrass us one little bit, but, Sir, he will prejudice his own cause.

It will take too long for me, Sir, to go into the indictment of the Railway Board which has been made by Mr. Hussanally, Mr. Neogy and by one or two others. In particular, I do not propose to take up that question of the hidden hand—the hidden capital, to which Mr. Jamnadas Mehta referred. I shall leave my Honourable friend Mr. Sim to deal with that point. But, Sir, I should like to join issue at once with my Honourable friend Mr. Neogy. His speech was the sort of speech which we are accustomed to receive from the Honourable Member on railway matters. He has always been a disbeliever in separation. Mr. Neogy is one of those Honourable Members of this House who absolutely refuse to believe by the lessons of experience. He absolutely refuses to believe what is writ large in history. It is distinctly written in Sir William Acworth's own book that if a democratic Assembly does attempt to go beyond its legitimate functions and if it does attempt to interfere with and to control the details of what Mr. Neogy called the complex matter of railway administration, there can only be one result, and that is, that politics will ruin your railways and railways will ruin your politics. That, Sir, has been the experience of almost every democratic country which has gone in for State management of Railways, and that is the reason why many a democratic country, which has gone in for State management of Railways, has had to divest itself as far as it can of the control by even much more complete separation than we have adopted here.

I think, Sir, that Mr. Neogy has taken an entirely wrong view of the functions of local Advisory Committees and the Central Advisory Council. We have not instituted local Advisory Committees or the Central Advisory Council in order to introduce a sort of Soviet Government in respect of railway administration. They essentially perform a limited function, the function of advising the Agents and the Government on certain matters, and within those limits I say—and I think nobody would contradict me—that they are performing a most useful function.

Now, Sir, I turn again to my friend Mr. Jamnadas Mehta. Mr. Jamnadas Mehta objected very strongly to the extension of the Lee Commission concessions to Company officers. Sir, I regret there has been a difference of opinion between the Government and the Assembly in this matter. But Mr. Jamnadas Mehta has got to take it from me that after considering the Resolution or the amendment which was passed by the Assembly (which was lost by one vote) we came to the conclusion quite definitely that we could not fairly withhold from Company officers concessions which we had given to corresponding officers in State Railways.

**Mr. Jamnadas M. Mehta:** Two wrongs do not make one right.

**The Honourable Sir Charles Innes:** Mr. Jamnadas Mehta says that our action was not consistent with the commercial management of our Railways. I deny that statement absolutely. No business man who gives proper thought to his business would willingly make a large body of his servants discontented in the manner desired by my Honourable friend. Let not Mr. Jamnadas Mehta talk to me about the commercial management of the Railways with regard to the extension of the Lee concessions for in the very next breath he went on to demand that an Indian should be appointed to the Railway Board *qua* Indian.

**Mr. Jamnadas M. Mehta:** I said that there are fit Indians if you cast your eyes around.

**The Honourable Sir Charles Innes:** Mr. Jamnadas Mehta's second reason why he asked this House to throw out this Demand entirely was that no Indian had been appointed to the Railway Board.

**Mr. Jamnadas M. Mehta:** Even though there are fit Indians.

**The Honourable Sir Charles Innes:** And, Sir, let me deal with that last point. I have first been accused that I did not carry out what I may call the appendix to the convention. I wish to clear myself of that charge absolutely and I wish to refer the House to what I said when that convention was passed. I said:

"As regards the Railway Board, we have already recruited Indians for the staff of the Railway Board, that is, for the appointment of officers attached to the Railway Board, and I hope that we shall be able to continue this process. \* As regards the Members of the Railway Board, I cannot bind myself to dates, as it must take time before there are Indians of the requisite standing and experience in the Railway Department for appointments to the Railway Board."

**Mr. A. Rangaswami Iyengar:** What about your colleague's pledge?

**The Honourable Sir Charles Innes:** It has been asked, "Is there no Indian in the whole of India who is fit for this appointment?" Sir, the mere making of that statement shows absolutely entire ignorance of the way in which appointments of this kind are filled up. I am quite prepared to admit that when we were considering this question, Sir Basil Blackett and I did not take into account the claims of, say, Mr. Pochkhanawala, the Manager of the Central Bank of India, nor did we take into account the claims of that eminent financier, Mr. Jamnadas Mehta himself.

**Mr. Jamnadas M. Mehta:** I am no applicant, I can assure you.

**The Honourable Sir Charles Innes:** Appointments of this kind are filled from men in the service, either the Indian Civil Service, that service, to which Mr. Jamnadas Mehta paid so generous a tribute, or from the Accounts Service of the Finance Department. I do not suppose that the men in the running for an appointment like that are more than could be counted on the fingers of one hand. We had to choose between those men. Let me read the considered pronouncement of the Government delivered by the Honourable the Leader of the House in the Council of State on the 2nd March, 1925, and these, I want the House to observe, are the principles

[Sir Charles Innes.]

which we try to follow in the Railway Department and other Departments of the Government. He said :

"What is offered to the new recruit, whether Indian, European or of whatever race, is a career open to talent and, once admitted to the public service, his fortunes lie in his own hands. He must not rely for advancement on favour or favouritism but on his own industry, energy and capacity. Promotion must go by merit, and selections for posts requiring special qualifications must be determined by a strict regard for the necessary qualifications and the general public interest. As regards the existing members in the services, I take this opportunity of making it clear that Indianization will not be by the door of supersession."

That, Sir, is the principle we follow. We have considered the claims of a few officers, and of these few officers, we decided that the particular gentleman whose name Honourable Members know is the best man to succeed Mr. Sim and we appointed him. Sir, I believe that in their heart of hearts they know that, if I had done anything else, I should have lost whatever respect this House may have for me. I believe the House would have recognised me to be a coward if I had passed over the best man for the House in order to surrender to political opinion in this House.

**Mr. A. Rangaswami Iyengar:** So many Indians rot . . .

**The Honourable Sir Charles Innes:** It may be a point of honour with the House that they should have an Indian in the Railway Board. I can only reply that it is a point of principle with me that I am going to take the best man in the Railway Board, that is, from the services.

**Mr. Jamnadas M. Mehta:** Indians are better than your best.

**The Honourable Sir Charles Innes:** I do not think that this House can really complain that we have not advanced in this respect in the last year. We have, as the House knows, under the Members of the Railway Board, 5 appointments of Directors. Those are the biggest appointments under the actual Members of the Railway Board. This time last year there were no Indians who were Directors in the Railway Board. At the present time we have two Directors, Mr. Hayman and Mr. Datta Gupta, one Director of Finance and the other Director of Establishments. I wish to make it perfectly clear that we appointed these two gentlemen to these two posts not because they were Indians but because we were perfectly satisfied that they were the best men available for those posts.

Sir, Mr. Jamnadas Mehta said that all my figures in regard to Indianization were misleading. They are not misleading. If you take State Railways—I am leaving out of account the East Indian Railway and the Great Indian Peninsula Railway which we have just taken over—this is the reply to a question which was asked the other day as to why we did not introduce the Indianization policy recommended by the Lee Commission on the 1st of April, 1924. If you take the last five years, on these State Railways over 50 per cent. of the vacancies have been filled by Indians and if you exclude departments such as the Loco Department and the Carriage and Wagon Department, where we have no facilities for training Indians in India at the present time, the proportion of Indians appointed to vacancies in those Railways amounts to 65 per cent. Those are not the figures for last year or two. Those are figures for the last five years. I doubt whether there are many other departments that can claim a record of that kind. I put it to the House that you cannot measure the progress of a policy of

Indianization by six monthly periods. You must give time for that policy to work itself. Our vacancies every year only amount to 3 or 4 per cent. of the cadre. That shows the limitations within which we have to work. We must give time for that policy to work itself. This reminds me of the time when I was Collector of Malabar many years ago. I was extremely fond of the district, and it was always my fear that my five years as Collector of Malabar would pass without my having done anything of permanent value to the district. I remember, Sir, how I used to spend long hours in writing skilful letters to Government and trying to get money for a bridge here or a bridge there or whatever it might be. But, Sir, progress seemed very slow. But one day, in going through the records of my office, I came upon an old report by Sir Clements Markham. As the House may know, he was the first man to introduce the cinchona tree into India from Peru. That was in the fifties and some few years later he came on a pious pilgrimage to what he called the cinchona hills in the Malabar Wyanad and Nilgiri Wyanad area and he wrote a report. After fifty years I came across that report with a map attached to it, and I looked back on the progress of that part of the district over a period of fifty years. Flourishing townships existing in my time did not exist at all in his time, and I could see that we had built new roads and new bridges everywhere and I could see at a glance all that we had done for the district during that period. And that seems to be the way in which we have got to look at this question of Indianisation. I submit that it is perfectly useless every six months to come to me and ask: "What are you doing here, what are you doing there?" I submit that you have got to take long views on a matter of this kind, and when the House does learn to take long views it will be found that we on the Railway Board have done our part in this matter. I hope that the House will not accept this motion.

**Pandit Motilal Nehru:** Twelve months ago I had the honour to move a motion like the one which is now before the House. I then went somewhat fully into the constitutional aspect of the question and gave reasons why in the circumstances in which we found ourselves it was not only our right but our plain duty to throw out the Demand under the head "Railway Board". I then relied upon the principle of "grievances before supplies" which I am going to do again to-day in spite of the thunderbolts of my Honourable friend, Sir Charles Innes. Shortly put, our case was that the Railway Board had betrayed its trust, that it had committed what may aptly be described in the language of lawyers as acts of malfeasance and misfeasance in relation to the subject of the trust. A long list of grievances was put before the House, some by me and others by other speakers, and a strong case was made out both on the ground of irresponsibility of the Railway Board and in support of the principle which I relied upon. The motion was defeated. The Swaraj Party voted for it *en bloc* but the Government carried the day by the help of the other Members of this House. Now, Sir, after twelve months the same question has again come up for the consideration of the House and I do hope that the point made by the Honourable Sir Charles Innes that the principle that I relied upon then did not and can not apply to the present motion will not mislead any Member of the House. I am at liberty to give such reasons for my contention as appeal to me. I am at liberty to ask the other Honourable Members of the House to agree with me. They are at liberty either to agree or to disagree with me and for their own reasons to throw out this Demand as it deserves to be from every

[Pandit Motilal Nehru.]

point of view. While, therefore, I rely upon the principle, I do not ask the House or those who wish to vote for this motion for reasons of their own to commit themselves to the principle. On the last occasion the Honourable Sir Charles Innes rose to make his reply and began by citing Tennyson. I am happy that we have not been regaled by any recitations this morning. He gave no answer to the formidable list of charges that was brought against the Railway Board. What he said was that it was a meaningless gesture. Why? Simply because it rested with the Governor General in Council to restore the grant under the Railway Board and the same consequences would follow as if we voted the Demand. Then he threatened me with the battle of Allahabad. He drew a graphic picture of His Excellency the Commander-in-Chief at the head of his battalions meeting the unarmed and disarmed Swarajists in the field of Allahabad and he said that unless I was prepared to give battle and to defeat the Commander-in-Chief it did not lie in my mouth to rely upon that principle, *i.e.*, upon the principle of "grievances before supplies" . . .

**The Honourable Sir Charles Innes:** May I just interrupt the Honourable Member. I said: "His logical course would be for the Honourable Pandit to retire to Allahabad . . ."

**Pandit Motilal Nehru:** And the Honourable Member has again pointed out the logical course . . .

**Mr. T. C. Goswami** (Calcutta Suburbs: Non-Muhammadian Urban): Is that the corrected speech?

**The Honourable Sir Charles Innes:** What I said then.

**Pandit Motilal Nehru:** I was quite ready to meet all the forces of this mighty Empire and I am now quite ready to meet the forces of this mighty Empire which has grown mightier since. No such threats will deter me from doing my plain duty. As for the logical consequence I have pointed out more than once in this House that in a free country the logical consequence of such a motion would be different. But in this country, where you have got a mock Parliament, where you insist on our following the procedure of real Parliaments, we can only bring our grievances under one or other of the well-known heads of procedure. I went into this question at great length on the former occasion and I do not propose to tire the House by repeating any of those arguments. But as I have already said, while I stand firmly upon the principle, I do not ask the House to commit itself to it. You have to see what is the real nature of this motion, whether it deserves to be voted for or whether it deserves to be voted down. Whether you call it a strong protest or whether you call it the refusal of supplies before redress of grievances, it comes to the same thing.

Then, what was his other ground last year? I am reminding the House of those grounds because the Honourable Member has said nothing new this year. He said that the carrying of the motion would imply that there would be no discussion on the many important questions that had been raised by the other motions, as if any amount of discussion on the most important points in this House has any effect on the Government! What followed has shown the futility of discussion. The motion having been defeated there was discussion on the other points and the history of



the last twelve months will show how the Honourable Member himself and the Government of which he is a distinguished Member benefited by that discussion and how India as a whole benefited by it.

Then, to-day, Sir, we find that Sir Charles Innes takes a plunge into futurity. He peers into coming ages with a prophetic vision and imagines a conversation between myself and my son and my grandson. He says that the Railway Board would then be going on as it is now and that my grandson would ask "Why is it that you my grandfather raised this objection" and so on. If my friend will permit me to make a similar prophecy in regard to him, his son and his grandson, I can picture to my mind, a time when the Railway Board is entirely manned by Indians, and my friend's grandson asking him "My dear grandfather, why on earth did you oppose the motion which was based upon the appointment of Indians to the Railway Board? How did you possibly think you could resist the demand". Well, Sir Charles Innes (I hope it will not be from an invalid's chair but standing upright) will say to his grandson "I did it because they adopted the wrong method. They did not adopt the right method. They did not do this, that and the other". The grandson would say "Well, never mind the method, why did you not do the right thing?" Well, the answer will probably be that he was not a free agent, that he was only one member of a Government that consisted of several others and that he hoped that his grandson would do better than he did.

Now, Sir, that would be the time when I hope also that instead of a rough Englishman as a Home Member, we will have a polished Indian in his place and things will be very different from what they are now. As for the method, as I have already said, I will not take up the time of the House at any length and will not repeat the arguments. They are all there in my former speech. I will simply say this, that you have to judge between Sir Charles Innes and my friend Mr. Jamnadas Mehta who has moved this motion on the strength of facts and arguments with which we all agree. Whatever principle they fall under, you have to see whether there is anything in the defence put up by Sir Charles Innes. Now, Sir, here we are at the end of twelve months. I will not go into the various items which form the subject of the other motions but I shall simply enumerate some of the more important ones. When we met last to consider this Railway budget, no decision had been arrived at about the Lee Commission and yet a sum of 26 lakhs was included in the Budget in anticipation of that decision. It was then said that it was bound to come in the course of the year and therefore provision must be made. When it was pointed out that it was no use asking for the money until the decision had been arrived at, by a show of sweet reasonableness my friend consented and said "All right, we shall put up a Supplementary Demand when the occasion arises". A Supplementary Demand was put before us the other day. It was not for 26 lakhs but for 37 lakhs. It was refused by this House and we have now been informed by my Honourable friend that it has since been restored by the Governor General in Council. Now, that, as Mr. Jamnadas has contended, is unconstitutional on the part of the Governor General. A distinction has been made between the powers of the Governor General in Council and those of the Governor General based upon the different provisions of the different sections. To my mind, there is no difference at all. It is simply a question of an appeal from Philip drunk to Philip sober. The Government is the same and the Governor General supplies the sober element in the rest of the

[Pandit Motilal Nehru.]

Government. But it makes really no difference. It was unconstitutional because I say that no member of the Government can take it upon himself to say that the Governor General was unable to carry on his functions without the Lee Commission recommendation being given effect to. What did they expect? Did they expect that if the concession was not extended to the railway officials they would all resign in a body? And why should they resign? Are they not bound by the terms of their contracts of service? Were they not bound by those terms as anybody else is under a valid contract? It is one thing to say that they deserve increases if the concern in which they are employed is a prosperous one by way of bonuses and things of that kind, but when it comes to a sum being granted which has been refused by the Assembly, it can only be done if you make out a case that the Governor General in Council has come deliberately to the opinion that unless the amount which has been refused by the Assembly is restored by him he will not be able to carry on his functions. Then, there are the other things, Indianisation, the Rates Tribunal and the locomotives. A gentleman called Mr. Chase was sent out to make investigations and report. That report has not yet seen the light of day and in the meanwhile what do we find. Orders for no less than 89 locomotives were placed in the hands of European firms. Then there is the Workshop Committee on which no Indian could be found fit enough to act. That certainly did not require an Indian of very great special experience. We simply want somebody representing us to be on the spot to see how things are being carried on. He need not necessarily be a railway expert and surely there are any number of Indians who can perform this function. All that has been done is a reduction in the fares and in coal freights. That, I submit, on the figures in the Budget itself is the most niggardly reduction that could possibly be made. There is certainly room for much greater reductions than have been made but we have to swell the reserves for what purpose, we do not know. In one

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breath it is said that the Railways are a commercial concern, and in the other breath what is claimed is that they must be fed by taxation and not by their own income. If the Railways are a commercial concern, by all means depend upon your income and increase your reserves, but do not increase the taxation which you levy in the form of freights and fares, and do not go on increasing it further from time to time. However, Sir, I am not going into these grievances. It is enough for me to say that the Railway Board has not at all improved since last this motion was before this House. On the contrary it has persisted in its wasteful career as before. On the last occasion my friend Sir Charles Innes found a stout champion in my friend Mr. Jinnah, who generally came to his aid and said, "Now we must not be so hard on him; it was only in September preceding that the convention was arrived at between the Government and this House; we must give him some time". What Mr. Jinnah said was:

"We, this Assembly, were a party to a convention between the Government and ourselves. That was only last September. Under that convention—I do not wish to read the terms because they must be fresh in the minds of Honourable Members—but under that convention we brought the railway administration under an altogether different category. The railway administration was intended under that convention to be commercialised, and we with the consent of the Government adopted that convention in which all the points which we now complain of were embodied, namely, Indianization, an Indian Member on the Railway Board; all these matters were discussed only as recently as September last."

And then he goes on to say :

"I entirely agree that there are innumerable grievances, in fact the grievances have accumulated, as Pandit Motilal Nehru himself pointed out, they have accumulated for more than a quarter of a century. (A Voice : 'For more than three quarters of a century.') Now, what is the good, Sir, of raking up that old history, bare as it is. Now, give the Honourable Sir Charles Innes or his successor a chance under this convention and then let us see, and then apply your spur (A Voice : 'Mercilessly') as mercilessly as you can."

Now, Sir, I do hope that my friend Mr. Jinnah, who is in the House, will now agree at the end of 12 months that my Honourable friend Sir Charles Innes and the Railway Board have had a very fair chance indeed. (An Honourable Member : "You had to give his successor a chance.") That is true. I was just going to congratulate my friend Sir Charles Innes that he himself is present here and not his successor. I never thought that Mr. Jinnah meant that after Sir Charles Innes had served out his term and probably had obtained a few extensions of service which he so richly deserves (Laughter), then his successor would still have a chance of showing what he could do for us. I do hope that Mr. Jinnah was not looking so far ahead. However, we have here a period of 12 months between that debate and this and here we know exactly what the Railway Board have done. We have on the one hand the same old grievances, the same old complaints, and on the other the same old explanations and the same old excuses. The time is ripe for applying the spur mercilessly. I submit that on whatever ground you put it it is now a question on which there can be no difference. There can be no justification for this House to vote for this grant, and I ask all Honourable Members, who wish to deal with the merits with fairness, to vote in favour of the motion. (Applause.)

**Mr. B. Venkatapatiraju** (Ganjam cum Vizagapatam : Non-Muhammadan Rural) : Sir, if nothing has convinced Indian Members to vote for the motion moved by my friend Mr. Mehta, the speech of Sir Charles Innes should have convinced them. I humbly ask him whether he could dare make such a speech either in South Africa or Australia or Canada and tell them there that he could not find a single South African, or Canadian or Australian fit to be appointed to a post on the Board and that he had to select men from other parts of the world. Would his position be worth an hour's purchase? Now I submit, Sir, as my leader has said last year, the Railway Board and especially the Member for Commerce requires some spur; and as Pandit Motilal Nehru has pointed out, this is the fittest occasion for us to give him such a spur. What is the fault of the Railway Board which has compelled the moving of this motion? May I ask him what have they done with reference to stores purchase? Even though the Governor General in Council issued a circular to them that they should purchase indigenous articles and encourage the Indian Stores Agency by purchasing from them, may I ask them whether they have at all utilized the Indian Stores Agency in purchasing Indian articles? And they know why they have not done it. It is because they want to exercise the liberty of purchasing themselves. And with reference to Indianization what has been done? In the Railway Finance Separation Resolution which we passed there is a clear clause added to that Resolution to the effect that the railway services should be rapidly Indianized and that Indians should be appointed as Members of the Railway Board as early as possible, and that the purchase of stores of State Railways should be undertaken through the organization of the Stores Purchase Department of the Government of India. Can Sir Clement Hindley tell us whether he has utilized the Stores Agency for the purchase of stores at all;

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or why it is only for a few lakhs when he is spending several crores in purchasing elsewhere? Can he give us any explanation why he has done it? And in reference to Indianisation, have not they definitely promised, and has not His Excellency the Viceroy stated himself that he has accepted that principle? This is what His Excellency the Viceroy stated:

"The Lee Commission had made recommendations on this question which were in accordance with the general policy of His Majesty's Government as expressed in the Preamble of the Government of India Act, and before the debate on railway finance in the Assembly the Government of India had decided to accept these recommendations, which have the effect of pressing forward as rapidly as possible the extension of existing facilities in order that the recruitment of Indians be advanced as soon as practicable up to 75 per cent. of the total number of vacancies in the Railway Department as a whole."

Now Sir, you have given the Lee concessions from the 1st April, 1924. Can you tell us whether you have honestly fulfilled this obligation which you have entered into and which His Excellency the Viceroy has so publicly stated? Have you given 75 per cent. of the vacancies to Indians in the matter of recruitment? Only the other day you came to us not only as regards the State Railways but the Company Railways as well, saying that you are prepared to accept the recommendations of the Lee Committee and give the officers of superior services the highest salaries and allowances from the 1st of April, 1924. And though we refused to grant it, His Excellency the Viceroy restored it. Now please refer to the recruitment made by several companies. Have they fulfilled the condition? Now, I ask, who is at fault in regard to these two matters? Are we to go to His Excellency or the Governor General in Council for these two matters? There are so many matters in which we can find fault; for instance, with reference to the Rates Tribunal. Did it ever occur to the Railway Member that he should reduce the status of the Rates Tribunal to the position of an advisory committee? He has gone back to the old Act of England, forgetting that there was a subsequent Act, wherein clear provision was made in 1921, which was followed by the Acworth Committee and the speeches made by the Railway Member and the Government always referred to it as the Rates Tribunal. The Rates Tribunal is not a mere Committee according to section 20 of the Railway Act of 1921 but a court styled the Railway Rates Tribunal consisting of two or three prominent members in order to deal with the several functions mentioned therein. They want to treat it as a court in England, a country where the Railways are not their own, excepting a very few now purchased. On the other hand, in India most of the Railways belong to us and are paid for by the general tax-payer of India. Why should you not have a court which they thought it necessary to have in England and which you promised, which was recommended by the Acworth Committee? They never stated that there should be an Advisory Committee to give advice to Sir Clement Hindley which we may accept or reject. There must be a court and the provisions of the Act indicate what they have to do. They have to dispose of questions of rates, disputes with reference to undue preference and various other matters mentioned therein, variation or cancellation of through rates, modification or cancellation of existing rates, variation of any toll payable by traders and all these things. Now, I ask, why should the Government go back upon it? Did they ever hint that they were not going to appoint

a Tribunal? Till it was announced, we did not know that we were getting only an Advisory Committee. Sir Charles Innes stated in a reply that he would appoint a Committee. Is this what we have to expect, merely an Advisory Committee? I do not agree with my friend Mr. Kasturbhai that the President should be only a business man because in England and other places they wanted a lawyer to be at the head of the Tribunal, with a railway business man as a member and a commercial business man as a member, because after all a judge should be a lawyer, not Mr. Kasturbhai. Therefore, my submission is that, unless these three things, Indianisation, the appointment of an Indian to the Board and purchasing through the Indian Stores Agency are carried out to the extent to which the Government have already committed themselves, every Indian Member should vote for the motion moved by my Honourable friend.

**The Honourable Sir Alexander Muddiman** (Home Member): Sir, it was not my intention to intervene in the debate this morning, but as the debate seemed to be proceeding on lines of prejudice by the importation of conversations with grandchildren, it is essential that one who has no grandchildren should address the House. I do not, I may say at once, propose to treat my Honourable friend the Pandit to any thunderbolts. I am afraid my stock of thunderbolts was exhausted last week; I have none to-day. But I do wish to put one or two plain points to this House which it might possibly think are worthy of consideration. My Honourable friend the Pandit took out summonses for malfeasance and misfeasance against Sir Charles Innes. (*Mr. M. V. Abhyankar*: "And nuisance.") Sir, I do not understand that procedure on nuisance; it may be better known in the Central Provinces. However, the Pandit had to make out a case. First of all it was necessary for his case to establish grievances. Sir, he mentioned a list of grievances which I have no doubt my Honourable friend will answer in detail in so far as they are detailed grievances. But there were certain general grievances which he brought before the House. Reference was made to the failure to carry out Indianisation. Sir Charles Innes dealt with that point very fully. He has pointed out that much has been done in that direction. May I also point out to the House that the motion now before it would result in the abolition of the Railway Board and therefore you will certainly not promote Indianisation by passing that motion. Nor let the House be under any delusion because Sir Charles Innes said that the Demand would be restored that the Demand will be restored. There are other members of the Government of India besides my Honourable friend: (Laughter). Sir, it would afflict me greatly if my friends on the Railway Board were all left without jobs. I am sure the House, with its usual generosity, would see that they are adequately treated. I cannot imagine that the House really desires to discharge all these worthy persons. (*An Honourable Member*: "Find other jobs for them.") Certainly, but you would not get Indianisation in that way. The real point before the House is this. Assuming that there are some grievances, I think most of us feel that much has been done for the Railways of India for which this House and the people of India ought to be grateful to my Honourable friend Sir Charles Innes. He has done much to promote the working of that most important Department of Government. On the other hand, if there are grievances of a nature which require detailed debate, you are blocking that very debate by passing the motion that is before the House.

[Sir Alexander Muddiman.]

On the constitutional question too, I should like to say a word. I have said it before, it may be, and I may have to say it again—I trust not—for there are signs that this House is becoming so reasonable that it will be unnecessary. The constitution as it stands at present contemplates two things, the grant of Demands by the Assembly and in certain circumstances restoration. If you reject main grants of this kind involving the dislocation of large portions of the machinery of the administration—as you must always do by passing motions such as that before the House—you force the use of the power of restoration. Now, Sir, that is not wise. On the one hand the House becomes habituated to passing votes which it knows will not be carried out, though in this particular instance it must not be too sure of that; on the other hand, it tends to make the executive Government somewhat callous in using the powers of restoration. I greatly desire—and I beg the House will listen to me here—I greatly desire that the executive Government should not get into the habit of restoring grants. I greatly desire that the House should not get into the habit of rejecting Demands which force the use of the power of restoration. Now, that is not a point I put forward in any light way. I put that forward very seriously to the House. If there are parties in this House who desire to work this constitution for what it is worth they must be with me on this. It is by building up conventions of this kind that we shall progress. The House must not reject grants in a wholesale fashion of a kind which would necessarily involve restoration or the executive Government will get into the habit of regarding restoration as a not very serious matter instead of only to be undertaken in grave circumstances. If you force the use of this power by throwing out grants of a kind which you know must be restored and will be restored, then you force the executive Government also to approach it in a spirit in which I should not like to see the executive approach the position. You are impairing the constitutional integrity of Government. You are creating—I speak seriously—a feeling of levity as to the whole position. You will not advance the cause you have at heart and you will lead the Government in the future to regard restoration as a normal thing. That is wrong, utterly wrong. This ought not to be done. (*An Honourable Member*: “You do not take us seriously.”) We do take you seriously. Do we not take you seriously? I am not now concerned here to speak for the Railway Department: that is in the very safe hands of my Honourable friend Sir Charles Innes. (*An Honourable Member*: “No, the Governor General in Council.”) I will illustrate what I mean from my own Department. I have in a recent instance been put in a position, which ought not to have been the case, by the vote of one Member of this House. (*An Honourable Member*: “What is that?”) What is that? That is section 100, Sir. The vote of one Member of this House left me in a position in which I am not at all sure that any Member in charge of my Department ought to have allowed himself to be left. That was entirely due to my respect for the vote of this House, and it is not right to say that Government do not take the vote of this House very seriously.

Sir, I have entered into a somewhat longer discussion than I had intended, but I wish to bring the House back to this view of the matter, that if you throw out grants of this kind Government are forced to adopt one of two courses—either we must let the railway administration of the

country go to the devil,—I should say let it go to pieces—or we must exercise the power which we ought not to be forced to exercise. I appeal at any rate to some sections of this House to reject this wrecking proposal and support the vote.

**Mr. M. V. Abhyankar** (Nagpur Division: Non-Muhammadan): Sir, with all his faults, the one person amongst those on the Government Benches whom I like is Sir Charles Innes; because he is a sundried bureaucrat from top to bottom and he has the habit of losing his temper (*The Honourable Sir Charles Innes*: "Never.") and blurting out truths, and that helps us a long way. Honourable Sir Charles Innes so nicely explained to-day to one of the sections in this House the Government of India Act, which we by so many public meetings failed to explain to it. He has told the House to remember that there are such safeguards in the Government of India Act, that whatever the House does the bureaucracy and the Government will have its own way. That is one thing that he has made plain; that is one thing he has made clear beyond doubt in this House and I think every Indian ought to be thankful to him for it. Did you not hear the speech of my friend, Mr. Rāju? What does he say to-day about throwing out the grants which he did not say last year?

The Honourable Sir Charles drew a picture of the leader of my Party and his son and grandson. Pándit Motilal Nehru in return drew a picture of the Honourable Sir Charles Innes and his son and grandson. I should like to draw, Sir, with your permission, another picture of the Honourable the Commerce Member's son and grandson, himself included. When we have attained Swaraj—and let me tell the Honourable the Commerce Member that people like him are helping us immensely to attain it earlier—when we attain Swaraj which will not be very long, and then when he will have his grandson on his knees, the child will say to him "Grandpa, what cowards you have been to disarm Indians and then to rule over them with all your military and arms". That will be the charge which the child will bring against him, and I am positive he will have no reply to it. I am positive that his son will turn round on him and say "What short-sighted policies you had been following in India". He will say, "I did not mind you having robbed India because that was our aim, but you robbed her so flagrantly, so enormously that the robbery could go on no longer". That is what he will say. That is what his son will say to him. My friend the Commerce Member will look very small then in the eyes of his son and even that little child—his grandson. I implore him not to act in a fashion that will make him appear so small in the eyes of that little child.

The Honourable the Commerce Member referred to this House as a democratic institution and said that the greatest fault of these democratic institutions was that if they tried to go into details, as they ought not to, the work was spoiled; and he then referred us, as they always do, to democratic institutions of countries in Europe and in other parts of the world and said that the Legislatures there never interfered with the Government in matters of detail. He forgot the fact that the analogy was false, was wrong, that it did not hold good here. We do not want to go into details. The one main principle that we want here is that the Government shall be responsible to us. You become responsible to us and from that moment we promise we shall not go into one detail of the whole business. Do you forget that fact? Why do you hide it? Why do

[Mr. M. V. Abhyankar.]

you run off at a tangent like that and shirk the real issue between you and us? You become responsible to us and from that moment we shall cease to go into details. But remember, immediately you become responsible to us the moment you go against our desires, you will be **chucked** out of this House: that very moment the Government will be **chucked** out of this House as unceremoniously as it deserves. That is the position we want to come to, and that is the position we are aspiring to.

The Honourable the Commerce Member referred to the theatrical ways of expressing our displeasure; but the time will not be long when his ways of trying to hold us down will be farcical, absolutely farcical; and the time is coming for it; and he is helping us to bring that time nearer. The Honourable the Commerce Member said that these were questions of public importance and ought to be dealt with and treated as such. We know it, Sir; and it is we on this side of the House who want to deal with them as questions of public importance. It is the Honourable the Commerce Member who is dealing with them as questions of British importance, as questions of bureaucratic importance, as questions of autocratic importance. It is time he should cease doing so and mend his ways. Times out of number we have told him that; but I know he will not listen to it, and I am positive that he will never listen to it unless he is made to listen to it. We have been told, when we talked of Indianisation of the Railways, that Anglo-Indians and Europeans were by heredity fitted for them. Are they? Are there railway engines in their blood? Are there signals and stations in their blood, that it makes them by heredity fitter than Indians for the railway posts? What is it that they have in them? To-day you turn round on us and say that Indianisation shall not be by supersession. But may I ask you, how has Britishisation and Anglo-Indianisation of the Railways taken place in this country? By what means has that been done? You say to us that Indianisation shall not be by the door of supersession. Well, has not the Britishisation of the Railways in this country been by the door of fraud? That is what you want. You do not understand what we feel; you say you will appoint the best men; that is a very good proposition in this country. Are not the Germans, so far as science is concerned, far better than you? Why do you not appoint them in your own country, in England? You want the best men, is it not? Yes. By best men you mean English people; by best men you mean British people. I do not admit it, mind you; but assuming that there are not the best people amongst Indians, that there are not people among us who are capable of occupying the posts that we desire them to occupy, well, let incapable people occupy them. We want Indians first, Britishers afterwards. Do you not want Britishers first and everybody else afterwards in England? Do you not want that in Great Britain? Well, we want the same thing in our own country. We shall suffer, not you. If Railways are mismanaged, who will suffer? We shall suffer, not you. What does it matter to you if we suffer? Do you want us to believe even now that you are in this country for our good, for our benefit? That theory has exploded. You are here for your good at our cost. We know that your and our interests are divergent, our heredities are different; we also further know that our loss means necessarily your gain, and our gain means necessarily your loss. There is no denying that fact. One thing gained by us is the thing lost to you, and one thing gained by you is the thing



lost to us. I want to deal with this matter straight, and I want this House to look at the whole question from the most logical standpoint. For God's sake, do not get into the mood of arguing your case before a judge. Swaraj in no country was gained by arguments. And remember that it will not be gained in this country by arguments. You think that you can argue your case well. You think that your case is the best, you think that your case is a just one and you think that because it is a just one, you will win it by arguments. No, you will not do anything of the kind. Don't they know that your case is just? I tell you that they do know it, but it is not in their interest to deal with you justly. And I know that they are behaving like human beings. I do not blame the Government for the way they are behaving. It is perhaps most natural for them to behave in the way in which they do. Unfortunately some amongst us, in spite of looking upon them as human beings which they are, look upon them as gods, which they are not, and which no human being is. That is where the whole trouble comes in. They have the power, and I know that no human being wants to get rid of that for mere justice. I know it. (*Lala Lajpat Rai*: "That is the whole truth.") One thing that we must get is power better than theirs, and we can then put them down as they are putting us down now, and immediately we get that power, we will have to deal with them. That is the way to look at the whole thing.

Then, Sir, the Honourable the Commerce Member said that politics will ruin the Railways and the Railways will ruin politics. Well, Sir, we are not afraid of being ruined, we are not in the least afraid of it, because we have reached a stage, we have reached a limit, beyond which it is impossible for any human being to ruin us. You have done that for us. When you are talking of the Railways, you are talking perhaps of your saloons and of the first class fares which you pay us and by which we travel. We may travel in first class compartments, but, Sir, we travel like dogs; let me tell you plainly, it is nothing better than that. I see a waiter in the restaurant car, my own kith and kin, a *kala admi*, paying better attention to Europeans than to me. I pity that man. You have taught him all his life to look upon you as gods. When I look into a restaurant car, I find that an Englishman, a Britisher, nay a white-skinned man, may be even a German, your bitterest enemy, to fight whom you took our help and to which fight you referred while alluding to the picture of Pandit Motilal Nehru and his son and grandson,—you said that his grandson would ask him what part he played in the Great War,—even that German, because he is a white-skinned man, is treated better on our Railways and in every way in a manner highly superior to the one in which we are treated.

Well, Sir, our blood boils at it, let me tell you, and as human beings your blood also would boil at it if that treatment was accorded to you in your own country. Would it not? You talked of, or at least the Honourable the Home Member talked of it,—I forget who it was, but somebody talked of all those people sitting behind you and of the way they would vote. I tell you their hearts are with us, and not with you. They are voting with you because they are attached to you by golden hooks. they cannot help but vote with you. I know the interior of their heart, I have seen it, I pity them. (*Mr. Gordon*: "Have you seen it?") Yes, I have seen it, Sir, as much as a human being can see another man's heart. They have laid it thread bare before me and I have seen it as such.

**Mr. President:** Will the Honourable Member please bring his remarks to a close?

**Mr. M. V. Abhyankar:** Very well, Sir. I know they are voting with the Government because of the salaries that they are getting from them. They cheer you because it pays them to cheer you. Nothing more than that.

One last word, Sir, and I have done. The Honourable the Home Member talked of constitutional ways and constitutional methods. But I should like to tell him that we have no constitution. The whole constitution is on his side. Has not Mr. Commerce Member, Sir, told us that the whole constitution of India is on their side, and that if this House does what it desires to do, there are adequate safeguards, and that, that personage, that body, call it what you may, I mean the Governor General in Council will veto our amendment and certify the grant? Well, the Honourable Commerce Member has explained the whole constitution to us so nicely to-day. In one word, he has told us that we have no constitution, and that they have got the whole constitution on their side.

Then, Sir, the Honourable the Home Member said that we ought not to make the Executive Government callous. Well, callous it has been, and callous it will be. We do not want to make it callous. Our sole attempt is to make it reasonable if we can, and that is what we are trying to do. I hope we will succeed, I hope in the interest of the Government that we will succeed very soon by making it impossible for them to be otherwise.

(Several Honourable Members moved that the question be put.)

The Assembly then adjourned for Lunch till Twenty-Five Minutes to Three of the Clock.

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The Assembly re-assembled after Lunch at Twenty-Five Minutes to Three of the Clock, Mr. President in the Chair.

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**Mr. G. G. Sim:** Sir, the latter portion of this debate has been carried on in the domain of politics high and low, and I am afraid that the House will be somewhat impatient with me because I rise to intervene in this debate in order to explain a few dry details on certain matters raised during the discussion on the somewhat unimportant and dull topics of railway finance and this Railway Budget. I was somewhat surprised to find Mr. Jamnadas Mehta, whom I am sorry not to see in his place, raising again the question of what he called the "hidden capital" of the Railways. If I understood the Honourable Member aright, his contention was that we ought to add to our present railway capital, on which the State is entitled to get a definite return, all the losses that have been incurred in connection with the Railways from the time Railways were first started in India and allow for these losses having accumulated at a compound rate of interest. I believe, Sir, that every Member of this House is perfectly well aware of the fact that in no country in the world has a pioneer railway ever paid its way from purely railway earnings. In every country it has been necessary to subsidise the pioneer railways. In this country the form which the subsidy took was this. Land was given free to the railways and they were guaranteed a minimum return on their

capital. The return was usually about 3 or 3½ per cent. If it had been the intention of India that every railway should pay its way from railway earnings from the very beginning, you would never have started a railway at all. The Honourable Member's contention simply comes to this, that because the railways were subsidised from the general revenues in the beginning, because Mr. Jamnadas Mehta's grandfather travelled cheap, Mr. Jamnadas Mehta and his children should travel dear.

Now, Sir, this figure of 200 crores, to which the Honourable Member referred, is a figure which has been frequently referred to in various discussions in this House. It was referred to in the discussions with the Committee which dealt with the question of separation. Mr. Parsons produced before the Committee a statement showing what the actual losses and gains had been on Indian Railways from the beginning of time. He said that these figures required modification before they could be correctly used even for the purpose of the argument for which they were used:

"The whole idea underlying the argument is that over a series of years the Railways should produce a return which will not involve a subsidy from the taxpayer. If so, the expenditure on constructing and running lines which were built not to give a return but for purposes of national insurance must clearly be excluded."

He went on to point out that the losses from strategic lines alone amounted to 1½ crores. Now, the House in agreeing to the convention definitely dropped any idea whatsoever of accumulating all their losses at a rate of compound interest and adding it to their present capital. The House was clearly of opinion that that certainly was not the commercial method of handling the Railways. I do not suppose that any Member of this House imagines that any company, with any commercial ideas in its head, would carry forward its losses from year to year and add them with accumulated interest to its capital and inform the general public that it proposed to carry on in that manner, selling its commodity at a price which would give a market rate of interest on this inflated "capital". The House not only agreed to the figures that have been adopted for railway capital but definitely decided that the losses on strategic lines should be excluded. I may mention incidentally that if Mr. Jamnadas Mehta's proposal were given effect to, the net result would be this, that the contribution to the State would have to be raised by Rs. 10 crores and good-bye to any prospect of reduction in rates and fares, at any rate within the lifetime of this generation.

There is another point to which I wish to refer. Reference has been made to action which I myself have taken as Chairman of the Standing Finance Committee. I was very much astonished, Sir, to learn from Mr. Neogy that the Standing Finance Committee had not done very much work. He said that they had 14 meetings and to the very best of his recollection they never sat beyond four hours a day. It was to the regret of myself and of my colleagues that we were unfortunately deprived of Mr. Neogy's attendance at many of these meetings, but I think my colleagues will bear me out when I say that many of these meetings lasted 8 hours a day. It may be that in the absence of Mr. Neogy the hours seemed long to me, but my recollection is that for several days, particularly at the meetings in Bombay and Calcutta, we sat from 11 o'clock to 6. In any case, Sir, I hope that no Member of this House is under the impression that in working with the Committee I endeavoured to rush them, or to avoid giving any information which they desired.

[Mr. G. G. Sim.]

In this connection I will now turn to something that Mr. Rangachariar said. He said that he was under the impression that the Committee simply sat there and calmly accepted any proposals which I brought forward. Honourable Members are perfectly well aware that this Committee is composed of members fully representative of all shades of opinion in this House. If Honourable Members will look at the list of members of that Committee, they will see at once the absurdity of any one imagining that I can lead it by the nose. Take the list of members present at the very first meeting. We had Sir Sivaswamy Aiyer, Sir Purshotamdas Thakurdas, Sir Darcy Lindsay, Mr. Willson, Mr. Aney, Maulvi Abul Kasem, Mr. Rama Aiyangar, Mr. Neogy, Mr. Jamnadas Mehta, Mr. Patel, and Mr. Samiullah Khan, and for any person to suggest that I should have been capable of leading such a body of men by their respective noses is to attribute to me a power of grip possessed by no mortal man.

Then, Sir, Mr. Neogy said that he was very much surprised to find that the Railway Board, and the Financial Commissioner in particular, had on several occasions actually sanctioned works or started works without the prior consent of the Standing Finance Committee.

**Mr. K. C. Neogy:** I said "on one occasion" on Friday last.

**Mr. G. G. Sim:** You said "on many occasions.". I am equally astonished to find Mr. Neogy making any statement of that nature. At the very first meeting of the Committee, Sir, in January last year, we discussed this very question at the instance of Mr. Neogy himself. I explained to the Committee the difficulties that we anticipated in getting a commercial undertaking like the Railways to fit into the constitutional control of this House and we fully discussed the matter. This is the record of the proceedings:

"Mr. Neogy inquired whether the division of the total grant into several grants restricted the powers of the Railway Board to make reappropriation from one demand to another. Mr. Sim explained that this would be the result, but that, as stated in the memorandum on the separation of the finances, since the railway estimates are merely the best forecast that can be made in advance of the operations of the railways during a particular year, the Railway Board would continue to sanction expenditure in excess of any individual grant subject to the liability of having to defend such action before the Standing Finance Committee and the Legislative Assembly, and the Committee approved of this procedure."

The Honourable Member is now proposing to condemn a procedure which he himself as a member of the Committee agreed was the only possible procedure for working the system. Sir, Honourable Members have referred to the lack of control exercised by the House over the estimates. It has been my ambition and it was my duty as Chairman of that Committee to try and arrange matters in such a way that I should have a Budget presented to this House for the Railways that would have the support of that Committee, and I have done my utmost to give effect to what I understood to be the intentions of this House. The fact that we have been able to present to this House estimates every one of which has approved by a Committee fully representative of this House surely shows that the control exercised by the House through that Committee is a very substantial one and far greater than the remarks of some Honourable Members would appear to indicate.

**Diwan Bahadur T. Rangachariar** (Madras City: Non-Muhammadan Urban): Sir, even at the risk of incurring some popular odium, I must rise and say at once that I am not going to give a silent vote on this matter. I look at the vote on its merits. What is the meaning of this vote? Is it that this House does not want the continuance of the Railway Board? That is the ordinary meaning of the vote which anybody will attach to it. We have our complaints, big and small, against the Executive Government of this country, but we are not now concerned with a vote about the Executive Government of this country. We are now concerned with a Department which is in charge of properties of vast value, which have great potential value for the future. Looked at from that point of view, do we want a Board to manage that property or not? It is this House which voted solidly for taking up all these Railways under State management. And what does State management import? It means that we have to employ some agency to look after this property, and the Railway Board is the only natural agency which we would establish if we had Swaraj in our hands. (*Pandit Motilal Nehru*: "Not the present Railway Board.") Not the present Railway Board, but you will have to establish a Railway Board in order to manage the property. If you want to condemn the Railway Board you must condemn it for its faults. I was rather surprised this morning at the change which has come over this side. My Honourable friend Mr. Gaya Prasad Singh was the first Swarajist Member who rose yesterday and began by congratulating the Railway Board on its successful management of the Railways . . .

**Mr. Gaya Prasad Singh** (Tirhut Division: Non-Muhammadan): I must explain, Sir, that there was not one word of congratulation to the •Railway Board in the course of my speech yesterday.

**Diwan Bahadur T. Rangachariar**: If it was not so, all right; at any rate, I got that impression. Any way there was a feeling of satisfaction and congratulation noticeable in the several speeches that were made yesterday. It came as a surprise to me, I dare say it came as a surprise to many in this House, that we should now be faced with a motion to turn down the whole Railway Board. What are the complaints? The complaints are, one that the Lee Commission loot has been recognised. But who recognised that loot? Is it the Railway Board which recognised it, or is it the Executive Government of which the Members are my Honourable friends, Sir Bhupendra Nath Mitra, Sir Basil Blackett, Sir Charles Innes and Sir Alexander Muddiman? We are not now doing anything as regards their salaries or their allowances. Again, what is the other complaint? That there is no Indian on the Railway Board. I hold as strong a view as my Honourable friends here about the non-appointment of an Indian. That is a matter which comes upon a separate vote. We have a separate vote and I am rather sorry that this question is mixed up with the general issue of the Railway Board. I wish we had given a straight vote on that by voting down the whole of one Member's salary. (*Pandit Motilal Nehru*: "We cannot do it.") If we cannot do it, at any rate we can turn down his allowance or something of that kind in order to place on record our emphatic disapproval, nay, our disgust at the attitude the Government have exhibited in this matter.

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Why not send such a cut?

**Diwan Bahadur T. Rangachariar:** I have sent such a cut if you will allow me to move that cut. The Railway Board is not responsible for that. My Honourable friend Sir Basil Blackett has to justify his departure from the word which he gave to this House this time last year. The Railway Board is not a responsible body. But whose fault is that? Is it the Railway Board's fault, or our fault, that we have not been able to bring pressure to bear upon the Government to change the system?

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): What did you do during the last six years?

**Diwan Bahadur T. Rangachariar:** If you ask me that, I can give you a good account of what I have done. This is not the time for me to render an account of what we have done during the last six years . . .

**Mr. K. Ahmed:** I know, Sir, what you have done for yourself.

**Diwan Bahadur T. Rangachariar:** As regards the Rates Tribunal, I again ask, is it the Railway Board which is responsible for the constitution and functions of the Rates Tribunal? It is the Executive Government. These are the four main faults which have been laid at the door of the Railway Board. I rather think in view of some anticipatory events this discussion is anticipatory of the general discussion on the General Budget. This is a discussion on the Railway Budget. These questions do not at all arise on the Railway Budget. The questions which are germane to the Railway Board are the questions regarding the Indianisation of the establishment, regarding the stores purchase to which my Honourable friend Mr. Raju referred, and the reduction of rates. The latter is a matter in which all of us take a very deep interest. But what do I find as regards the rates? One of the great complaints which my Honourable friend, Pandit Motilal Nehru, made against the Railway Board was, "Look at the unsatisfactory feature of the Railway Board. They have not done anything to reduce rates". But what do I find? In the proceedings of the Railway Standing Finance Committee where my Honourable friend's henchman, Mr. Mehta . . .

**Pandit Motilal Nehru:** I said that they had made reductions but that it was a very niggardly measure.

**Diwan Bahadur T. Rangachariar:** I stand corrected and I am willing to take what my Honourable friend has stated. At a meeting at which Mr. Jamnadas Mehta, the Mover of the present proposition, was present, at page 73 of the proceedings of the Standing Finance Committee for Railways this is what is recorded unanimously:

"Subject to the above remarks, the Committee approved with *gratification* the start that had been made in the reduction of freights and rates."

**Pandit Motilal Nehru:** This House is not bound by that.

**Diwan Bahadur T. Rangachariar:** It is a Committee elected by this House, the whole body of it is elected by this House and are we to attach any importance to their work or not? Going through these proceedings part after part I saw the great assiduity and labour bestowed by that Committee in discharging their duties which we entrusted to them, and when they recorded a verdict like that, are we to go behind it without any justification and simply to make it an excuse? Are we to make

a gesture like that when we are dealing with a Department which is administering properties of vast value on our behalf? Condemn them by all means, pass token votes of censure upon them, but to turn down the whole Demand appears to be not a correct procedure to adopt. Sir, I propose to vote against this motion as it is.

**Colonel J. D. Crawford** (Bengal: European): After what has fallen from my Honourable friend Diwan Bahadur Rangachariar as regards the practical issues of the motion before us there is no necessity for me to enlarge upon that point. But I do wish to enter my protest as an elected representative against the motion now before the House. I have heard much in this debate about the autocracy of the Railway Board. I have also heard from my Honourable friend Mr. Neogy something about the surrender by this House of its powers of control over the finances of the Railways. Yet what is more autocratic or tends more to the surrender of our control than the misuse of its powers by the leading Party in this House which frustrates public expression of opinion on matters concerning railway finance? This is one of the opportunities under the existing constitution—that constitution may not be what you like it to be,—but this is one of the opportunities which we, the elected representatives of the people, have to place certain propositions before the House.

**Mr. K. Ahmed:** But you are an interested person to speak for the Europeans.

**Colonel J. D. Crawford:** The propositions which we wish to place before the House are not those in which the European is particularly interested. We have propositions which are needed in the interests of India and the interests of our Railways. We come here with that duty to perform. Not that I do not sympathise with the views which the opposite Benches may desire to place before Government regarding the measure of responsibility of the Railway Board to this House. That I feel they could urge on a reduction of the grant by Rs. 100 as strongly and as cogently as they can by throwing out the whole Budget, and at the same time leave to me an opportunity to place before the Government questions of interest on this particular Demand. That is my feeling. The party in power is not here to stifle the debate altogether or to block it. They ought to afford us an opportunity of voicing our feelings. It is our duty as representatives of the people to have an opportunity of voicing our views.

**Pandit Motilal Nehru:** Which is the Party in power?

**Colonel J. D. Crawford:** The Party which has been in power for some time is your own. What have you done up to date for the country?

**Mr. A. Rangaswami Iyengar:** Party without power.

**Colonel J. D. Crawford:** You have prevented other people who differ from you from voicing their views. That is the attitude which the Swarajist Party has developed throughout the countryside. I trust that when the next general election comes the country will realise how futile has been that policy and will send out a different set of representatives to this House.

Now, Sir, there are many others who desire to say something on this particular Demand.

**Mr. K. Ahmed:** How do you know?

**Colonel J. D. Crawford:** I see in the amendment paper many motions have been put down. So I presume that they have something to say. I am not so sure that the Government are not responsive. I personally believe that they are responsive to public opinion as expressed through this House. We have the Bombay millowners getting a reduction of their coal freights. We have other people getting a reduction of third class fares. There are signs that this Government is responsive if we choose to press our case, and, that is the point I want to emphasize. I trust Members of this House will not be misled entirely by the political issue at the moment. That is an issue that should be settled on another occasion. What I want to-day is that the House should continue the discussion of this Demand, having registered if you like your protest, so that we may get to the real business before the House.

**Dr. L. K. Hyder** (Agra Division: Muhammadan Rural): Let me say at the outset that I sympathise with this demand fully, freely, conscientiously and wholeheartedly. When I look at this motion, Mr. President, I do not think that the method adopted in this connection is the method which would appeal to me. Mr. President, some time ago I was reading a novel and the punishment that was meted out to the criminal in that novel was this—that he was placed by the side of a mountain and a drop of water was poured on his head with infinite regularity, with rhythm every minute of his life and that man was worn down eventually. Now, Sir, if this demand contained a reference to a slight cut pointing out the grievances which the Indians feel on this matter, I should go straight into the lobby and vote for it. This motion, as it is, is not like the drop poured out with infinite regularity on the devoted head of Mr. Sim or the Honourable Member for Commerce. Sir, there is not a drop of argument in this—it is a tearing down of the whole thing. Now, if this had been brought forward in the form of a cut to enter a protest that Indians are not on the Railway Board, and there is no reason why they should not be, I should have gone into that lobby. It does nothing of the kind. It is not the method of argument, discussion, persuasion or conviction. It generates heat this side and generates heat that side. For this reason I shall have to go into the other lobby and oppose it.

**Mr. O. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, the previous speaker, a professor from <sup>3 P.M.</sup> Aligarh, objects to our way of thinking. He feared that the motion of my friend from Bombay would lead to the separation of the sheep from the goat. That would be the consequence no doubt—a consummation devoutly to be wished for. Then he felt the generation of heat! I do not know if he is a professor of science but more light is generated on this side and we leave the heat to the other side and if he likes to generate lightning, he is welcome to it.

I do not know if I could refer to the Honourable the Home Member in his absence. According to a theory that he propounded the other day, one should not refer to an absent Member. I think there is no harm in referring to the Honourable the Home Member as I believe it is perfect courtesy to pay a tribute behind one's back (Laughter); that is exactly what I propose to do. The greatest difficulty and regret on our side is that the Honourable the Home Member does not represent "the



steel frame " of the bureaucracy. He is suave, courteous, good manners personified, and therefore it is difficult to deal with a real issue of the kind in which his predecessor would have revelled.

Sir, the Honourable Member was referring to the impairing of the constitutional integrity. Constitutional integrity, whatever may be the bureaucratic conception, is a paradox which I do not presume to understand. It is a contradiction in terms because I do not, my Party does not, our leader has made it clear in speeches after speeches that he does not, and his great associate who is no longer with us, Deshabandu Das, did not, believe in a constitution which has no *sanction* and the only sanction for a constitution is the Will of the People. This constitution has been imposed on us. It has been imposed on us by people who do not represent us and who are responsible to peoples divided from us by mountains and rivers, by half the world. Therefore, Sir, we are not impairing the constitutional integrity. We are striving to create pure constitutional integrity. We are compelling the Government to understand and recognise the true integrity of all constitutions, which is the sanction of the people. If we do not raise the question of constitutional integrity once a year, when you come to us for supplies, I do not know when we could raise it at all in this House. The Administration has no constitutional sanction behind it and our object is to create that sanction. As for the impairing of the constitutional integrity, I may once for all say that it is not we and our Resolutions that impair that integrity but speeches delivered by men in responsible position, his own predecessor in office who was the other day talking big of the sanction behind the constitutional integrity of bureaucratic domination—namely "the bayonet"! Sir Malcolm Hailey was saying the other day that it was not the ballot box but the bayonet that has the sanction of the constitution. His words are still going through the Indian Press. For the faith that is in him, the present Home Member's predecessor was promoted to another place. We do not know whether we are to take "seriously" the Honourable the Home Member or his own predecessor in office. So far as the Assembly is concerned we know how seriously it has been treated! He said we have been taken "seriously"—seriously on one trivial issue. We have been spurned. Resolutions after Resolutions were consigned to Mr. Patel's "waste-paper basket"—Resolutions adopted in this House. Is this constitutional integrity? You created a constitution. That constitution has not released us from bondage. It has not given the franchise to the 300 millions of India. But it has given the franchise to a few lakhs. We came here as the representatives of the people. We passed Resolutions after Resolutions. Did the Government give effect to them? Where is, may I ask, the constitutional integrity of which the Honourable the Home Member was speaking? I do not like the word "boast" in regard to him but it almost looked like boasting, though he was speaking so utterly sincerely. But his sincerity is confined only to himself. There is another kind of sincerity which is impersonal—sincerity which is synonymous with true constitutional integrity—which does not exist on the other side of the House,—I do not mean in the persons of the Members seated there but in the system of which they are a part. Sir, if we raise this issue to-day, it is in grim earnestness.

Sir, I was not present, I was lunching late, when the Member for Ireland, Mr. Sim, (Laughter) was speaking. Or more correctly Scotland. I am sure that Mr. Sim has read what that famous poet of

[Mr. C. S. Ranga Iyer.]

Ireland Thomas Davis of the 1848 movement said—and the mandate or rather the faith, the ideal behind the motion before the House is involved in that beautiful passage which may be quoted :

“ For freedom comes from God’s right hand  
And needs a godly train ”

—not Sir Charles Innes’ train (Laughter)—

“ And righteous men must make our land  
A nation once again.”

Sir, we know that bureaucratic blood is thicker than Assembly rhetoric. That is why the “scales” were wrongly “weighted” in spite of the plighted word given in this House. And therefore, Sir, this is the only manner in which,—even if we lose the vote of a professor,—this is the only manner in which,—even if we fail to carry this Resolution through,—that we can proclaim, which must be heard, notwithstanding a professor’s trepidation, our feelings in a voice of thunder. (Laughter.)

Sir, the Honourable the Commerce Member was referring prophetic-like to a talk between Pandit Motilal Nehru and his grandson. I do not refer to his son because the conversations of his son are public property (Laughter); and I do not want to refer—the subject is so delicate—to the son of Sir Charles Innes because he has come into the service which his father yet adorns, and has, let us hope, as grand a future before him as his father’s post. (Hear, hear.) But, Sir, I am concerned with the grandson of Sir Charles Innes, who will one day ask of him in dismay: “ Grandpa, did you read *The Lost Dominion*? Why did you lose the Dominion for us?” And later perhaps when he is in a public school or, say, is an undergraduate of Oxford: “ Did you not read the American history? Why did you commit the mistake over again when the Indian people raised their voice of warning? Why did you put your head into the sand like the ostrich? Why do we now have to go to India as foreigners when you went there as one of themselves?”

Do not for a moment imagine that “ the bayonet ” is more powerful than “ the ballot box.” Do not for a moment think that you can ride roughshod over Resolutions which embody the will of the people. I do not want to use harsh language, but I do want that you should see the inwardness of this motion. I find my friend over there, Sir Denys Bray, smiling away, but I think he more than any one else,—a student of Literature and History,—knows that history can repeat itself even on this side of the Suez.

**The Honourable Sir Basil Blackett:** Sir, I rise to take part in this debate, partly as a result of more than one challenge and partly because I feel that to some extent I am responsible for this motion to-day. I do not think I am entirely responsible. I have a feeling that there is a desire in some parts of the House to express a vote of censure on the minority which voted a particular way on a particular Bill last week and is sore at its failure, but at the same time there is some responsibility, I think, with me for some words I used a year ago. These have, I fear, been taken as implying more than they said and they raised expectations which have not at the moment been fulfilled. If that is so, I regret it extremely, because I have always been careful in this House and I

have always done my best not to say a word more than I mean. I have sometimes I know been thought unsympathetic in various quarters of this House because I have refused to make a half or a quarter promise where a mere few words of a half or quarter promise might possibly have turned a vote. Therefore, I feel that I have some responsibility for this debate to-day in that I said a year ago that in the event of Mr. Sim's departure from the office of Financial Commissioner the prospects of an Indian taking his place were bright. The exact words I used need not be repeated. (*An Honourable Member*: "Mr. Parsons was acting at that time.") I do not think that is so. He was not acting at that moment, but still he had been acting quite recently. At that time I went on to say that I hoped Mr. Sim's presence in the Railway Board would be with us for a long time to come. (*An Honourable Member*: "Why did you change your mind?") I cannot enter into all the details of the reasons which have led to Mr. Sim's being transferred to a post where I am sure he will continue to serve the financial interests of this country and the interests of the financial control of this House with the same skill with which he has served it as a Member of the Railway Board. (Applause). At that time I certainly had not in mind such an early transition. At the same time it was made perfectly clear at the moment, and I think my own words confirm it, that the question would be who was the most suitable candidate; my words were "whether when the time comes the most suitable candidate will be an Indian or not is a matter on which it is quite impossible to prophesy." I cannot understand how that can be taken by the House as meaning that in all circumstances an Indian would be appointed. (*An Honourable Member*: "Read the next sentence.") I am not here to apologise for or withdraw what I said last year even though it has been misunderstood, but I do wish to point out that I did not say that in no circumstances would the successor to Mr. Sim be other than an Indian. Now, the House has been complaining that there has been no response to its action last year. A year ago when I was speaking, of all the 5 Directors in the Railway Board none were Indians. To-day there are two. That is, I claim, a direct response to the attitude of this House. I do not say that it would not have happened but for the fact that the cut was carried out. But I do claim that the statement that there is no response on the side of Government to votes carried in this House is an extreme overstatement of the position. The problem of Indianization is a big one, and it has been raised to-day on a particular issue, but I do wish Honourable Members would realise that it is going on at a very great pace and that the way to get successful Indianization is when you have a vacancy for an Under Secretary and there is a suitable Indian who is a good candidate for that post put him in, and a few years after he will be a good candidate for a higher post and in a comparatively short time, a period that is very short in comparison even with the history of Britain in India and short indeed in comparison with the history of India, you will get a mighty transition.

Now, what is the alternative? Supposing just because a post is vacant we decide that it must in all circumstances be filled by an Indian. Supposing that it is filled, although there is no Indian who has had the special training required—and remember it is a matter of very special training in the Finance Department and the Railway Department—who can fill this post? But none the less we put the man in. What is the result? Very likely, not because it is his fault, but because he is put in a position for

[Sir Basil Blackett.]

which he has had no training, he is a failure. Is that the way to secure successful Indianization? Do you want us to put a man into a post for which he has had no training with the result that you have a very good chance of doing him very undeserved damage and giving the appearance of making a failure of Indianization?

Now, let me turn to the general question of grievances before supply for a moment. The Honourable Pandit Motilal Nehru says that he stands here to support this motion on the basis of the doctrine of grievances before supply. Now, the doctrine of grievances before supply as interpreted by the House of Commons to-day and for the last two centuries is itself to a large extent a convention. What it means is that the House of Commons insists on and gets the opportunity of discussing grievances very fully before it grants supply.

**Mr. A. Rangaswami Iyengar:** That is not the position.

**The Honourable Sir Basil Blackett:** That I agree is not the practice which the Mover of this motion has in mind. What he seems to have in mind is that because he has got grievances he wants to refuse supply with the perfect certainty and in the expectation that that supply will none the less be forthcoming. If he believed for a moment that the supply would not be forthcoming, would he vote for this motion? Is he going to make a grievance of it after the event as he has done in other cases that we have restored this grant? The only effect of misusing the convention in the way in which it is proposed to misuse it to-day is to destroy the meaning both of the phrase "grievances before supply" and of the convention.

**Pandit Motilal Nehru:** My friend is entirely mistaken in the meaning of the phrase. It does not mean anything like what he imagines. I would request him to study the procedure of the House of Commons.

**The Honourable Sir Basil Blackett:** The phrase "grievances before supply" means the claim of His Majesty's Commons in Parliament assembled to express their grievances and to insist within the possibilities of the moment on their being attended to before they vote supply.

**Mr. Chaman Lall** (West Punjab: Non-Muhammadan): Refusing supplies if they are not attended to as happened in the reign of Charles I.

**The Honourable Sir Basil Blackett:** It is largely a matter of convention. If the Honourable Member thinks he can refuse supplies, I invite him to follow it up in the proper way. But if he recognises that this is a convention which if properly used may redound immensely to the advantage of the extension of the control by this Assembly over finance and will lead on in due course to a further stage, then he will not waste his opportunities by misusing the convention. I would remind the House that two years ago in a great hurry it started on the discussion of Demands for Grants by throwing out four Demands one after another as a whole. It did not find it a very satisfactory procedure. One Honourable Member at any rate has publicly expressed the view that this was a bad mistake. When we were discussing a very similar motion to this a year ago, Mr. Jinnah said:

"My friend Pandit Motilal Nehru says that we did that last year. Sir, his question is perfectly pertinent, and my answer is this. Supposing we thought that we were wrong last time, are we going to commit the same mistake again? I think we all make mistakes. . . . I am humble enough to admit here and proclaim it that I make mistakes."

I too ask the House not to make this mistake again. What has been said by my Honourable friend Diwan Bahadur Rangachariar is perfectly true. The effect of a cut by Rs. 100 or a motion for a cut by Rs. 100, I maintain, is not only equal to but greater than the effect of an action of this sort.

**Mr. A. Rangaswami Iyengar:** Do you resign on the motion?

**The Honourable Sir Basil Blackett:** The Honourable Member forgets that one of the conventions which helps to make the Parliamentary system work in England is that a Minister has the right to resign if he does not like the way in which the House votes his supplies.

**Mr. A. Rangaswami Iyengar:** It is his duty to resign.

**The Honourable Sir Basil Blackett:** You cannot apply that convention unless you apply it with that common sense of which Mr. Jinnah is very fond—I repeat his special phrase—unless you apply it with common sense; and do not let us have the sort of heroics that came from our friend Mr. Abhyankar before lunch. We were reminded by Mr. Neogy that this sort of talk was at any rate useful for our physical exercise and that it gave us an opportunity of using our voice. I am sure one Member took that opportunity but I cannot help thinking that it is bad for another organ. Now, I do ask the House to think twice as to what they are doing. Are they going to repeat the mistake if they throw out this demand that they made two years ago? They are going to do exactly what neither they nor the members of the Government of India desire, namely, to make restoration a normal, ordinary, every day occurrence.

**Pandit Motilal Nehru:** It is already an every day occurrence.

**The Honourable Sir Basil Blackett:** I challenge the Honourable Member's view that it is already a normal every day occurrence.

**Mr. A. Rangaswami Iyengar:** It was stated in the Joint Committee's Report that it was expected to be used as a normal weapon.

**The Honourable Sir Basil Blackett:** I do not say that it is not a normal weapon, which is quite different. A pistol is a normal weapon, but is its use a normal occurrence for an attack on one's friends or enemies? I ask the House to think twice before they throw this out. By doing so, they will definitely put the hands of the clock of progress back. They will be losing a very considerable part of the advance that has been registered in the matter of the machinery of financial control in the last two years and they will be doing what Mr. Jinnah deprecated a year ago, repeating the mistake without any advantage either to themselves or to the country.

**Mr. A. Rangaswami Iyengar:** I move, Sir, that the question be now put.

**Mr. President:** The question is that the question be now put.

The motion was adopted.

**The Honourable Sir Charles Innes:** Sir, my Honourable friend Mr. Jamnadas Mehta said that the Budget is the time to voice railway grievances. I quite agree; and in that view, why is it that the Honourable Member proposes to throw out this Demand here and now with the object apparently of stopping the discussion of the grievances which other notices of motions for reduction refer to?

**Mr. Jamnadas M. Mehta:** The Railway Board is the greatest grievance.

**The Honourable Sir Charles Innes:** It has been said that the Railway Board is entirely unresponsive to opinion in this House. I deny that statement absolutely. I claim, Sir, on behalf of the Railway Board that we are probably more responsive than any other department of the Government of India. Sir, I propose to prove that statement. I would ask the House what other department of the Government of India is there which places its Budget absolutely without any reserve whatsoever before a Committee which is composed entirely of non-official Members of this House. The Railway Board is the only department which does that. Sir, I must say that the House talked a lot about response to-day. If the House passes this motion of my friend Mr. Jamnadas Mehta they will be making a very poor response to the very hard work which Mr. Sim has undertaken in order to give the House through its own Committee the fullest possible information about this Budget. Sir, in the Railway Department, for the last two months we have been spending the whole of our time and the whole of our energies in trying to place this Budget before this House in a form which will admit of useful discussion; and it seems to me, Sir, that this House will be very ungrateful if on purely political grounds and for a purely imaginary benefit, which will be no benefit at all, it throws aside the whole of our labour and proceeds to throw out this Demand. Sir, I am confident that they will not do so.

**Mr. President:** The original question was :

“That a sum not exceeding Rs. 9,68,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1927, in respect of the ‘Railway Board’.”

Since which the following amendment has been moved :

“That the Demand under the head ‘Railway Board’ be omitted.”

The question is that that amendment be adopted.

The Assembly divided :

AYES—51.

Abdul Haye, Mr.  
Abdul Karim, Khwaja.  
Abhyankar, Mr. M. V.  
Acharya, Mr. M. K.  
Ahmed, Mr. K.  
Aiyangar, Mr. C. Duraiswami.  
Aiyangar, Mr. K. Rama.  
Ariff, Mr. Yacoob C.  
Badi-uz-Zaman, Maulvi.  
Chaman Lal, Mr.  
Chetty, Mr. R. K. Shanmukham.  
Das, Mr. B.  
Das, Pandit Nilakantha.  
Duni Chand, Lala.  
Dutt, Mr. Amar Nath.  
Ghose, Mr. S. C.  
Ghulam Abbas, Sayyad.  
Goswami, Mr. T. C.  
Iyengar, Mr. A. Rangaswami.  
Kasturbhai Lalbhai, Mr.  
Kidwai, Shaikh Mushir Hosain.  
Lajpat Raj, Lala.  
Mahmood Schammad Sahib Bahadur,  
Mr.  
Majid Baksh, Syed.  
Makan, Khan Sahib M. E.  
Malaviya, Pandit Krishna Kant.

Malaviya, Pandit Madan Mohan.  
Mehta, Mr. Jamnadas M.  
Misra, Pandit Shambhu Dayal.  
Murtuza Sahib Bahadur, Maulvi.  
Sayad.  
Mutalik, Sardar V. N.  
Narain Dass, Mr.  
Nehru, Dr. Kishenlal.  
Nehru, Pandit Motilal.  
Nehru, Pandit Shamlal.  
Neogy, Mr. K. C.  
Piyare Lal, Lala.  
Ramachandra Rao, Diwan Bahadur M.  
Ranga Iyer, Mr. O. S.  
Ray, Mr. Kumar Sankar.  
Samiullah Khan, Mr. M.  
Sarfaraz Hussain Khan, Khan.  
Bahadur.  
Shafee, Maulvi Mohammad.  
Singh, Mr. Gaya Prasad.  
Sinha, Mr. Ambika Prasad.  
Sinha, Kumar Ganganand.  
Talatuley, Mr. S. D.  
Tok Kyi, U.  
Venkatapattiraju, Mr. B.  
Yakub, Maulvi Muhammad.  
Yusuf Imam, Mr. M.

## NOES—48.

Abdul Qaiyum, Nawab Sir Sahibzada.  
 Abul Kasem, Maulvi.  
 Aiyer, Sir P. S. Sivaswamy.  
 Akram Hussain, Prince A. M. M.  
 Bajpai, Mr. R. S.  
 Bhoze, Mr. J. W.  
 Blackett, The Honourable Sir Basil.  
 Bray, Sir Denys.  
 Burdon, Mr. E.  
 Calvert, Mr. H.  
 Carey, Sir Willoughby.  
 Cocke, Mr. H. G.  
 Crawford, Colonel J. D.  
 Donovan, Mr. J. T.  
 Gidney, Lieut.-Colonel H. A. J.  
 Gordon, Mr. R. G.  
 Graham, Mr. L.  
 Hayman, Mr. A. M.  
 Hezlett, Mr. J.  
 Hindley, Sir Clement.  
 Hira Singh Brar, Sardar Bahadur Captain.  
 Hudson, Mr. W. F.  
 Hyder, Dr. L. K.  
 Innes, The Honourable Sir Charles.  
 Jatar, Mr. K. S.

Lindsay, Sir Darcy.  
 Macphail, The Rev. Dr. E. M.  
 Mitra, The Honourable Sir Bhupendra Nath.  
 Muddiman, The Honourable Sir Alexander.  
 Muhammad Ismail, Khan Bahadur Saiyid.  
 Naidu, Rao Bahadur M. C.  
 Neave, Mr. E. E.  
 Owens, Lieut.-Col. F. C.  
 Rahman, Khan Bahadur A.  
 Raj Narain, Rai Bahadur.  
 Rangachariar, Diwan Bahadur T.  
 Reddi, Mr. K. Venkataramana.  
 Roffey, Mr. E. S.  
 Setalvad, Sir Chimanlal.  
 Sim, Mr. G. G.  
 Singh, Rai Bahadur S. N.  
 Stanyon, Colonel Sir Henry.  
 Sykes, Mr. E. F.  
 Tonkinson, Mr. H.  
 Vernon, Mr. H. A. B.  
 Vijayaraghavacharyar, Sir T.  
 Wajihuddin, Haji.  
 Willson, Mr. W. S. J.

The motion was adopted.

## DEMAND NO. 2.—INSPECTION.

**The Honourable Sir Charles Innes:** Sir, I beg to move:

“That a sum not exceeding Rs. 1,10,000 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, 1927, in respect of ‘Inspection’.”

**Mr. Jamnadas M. Mehta:** Sir, I want to oppose this Demand for the simple reason that inspection is not being carried on in the manner it ought to be carried on. I have only one glaring instance to cite of the bad way in which inspection is carried on on our Railways. Only last Session when returning from Simla, I saw that at Kalka station there is a lady, Mrs. Jackson, who is in charge of looking after the comforts and conveniences of passengers, and this lady is supposed to be inspecting the comforts and conveniences of passengers . . . .

**Sir Clement Hindley** (Chief Commissioner, Railways): I rise to a point of order. I do not think the official to whom the Honourable Member refers comes under this vote.

**Mr. Jamnadas M. Mehta:** If she does not come under this vote, under what other vote does she come, may I know?

**Mr. A. M. Hayman:** Demand No. 5.

**The Honourable Sir Charles Innes:** May I explain, Sir. This vote deals with the inspection to secure the safety of our railway lines by our Government Inspectors.

*Extravagance and Defective Inspection.*

**Mr. C. Duraiswami Aiyangar** (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, I beg to move my amendment:

"That the Demand under head 'Inspection' be reduced by Rs. 30,000."

Sir, I move it on the ground that there is extravagance of expenditure under the head 'Inspection', and there is also defective inspection in the sense that the Inspectors do not discharge their duties properly. Last year also I dealt with this question, and I dwelt at great length on the way in which Inspectors travel without paying any heed to the condition of the vehicles in various branches of the Railways. I also complained on that occasion that I had never seen any Inspector travelling on a line, and I also stated clearly that the only occasion when I could infer or guess that a Railway Inspector had been travelling was on the rare occasions when in certain trains lights were burning, when water was found in the closet, and when the station staff was rapidly moving to and fro from the engine to the tail end of the train. I said, Sir, on that occasion, that the Railway Inspectors have never been found to go out and make inspections in such a manner as to approach directly the passengers of either the first, second or third class. On that occasion my Honourable friend Sir Clement Hindley said:

"If the Honourable Member particularly desires to see that inspiring spectacle of a Government Inspector getting out of the saloon, I think we may perhaps arrange it for him when he gets back home. I do not think the Government Inspector really has any objection to being seen by the Honourable Member. He is neither in *purdah*, nor do I think he has any caste prejudices."

This was the reply which Sir Clement Hindley gave me on that occasion, and I may assure this House that after that Session of the Assembly I did go back home. A year has passed away, and the Honourable Sir Clement Hindley has not arranged for that inspiring spectacle of the Inspector being seen by me. He says, Sir, that the Government Inspector is neither in *purdah* nor has he any caste prejudices. Of course, Sir, he has no caste prejudices, but I do think he has class prejudices, and unless he is approached by probably a European or an Anglo-Indian, he would not condescend to speak to other classes of people in the world; call it class or call it race, whatever it may be, he has some distinction of his own. I therefore repeat my complaint that the Inspectors are not doing their duty properly. Of course, from the statutory point of view, they probably discharge some of the functions such as looking to the fitness of the tracks or of the carriages being used for public traffic. Then my Honourable friend also stated on the last occasion that it is also a part of the Inspector's duty to look to the comforts of the passengers travelling on the Railways, and also to hear from them what inconveniences they feel while travelling, or even as regards the goods traffic. If only my Honourable friend had examined some of those who deal in goods traffic, I mean those who consign their goods, he would have heard from them lots of complaints and lots of inconveniences which they experience.

[At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President (Diwan Bahadur T. Rangachariar.)]

I may also submit that even in the matter of inconveniences felt by passengers, in arranging for through communications, I think it is the duty of the Inspectors to bring those inconveniences to the notice of the higher



authorities and of the Agents of the several Railways to arrange for through carriages. If only he had noticed the inconveniences felt by passengers at Katpadi Junction, he would certainly have suggested through trains straight on from Villuppuram to Gudur. But, Sir, I know that only one such train has since been arranged, but I think he would have recommended to the authorities that instead of two companies managing one straight line of railway from Villuppuram to Gudur, the management of it should be entrusted to one company, whether it is the Madras and Southern Mahratta Railway or the South Indian Railway.

Then in the matter of accidents, Sir, I also brought this to the notice of the Honourable Member on the last occasion. And this year do we find any improvement in the matter of accidents? We do find an improvement in the sense that there has been an increase of accidents. Sir, on a comparison of the figures of 1923-24, and of 1924-25, it will be found that there has been an increase of accidents rather than a decrease. I will not particularly go into the question of the train collisions about which my friend Diwan Bahadur T. Rangachariar has given notice with particular reference to the Pattukottai disaster. But I may point to the Administration Report itself which shows that comparing the figures of 1923-24 with 1924-25, there has been an increase of accidents. The number of passengers killed in 1923-24, was 372, while in 1924-25 it was 418. The number of railway servants killed in 1923-24 was 417 and 466 in 1924-25. Other persons killed were 2,029 in 1923-24 and 2,061 in 1924-25. The list of injured people is also on the increase. In 1923-24 the number of passengers injured was 1,272 whereas in 1924-25 it was 1,312. The number of railway servants who were injured was 1,420 in 1923-24 and 1,489 in 1924-25. The number of other persons injured was 3,448 in 1923-24 and 3,658 in 1924-25. So that, the figures given for the two years in the Administration Report show clearly that accidents are on the increase. I think these are due to defects in inspection. As for the extravagance, I said on a previous occasion that the entire inspection staff in Britain costs only Rs. 70,000 whereas here we budget for Rs. 3,86,000 and that all that extravagance in expenditure is uncalled for by comparison of the mileage which exists in India and in England. Is there any justification for making such an extravagant expenditure? On the last occasion, I may again remind the Honourable Sir Clement Hindley that he took objection to my comparing the mileage in this country with the mileage in England in the matter of the expenses required for the purpose of inspection. At the same time, on another point in the same speech, he began to draw a comparison between the state of things in India and the state of things in Britain. Whatever the state of things in that country may be, it is clear that the number of miles which the Inspectors have to travel on the trains here is much less than in Britain. It is not pretended that these Inspectors are going out for any excursion into the forests or jungles or roads where there are no trains. So long as the inspection is confined to an inspection of the trains and the railways and the carriages on the railways, it makes absolutely no difference that the condition of India is different from the condition of Britain. All the same, it is clear that it is the question of mileage that has to be taken into account. Taking that as the test, we find that in Britain there is a greater length of railways than here. We have only 38,000 miles here whereas they have more than 50,000 miles; and yet we find that the inspection staff there costs not even a quarter of what we pay here. But what is

[Mr. C. Duraiswami Aiyangar.]

the good of my crying in the wilderness when every item that is really objectionable is non-votable? I may point out in this connection that one feature of this Budget is that in 1925-26 there was at least Rs. 20,000 under the voted head and Rs. 1,91,000 under the non-voted head. But in this year's Budget, we find that both the voted and non-voted items have been put under non-voted at Rs. 2,26,000 and everything under the head of voted has been altogether omitted.

**Mr. A. M. Hayman:** That is not correct. If the Honourable Member will turn to page 3 of the statement of Demands he will find at the bottom that Rs. 2,76,000 is shown as non-voted and Rs. 1,10,000 as voted.

**Mr. C. Duraiswami Aiyangar:** Rs. 11,000 comes under another head. I am speaking of permanent Government Inspectors' pay. Government Inspectors' pay, which was voted in 1925-26, has become non-voted this year.

**Mr. A. M. Hayman:** Because you draw officers to fill appointments from the Engineering Service. Sometimes you have to draw an officer whose pay is voted and sometimes you draw an officer whose pay is non-voted; the figures must fluctuate from year to year.

**Mr. C. Duraiswami Aiyangar:** I quite understand the exigencies of the Department in varying the figures, but we view it from a different point of view. There was Rs. 20,000 voted last year. It should not have been taken away from us. That, Sir, is our complaint. I only wish that the exigencies of the Department were such that more came on the voted from the non-voted side instead of the reverse. That, Sir, is my complaint. Therefore it is that I have proposed a reduction of Rs. 30,000. How do I arrive at that figure? It is simply this. I cannot take away the pay of the establishment. I cannot starve the poor clerks and servants. Where do I cut it then? I cut out Rs. 30,000 under "Allowances" which is votable. Rs. 30,000 has been provided for under "Allowances," etc., which I want to take away. I take it away for good reasons, namely, that the Inspectors do not deserve this allowance because of the extravagant staff and pay that are already provided for and because I feel that you have taken away Rs. 20,000 from the votable item to the non-votable item, and because I also feel that you must deduct from Rs. 2,26,000 which you have put under non-votable items Rs. 30,000 if you like for that purpose and so reduce the expenditure under non-voted. I find the expenditure has increased under that head. Only Rs. 2,21,000 was provided for in the Budget last year, and the revised figure was Rs. 2,11,000, whereas you have provided Rs. 2,26,000 in the present Budget. If you please, let the exigencies of the Department enable you to cut down some figure under the non-votable head and put it under allowances if you want. I have no objection to your certifying it in that manner. I only request that these Rs. 30,000 which have been provided for under the head "Allowances" might be taken away.

**Mr. H. G. Cocke (Bombay: European):** Sir, the Honourable Member expressed sympathy for the clerks and servants. He said that he would on no account make a cut from those items. I should like to ask him whether he has satisfied himself that no part of these allowances of Rs. 30,000 will affect clerks and servants. If he has not made inquiries

in that direction or if, having made them, he finds any of this amount of Rs. 30,000 affects clerks and servants, I presume he is prepared to withdraw his motion.

*The Pattukottai Train Disaster.*

**Mr. Rangaswami Iyengar:** Sir, I desire to draw attention under this Demand, to a motion of which you, Sir, have given notice, and which apparently you are not now in a position to move, and that is, Sir, with regard to the train disaster at Pattukottai.

**The Honourable Sir Charles Innes:** May I rise to a point of order. Sir? Will not you, Sir, possibly have a chance of moving that motion later?

**Mr. Deputy President:** Very likely I may have.

**Mr. A. Rangaswami Iyengar:** I claim that I am entitled to refer to the Pattukottai train disaster whether that motion is moved or not. I therefore direct the attention of this House to the wholly unsatisfactory manner in which the Government have dealt with this appalling train disaster. Honourable Members are apparently not aware of the circumstances of this disaster. When I put some questions the other day asking for information, the information furnished by the Honourable Member was nothing more than what had appeared already in the Press. When I put certain other questions as to the standard of construction of the line, of the trains and engines used, and as to the staff employed, my Honourable friend Sir Charles Innes said that he must have notice. Sir, that is the state of things in which these serious disasters are allowed to be perpetrated in this country without a proper inquiry. We all know, Sir, that under the rules framed under the Indian Railways Act, a departmental inquiry has to be held immediately after a train disaster. This departmental inquiry was held and the public claimed that they should have access to it, that they should be allowed to tender evidence and to know what exactly was the cause of the disaster. That was refused. At the end of the departmental inquiry a communiqué has been issued through the Agent which says, notwithstanding all that happened, that the disaster was due to *vis majore*, the hand of God, and that no human being could have averted that disaster. But, Sir, we find from all the information which was given in the Press by those who actually travelled in the train that it is clear that the railway authorities did not take the most obvious precautions that they could have taken.

**The Honourable Sir Charles Innes:** Which?

**Mr. A. Rangaswami Iyengar:** I refer my Honourable friend to an article which has appeared in the '*Railway Magazine*'.

**The Honourable Sir Charles Innes:** What precautions?

**Mr. A. Rangaswami Iyengar:** The precaution to be taken was that the assistant station master at Pattukottai was or must have been aware of the fact that the station master had previous notice from the guard of the previous goods train travelling from Arantangi to Pattukottai that a certain tank close by was threatening to breach and that water was touching the line. I say, Sir, that it was the clear duty of the Pattukottai assistant station master to have informed the previous station to detain the train that was coming up. That was not done. On the other hand, the Agent in his report whitewashes the whole business and says that they did not expect any such threatening breach of the tanks. The station master said that they had no idea that there was a chain of tanks one below the other which

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could have breached suddenly and washed off the line. On the other hand, the permanent way inspector was well aware of it and he said that these tanks were breaching. I want also to know, apart from the circumstances attending the train disaster, what steps the Government took to find out whether that line was properly laid, whether there were sufficient vents for the passing of flood water, whether the standard of construction of that line was proper, whether the engines that were used were of a proper character and whether search-lights were given to those engines on the line on that day which was very rainy and dark. That, Sir, is the position in which we are wholly without information and the Agent's report from all that we know was wholly at variance with the report which we understand was submitted by the District Magistrate in his own department. We want to know, we want to have particulars as to what the District Magistrate's report contained; we want to have particulars as to what the Agent's report contained; we want to have particulars as to whether Government examined the position of the line, at what time these Inspectors had made the previous inspection of the line, whether they found the line sound enough, whether they found the alignment of the line proper enough, whether there were vents enough to pass the rain water. To say that it was unexpected, that it was the hand of God that breached this line and made the whole train collapse at that place which was within two miles of the railway station where they could easily have obtained information with proper guards to stop the disaster from happening—is to say that Government is not only culpable in not having taken proper precautions, but in refusing to look into this matter even after this appalling disaster has happened. I wait to hear the reply of the Government on that point.

**Diwan Bahadur M. Ramachandra Rao** (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): I had given notice of a motion under this head with a view to draw the attention of the Government . . .

**Mr. Deputy President:** Does the Honourable Member propose to speak on No. 54? I am afraid it is outside the scope of No. 49. I 4 P.M. allowed Mr. Rangaswami Iyengar to proceed with his remarks because they come under the head of "defective inspection". But the Honourable Member's (Diwan Bahadur M. Ramachandra Rao's) motion is about "Investigation into accidents." I think that is outside the present motion before the House. I think the Honourable Member may wait.

**Mr. M. K. Acharya:** I rise to move the amendment that stands in my name, No. 48, for very much the same reasons.

**Mr. Deputy President:** The Honourable Member did not rise in his place when the Demand was taken up.

**Mr. M. K. Acharya:** I never knew, Sir. I had been rising almost from the time the Demand was taken up and I never knew . . .

**Mr. Deputy President:** You may speak on this motion.

**Mr. M. K. Acharya:** But my amendment is exactly on the same grounds . . .

**Mr. Deputy President:** I am afraid it is too late. The Honourable Member may speak on the present motion No. 49.

**Mr. M. K. Acharya:** Is that a point of order . . .

**Mr. Deputy President:** That is my ruling. Sir Clement Hindley.

**Sir Clement Hindley:** In regard to the general question of inspection by Government Inspectors which has been raised on this motion I do not think that there is anything very definite in what the Honourable Mover has put before the House which I can properly answer. He has made a lot of vague statements. He began, of course, with the old story and protested about not having seen a Government Inspector. But I do not think honestly that that story will impress a body of business men very seriously. The Government Inspectors are responsible for the inspection of the whole of our Railways in the course of the year. They have certain duties laid upon them, statutory duties laid upon them by the Railways Act and they are responsible to the Railway Board for the methods they adopt for carrying out those duties. Amongst other things, they are required to make a careful inspection throughout each system of railway once during the year and that is generally carried out in the cold weather with the responsible heads of the Railway Administration. We, of course, I need hardly say, are satisfied with what the Government Inspectors have done during the last year. They have inspected the lines, they have carried out their duties, and they have submitted their reports. I would ask this House to consider what is there in the Honourable Mover's speech with regard to these Inspectors to lead this House to censure them by adopting this motion. He has not seriously put forward any case which has come to his notice of the neglect of the Government Inspector to carry out his statutory duties and there has not been said anything in regard to Government Inspectors which can lead this House to believe that any Government Inspector has neglected his duty during the past year or to make them think that perhaps he will neglect his duty during the coming year. What the House is asked to do in carrying the motion which has been made by my Honourable friend opposite is to deprive these Inspectors of their allowances. Now, one of their first important duties is travelling and inspecting the lines. They have to spend many days at a time away from their homes. They are away sometimes as much as 23 or 24 days travelling continuously.

[At this stage Mr. Deputy President vacated the Chair which was resumed by Mr. President.]

As I told the House last year we have the Railways in India divided up into eight different circles. Some of these circles are as much as 7,000 or 8,000 miles in extent. It is no good comparing the work that these Inspectors do, as I told the House last year, with the Board of Trade Inspectors in England. There is no distance in England which can compare with the distances which these men have to travel over in the course of their duties. For instance, the Government Inspector who is in charge of the East Indian Railway and the Bengal Nagpur Railway has a total mileage of 9,146 miles to inspect in the course of the year. Now, the House is asked to pass a vote of censure on those Inspectors and to deprive them of the amount of money which we estimate as their allowance for travelling in the coming year. And what would be the actual effect of carrying this vote? It would mean that the rules regarding the allowances which these men are allowed to draw for travelling would become inoperative. They will not be allowed to draw the allowances, and the first thing they would do would be to sit down in their offices and say, "We cannot travel". What we want to do is to encourage these people to travel. We want to put no bar in the way of their being able to travel and travel comfortably, because I can assure the House that they have very heavy, very arduous duties to perform. And it is not fair for this House on a statement such as that made by the Honourable Mover to pass a vote of

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censure on these Inspectors or to deprive them of the allowance which they are entitled to under our rules. These Government Inspectors vary in service from perhaps 10 to 15 years to as much as 25 years. They have put in all their active service in India on the Railways and these men are entitled to a little more appreciation of the work they have done in enabling us to maintain the Railways safely, than would be indicated by the motion such as that moved by the Honourable Member.

**Mr. C. Duraiswami Aiyangar** (Madras ceded districts and Chittoor: Non-Muhammadan Rural): May I remind the Honourable Member of the speech he made last year regarding matters of public convenience and overcrowding, and so on. He said that they had issued special orders to Government Inspectors from time to time either in the direction of making special investigations for the Railway Board or of watching other matters generally in the course of their inspection. Is that a story or a fact?

**Sir Clement Hindley:** The Honourable Member has done well to remind me of that because in that speech I pointed out that we had instructed Government Inspectors from time to time to carry out such special inquiries as he mentioned just now. It is not part of their statutory duties under the Railways Act to go about and lie in wait for passengers like the Honourable Member opposite and ask him if he has had a comfortable journey. The officers whose duty is to see that the Honourable Member has had a comfortable journey are not the Government Inspectors but the Agents and the officers and the subordinate supervising officers of the Railways themselves. The Government Inspector, as I said before, is entrusted with certain statutory duties regarding the safety of the travelling public, and we have from time to time used them for these special inquiries which I mentioned. It has been so because the circumstances were special and not because that is part of their ordinary normal duties. I hope I have made that quite clear. We look to the Agents of the Railways and their officers to maintain and run the railways in the interests of the travelling public and to do what they can for the convenience of the travelling public. The Government Inspectors are for inspecting such things as signals, interlocking, bridges and so on, the technical equipment which we have to use and to ensure to us by their certificates that this equipment is in a proper state. I will not go into the difficult matter of voted and non-voted expenditure. I am not concerned with the incidence of the expenditure, as between voted and non-voted, which comes into the Budget. What I am concerned with is the total amount that is being spent on inspection, and I have to say that I consider that we are spending if anything less than we should, rather than more, on this very important matter of inspection. From the technical point of view, all our equipment and our apparatus become more and more complex and more and more highly scientific every year. I do not expect Honourable Members of the House sitting opposite to me quite to appreciate that point, but I wish I had an opportunity sometimes of taking some of them round and showing them some of our highly technical equipment. If they will exercise their imagination, they will realise that we have to deal with traffic over great distances and we carry passengers year in year out with the greatest safety, in spite of the figures quoted by the Honourable Member. For that work, we must have more and more complex and scientific equipment yearly and it is essential, I lay very great emphasis on this, that we should have the most competent people, the most highly trained engineers for these posts of Government Inspectors.

I would like the House to appreciate the importance of that above anything else, and I hope this House will not lend itself to this device of petty persecution of a number of officers whose salaries happen to be non-voted simply on the grounds such as those suggested by my Honourable friend opposite.

**Pandit Shamial Nehru** (Meerut Division: Non-Muhammadan Rural): I want to know if the expenditure in India is not four times as much as in England, as Mr. Duraiswami Aiyangar has said, although the mileage is less.

**Sir Clement Hindley**: I do not know anything about the Inspectors' salaries or the cost of them in England, but I do know that in England you have got a very different problem to deal with. I do not know whether there is any comparison between the two except this that no Board of Trade Inspector has to travel 1,200 miles from his home to visit an accident. On the occasion of this regrettable incident in Pattukottai, the Government Inspector had to travel something like 600 or 700 miles from his home to get to that place. If the opposite side of the House try to reduce the number of Inspectors, I can only say that Government Inspectors will have to travel very much farther than they do at present in order to visit the scene of accidents and to carry out their inspections. It is a perfectly simple and straightforward matter and it does not matter whether the item is voted or non-voted so far as I am concerned.

**Diwan Bahadur T. Rangachariar**: My Honourable friend Mr. Rangaswami Iyengar during your temporary absence stole with my consent my amendment No. 51, on which I want to say a few words. I wish to draw the attention of the House and of the Commerce Member to the serious nature of this disaster. There was 2 or 3 hours rain and 200 yards of the railway line were washed away; the train ran into the portion and whole carriages were smashed to pieces. It is said that the engine driver was driving at normal speed. It was raining. It was a dark night. The passengers were sleeping. The official account says that 8 people were killed and 20 people were injured, but the public believe that more people were killed and injured. Whatever it is, that such an accident should occur within two miles of a railway station shows clearly that the inspection on this line must have been very defective indeed. As Sir Charles Innes knows from his experience of the district, these railway embankments are two or three feet above the road level. It seems that one patrol man Rengoo, whose name happens to be my name, went over the line and reported to the assistant station master that the line was all right but one can hardly believe that that man could have been on the line. 8½ inches of rain had fallen in the course of 2 or 3 hours. Why did not the driver himself take more care? Why did he drive when it was pitch dark and it was raining hard? The officials are not properly informed of the lie of the country. There is a great defect in the system under which these railways are worked.

Another point to which I want to draw the attention of the House is this. We find the Agent and the District Magistrate contradicting themselves. I know the District Magistrate very well. He is a very efficient man. He took personal trouble and personal risk in the 1924 floods, which no ordinary resident would have taken. He made an inquiry. His report is different from the Agent's report. The Agent says there is no chain of tanks in that neighbourhood but the Government officials report that there is a chain of tanks coming low down. The inquiry seems to have been

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defective. The people responsible have not been properly dealt with. There has been an attempt to take a lenient view of this. If a lenient view of such disasters is taken, the security for the lives of passengers is lessened. I think in such matters there should be no soft conscience. You must deal with them severely. Otherwise these disasters are bound to occur and I do ask the Government of India to take serious steps to see that inspection is more frequent and more efficient and that the people responsible for these disasters are dealt with seriously.

**Mr. M. K. Acharya:** Sir, in your absence I stood up and wanted to move the amendment which stood in my name.

**Mr. President:** Does the Honourable Member wish to speak on this amendment?

**Mr. M. K. Acharya:** I am just asking you whether I can do it now. That was ruled out. I was asked not to speak on it.

**Mr. President:** Does the Honourable Member appeal against that ruling?

**Mr. M. K. Acharya:** No, all that I am asking for is your ruling as to what I am to do . . . .

**Mr. President:** When the Chair rises the Honourable Member must sit down. The Honourable the Deputy President has given a ruling and that ruling is binding upon the Honourable Member, the President cannot constitute himself into a court of appeal. (Applause.)

**Sardar V. N. Mutalik:** Sir, may I request the Chair to enlighten me in regard to my amendment No. 52. Does that amendment stand if this amendment goes or does my amendment merge in this amendment?

**Mr. President:** The subject matter of No. 51 is the same as that of No. 52, and therefore if the Honourable Member wishes to speak now he may do so.

**Sardar V. N. Mutalik:** Sir, the difficulty is this, the amendment which my friend Mr. Duraiswami Aiyangar has moved refers to allowances. He wants to reject allowances, whereas I do not.

**The Honourable Sir Charles Innes:** Sir, I have risen to give some reply to Mr. Rangaswami Iyengar and to Mr. Rangachariar in respect of this very regrettable accident at Pattukottai. I should like to say that nobody regrets that accident more than we who are up here ultimately responsible for the safety of Indian Railways; but I do wish at once to challenge what Mr. Rangachariar has said, namely, that we regard these accidents with equanimity and that we do not punish our railway staff severely for any negligence which contributes to accidents of that kind. Sir, I think the House ought to realize that our railway staff, especially the drivers of the trains, do have very great responsibility, and if, whether it be by negligence, or whether it is because they are tired or sleepy, and they make a mistake the result of that mistake may be that they find themselves run in in a criminal court and go to jail. I would only remind the Honourable Member that twice in the last 18 months have our servants, both at Harappa Road and at Halsa gone to jail for what was after all negligence. And I hope the Honourable Member will get it out of his head that we in any way deal leniently with men who are responsible for accidents.



Now the Honourable Member, Mr. Rangachariar, has said that the inspection must have been incomplete. That was a point upon which we called for very careful reports from our own Senior Government Inspector, and if it will not bore the House I should like to read what he says. He says:

"The South Indian Railway have a very complete system of patrolling which is as follows:

Between stations A and B selected so as to give each patrol man an approximate beat of 3 miles a card is passed in both directions and back again between 18 hours and 6 hours.

The station master at A after entering the time starts a patrol man in the direction of B with card No. 1 and the station master at B similarly starts a patrol man in the direction of A with card No. 2. When the patrol men meet they exchange cards so that No. 1 card arrives at B and No. 2 card arrives at A at approximately midnight. The cards are signed up at A and B by the station masters and are sent back again so that card No. 1 and card No. 2 arrive at A and B, respectively, at about 6 A.M. This ensures that the patrol men go over their beats twice in each night."

The system is a fool-proof system which ensures that patrol men do go their rounds. Then he goes on to say:

"The system is as good and is as well organized as any I know."

It is in evidence, Sir, and it is on record that the patrol men had passed over this particular section of the line shortly before the accident occurred, and as far as my knowledge goes, the only conclusion that they could arrive at—I am referring to the Committee of Inquiry at which the Sub-divisional Magistrate was present—was that there was a cloud burst. It is known, as the Honourable Member stated, that 8½ inches of rain fell in that taluq that night, and apparently the water come down in a rush and in a very short space of time washed away the line. Mr. Rangachariar suggested that the driver was guilty of negligence or rashness in driving his train at a normal speed. Sir, our drivers have to take risks of that kind. When it is raining hard we cannot order a driver to slow up. The driver knew apparently that flood water was about, but a committee of departmental officers and the District Magistrate both exonerated him from any blame in the matter.

Mr. Rangachariar complained that we did not give him sufficient information. If the Honourable Member wishes to see the report of the committee of investigation which was held immediately after the accident he is perfectly at liberty to see it in my office. The only reason why I did not place it on the table the other day is because the substance of that report had already been published. Mr. Rangaswami Iyengar then referred to the District Magistrate's report. I have not had the District Magistrate's report; I have merely had a summary of it, and he also arrived at the conclusion that wilful negligence was not responsible for the accident.

Then Mr. Rangaswami Iyengar wanted to know whether the permanent way was not good on that Pattukottai line, and he complained that I asked for notice of that question. Well, Sir, I think it was reasonable that I should ask for notice of that question and I may point out that the Honourable Member has not put down any question of that kind. But as a matter of fact I met one of the engineers of the South Indian Railway and we were talking about this accident and I asked him particularly with reference to Mr. Rangaswami Iyengar's question. I said, "What about the permanent way?" Of course this particular line is on the Tanjore District Board Branch. I said "Is the permanent way there as strong as

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on the main line?" And he said, "No, it is a lighter line, that is to say the rails are lighter." But he went on to say that the axle loads on that line are also lighter, and the lines perfectly up to the traffic carried.

Sir, I think we did all we could in that matter. No sooner had the accident occurred than a committee of departmental officers, the District Magistrate, the Senior Government Inspector and the Superintendent of Railway Police, went most carefully into the causes of the accident. They submitted a report and the substance of that report was published in the Press. The District Magistrate himself made an investigation. He again exonerated all railway officials of any wilful negligence. These accidents, especially in a country like India where we are subject to sudden plumps of rain, I am afraid are bound to happen . . . .

**Mr. A. Rangaswami Iyengar:** May I know whether as the result of these reports the Government have found it necessary to take adequate precautions and make improvements to prevent them?

**The Honourable Sir Charles Innes:** Certainly, Sir. I was just saying that these accidents in a country like India are bound to happen. But we do everything we can in our power to prevent them. Mr. Rangaswami Iyengar asks whether we have taken any action on this report. Certainly, Sir, we took action at once; I myself dealt with it in fact. One point which had been raised there was whether if the train had had a search-light on the engine the accident would have occurred. That was a question I once put to the technical officers and they said that no doubt this would have shown that flood water was about; but what the driver did not know and could not know was that the flood water had washed away the permanent way. He knew there was flood water there. A search-light might have helped; but at the same time it is questionable whether it would have averted the accident. We have written down to the South Indian Railway and asked them to expedite their programme for the fitting of locomotives of passenger and mail trains with search-lights. (*An Honourable Member:* "And about culverts.") That has been brought to notice by the District Magistrate and the Honourable Member may take it from me that that point will receive our careful attention.

**Mr. President:** The question is:

"That the Demand under the head 'Inspection' be reduced by Rs. 30,000."

The motion was negatived.

**Mr. C. S. Ranga Iyer:** Sir, I find the name of Mr. Rama Aiyangar next to me. I do not like to hear the music of my own voice. I prefer to hear Mr. Rama Aiyangar and Diwan Bahadur Ramachandra Rao.

#### *Investigation into Accidents.*

**\*Diwan Bahadur M. Ramachandra Rao:** Sir, I move:

"That the Demand under the head 'Inspection' be reduced by Rs. 100."

I gave notice of this motion for reduction by Rs. 100 with a view to invite the attention of the Honourable Member to the present methods of investigation into accidents. I referred to this matter, Sir, in previous years and the very serious character of the accidents that have happened in recent years has induced me to bring up this matter again before the House.

\*Speech not corrected by the Honourable Member.

Honourable Members are aware that under Chapter VIII of the Indian Railways Act certain rules have been framed for the investigation of accidents. The present method is that, as soon as there is an accident, the station master or other railway official reports the matter to the Agent and the Agent and certain departmental officers hold an investigation. Under the same rules, the District Magistrate may, if he likes, hold another inquiry and may direct the Police also to hold an inquiry if necessary into the causes which led to the accident. Honourable Members will notice that there was some years ago a procedure by which the District Magistrate himself held an inquiry immediately after the accident had taken place. It seems to me, Sir, that under existing rules departmental officers have the opportunity of going into this matter immediately after an accident has taken place, and, so far as the public is concerned, we have no independent judicial investigation unless the District Magistrate himself finds it necessary to undertake such an inquiry. Sir, looking at the fact that the Railways in this country enjoy considerable immunities from civil and criminal liability for these accidents, it seems to me that steps should be taken as soon as possible to revise the Indian Railways Act defining more clearly the liabilities of railway companies in the matter of accidents such as those that have happened in recent years. But apart from that large question, it seems to me that at present the departmental officers have it all their own way. I do not say that they do not go into the facts, but they go into the circumstances under which an accident has happened from a departmental standpoint rather than from the point of view of the public. I would therefore ask the Honourable Member to undertake an examination into the present methods and guarantee an independent investigation into these accidents so that the public may also be satisfied with what is being done in this respect. I do not know whether there is any rule under which the reports received from these departmental officers are published for general information. No doubt summaries are made and published, but the fact still remains that in regard to these accidents we have no independent investigation such as the one I have suggested. It is true that there is a departmental investigation, but that by itself is not enough. That is the point that I raised in previous debates. I want the Honourable Member to consider whether the present methods of investigation are such as satisfy the requirements, or whether there should be an independent investigation.

**Diwan Bahadur T. Rangachariar:** Sir, I wish to add a few words to this debate. Honourable Members must recognise that now-a-days departmental inquiries or inquiries without non-official aid will not be a satisfactory method of satisfying the public demand in such cases. May I suggest that in such cases when the District Magistrate holds the inquiry or when the department officers hold the inquiry, they should give public notice of such inquiry. That is one subject to which I wish to draw the attention of the Honourable Member.

The second matter which I should like to mention is whether the District Magistrate should not be asked or if the law should not be amended so as to enable him to have a number of assessors or jurymen to assist him in his work, because this is a matter which creates a great deal of sensation. As the Honourable Member knows, although he may be distinctly satisfied about the result of the inquiry, the public are rather suspicious in these matters and reasonably too. I do not say that you should yield to unreasonable suspicion, but there is always that tendency if you merely

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entrust inquiries to departmental officers. There is always that tendency because in some cases it would reflect on them. I think the association of some responsible non-official public man, such as the President of a District Board, or some person of such rank, is desirable as an assessor or jurymen in holding this inquiry. I know, Sir, that the law, Chapter VIII of the Indian Railways Act, is very defective in this respect. We must soon undertake a revision of the Indian Railways Act. It is nearly more than 30 years old and I think it is time that we undertook a revision of that Act in its various aspects. This is one of the matters in which, I suggest, the Honourable Member should take the initiative, because non-official initiative in this matter often takes times; we have to go through the ballot and various political motions block the way of other useful measures; and therefore it is we are not able to get it through by private effort. I think it is time that the Government took up this matter, because the public will be satisfied by their doing so; after all Government exist for the public. I therefore appeal to the Honourable Member to take note of this matter.

**The Honourable Sir Charles Innes:** Sir, I do not think it is the provisions of the Act that stand in the way. I may assure my Honourable friend Mr. Rangachariar that the first thing that every Honourable Member who assumes charge of the Railway Department does is to take up this question. Sir Thomas Holland, I know, took it up and I took it up myself almost as soon as I assumed my present office, because it does seem to the layman a very reasonable suggestion, and that is the suggestion made by Mr. Rangachariar, that when you have an accident of this kind you should in order to satisfy public opinion try in some way to associate the public with the inquiry. That, I think, is the Honourable Member's point. This is the very question which I put to the Railway Board and had it examined. As I say, it is not the Act that stands in the way. The fact of the matter is that our rules in this matter are based upon the Board of Trade rules at home. There is no particular reason for it. We are not absolutely bound to follow those rules, but we do so because we think it is the right thing to do. And those rules prescribe that as soon as an accident occurs you should have an expert investigation into it. The Board of Trade Rules even go further. They actually debar as far as I know the public from attending an inquiry of that kind and the reason for that is plain. Sometimes as I had occasion to explain in my last speech, accidents of this kind lead to the prosecution of the driver or the station master, as the case may be, and it is considered, at any rate in England, most essential that that driver or station master should not in any way be prejudiced by this first expert inquiry. The object of this expert inquiry is to try to arrive as soon as possible after the accident occurs at the facts concerning the accident and that prevents public notice being given as Mr. Rangachariar suggests. As soon as possible after the accident investigation takes place in order that the facts may be ascertained as soon as possible, before any kind of evidence could be manufactured. But, Sir, our rules provide that the District Magistrate can at any time hold an independent inquiry of his own accord.

**Diwan Bahadur M. Ramachandra Rao:** He does not; he waits for the departmental inquiry.

**The Honourable Sir Charles Innes:** The departmental inquiry generally takes place in the presence of the Sub-divisional Magistrate. The District Magistrate can hold an independent inquiry at any time if he so desires. I do not think we can direct the District Magistrate to have assessors in the holding of that inquiry. I hope I have explained to Mr. Rangachariar the reasons for our present procedure; but I will make this promise to Mr. Rangachariar that I will examine his suggestion that the District Magistrate in holding his inquiry into serious accidents should associate with himself assessors. I see no objection to that myself and I will certainly have that point examined. I hope, Sir, that will meet the Honourable Member.

**Mr. Ganganand Sinha** (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): May I put one question to the Honourable the Member for Railways? I find that the accidents due to trains running over cattle are very large in number, there were as many as 8,737 such accidents in 1923-24 and 8,317 in 1924-25. What steps are being taken to prevent such accidents?

**Sir Clement Hindley:** It is very difficult to give a general statement as to the steps taken to keep cattle off the line over the whole of our railway system. There are different practices in different parts of the country. Generally speaking, where there is fairly heavy traffic, the line is fenced; and although the fencing is of simple design it does as a rule prevent cattle from getting on the line. In many cases I am sorry to say the fencing is broken down and the wire stolen and our efforts to keep these cattle from straying on the line are not successful. At the same time we do endeavour for the safety of the trains to keep cattle off the line as much as possible. We are not anxious to kill a large number of cattle. We look upon them as a source of danger in cases where there is a large herd of cattle moving across the track . . . . .

**Mr. A. Rangaswami Iyengar:** I have heard some drivers do actually kill cattle and take them on their engines.

**Sir Clement Hindley:** Sir, I did not intend to treat the matter in a light spirit. I did not intend to joke; there are many jokes that might be made on this subject if one wished to. At the same time our point of view on the railway is that straying cattle on the line are a potential source of danger to the train and therefore where traffic is heavy and dense we put up fences in order to keep cattle off the line. It is the business of the owners of cattle to keep them off the line; we do not undertake any responsibility for looking after cattle; it is not our business; it is the people who drive the cattle on to the line who are responsible for these accidents.

**Kumar Ganganand Sinha:** Do you not think you can improve the fencing?

**Sir Clement Hindley:** It is a very difficult matter for the Railway Board and their Agents to educate the general public in regard to their duties in matters of public convenience like railways. We should be very glad if the owners of cattle keep their cattle from straying on the railways; but it is no part of our duties to undertake a general campaign of education in the country amongst the agricultural population to tell them that they should not drive their cattle on the line in case accidents might occur

**Mr. A. Rangaswami Iyengar:** May I know, Sir, whether in European countries lines are left unfenced in the way in which they are left in this country?

**Sir Clement Hindley:** Yes; a great many of them. The people there keep their valuable cattle off railway property in case of accidents.

**Diwan Bahadur M. Ramachandra Rao:** I do not wish to press this motion, Sir.

**Mr. President:** Does the Honourable Member wish to withdraw it?

**Diwan Bahadur M. Ramachandra Rao:** Yes, Sir.

The amendment was, by leave of the Assembly, withdrawn.

*Railway Disaster at Halsa.*

**Mr. K. C. Neogy:** Sir, I beg to move:

“That the Demand under the head ‘Inspection’ be reduced by Rs. 100.”

My intention is to discuss the railway disaster at Halsa on the Eastern Bengal Railway which occurred on the 16th October, 1925, and the railway inquiry thereinto. Sir, this was a very regrettable accident due not to any negligence on the part of inspectors, but to gross and culpable negligence on the part of the station staff. A parcels train was actually standing at the railway station when, at one o'clock in the morning, the Dacca mail train crashed into it with the result that the tender of the parcels train was completely wrecked; the mail engine and the three bogie coaches immediately behind were badly damaged and derailed, and the official statement is to the effect that 10 persons were killed and 37 passengers injured of whom 2 subsequently died in hospital. The damage to the rolling stock was estimated at Rs. 1,08,000 odd. In this case there was a departmental inquiry and an inquiry by the District Magistrate which was followed by a judicial inquiry, resulting in the conviction of two persons who were sentenced to six months' and one year's rigorous imprisonment, respectively. Sir, in this case we find that serious complaints were made by the public in regard to the negligence of the staff in rendering first aid and in sending a relief train very late. I do not want to say that those allegations had been made out to be true. But what I intend to say is this, that the procedure that is adopted by Government in making these inquiries leaves a good deal of room for these conflicting rumours to be published. In this case we find that the Agent of the Eastern Bengal Railway addressed a long letter to the editor of a local newspaper contradicting certain of these allegations. A more satisfactory way of dealing with these accidents would certainly be association of non-officials with the magistrate and with the departmental people when they hold their inquiry, as suggested by the Honourable Members who have spoken before me in connection with the last motion. Sir, in this particular case the Government have not given that much of publicity to the facts that was needed. In the first place, we find that although the result of the departmental inquiry was embodied in a communiqué that was published, when a question was asked in the local Council, the Bengal Legislative Council, as to whether the District Magistrate's report would be published, the reply given by the authorities

there was that they were not going to publish it. And when I put a question in this House drawing attention to this accident only the other day, Mr. Sim merely made a statement that two people were convicted and sentenced to one year's and six months' rigorous imprisonment, respectively. We are not yet in a position to judge as to how the District Magistrate apportioned the blame to the different authorities. We do not know what the findings of the magistrate who held the judicial inquiry were in this matter. I therefore suggest that there should be greater publicity in these matters so that there may be less cause for complaint from the public.

**The Honourable Sir Charles Innes:** Sir, I have very little to say in reply to Mr. Neogy in addition to what I have already said in this matter. The District Magistrate, as the Honourable Member knows, is a servant of the Government of Bengal and not of the Government of India, and certainly not of the Railway Board.

**Mr. K. C. Neogy:** Have you not received the report?

**The Honourable Sir Charles Innes:** I have not got it here. If the Government of Bengal were not prepared to publish that report, well, it is their decision, not the decision of the Government of India or of the Railway Board. What I have felt about this particular accident was that a communiqué might have been published earlier. Our rules on the subject were quite explicit, that as soon as an accident occurred full information should be given to the public; immediately the accident did occur the bare details were given. I have ascertained that fact; but the fuller communiqué was not issued till about ten days later, and I shall certainly see that orders are issued upon the subject, pressing upon the Agents that when serious accidents do occur they must issue the fullest possible information to the public with the least possible delay. I hope that will satisfy the Honourable Member.

**Mr. K. C. Neogy:** I beg leave of the House to withdraw this motion.

The motion was, by leave of the Assembly, withdrawn.

**Mr. President:** The question is:

"That a sum not exceeding Rs. 1,10,000 be granted to Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Inspection'."

The motion was adopted.

#### DEMAND NO. 3—AUDIT.

**The Honourable Sir Charles Innes:** Sir, I beg to move:

"That a sum not exceeding Rs. 8,63,000 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, 1927, in respect of 'Audit'."

#### *Effect of Changes in the Audit System.*

**Mr. K. Rama Aiyangar** (Madura and Ramnad cum Tinnevely: Non-Muhammadan Rural): Sir, I beg to move:

"That the Demand under the head 'Audit' be reduced by Rs. 100 "

to consider the question of the effect of the changes in the audit system recently introduced. I wish to take the Honourable Members of this

[Mr. K. Rama Aiyangar.]

House to page 6 of the Demands for Grants. It will be seen there that we voted a supplementary grant of Rs. 1,30,000 for audit this year, and the present proposal is to include Rs. 1,90,000 being the amount for the whole year in respect of this system of the separation of audit from accounts which has been introduced in the East Indian Railway as a test measure. I next want to take the Assembly back to the proceedings of the Standing Finance Committee of Railways, dated the 29th and 30th June, 1925, Vol. II, No. 1. It will be seen that a memorandum was placed before the Committee with a view to effect a separation between the audit and the account system of the East Indian Railway first, and what was claimed for this separation appears here. The Acworth Committee's recommendations are also reproduced on page 2 of that volume. It is said that apart from a mere audit check of receipts and disbursements, a railway requires a large number of financial returns of various kinds not in order to see whether the expenditure incurred has been duly authorised or receipts duly accounted for but to see whether expenditure has been wisely incurred, whether retrenchment of habitual expenditure is possible or whether a large expenditure would be likely to be fruitful, and so on. That is the particular branch that was sought to be introduced into the railway audit system, and in the next sentence they said :

"These are not matters to be left to an outsider, but a practical railway man who knows what he is doing and what changes he is meditating for the future is alone competent to prescribe and to make use of returns of this kind."

Then it was suggested that the Auditor General was agreeable to this arrangement, though at first my impression was that he had not consented to it. But there was his letter which said that he only wanted a large establishment to do the duty enjoined on him by the Government of India Act under which the Auditor General was directly responsible to report to the Secretary of State in regard to the position of Indian fundamental accounts, and he said that if he was given establishment costing about three lakhs of rupees separately over and above what was now being utilised for the purpose in the East Indian Railway, he was willing. Of course, the report placed before the Committee was to the effect that it would be both economical and useful for all the purposes mentioned. After this was done, the Committee agreed to adopt it and the Assembly might remember that in the September Session last year at Simla, the question was placed before this House and the Assembly adopted it with some modifications. In fact, I was not able to be present, though I had given a motion for change of rules, but on the motion of my friend Mr. Acharya what was required by me was practically conceded by the Honourable Mr. Sim. I wanted that if there was any difference between the Chief Auditor and the Financial Commissioner, it should be reported to the Railway Finance Committee. That has been now done. But the point I am raising now is that, at page 7 of this report reference has been made to what I said. It says :

"Mr. Rama Aiyangar suggested that when any instructions were issued to the separate account staff by the Financial Commissioner regarding their duties from the financial point of view, namely, to see that expenditure has been wisely incurred, and where retrenchment of actual expenditure is possible, etc., copies of such instructions should be placed before the Standing Finance Committee for Railways. The Chairman undertook to do this."



This was in June last. He undertook to do it. Now, we have voted for an expenditure of Rs. 1,30,000 for this year. I should ordinarily take it that these instructions had been issued to the staff that had been engaged. That is the first business that should have been done, and we should also have been able to know from the department what instructions were issued to check the several matters that I have referred to, and if such instructions had been given, it would have been very well for the department to have placed it before the Standing Finance Committee, and that would have been a means of communicating the result to the Assembly also. The main reason why the Standing Finance Committee agreed to incur this extra expenditure of 3 lakhs and odd was that it was going to produce very beneficial results to the Railways concerned, and that the instructions that were issued would be such as would enable the Committee also to follow the work of this particular accounts office and to know clearly what benefits have been derived by the additional establishment which was sanctioned, as this work also was transferred to the Railway Department itself. We have not had any information, and I think in my view detailed instructions under each head should have been given, and it should have been possible for the department to have issued these instructions and to place the matter before the Railway Finance Committee first and inform the Members of this House later at least. But it is very important. Unless we were prepared to carry that in full, we would not have done our duty properly under those circumstances. I place this matter before the Assembly for treating it as a matter of special importance for our really knowing the situation.

**Diwan Bahadur T. Rangachariar:** Sir, I have also given notice of a motion under this head. The only matter which I wish to bring to the notice of the Honourable Member in charge is that the change proposed was recognised as one of considerable magnitude and importance and therefore an experimental measure had been started. I wish to know, Sir, whether the authorities have had sufficient time to test the results of the experiment, and whether any reports have been issued on this subject, and, if so, whether they can be made available to the Assembly or to the Members.

**Mr. G. G. Sim:** Sir, what Mr. Rama Aiyangar has just stated is perfectly true. I agreed at the meeting of the Standing Finance Committee for Railways to supply the Committee with copies of any instructions issued to the accounts staff, and the reason why no copies have been supplied is that no special instructions have yet been issued. It was only in December last that it was found possible to make a commencement with the system, and as I explained in reply to a question the other day . . . .

**Diwan Bahadur T. Rangachariar:** When was that?

**Mr. G. G. Sim:** That was in December last. As I explained in reply to a question the other day, the staff that was taken over had been previously employed on the East Indian Railway under the Agent, and the East Indian Railway Company in doing exactly the sort of work we propose they should do now under the Financial Commissioner. It has not, therefore, been found necessary so far to issue any special instructions. There is a note being prepared at present on the general question which I hope will be issued within the course of the next month, and it will be

[Mr. G. G. Sim.]

placed before the Standing Finance Committee. But I think that Mr. Rangachariar will admit that as the scheme has been at work only for the last two months, it is rather early to begin asking for the results.

**Diwan Bahadur T. Rangachariar:** May I suggest, Sir, that when such statements are prepared for the Finance Committee, they may be sent to others also?

**Mr. G. G. Sim:** Statements sent to the Finance Committee are printed in the proceedings of the Committee, copies of which are supplied to Honourable Members.

**Diwan Bahadur T. Rangachariar:** We get it very late to make any use of it.

**Mr. G. G. Sim:** The proceedings are published usually within one week after each meeting of the Committee.

**Mr. K. Rama Aiyangar:** May I ask for an explanation? In separating the staff in this manner, was it not the first business of Government to have issued the necessary instructions to consider all these points?

**Mr. G. G. Sim:** I do not quite understand what particular instructions the Honourable Member considers I should have issued. I have  
5 P.M. tried to explain to him that the staff which I took over was the staff which had been doing this identical work under the Agent of the Railway while it was under the Company.

**Mr. President:** The question is that the following amendment be made to the original Demand:

“That the Demand under the head ‘Audit’ be reduced by Rs. 100.”

The Assembly divided.

AYES—43.

Abdul Karim, Khwaja.  
Abhyankar, Mr. M. V.  
Acharya, Mr. M. K.  
Aiyangar, Mr. C. Duraiswami.  
Ariff, Mr. Yacoob C.  
Chaman Lall, Mr.  
Chetty, Mr. R. K. Shanmukham.  
Das, Mr. B.  
Das, Pandit Nilakantha.  
Datta, Dr. S. K.  
Duni Chand, Lala.  
Dutt, Mr. Amar Nath.  
Goswami, Mr. T. C.  
Ismail Khan, Mr.  
Iyengar, Mr. A. Rangaswami.  
Joshi, Mr. N. M.  
Kidwai, Sha'kh Mushir Hosain.  
Lajpat Rai, Lala.  
Lohokare, Dr. K. G.  
Mahmood Schammnad Sahib Bahadur,  
Mr.  
Majid Baksh, Syed.  
Malaviya, Pandit Kr'shna Kant.

Malaviya, Pandit Madan Mohan.  
Mehta, Mr. Jamnadas M.  
Misra, Pandit Shambhu Dayal.  
Murtuza Sahib Bahadur, Maulvi  
Sayad.  
Narain Dass, Mr.  
Nehru, Dr. Kishenlal.  
Nehru, Pandit Motilal.  
Nehru, Pandit Shamlal.  
Neogy, Mr. K. C.  
Ranga Iyer, Mr. O. S.  
Ray, Mr. Kumar Sankar.  
Samiullah Khan, Mr. M.  
Sarfaraz Hussain Khan, Khan  
Bahadur.  
Shafee, Maulvi Mohammad.  
Singh, Mr. Gaya Prasad.  
Sinha, Mr. Ambika Prasad.  
Sinha, Kumar Ganganand.  
Talatuley, Mr. S. D.  
Tok Kyi, U.  
Venkatapatiraju, Mr. B.  
Yusuf Imam, Mr. M.

## NOES—51.

Abdul Qaiyum, Nawab Sir Sahibzada.  
 Ahmad Ali Khan, Mr.  
 Ahmed, Mr. K.  
 Aiyer, Sir P. S. Sivaswamy.  
 Akram Hussain, Prince A. M. M.  
 Bajpai, Mr. R. S.  
 Bhowe, Mr. J. W.  
 Blackett, The Honourable Sir Basil.  
 Bray, Sir Denys.  
 Burdon, Mr. E.  
 Calvert, Mr. H.  
 Carey, Sir Willoughby.  
 Cocke, Mr. H. G.  
 Crawford, Colonel J. D.  
 Donovan, Mr. J. T.  
 Ghulam Bari, Khan Bahadur.  
 Gidney, Lieut.-Colonel H. A. J.  
 Gordon, Mr. R. G.  
 Graham, Mr. L.  
 Hayman, Mr. A. M.  
 Hezlett, Mr. J.  
 Hindley, Sir Clement.  
 Hira Singh Brar, Sardar Bahadur  
 Captain.  
 Hudson, Mr. W. F.  
 Hyder, Dr. L. K.  
 Innes, The Honourable Sir Charles.

Jatar, Mr. K. S.  
 Lindsay, Sir Darcy.  
 Macphail, The Rev. Dr. E. M.  
 Mitra, The Honourable Sir Bhupendra  
 Nath.  
 Muddiman, The Honourable Sir  
 Alexander.  
 Muhammad Ismail, Khan Bahadur  
 Saiyid.  
 Naidu, Rao Bahadur M. C.  
 Neave, Mr. E. R.  
 Owens, Lieut.-Col. E. C.  
 Rahman, Khan Bahadur A.  
 Raj Narain, Rai Bahadur.  
 Rangachariar, Diwan Bahadur T.  
 Reddi, Mr. K. Venkataramana.  
 Roffey, Mr. E. S.  
 Sarda, Rai Sahib M. Harbilas.  
 Setalvad, Sir Chimanlal.  
 Sim, Mr. G. G.  
 Singh, Rai Bahadur S. N.  
 Stanyon, Colonel Sir Henry.  
 Sykes, Mr. E. F.  
 Tonkinson, Mr. H.  
 Vernon, Mr. H. A. B.  
 Vijavaraghavacharyar, Sir T.  
 Wajihuddin, Haji.  
 Willson, Mr. W. S. J.

The motion was negatived.

*Powers of the Public Accounts Committee.*

**Sardar V. N. Mutalik:** I move that:

“The Demand under the head ‘Audit’ be reduced by Rs. 100”

and that for two reasons, namely, Audit and Accounts and the powers of the Public Accounts Committee. The first portion of my amendment has been covered by the motion which has just been put before the House. I only want to raise a question as to the powers of the Public Accounts Committee with regard to the railway accounts. I may first of all offer my sincere thanks on behalf of those who were in the Public Accounts Committee to the Honourable the Finance Member for the very valuable help which he always gave us in doing our work. According to the procedure that is now followed in the Public Accounts Committee, the Public Accounts Committee goes only into the appropriation reports that are submitted by the Auditor General. My point is that this Committee is a statutory Committee. It is not merely a Public Appropriation Committee and what I want to bring to the notice of the House is that this Committee should be allowed, at least by convention, to go into the receipt side of the Railways. This should be placed before the Public Accounts Committee and it should be allowed to pass such remarks as it may like to pass. I do not want to press this motion to a division, but I desired to bring to the notice of Government that they should, if possible, follow the procedure that I have suggested. It is a very important matter and particularly with regard to the railway finances the Public Accounts Committee may offer some suggestions if there is any mistake on the receipt side.

**Mr. K. O. Neogy:** In his speech this morning my Honourable friend, Mr. Sim, referred to my speech and tried to make out that I had departed

[Mr. K. C. Neogy.]

from the position that the Standing Finance Committee had taken up on the 6th February, 1925, in regard to the question of reappropriation from one Demand to another. I may state that I stand by that resolution. What I had in mind, when I made the complaint that the Government anticipated the decisions of the Standing Finance Committee, was an instance in which a particular matter was under discussion in the Standing Finance Committee only lately when we were suddenly told that the Government had come to a decision already in that matter.

**Mr. A. Rangaswami Iyengar:** I desire to add a few words to what my Honourable friend Mr. Mutalik has said in regard to this question of the Public Accounts Committee. I believe that this question of dealing with the revenue side of the Railway Budget was before the Public Accounts Committee and the Public Accounts Committee was definitely of opinion that they could not in the exercise of their statutory duties exclude the question of railway receipts from that of railway expenditure, because the expenditure of Railways is based upon the probable revenue receipts and *vice versa*. There we came to that conclusion and expected that the Government would have taken a definite decision upon the recommendation that we had made. We should like to know whether Government have come to a conclusion on that matter.

The next matter upon which I should like to say a few words is in regard to reappropriation and expenditure which was referred to by my Honourable friend, Mr. Neogy. I am afraid the policy of separation of railway from general finances has been in some quarters gravely misunderstood. It has been thought that the moment a matter has been put before the Railway Advisory Council or the Standing Finance Committee and some sort of a sanction has been taken in a Committee which might not have been fully attended by its members, the sanction of that Committee is tantamount to a sanction by this House and therefore the control which this House should have over the railway finances is thereby removed. If that is the interpretation that is put upon the scheme of separation of railway from general finances, I strongly protest against it. The other day I put questions in regard to certain items of capital expenditure which were newly put down in the railway programme during the current year after the Budget was passed. I was told by Mr. Sim that those estimates of expenditure involving crores were put down and money was found for them by reappropriations from one sub-grant to another sub-grant. In other words, the total capital grant is put at a huge figure in crores and my friends in the Railway Department say that they have the right to vary the expenditure and to redistribute it as they choose as a process of reappropriation and that so long as they go to the Standing Finance Committee for Railways and get their assent or consult them on the matter that is sufficient and the control of this House is unnecessary. If that is the proposition that is put forward by the Railway Department, I protest against it and I say that the Railway Department is bound to put every project of expenditure involving crores of rupees to the House, if necessary in further separate Demands and obtain the sanction of this House to the items.

**Mr. K. Rama Aiyangar:** May I point out to my Honourable friends on the other side that this matter was considered by the Standing Finance Committee in its proceedings dated the 12th, 13th and 14th November 1925, Vol. II, No. 4. It was placed before the Standing Finance Committee. I

took objection that that report should come before the Standing Finance Committee. The Finance Department took objection to that and said that it would go to the Public Accounts Committee, and that has been approved by the Standing Finance Committee.

**Pandit Shamlal Nehru:** What report are you referring to?

**Mr. K. Rama Aiyangar:** Volume II, No. 4 of the Standing Finance Committee's Proceedings.

**Mr. A. Rangaswami Iyengar:** That would be a case of excess.

**Mr. G. G. Sim:** There have been about 3 or 4 important questions raised during this discussion. The report to which Mr. Rama Aiyangar referred is the Appropriation Report. The suggestion that the Public Accounts Committee should divest itself of its power to deal with that report as regards Railways and that it should be transferred to the Standing Finance Committee was not accepted. But I should like to take up the general question raised by Mr. Rangaswami Iyengar. If I understand him aright, he holds the view that some fresh departure has been made in the separation of railway general finances in that certain works are started during the year without the specific sanction of this House. Sir, I am not aware of any occasion on which a specific work has been put up during the year for the sanction of this House. The position is this. I came to a working arrangement with the Standing Finance Committee that if I considered it necessary to give immediate orders for the starting of a work I should do so provided I came before the Committee and justified my action and that, Sir, is how it has been working for the last two years. It has given rise to no trouble.

**Mr. A. Rangaswami Iyengar:** What about the Assembly?

**Mr. G. G. Sim:** I assume that the Assembly would be prepared to deal with the Committee exactly in the same way as I dealt with the Committee and the members of the Committee are quite prepared to defend the action which they have taken.

**Mr. A. Rangaswami Iyengar:** My proposition is that in respect of expenditure the Standing Railway Finance Committee has no powers, statutory or otherwise, and it is this House which possesses the powers.

**Mr. G. G. Sim:** None of these cases have involved any increase in the voted expenditure. What the Honourable Member means is this—that money may have been allotted in the Budget for one particular work and is utilised upon another. Now, Sir, I never understood that this House, when it agreed to the separation of railway finance, expected that it should be consulted every time there was a variation in the expenditure during the year on a particular work from what was contemplated when the Budget was framed. It is quite impossible to do that in any railway concern or any big concern of that kind.

**Mr. A. Rangaswami Iyengar:** Even when there are crores diverted from one object to another? That is the question.

**Mr. G. G. Sim:** I do not know what the Honourable Member is referring to when he speaks of crores being diverted. Can he give me any instances of cases of that kind? I have never seen them. The programme put before this House of expenditure on works contains an estimate by each Agent of the amount he is likely to spend on new works during the next

[M. G. G. Sim.]

year. It is perfectly impossible for any Agent or Engineer to state accurately whether he is going to spend 50 lakhs or 60 lakhs on a particular work within a fixed period of 12 months. That is an utterly impossible proposition. For that very reason we have not enforced any system of rigidly limiting an Agent to a particular amount of money put down for a particular amount of work in a particular Budget. The proposal made by the Honourable Member would make the whole scheme unworkable. I hope that the House will not be misled by the constitutional theories of the Honourable Member and tie up the Railways with far more tight financial bands and red tape than they had under the old arrangement.

**Mr. A. Rangaswami Iyengar:** We are not going to give you a blank cheque.

**Mr. G. G. Sim:** There is no question of a blank cheque. Can the Honourable Member point to anything that I have done or the Standing Finance Committee has done, that does not meet with the approval of this House?

**Mr. K. Rama Aiyangar:** I suppose that Mr. Sim does not contend that he will sanction new items without the assent of the Assembly.

**Mr. G. G. Sim:** I am much obliged to the Honourable Member for trying to explain to the House in language more clear than I can use what he imagines I intended to explain to the House. But, Sir, the point I wish to explain to the House is this. I hope the House will never indulge, in the manner suggested by Mr. Rangaswami Iyengar, in laying down any elaborate or strict formulæ for railway working. We have come to a perfectly sensible understanding with the Standing Finance Committee. It gives this House as representing the country far more control than it has ever had before over railway working. The whole of our present arrangements are based on a convention agreed to by the House itself and I hope the House will try to build upon it and not go back to any rigid formulæ or any abstract theories such as those suggested by the Honourable Member. Then, Sir, the discussion started originally on a suggestion by Sardar Mutalik that the Public Accounts Committee should deal with questions of revenue. I understand that the general question was discussed by the Public Accounts Committee. As regards railway revenues, what I should like to point out to the House is this. The other day Mr. Ramachandra Rao stated that no Committee of this House had to deal with the revised estimates of revenue or expenditure. Well, Sir, so far as his statement relates to railway expenditure, it is not correct. The Standing Finance Committee have placed before them all the items dealing with the Budget, both the revised estimates for the current year and the proposed estimates for next year, both of revenue and expenditure, and I think they must continue to do so if they are to give their opinion in a businesslike way as regards the expenditure. So far, therefore, as relates to railway expenditure, I suggest that a Committee of this House does now deal with revenue figures.

**\*Diwan Bahadur M. Ramachandra Rao:** I see that the Honourable Mr. Sim has spoken with a certain amount of warmth in defending the existing system. I am not quite sure whether I have correctly understood him. The point that was raised by Mr. Rangaswami Iyengar and myself

\*Speech not corrected by the Honourable Member.

the other day may be illustrated thus. Honourable Members will see that 41 crores of rupees have been budgetted for working expenses this year and it is distributed over a number of Budgets of the various Railways. I take it that the Honourable Mr. Sim now claims that independently of the Standing Finance Committee for Railways and of this House he, as representing the Railway Board, or the Railway Board as a whole, have the option of distributing this 41 crores without any further reference to the Standing Finance Committee or this House. The Honourable Member says that the present system has been systematised by a convention. I remember having taken some part in the preliminary discussions on this matter but the question that is now before the House is whether Mr. Sim claims that without any further reference either to the Standing Finance Committee for Railways or this House he or the Railway Board has the option of distributing this 41 crores as he thinks proper, not as he likes, because he may take offence at these words. That is the point that has been raised and of course if there is some way of systematising this also by fixing a financial limit below which there may be reappropriations and giving an opportunity to the Finance Committee to go into the major heads of expenditure I should be satisfied. All that we submit is that this House ought to have some voice in these reappropriations. Let him fix a financial limit below which there may be reappropriations. I am willing to accede to some such arrangement like that, but if you say that we have come to a convention that the Department has the right to distribute this 41 crores as it thinks proper at a later stage during the course of the year, it seems to me that this point requires consideration.

There is another point to which I should like to draw the attention of the House. The question has been raised whether the Public Accounts Committee has the power to go into questions which suggest either frauds or embezzlements of revenue and whether we can go into questions of revenue. That is a large question which requires very careful consideration from the point of view both of principle and constitutional practice. I venture to think that so far as that matter is concerned we must conform to the practice that prevails in Great Britain which was referred to in the Report of the Public Accounts Committee.

**The Honourable Sir Basil Blackett:** As regards the last point, I believe that the constitutional question is rather a difficult question but the practical point is not difficult. The Public Accounts Committee has in practice been going into questions of frauds on the revenue and losses and defalcations and the Public Accounts Committee will certainly continue to do so. There is a difficult constitutional question in regard to the audit of revenue receipts which I do not propose to answer at present because it is being discussed by the constitutional and legal experts. But so far as the practical point that is raised here is concerned, I am sure I can give the full assurance that the Honourable Member desires. As regards the other point, that is also a matter which I think might very usefully be further considered by the Public Accounts Committee this summer, and that is probably the best way out of the difficulty. I understood the point really to be this, that there is a sum of 42 crores—I think that was the figure mentioned—under one grant, namely, Working Expenses, and the question is as to how that can be allocated in detail when such allocation is necessary in advance of the specific sanction of this House or consultation with the Standing Finance Committee. Obviously so far as

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revenue expenditure is concerned a very wide liberty must be given. The present system, as I understand it, is that Mr. Sim or rather the Railway Financial Commissioner either consults the Standing Finance Committee in advance on any big change or gives before them an explanation of it and stands up to be shot at if he cannot explain to them satisfactorily the reasons for that particular allocation. And from remarks that I have heard both inside and outside this House I gather that he has been able to stand examination very well. I hope this really deals with the point at issue.

**Sardar V. N. Mutalik:** I beg permission to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

The Assembly then adjourned till Eleven of the Clock, on Wednesday, the 24th February, 1926.