

THE

22nd February 1930

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume I, 1930

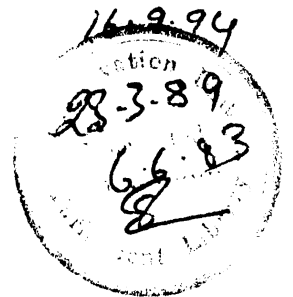
(20th January to 24th February, 1930)

SIXTH SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1930

~~Chamber suggested~~ 18-X-73



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GOVERNMENT OF INDIA PRESS
1930

Legislative Assembly.

President :

THE HONOURABLE MR V. J. PATEL.

Deputy President :

MAULVI MUHAMMAD YAKUB, M.L.A.

Panel of Chairmen :

PANDIT MADAN MOHAN MALAVIYA, M.L.A.

MR. M. A. JINNAH, M.L.A.

SIR DARCY LINDSAY, KT., C.B.E., M.L.A.

SIR ZULFIQAR ALI KHAN, KT., C.S.I., M.L.A.

Secretary :

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

Assistant of the Secretary :

RAI SAHIB D. DUTT.

Marshal :

CAPTAIN SURAJ SINGH BAHADUR, I.O.M.

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LEGISLATIVE ASSEMBLY.

Saturday, 22nd February, 1930.

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

MEMBER SWORN:

Mr. Bhupathiraju Sitaramaraju, M.L.A. (Ganjam *cum* Vizagapatam; Non-Muhammadan Rural).

QUESTIONS AND ANSWERS.

BOMB PLACED IN THE BRITISH MUSEUM BY MR. FRANK BIGGS.

388. *Mr. B. Das: (a) Has the attention of Government been drawn to the Reuter message of the 4th February, 1930, that Frank Biggs the discoverer of the bomb at the British Museum (near the Indian Section) has been detained in Scotland Yard and would be charged with an offence under the Explosive Substances Act?

(b) Are Government aware that the previous message of Reuters connecting the finding of the bomb with the Indian residents of London has caused great indignation amongst the Indian public?

(c) In view of the fact that Frank Biggs has confessed that it was he himself who manufactured the bomb and placed at the British Museum, will Government be pleased to state:

(i) If they have asked the Secretary of State for India independently to inquire into the case and ascertain the motives that prompted Frank Biggs to telephone as Ali Khan, an Indian resident?

(ii) If the Secretary of State issued any statement to the British Press refuting this allegation against Indian residents in London?

(d) Will Government be pleased to state if they received any independent message from the Secretary of State or did they send any message on the subject to the Secretary of State after reading Reuter's message on the Frank Biggs bomb incident?

(e) Will Government be pleased to inquire and inform the House if Frank Biggs was ever employed in India or if he is connected with any Anglo-Indian Organisation in Great Britain?

The Honourable Sir James Orerar: (a) Yes.

(b) I doubt if the general trend of Press comments in India would support the view suggested.

(c) (i) No.

(ii) I have no information, but a Press telegram reports that the Home Secretary has stated in the House of Commons that the incident was a mischievous hoax and that no person of Indian origin was involved.

(d) and (e). No.

ARREST OF MESSRS. MOHAMED NASIR AND B. C. BOSE IN ITALY.

389. ***Mr. B. Das:** In reference to the reply of Mr. Henderson in the House of Commons (Free Press Beam Service, 4th February, 1930) that both Messrs. Mohamed Nasir and Bimal Chandra Bose, who were arrested by the Italian police and suffered imprisonment for nine days, and after undergoing considerable hardship were finally deported from Italy, were innocent and that the police had acted under a misapprehension and that it was a case of mistaken identity, will Government be pleased to state if the India Office was in any way responsible for this prosecution or misapprehensive information?

Mr. E. B. Howell: No, Sir.

PROTECTION OF THE INDIAN SHOE INDUSTRY.

390. ***Mr. Muhammad Rafique:** (a) Will Government be pleased to state:

- (i) The total number of packages of shoes despatched to other parts of India from Agra and the neighbouring districts in 1927-28, 1928-29, and from 1st April, 1929 to 31st December, 1929;
- (ii) The total weight of shoe packages despatched to other parts of India from Agra and its neighbouring districts during the year 1927-28, 1928-29, and from 1st April, 1929 to 31st December, 1929;
- (iii) The total number of shoes despatched from Agra and its neighbouring districts to other parts of India during the year 1927-28, 1928-29, and from 1st April, 1929 to 31st December, 1929; and
- (iv) The total number of rubber-shoes and rubber-soled shoes imported into British India from foreign countries in 1927-28, 1928-29, and from the 1st April, 1929 to 31st December, 1929?

(b) Are Government aware that imports of rubber-soled shoes have greatly affected the Indian shoe trade?

(c) Is it a fact that by the appearance of very cheap rubber-soled shoes from Japan the daily output of Indian shoes has been reduced to half?

(d) Will Government be pleased to state the annual average value of imported rubber-soled shoes from Japan?

(e) Are Government going to take any steps to protect the Indian shoe industry?

The Honourable Sir George Rainy: (a) (i) to (iii). I regret that as yet I have not been able to obtain the information asked for. I will see whether it can be obtained from the railways and inform the Honourable Member of the result of my inquiries.

(iv) Government have no information beyond what is contained in the Sea-borne Trade Accounts, copies of which are in the Library. Only figures for canvas shoes with rubber soles are shown separately in the returns,

and the imports of these from Japan are negligible. There has been a large increase in 1928-29 in the imports from Japan of boots and shoes of other sorts. I will inquire from the Customs Department whether this increase is in rubber soled shoes, and communicate the result to the Honourable Member.

(b), (c) and (d). Government have no information.

(e) A representation has recently been received from the Indian Footwear Protection Association, Agra, on the subject and is under consideration.

THE INTERNATIONAL CONGRESS ON MENTAL HYGIENE.

391. ***The Rev. J. O. Chatterjee:** (a) Are Government aware that the first International Congress on Mental Hygiene is to be held at Washington U. S. A., from May 5th to 10th, 1930, and that many civilised Governments are co-operating with the Committee of Organisation?

(b) Have Government received an invitation or request from the Committee of the forthcoming International Congress on Mental Hygiene for co-operation or support?

(c) Do Government propose to participate or send representatives to the Congress?

The Honourable Sir James Orerar: (a) Yes.

(b) The Government of India have so far received only a preliminary announcement.

(c) The preliminary announcement was only received on 18th February and the Government of India have not had time to consider the matter.

APPOINTMENT OF INDIANS TO THE INDIAN AIR FORCE.

392. ***Mr. Gaya Prasad Singh:** Will Government be pleased to state how many Indians have up to date received the pilot's air certificate; and have any of them been appointed in the Air Force service in India? If so, at what pay?

The Honourable Sir Bhupendra Nath Mitra: Up to the 15th of this month, 21 Indians had been granted private pilots' licences (Class A) under the Indian Aircraft Rules, 1920. Up to date no Indian pilots trained by Indian flying clubs have qualified for the issue of pilots' licences for passenger or goods aircraft (Class B).

The Honourable Member presumably refers to their appointment as civil pilots on the Indian State air service. If so, the attention of the Honourable Member is invited to the reply given in the Legislative Assembly on the 20th January, 1930, to part (g) of the starred question No. 76, asked by Dr. B. S. Moonje.

INDIANS TRAINED ON THE "DUFFERIN".

393. ***Mr. Gaya Prasad Singh:** How many Indians have passed their final examination in the training ship "Dufferin" up to date; and has any of them been given an appointment? If so, at what pay?

The Honourable Sir George Rainy: The first batch of cadets joined the "Dufferin" in December, 1927, and will complete their full course of training in May, 1930, when the first final passing out examination of the ship will be held.

INDIANS TRAINED IN THE INDIAN SCHOOL OF MINES, DHANBAD.

394. ***Mr. Gaya Prasad Singh:** How many students have passed out of the Indian School of Mines, Dhanbad, up to date; and how many of them have been given appointments under Government?

The Honourable Sir Bhupendra Nath Mitra: So far, eight students have left the school after qualifying for the certificate of the school. None of them have received appointments under Government, but three other students secured appointments as Class II officers in the Survey of India before completing their Certificate Course.

Mr. Gaya Prasad Singh: May I know why none of the students who have qualified themselves have got appointments under the Government of India?

The Honourable Sir Bhupendra Nath Mitra: The three students to whom I have referred as having secured appointments as Class II officers in the Survey of India before completing their Certificate Course, got their appointments by being successful at a competitive examination. The eight students who have qualified for the certificate of the school did not either sit for that examination or did not succeed in the competitive test. There were no other appointments in the Government service for these students, though I understand that some of them are now trying for a suitable appointment in the Colliery Department of State Railways.

THE VIZAGAPATAM HARBOUR.

395. ***Mr. Gaya Prasad Singh:** (a) Will Government be pleased to state what is the total estimated cost of construction of the Vizagapatam Harbour?

(b) When did the work begin; how far has the work progressed; and what is the nature or detail of the work already completed, and its approximate cost up to date?

(c) When is the work of construction likely to be completed? By what agency is the work of construction carried on; and who have been the supervising officers on behalf of the Government?

Mr. A. A. L. Parsons: (a) The latest forecast is 296½ lakhs.

(b) October 1925. Up till the end of September, 1929, the latest date for which complete information is available, the work may be said to be two-thirds completed. Of the larger items in the scheme, the position up till the end of September, 1929, was as follows:

	Completed. Per cent.
Land	77
Quay wall	100
Dry dock	90
Purchase of plant	75
Dredging	29
Reclamation	24
Staff quarters	37
Manganese ore berth	22
Oil Depot	14
Transit and store sheds	7

The approximate expenditure up to the 30th September, 1929, was Rs. 161·93 lakhs.

(c) It is hoped to be able to berth ships in 1932. The work of construction is being carried out partly departmentally and partly by contract. The supervising officers who have been in charge of the work from its commencement are:

Administrative Officers (Agent, B. N. Railway)—

Mr. L. Greenhan,

Mr. C. Carroll,

Mr. V. E. D. Jarrad.

Engineers-in-Chief—

Lt.-Col. H. Cartwright Reid.

Mr. O. B. Rattenbury.

Mr. W. C. Ash.

Deputy Engineer-in-Chief—

Mr. O. B. Rattenbury.

Mr. B. Das: In view of the trade depression all over the country, is it not time for the Government to revise their policy of expenditure on this scheme, and may I know whether their original schemes will ever fructify as anticipated?

Mr. A. A. L. Parsons: I am afraid I do not follow the Honourable Member? Is what he suggests to postpone the work on the Vizagapatam Harbour and the Railway in order to utilise the money elsewhere?

Mr. B. Das: What I am asking the Honourable Member is whether the Vizagapatam port will prove a successful port in view of the trade depression all over the country, and whether the huge expenditure that the Government have incurred and are going to incur on that port is likely to produce the desired result, as was anticipated in 1923-24?

The Honourable Sir George Rainy: I think, Sir, that since the port will not be opened till 1932, and since we may reasonably hope that the trade depression will not go on indefinitely, the existence of a trade depression is not in itself a reason why we should stop short in the middle of works in progress, particularly when we remember that, if we did take that course of action, all the money already spent would be wasted.

Mr. Gaya Prasad Singh: May I know to whom the contract for the construction of the Harbour has been given?

The Honourable Sir George Rainy: What my friend, the Financial Commissioner, said was that the work was being done partly departmentally and partly by contract. There is no question of any one firm being given the contract for the whole work. Particular pieces of work have been made over to particular contractors.

CREATION OF AN INDIAN AIR FORCE.

396. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the reply of the Secretary of State for India in the House of Commons (*vide the Hindustan Times*, dated the 26th January, 1930) that "the creation of the Indian Air Force formed a part of the accepted policy of Indianisation, and was already under consideration"?

(b) Has correspondence on this subject been proceeding between the Government of India, and the India Office, and will this House be given an opportunity of expressing its opinion on the proposal before a final decision is arrived at?

Mr. G. M. Young: (a) Yes.

(b) The answer to the first part of the question is in the affirmative. The House was informed of the decision to create an Indian air unit nearly two years ago, on March 10th, 1928. I am glad to say that six Indians succeeded in qualifying for entry into Cranwell at the examination held last November, and will proceed there to be trained to become officers. Steps will be taken simultaneously to recruit and train in India the rank and file required for the new unit, so that it may come into effective being when the officers are trained. Meanwhile, the necessary legislation will be submitted to the House, not later, I hope than the Simla Session this year.

REFUSAL TO DR. SUDHINDRA BOSE OF PERMISSION TO STAY IN INDIA.

397. ***Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 780 of the 24th September, 1929, regarding the ban placed upon Dr. Sudhindra Bose, and the reply of the Government that, "It is not a fact that Dr. Bose applied for permission to remain in India for more than six months", are Government aware that, in asking for visa Dr. Bose requested the British Ambassador at Washington to let him stay in India for a year, but the Ambassador in his letter stated definitely that the India Office in London had refused to let Dr. Bose remain in India for more than six months?

(b) Do Government propose to take necessary steps to place on the table the letter of the British Ambassador to Dr. Bose referred to above; and the letter of the India Office on the basis of which permission to stay in India for more than six months was refused to Dr. Bose?

The Honourable Sir James Orerar: (a) and (b). I think, Sir, there has been some misunderstanding about this case. It is true that the visa granted to Dr. Sudhindra Bose for his visit to India was restricted to six months. This was made plain by me in the answer, which I gave to the Honourable Member's question No. 164 on this subject on the 5th September, 1928. I did not intend to convey by my answer given on the 24th September, 1929, any contrary impression. I was referring to Dr. Bose's attitude after he had arrived in India on this restricted visa. It was understood from him, when he had an interview with the Secretary in the Home Department, that as he had made all arrangements for returning to America, he did not ask that his existing visa should be extended. But he desired, when he next visited India, that he might be granted an unrestricted visa. As the Honourable Member is aware, Dr. Bose has been informed that the question will receive careful consideration if and when he applies for facilities to come to India again.

Mr. Gaya Prasad Singh: Sir, Dr. Bose has written to me a letter in which he says, "In asking for visa, I requested the British Ambassador at Washington to let me stay in India for a year. The Ambassador's letter to me stated definitely that the India Office in London had refused to let me remain in India for more than six months". Is the Honourable Member going to inquire into the matter, and place the British Ambassador's letter on the table? If not, why not?

The Honourable Sir James Orerar: The previous reply to which I referred, was to a question which I understood to refer to Dr. Bose's statement of his case in India, not to his previous application. I have already answered the Honourable Member's question in replying to a previous question on the 5th September, 1928, and I must refer the Honourable Member to that reply. As regards the future, I have nothing to add to what I have already stated, namely, that, if Dr. Bose does again apply for facilities to return to India, the case will receive careful consideration.

Munshi Iswar Saran: Will the Honourable Member kindly state to the House why, in the first instance, the India Office objected to Dr. Bose's stay in India for a longer period than six months?

The Honourable Sir James Orerar: That, Sir, has already been replied to in my answer of the 5th September, 1928, as regards the grounds of the restriction imposed on Dr. Bose.

Munshi Iswar Saran: Will the Honourable Member kindly state, for our information and enlightenment, why it was considered that his stay in India should be permitted only for six months and that it would become dangerous beyond that period?

The Honourable Sir James Orerar: I have nothing to add to what I have already stated on this matter.

Pandit Hirday Nath Kunzru: May I ask whether Dr. Bose was a British Indian subject before he went to America?

The Honourable Sir James Orerar: Dr. Bose was a British Indian subject at the outbreak of the Great War, and after the war, became, I understand, a naturalized American subject.

Pandit Hirday Nath Kunzru: Is it a fact that, in accordance with the decisions of the American Courts, Dr. Bose cannot be naturalised as an American subject?

The Honourable Sir James Orerar: I must ask for notice of that question.

Mr. Sarabhai Nemchand Haji: May I ask, Sir, whether Dr. Bose renounced his Indian citizenship?

The Honourable Sir James Orerar: I understand that that is the consequence of the action that he took, but I should not desire to give a specific answer to that question without fuller consideration.

Mr. Gaya Prasad Singh: With reference to the Honourable Member's reply to my question of the 24th September, 1929, is it not a fact that Dr. Bose applied for permission to remain in India for more than six months? I have quoted Dr. Bose's own definite statement to show that he applied for permission to stay in India for more than six months, but that the India Office refused to grant him that permission. May I know whether it was at the instance of the Government of India that the India Office refused to grant him permission?

The Honourable Sir James Orerar: The reply I gave to the Honourable Member on that occasion was, I agree, open to misconstruction, but I understood the Honourable Member's question at that time to refer to Dr. Bose's statement of his case when in India, and not to his original application, which was for a period exceeding six months.

UNSTARRED QUESTIONS AND ANSWERS.

ENGINEERS EMPLOYED ON THE EASTERN BENGAL RAILWAY.

162. **Mr. K. O. Neogy:** (a) Will Government be pleased to state if it is a fact that, in 1921, the Railway Board passed an order to the effect that the Provincial Engineering Service would provide the greater number of officers in the State Railway Department required for the charge of sub-divisions?

(b) Will Government be pleased to state if it is a fact that, in the Eastern Bengal Railway, temporary engineers on short term covenants were recruited for temporary or survey or construction work?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state if any of such engineers are holding charges of sub-divisions on the open line of the Eastern Bengal Railway?

(d) Are Government aware that several sub-engineers of the upper subordinate establishment of the Eastern Bengal Railway who have been recommended by the Administration for promotion to the Provincial Engineering Service have been officiating as sub-divisional officers of the open line for years and from time to time?

(e) Will Government be pleased to state how many upper subordinates there are in the Eastern Bengal Railway who have been recommended by the Administration for promotion to the Provincial Engineering Service?

(f) Will Government be pleased to state the reason for keeping the services of temporary and short-term covenanted engineers as sub-divisional officers on the open line vacancies in preference to the claims of sub-engineers who have been recommended by the Administration?

(g) Is it a fact that the members of the upper subordinate establishment of the Eastern Bengal Railway submitted memorials to the Secretary, Railway Board, in July 1927, and to the Agent, Eastern Bengal Railway, in June 1929, pointing out the grave injustice done to them, and that the Railway Board replied in about August, 1928, that the promotion of selected subordinates to the Provincial Engineering Service was still being made? Is it a fact that no subordinates have since been promoted to the Provincial Service in spite of the vacancies now filled in by the temporary engineers and engineers on short-term covenants?

(h) Will Government be pleased to state what action they propose to take to give immediate effect to the Resolution No. 611-E./20, dated the 4th April, 1921, passed by the Railway Board?

Mr. A. A. L. Parsons: Information on certain points is being obtained from the Agent, Eastern Bengal Railway, and a complete reply will be sent to the Honourable Member as soon as it is received.

PROMOTION OF ENGINEERS ON THE EASTERN BENGAL RAILWAY.

163. **Mr. K. O. Neogy:** (a) Will Government be pleased to state if it is a fact that a particular railway is treated as a province in the matter of dealing with the question of the Provincial Engineering Service?

(b) If so, will Government be pleased to state if it is a fact that the present policy of the Railway Board is that any vacancy occurring in any particular railway should be filled up by promotion of selected upper subordinates in terms of the reply to the memorial submitted by the upper subordinates of the Eastern Bengal Railway to the Secretary, Railway Board?

(c) Will Government be pleased to state why a Provincial Engineer has been recently transferred from the East Indian Railway Engineering Service to the Eastern Bengal Railway Engineering Service, and why the place was not filled by the promotion of a selected upper subordinate of the Eastern Bengal Railway?

Mr. A. A. L. Parsons: (a) Yes, but Government reserve to themselves the right of transferring officers in the exigencies of service from one State-managed railway to another.

(b) Yes, as a general rule.

(c) An Assistant Executive Engineer was transferred, at his own request on medical grounds from the Eastern Bengal to the East Indian Railway, and at the request of the Agent, Eastern Bengal Railway, an officer with construction experience, who happened to be in the Provincial Engineering Service, was transferred from the East Indian to the Eastern Bengal Railway in exchange.

AMOUNT OF FREE LUGGAGE ALLOWED TO RAILWAY PASSENGERS.

164. **Mr. Gaya Prasad Singh:** With reference to my suggestion made in the course of my Railway Budget speech on the 28th February, 1928, that the scale of free luggage allowance granted to railway passengers be revised and raised, will Government kindly state which Railway Administrations have revised the scale, and what is the revised scale of free luggage allowance for different classes of passengers?

Mr. A. A. L. Parsons: The Honourable Member is referred to the reply given to unstarred question No. 28 in the Legislative Assembly on the 20th January, 1930. I understand that all Railways which are members of the Indian Railway Conference Association have adopted the revised scale, except the Bengal Provincial, Darjeeling-Himalayan, Dibru-Sadiya, Jamnagar and Dwarka and Jorhat Provincial Railways.

ABOLITION OF BONDED WAREHOUSES IN AMBALA.

165. **Pandit Thakur Das Bhargava:** (a) Will Government be pleased to state how many bonded warehouses there are in Ambala?

(b) Did the Cantonment authority, Ambala, abolish two of these bonded warehouses in 1929? If so, why, and under what section of the Cantonments Act or the bye-laws framed under it?

(c) Are Government aware that, on appealing to the District Magistrate against the abolition of the bonded warehouses and the consequent imposition of octroi, the District Magistrate accepted the appeal and directed the Cantonment Board not to charge octroi from the appellants firms?

(d) Are the orders of the District Magistrate final in the matter? If so, has the Cantonment authority any power to act in opposition to those orders, and, if so, under what section of the Cantonments Act?

(e) Is it a fact that the Cantonment Board, Ambala, has imposed octroi by abolishing the bonded warehouses again after re-starting them on receipt of the District Magistrate's orders?

(f) What action do Government propose to take in the matter?

Mr. G. M. Young: Parts (a) to (f). Government have no information. I am making inquiries and will communicate the result to the Honourable Member in due course.

PROSECUTIONS INSTITUTED BY THE PRESIDENT OF THE CANTONMENT BOARD, AMBALA.

166. **Pandit Thakur Das Bhargava:** (a) Is it a fact that the President of the Cantonment Board at Ambala sanctioned as many as 43 prosecutions under the Cantonments Act in January, 1980, under section 25 of the Cantonments Act?

(b) Will Government be pleased to state what urgency there was in those prosecutions to justify a resort to section 25?

(c) Did the Vice-President protest against the President's superseding the Board by his action in sanctioning the above prosecutions and dissent from the Board's Resolution to confirm the same?

(d) Have Government issued any instructions allowing the use of the emergency section 25, for routine Cantonment Board work of launching prosecutions for offences committed under the Cantonments Act?

(e) If not, do Government propose to take suitable action to prevent the President from making a similar use of section 25 in future?

Mr. G. M. Young: Government have no information, but I will make inquiries, and communicate the result to the Honourable Member.

ADMINISTRATION OF KIRKEE CANTONMENT.

167. **Pandit Thakur Das Bhargava:** (a) Will Government state whether Kirkee Cantonment administration has been placed under the Executive Officer of Poona Cantonment? If so, why?

(b) Have the elected members of the Kirkee Cantonment Board and the people of Kirkee submitted representations against the "change"? If so, what action has been taken on the same?

(c) Is it a fact that the Government's letter intimating the decision about the change was kept confidential from the elected members of the Kirkee Cantonment Board for some time? If so, why?

(d) Is any kind of correspondence addressed to the Cantonment Authority kept confidential from the elected members? If so, what is its nature? Have Government issued any instructions on the subject? If so, what?

(e) Who is the Assistant Secretary appointed at Kirkee in place of the Executive Officer? Was his appointment opposed by non-official members? If so, on what grounds?

(f) Do Government propose to cancel the change and revert to the old arrangement?

Mr. G. M. Young: (a) Yes, because Kirkee is very close to Poona and it was necessary to meet an urgent demand for a whole-time Executive Officer in another cantonment.

(b) Government have received no such representation.

(c) Government have no information.

(d) Government have no information. They have issued no instructions on the subject; nor do they correspond direct with cantonment authorities or any military authorities subordinate to the General Officer Commanding-in-Chief.

(e) Government have no information.

(f) Not at present.

INTRODUCTION OF THE ELECTIVE ELEMENT IN CANTONMENT BOARDS IN THE NORTH WEST FRONTIER PROVINCE.

168. **Pandit Thakur Das Bhargava:** (a) Has the attention of Government been drawn to an article under the heading, "Right of Franchise in the North West Frontier Province Cantonments" in the *Cantonment Advocate* of December, 1929?

(b) Have Government come to a decision with regard to the introduction of the elective element in the constitution of the Cantonment Boards of that province? If so, what is the decision?

(c) In which cantonments do Government propose to establish elected Cantonment Boards and when?

Mr. G. M. Young: (a) Yes.

(b) and (c). No decision on the question has been reached.

COMPLAINT BY A MEMBER OF THE DEOLALI CANTONMENT BOARD.

169. **Pandit Thakur Das Bhargava:** (a) Is it a fact that Dr. S. D. Desai, an elected member of the Cantonment Board, Deolali, dissented from the majority decision about item No. 4 of the Agenda in the meeting of the Cantonment Board, Deolali, held on the 28th November, 1929, and that a note was made in the proceedings about his dissent and its being incorporated in the proceedings?

(b) Did Dr. Desai send his note of dissent? If so, how was it dealt with? Did the Executive Officer return it on the ground of its being too long requiring the dissenting member to abridge it?

(c) Will Government refer to the law under which the President was empowered or justified to question merely the length of the note? What was the specific irrelevant matter which was desired to be expunged and why was it not pointed out to the member?

(d) Did the member send the abridged note later and was it incorporated in the proceedings? If not, why not?

(e) Has the dissenting member made any complaint about it to the Southern Command? If so, what are the definite allegations made in the complaint?

(f) Is it a fact that one of the allegations is that the proceedings as written at the time of the meeting, were subsequently altered?

(g) Have Government made any inquiries into the complaint and, if so, with what result? If not, do Government propose to make the inquiry?

Mr. G. M. Young: I am making inquiries and will communicate with the Honourable Member on receipt of a reply from the local authorities.

RESTRICTIONS ON THE USE OF THE MALL, KOHAT.

170. **Pandit Thakur Das Bhargava:** (a) Has the attention of the Government been drawn to an article published in the *Cantonment Advocate* of November, 1929, under the heading "Closing of Mall Road, Kohat, to the civilian population"?

(b) Have some restrictions been placed upon the use of the Mall Road, Kohat, by the Indian population of that Cantonment? If so, what are those restrictions? Since when have those been imposed and for what reasons?

(c) Is the Mall Road or any portion of it maintained from the Cantonment Fund? If not, who maintains the road?

(d) Has the Kohat Cantonment Landlords Association protested against these restrictions? If so, what action has been taken on the protest?

(e) Are Government aware that this act is considered by the Kohat people as one of racial discrimination?

(f) Did a deputation of the Kohat Landlords' Association wait upon the Officer Commanding, Kohat, in this matter?

(g) Is it a fact that the deputation was not received with proper courtesy and that the members thereof were not offered seats?

(h) Do Government propose to remove the restrictions to allay public feeling in the matter?

Mr. G. M. Young: I am making inquiries and will let the Honourable Member know the result in due course.

EXPULSIONS FROM CANTONMENTS.

171. **Pandit Thakur Das Bhargava:** (a) Has the attention of the Government been drawn to an article headed "Victims of old section 216" in the *Cantonment Advocate* of October, 1929?

(b) How many people are still under orders of expulsion from Cantonments under the section 216 of the old Cantonment Code repealed in 1924?

(c) Is it a fact that the Cantonment Reform Committee appointed by the Government in 1926, admitted in its report that section 216 of the old Cantonment Code was abused in several cases, when that section was in operation?

(d) Has the All-India Cantonments Association approached the Government to rescind this order of expulsion in case of one Mr. Bhagwan Dass, resident of the Mhow Cantonment?

(e) Is it a fact that this gentleman has been expelled for the alleged offence of his having addressed people in the bazaar to give up Government service in the non-co-operation days of 1922?

(f) What decision have Government arrived at in the case?

Mr. G. M. Young: (a) Yes.

(b) So far as Government are aware the number is about 20.

(c) The Honourable Member is presumably referring to the Cantonment Reforms Committee appointed by Government in 1921. This Committee did not deny that the powers had been abused in a few cases.

(d) Yes.

(e) No, his exclusion followed his conviction on a charge of attempting to seduce soldiers from their allegiance.

(f) Government have recently addressed the local military authorities on this case: and I will inform the Honourable Member in due course of the result of the reference.

RESUMPTION OF BAZAR SITES IN CAWNPORE.

172. Pandit Thakur Das Bhargava: (a) Has the attention of the Government been drawn to an article appearing under the heading "Alleged Resumption of Small Bazaar sites in Cawnpore" in the *Cantonment Advocate* of October, 1929?

(b) Have Government arrived at any decision with regard to the cases mentioned in the letter of the All-India Cantonments Association, published in that article?

(c) Will Government be pleased to lay the papers of each case on the table?

(d) Is it a fact that in all these cases, the landlords affected have regular "sale deeds" for the houses standing on the sites and that their sites have been resumed owing to the houses standing thereon being in a dilapidated condition, without their being given any opportunity to oppose such resumption departmentally, or in a court of law?

(e) What is the procedure adopted in case of a resumption of site?

(f) Have Government taken legal opinion as to the validity of such resumptions when the landlord in possession thereof has not been ejected through a court of law?

(g) Do these resumptions serve any military purpose? If not, do Government propose to cancel these resumptions?

Mr. G. M. Young: (a) Yes.

(b) to (d) and (g). The matter is under the consideration of Government and I will let the Honourable Member know the decision as soon as possible.

(e) The procedure is set forth in the pamphlet entitled, "Rules, Regulations and Orders in regard to the grant of sites of lands and the occupation of lands and houses in Cantonments in British India", a copy of which is in the Library.

(f) Yes.

DISCHARGE OF CANTONMENT FUND SERVANTS.

173. Pandit Thakur Das Bhargava: (a) Has the attention of the Government been drawn to the Resolution No. 2 of the All-India Cantonment Fund Employees Conference held in October, 1929, at Ambala Cantonments, regarding the discharge of Cantonment Fund servants?

(b) If so, what action have Government taken thereon? If no action has been taken so far, do Government propose to take any action?

Mr. G. M. Young: (a) Yes.

(b) The suggestions of the Association were considered and an amendment to the present rule was published for criticism on December 28th, 1929. The suggestions received in response to this notification are now under consideration.

APPEALS AGAINST DISMISSAL IN CANTONMENTS.

174. Pandit Thakur Das Bhargava: (a) Is it a fact that before the introduction of the present Cantonments Act in 1924, every Cantonment Fund employee drawing a salary of Rs. 80 per mensem or above had a right of two appeals against his dismissal, the final appeal lying with the Government of India?

(b) Has this right been curtailed in the rules framed by the Government under the New Cantonments Act?

(c) Is it a fact that, under the above rules, a Cantonment Fund employee dismissed by a Cantonment Authority has only one right of appeal and that to the Command concerned?

(d) Has the All-India Cantonment Fund Employees Conference requested the Government to provide the right of two appeals as before, the final appeal to rest with the Government of India?

(e) What action have Government taken on this request? If no action has been taken so far, do Government propose to take any action? If so, what?

Mr. G. M. Young: (a) No, Sir. The right of appeal to the Governor General in Council was restricted to those Cantonment Fund employees whose salary was not less than Rs. 100 per mensem.

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

(e) The right of Cantonment Fund servants to prefer two appeals was modified by the Cantonments (Amendment) Act, 1928, to bring it into conformity with the principle which applies generally to Government servants of the corresponding class. The Cantonments Association has been informed accordingly.

RECRUITMENT OF ASSISTANT SECRETARIES IN CANTONMENTS.

175. Pandit Thakur Das Bhargava: (a) How many Assistant Secretaries have been appointed in the cantonments of India, since the introduction of the Cantonments Act of 1924?

(b) What are their names and educational qualifications? What training in cantonment administration did they receive before they were posted to their duties?

(c) What is the method of their recruitment?

(d) Has the All-India Cantonment Fund Employees Conference recently held at Ambala made a request that a certain percentage of those appointments be thrown open to the senior employees who have a fairly long experience of cantonment administration?

(e) Have Government arrived at a decision with regard to this request? If so, what?

Mr. G. M. Young: (a) 21.

(b) Government have no information.

(c) The appointment of Assistant Secretaries is carried out by individual Cantonment Authorities.

(d) Yes.

(e) The suggestion would not be feasible, for the reason given in the answer to (c) above. There is nothing to prevent a Cantonment Authority from appointing a senior clerk, if it desires to do so; but obviously it cannot be compelled to appoint any particular person.

EXECUTIVE OFFICERS IN CANTONMENTS.

176. **Pandit Thakur Das Bhargava:** (a) Will Government be pleased to state what the total strength of the cadre of Executive Officers in India is? How many of them hold the King's commission and how many the Viceroy's commission?

(b) What is the difference in the emoluments of the above two classes of the cadre? How many Indians are there in each class and how many of them are Hindus, Sikhs, Muhammadans and others?

(c) What is the total civilian population of the cantonments of Indian and how does this population stand with regard to Hindus, Sikhs, Muhammadans and others?

(d) Has the attention of Government been drawn to an article headed "European and Indian Executive Officers", published in the *Cantonment Advocate* of January, 1930?

(e) Do Government propose to revert the Indian Executive Officer of Lucknow to the regiment? If so, why?

(f) Do Government propose to consider the request made in the above article that the Indian Executive Officer of Lucknow may be kept on in the cadre?

Mr. G. M. Young: (a) 41, of whom 30 hold the King's Commission and 11 the Viceroy's Commission.

(b) King's Commissioned officers of the Cantonments Department draw regimental rates of pay plus a graduated scale of departmental pay ranging from Rs. 125 to Rs. 800 per mensem. The pay of Viceroy's Commissioned Executive Officers is Rs. 400—20—500 per mensem. There is at present only one Indian officer holding the King's Commission in the Department, who is a Christian, and 11 Indian officers with Viceroy's Commissions, of whom two are Hindus, five Sikhs, three Muhammadans and one a Christian.

(c) Government have no information beyond that given in the Census Report of 1921.

(d) Yes.

(e) and (f). All first appointments to the Department are made on probation, subject to passing a departmental examination. The present Executive Officer, Lucknow, failed to pass this examination within the prescribed period, but he has been given one further chance. If he is successful at the next examination, the question of his reversion to his regiment will not arise.

**ABSENCE OF MR. AUGIER FROM MEETINGS OF THE CANTONMENT BOARD,
NEEMUCH.**

177. Pandit Thakur Das Bhargava: (a) Has the attention of the Government been drawn to an article published under the heading "Augier Controversy at Neemuch" in the *Cantonment Advocate* of January, 1930?

(b) Is it a fact that Mr. Augier, an elected member of the Cantonment Board, Neemuch, went outside India for five months and was absent from five consecutive meetings of the Cantonment Board?

(c) Did the other elected members of the Cantonment Board, Neemuch, and the All-India Cantonments Association approach the Honourable the Agent to the Governor General in Central India to remove the name of Mr. Augier under section 34 (1) (b) of the Cantonments Act?

(d) How was this request met by the Honourable the Agent?

(e) Is it a fact that there is a sharp difference of opinion between the Honourable the Agent and the All-India Cantonments Association, about the interpretation of section 34 (1) (b)?

(f) Are Government under the circumstances prepared to secure an authorised interpretation of the section?

Mr. G. M. Young: I am making inquiries and will communicate the result to the Honourable Member in due course.

**REPRESENTATION BY DR. DESAI, A MEMBER OF THE DEOLALI CANTONMENT
BOARD.**

178. Pandit Thakur Das Bhargava: (a) Has the attention of the Government been drawn to an article headed "Deolali Muddle" published in the *Cantonment Advocate* of January, 1930?

(b) Is it a fact that the proceedings were changed as stated in the article?

(c) Why was the statement of reasons in support of this dissent by Dr. Desai not incorporated in the proceedings?

(d) What action have Government taken on Dr. Desai's representation on the subject?

(e) Are Government aware that instances of such disregard of cantonment law by the President and the Executive Officer of various Cantonment Boards are multiplying?

(f) Are Government prepared to make an inquiry into the present case and take suitable action against the office responsible for the irregularity?

Mr. G. M. Young: (a) Government have seen the article.

(b) to (f). I am making inquiries and will let the Honourable Member know the result in due course.

**SANCTION TO THE CONSTRUCTION OF GARAGES BY THE MOTOR AND CARRIAGE
WORKS, AMBALA.**

179. Pandit Thakur Das Bhargava: (a) Is it a fact that the Punjab Motor and Carriage Works, Ambala, applied in September, 1929, for the construction of a few garages on the land already held by them on lease, and that the Cantonment Board, Ambala, unanimously recommended the construction?

(b) Is it a fact that the Northern Command asked the Cantonment Board to enhance the rent of the leased land as a condition preparatory to their sanction of the proposed building?

(c) Are Government aware that the Cantonment Board, Ambala, unanimously held that since the rent was already being paid for the whole land, there was no justification for demanding additional rent for constructing additional buildings on the same land, answering the same purpose?

(d) Will Government be pleased to state what action has been taken upon this unanimous recommendation of the Board and if the sanction has been given? If not, on what grounds has the Board's repeated recommendation been rejected?

(e) Are Government aware that the firm is being put to heavy loss owing to the municipal sanction to the proposed building having been withheld so long?

(f) Is it a fact that in the letter No. 3427-A.D.-4, dated the 7th December 1929, from the Army Department to the All-India Cantonments Association, the Army Secretary has definitely stated that the Government of India do not propose to interfere with the discretion of the Cantonment Authority in matters of above kind?

(g) Will Government be pleased to state whether the above-mentioned principle is being followed in this case? If not, why not?

Mr. G. M. Young: Parts (a) to (e) and (g). I am making inquiries and will let the Honourable Member know the result.

Part (f). The Army Department letter quoted referred to the exercise of a discretion specifically conferred on the Cantonment Authority by Government to grant agricultural leases by private agreement instead of by auction. It appears to have no bearing on the present case.

EMPLOYMENT OF MR. WEATHERAL BY THE EXECUTIVE OFFICER, AMBALA CANTONMENT.

180. **Pandit Thakur Das Bhargava:** (a) Has the attention of the Government been drawn to an article published under the heading "Waste of Cantonment Fund, Ambala", in the *Cantonment Advocate* of December, 1929?

(b) Will Government be pleased to state what the technical qualifications of Mr. A. C. Weatheral are, who is mentioned in the article to have been employed both as a contractor and temporary servant of the Board to look to the service line and to test private installations?

(c) Is it a fact that the new arrangement has cost the Cantonment Fund about Rs. 500 per mensem as against Rs. 40 per mensem paid for the same work when done through the contractor Messrs. Goela and Co., Ambala?

(d) Do the rules in the Cantonment Account Code permit a person to work both as a contractor and a temporary servant of the Cantonment Board at the same time?

(e) Is the Executive Officer empowered to pay travelling allowance to a contractor of the Board for journeys undertaken outside the jurisdiction of the Board, without the permission of the Board?

(f) Is it a fact that the Executive Officer, Ambala, allowed Mr. Weatheral to undertake journeys and paid him travelling allowances without any reference to the Board?

(g) Are Government aware that the Vice-President and some other elected members have submitted written protests against unauthorised payments to Mr. Weatheral? What action has been taken on the same?

(h) Do Government propose to have an inquiry made by the Director of Military Lands and Cantonments into the circumstances which led to the appointment of Mr. Weatheral and into the validity of the payments made to him from the Cantonment Fund?

Mr. G. M. Young: Government have since seen the article, and are making inquiries.

SANCTION TO THE RE-ERECTION OF AN OLD BUILDING BY THE EXECUTIVE OFFICER, AMBALA CANTONMENT,

181. **Pandit Thakur Das Bhargava:** (a) Did the Executive Officer, Ambala, permit the re-erection of an old construction on 26th April, 1929, without any reference to the Cantonment Board, though the re-erection fell under the provisions of section 79 of the Cantonments Act?

(b) Was the Executive Officer empowered under the Cantonments Act to grant such permission? If not, how do Government propose to rectify the mistake and to stop such unauthorised acts in the future?

(c) Is it a fact that when this matter came up before the Board in its meeting of November 1929, the Board decided by a majority to condone the unauthorised construction on payment of a composition fee?

(d) Will Government be pleased to state why the houseowner was punished when he had the Executive Officer's permission with him?

(e) Did the Vice-President record his dissent from the above majority decision? What action have Government taken on that dissent? Do Government propose to take any action in the matter?

Mr. G. M. Young: Government have no information.

I am making inquiries and will let the Honourable Member know the result in due course.

THE RAILWAY BUDGET—LIST OF DEMANDS.

SECOND STAGE.

Expenditure from Revenue.

DEMAND No. 1—RAILWAY BOARD—*contd.*

Re-examination of the Convention of the Separation of Railway Finance from General Finance.

Mr. President: The Honourable Sir George Rainy will now resume his speech on the cut moved by Mr. Neogy.*

The Honourable Sir George Rainy (Member for Commerce and Railway): When I broke off my speech yesterday afternoon, Mr. President, I had referred to certain figures as evidence of the improved financial results of the railways during the separation period. I do not propose,

*"That the Demand under the head 'Railway Board' be reduced by Rs. 100."

however, to continue at any length upon that line. It has been suggested to me that perhaps the comparison I was making was not in all respects a fair one, because the period immediately preceding separation was one of peculiar difficulties due to extraneous circumstances, and because considerable improvement might in any case have been expected whatever the administrative arrangements were. My substantial point, however, is merely this, that, whether you look at the financial results of the railways, or whether you look at the improvements in a number of other branches—all carried out since the separation was effected,—I need only mention one, specifically, namely, the reorganisation of the workshops, because I think that is a case in which very fine work has been done—whichever of these various branches you take, it seems to me they supply a conclusive answer to the proposition that the results have been so bad that the separation convention ought to be scrapped. I do not wish to enlarge upon this topic, however, for it would open up a very wide field for discussion. What the Honourable the Mover put forward in particular was that it appeared from the Report of the Public Accounts Committee and from the remarks of the Auditor General that in certain matters, the railways had not been advancing, or at any rate not advancing as fast as they ought to do. When the Public Accounts Committee and the Auditor General arrive at findings of this sort it seems to me clear that either the Railway Department must satisfy these authorities that there is more to be said on behalf of the railways than has yet been said, and to that extent the opinions that have been expressed should be modified, or, if the Railway Department are not in a position to do this, then we must more seriously apply our minds to rectifying what is wrong and to bringing about the same kind of improvement in this region as I believe the Railway Board have been able to bring about in other branches of railway work. But it seems to me to be a very big jump from that position to proceed summarily to the statement that all these faults are due to the separation convention, and that as long as the separation convention exists, there is no hope of curing them. That I should regard as an exceedingly pessimistic conclusion, pessimistic in this sense that it ascribes some approaching malignity to separation, and on the other hand extremely optimistic in the sense that, if only we could abolish separation and restore the old position, everything would instantly be cured as by the waving of the magician's wand. Now, I do not in the least want to claim that the exact system that obtains at present could not be improved; I daresay it could; no one has seriously claimed that we have succeeded in finding the ideal system under which the railways of India are to be administered and that there is no reason for reviewing the whole case. And while I am on this topic I think perhaps it might be convenient to the House if I were to explain how the case stands as regards the revision of the convention.

As the House will remember, a Committee was appointed to consider that subject. I had originally intended, at the next meeting of the Committee, to put certain views before that body; but as the subject has come up today, I think perhaps it will be well that I should state in substance what the view of the Government is about this matter. The Committee held, I think, three meetings, and appointed a Sub-Committee which held two meetings. The last meeting of the Sub-Committee was held in July; and in the ordinary course it would have been asked to meet again before this so that we might proceed with the examination of this very difficult and complicated case. I should like to explain the reasons

[Sir George Rainy.]

why, up till now, further meetings have not been summoned. The Government have felt more and more strongly, with the progress of the months, the extreme difficulty of tackling this subject seriously unless it can be linked up with the much larger and more important constitutional questions which are likely to come into the forefront in the very near future. It is true that minor amendments might be made in the convention irrespective of these larger questions, but since it is open to members of the Committee to raise the whole question of the system under which Railway finance is separated and the railways are administered, it seems to me very difficult to work out any sort of satisfactory scheme, unless we have, at any rate in outline, before us the general framework of the new constitution into which the administration of the railways will have to be fitted.

Then there is another point, a practical one. Naturally a very important question in reviewing the convention is the amount of the contribution which the railways of India should make to the general finances. It is obvious that the whole financial position of the Government of India may be profoundly affected by any constitutional changes that are made, and therefore, until we have some idea of what the new financial position will be, it seems to me impossible to reach any decision about the contribution with any hope that it would remain in force for more than perhaps a couple of years. Taxes on transport—and the railway contribution is of that nature—are of course open to obvious objections. At the same time there are objections to all forms of taxation; and it seems to me and to the Government of India that that is a question which can only be fully and fairly considered when we are in a position to consider the financial position of the Government of India as a whole. It is my intention to call a meeting of the Committee before the end of the Session and to place these views before them, explaining the difficulties which Government feel and the doubts which they have, whether any practical purpose would be served by persevering with the review of the convention at this stage. I have thought it right to explain our point of view to the House today, so that they may understand how the whole position is.

Before sitting down, Mr. President, I should like to add one word—it would really be more relevant on the motion for another out which stands in the name of Mr. Neogy, but which I am led to understand may possibly not be moved—I mean about the financial control of the Government of India over the Railway Board. The Honourable the Mover made some allusion to that subject in his speech. Now, what I have to say there really arises out of what I have already said about the Report of the Public Accounts Committee. Clearly, the Railway Board, like everybody else, must be subject to financial control. I do not exclude the possibility of revising in certain respects the present arrangements if we could devise a better way. But I should be very unwilling to disturb in essence the present system until the right time had come to consider all possible alternatives. In the meantime, however, it is clear that we ought to do our best to make full use of the present system as it exists so as to make quite sure that there is no absence of salutary control, and it is for that reason as I tried to explain, when introducing the Budget, that the Government of India have decided on a half-yearly review of the Railway financial position in its broadest aspects by the Finance Member and the Railway Member. That will give opportunities by which important matters in

which the finances of the railways are closely concerned may be fully and fairly considered by both the Members of Government who are specially charged with responsibility in these matters.

I think, Mr. President, that concludes what I wished to say today, but I will finally add merely this, that I am fully convinced that separation of some kind is essential if we are to get commercial management on the railways and successful administration.

I have twice said that I was about to conclude, but unfortunately I have only now remembered one other point to which I would like to allude, and it is this. If the review of the separation convention is to be postponed, then I think we ought to utilise the interval in getting ready any material which may now be lacking, so that no further time will be lost when the inquiry is resumed. It has been suggested more than once that a good deal of useful advice and assistance might be obtained if a railway expert from another country with experience of the management of a really large railway system were brought out to India and asked to help us with his advice. The particular matter in connection with which the employment of an expert was suggested was, I think, the allotments to the Depreciation Fund and the whole system on which the Depreciation Fund is constituted. I think that is a useful suggestion, and if it commended itself to the Committee, I think Government would find themselves in a position to agree. It is right that I should mention that, because I do not wish to convey the impression that we are merely putting aside the review without any idea that it should be taken up again until a very distant date.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I am sure the House will thank my Honourable friend, Mr. Neogy, for raising this question at this stage and for putting forward the view, held very strongly on this side of the House, in that lucid manner, which is generally associated with everything which Mr. Neogy handles. But, Sir, I have not been able to understand exactly what my friend has in his mind, except that he wishes to raise this question for discussion here. I do not see how he can press this motion before this House, because all that he indicates in his amendment is, "Re-examination of the convention of the separation of Railway Finance from General Finance". Now, as my friend knows, that question is under examination, and a Committee of this House is sitting in connection with it. I wonder if my friend, Mr. Neogy, feels that that Committee has sat too long without submitting a Report. If that is so, I feel that the Honourable Member has explained the difficulty which appears to him and to Government regarding the reason why the Committee could not complete its work till now or why it may not be able to finish its labours say within the next six months or a year. I, Sir, have the honour of being a Member of that Committee, and I also happen to be, what the Honourable the Railway Member said, a Member of the Sub-Committee appointed by that Committee. The various items which have been selected as heads for consideration for the revision of the convention embrace so many different aspects, that we feel that, until substantial knowledge is available to us regarding the next stage of political reform, the Government are perhaps right in saying that they cannot come to any definite conclusion as to the lines on which the convention should be based. As a matter of fact, we, non-officials on that Committee, were waiting to see what the two Honourable Members representing the Government on that Committee had to suggest by way of Government proposal.

[Sir Purshotamdas Thakurdas.]

but they themselves found it rather difficult to put forward any suggestions, and a Sub-Committee was appointed to go into further details. I do not know whether the House will look at this aspect of the question in the same manner as the Government of India have done, and as indeed some of us on that Committee have done. but I suggest that there is a good deal in what has been put forward by the Honourable the Commerce Member, and this part of the question should not be pressed unduly today, especially in view of the proximity of the date when further light will be available to us regarding political reforms.

But apart from that, if my Honourable friend Mr. Neogy's idea is to suggest to that Committee that they should inquire into the question whether the separation of the Railway finance from the General finances of the country has proved beneficial to the country,—if his intention is to raise a debate on that question—then I suggest that there can be only one reply to it, and that is, that so far as the scheme has been worked, it has been beneficial. I am prepared to concede, and indeed I expect even the Honourable the Commerce Member will concede, that certain weaknesses and handicaps have been experienced, but they are not such as cannot be remedied. As a matter of fact, I feel strongly, Sir, after the practical experience that we in this House have had of the last five years' working of this convention that, if this convention had not been agreed to in 1924, the finances of the Government of India in the Railway Department, at any rate, may have been considerably different from what they are today. During all the last five years, the Budget presented by the Honourable Member in charge this week has been the only Budget which showed a deficit, but the actuals of last year have shown a considerable deficit of about 86 lakhs of rupees, and I would suggest that, if we were working on the same old lines which existed before 1921, we might have repeated to us the same wail that had been repeated before the Acworth Committee, as to how the railways were furnished for funds and the country's general revenues were augmented by railway surpluses in good years. I am sure my friend Mr. Neogy has studied Chapters III and IV of the Acworth Committee's Report, which contain detailed information as to how this greatest asset of the Indian taxpayer, namely, the Railways, was allowed to suffer owing to the exigencies of the finances of the country as a whole. If one had the time, one would very much like to refresh the memory of this House, even briefly, regarding some of the exasperating things which were revealed before the Acworth Committee, as a result of which they came to the conclusion that the only solution to remedy the evil, if State management was allowed to continue, was the separation of the Railway finances from the General finances of the country.

I feel, Sir, despite all the various points that have been put before this House with the authority of the Auditor General, no case has been made out as to why the present arrangement should be discontinued. But I agree with my friend that many aspects have been brought to notice which require to be remedied, and I am sure that my friend will have everybody in this House with him if he tries to devise some method or methods to remedy the evils he complains of and I am sure that even the Honourable the Railway Member will co-operate with him wholeheartedly in that direction. But to come to the conclusion that, because a few drawbacks and defects have been experienced, the whole separation scheme should be given up, is a conclusion which, I am not sure, my

Honourable friend would like this House to come to. But he has frankly told us that he himself has been opposed to the separation scheme from its very start, and if he wishes to press his view before the House now, I hope the House will not agree with him.

Sir, the Auditor General has, I think, done a great service to the country, and even to the Government, by the very frank manner in which he has brought to light the various acts of omission and commission in the Railway Department regarding their expenditure policy. The Honourable the Railway Member said that an auditor is no auditor at all if he does not pass some criticism and make suggestions for the improvement of the system. I think great credit is due to Sir Frederic Gauntlett, the retired Auditor General, for the able manner in which he put his views before the Public Accounts Committee. I also think that this House ought to be grateful to those active Members on the Public Accounts Committee who follow up these questions from year to year and bring them to our notice. But all this does not necessarily support the idea that the two Budgets should be amalgamated. All that I say is that ways and means should be devised as to how the various defects can be remedied, and I suggest that there are other ways for tightening the control, than scrapping the fundamental convention on which the whole separation is based and which has so far worked to the benefit of the country as a whole.

Now, Sir, one of the things which appeared to be at the back of Mr. Neogy's mind was, to use his own words. "The inference is that the Railway Board's administration of railways has been inefficient". I believe these words were used by the Auditor General. Perhaps from the audit point of view the administration may have been inefficient, but I think the Auditor General himself said somewhere that the job is enormous,—these are also words which I think were quoted by the Honourable the Railway Member. Well, if the whole task is so enormous and if the asset of the taxpayer in the shape of the railways has no parallel in any other country, this House ought to be prepared to view some of these proofs of inefficient administration with a little leniency. I do not say that we should tolerate them. I do not say that we should pass over them lightly. I suggest that we should take the strictest view of them, as far as remedying them is concerned, but I do think one need not be unduly harsh and run down the administration simply because these mistakes or blunders, as one may like to call them, have been discovered in the administration of the Railway Board under this convention during the first period, namely, of the first five years. After all five or six years is not a long period in which one can expect the most able administration to achieve the ideal, and feel that we ought to judge it with some consideration.

One of the motives of my Honourable friend may be to inquire if the Finance Department's hold on the Railway Board is the same now as it was before the convention, or whether that control—and it is a healthy control—has considerably relaxed. Now, if the convention was set aside, what would be the result, would the Finance Department have a larger control over this Department? And if it is so, one would like very much to know why the Finance Department, under the convention, cannot exercise the same control that it did exercise. I am all this time thinking of the healthy control, not the meticulous control which acted as handicaps to the Railway Administration in its beneficent activities, as pointed out by the Acworth Committee. Can this healthy control be

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adversely affected by the separation? There is only one point raised by Mr. Neogy, which struck me as being a point worth considering in this connection. Before the convention, the Finance Department had what they called a watch dog over the Railway Department's powers of expenditure and powers of capital outlay too. Since the Convention, that officer of the Finance Department has been attached to the Railway Board as a Financial Commissioner, and it is possible that, as Financial Commissioner and a part of the Railway Board, he may have identified himself a bit too much with the Railway Board, that is more than with the Finance Department. I do not know if this actually is the case, but if that is one of the complaints of my Honourable friend, Mr. Neogy, I think this House would very much like to hear what the Honourable the Finance Member has got to say about it. Surely that is a defect which can easily be removed, and we need not hesitate to express our opinion frankly on this question, because my Honourable friend Mr. Parsons is the Financial Commissioner under reference. In this House, we are discussing the policy and not personalities. Personally I dare say Mr. Parsons has done very well by the Railway Board and by even the Finance Department. But after all Mr. Parsons cannot always be there, and if we are to consider whether the Finance Department's agent controlling the Railway Board would well be outside the Railway Board as an independent controlling authority on behalf of the Finance Department of the Government of India, I suggest that that point raised by Mr. Neogy is a very good point and may be usefully considered by the Government of India in the "light of the experience of the Finance Department till now".

Sir, I would like to hear from Mr. Neogy (unfortunately perhaps he has no right of reply), or from any other Member who holds opinions similar to Mr. Neogy, as to whether he does not think that, since the convention, this House has had on the whole a better say in matters of capital expenditure and even of revenue expenditure? I have been trying, since yesterday afternoon, to recall to my mind any items of capital expenditure which were not approved either by this House or by a committee of this House, and which were carried through by the Government in spite of that. The only instance I can recall, and it is a very bad instance indeed, is the instance of the Kalyan Power House. It is an instance which, if I may say so, will stand to the lasting discredit of the Railway Board. That instance proved the surreptitious manner in which the project of the Kalyan Power House was carried through, in spite of its being turned down by the Railway Finance Committee. It has cost the country 50 per cent. over the estimate, and one need not, at this stage and on this subject, go into the other indirect losses to which the country has been put. Barring that one solitary instance, I think this House has had, through this committee, a fairly good say, any way a better say, in matters concerning expenditure on Railways than it had till 1924.

I wish, Sir, to take this opportunity of mentioning to the Honourable Member an important aspect of the separation of the two budgets. I have here a copy of the various terms of the separation convention stipulated at the time of the separation of the two Budgets. Paragraph 9 of that convention reads as follows—I am reading from page 3870 of the

Assembly Debates, Part VI, Vol. IV of 1924. Condition No. 9 reads as follows:

"In view of the fact that the Assembly adheres to the Resolution passed in February, 1923, in favour of State management of Indian Railways, these arrangements shall hold good only so long as the East Indian Railway and the Great Indian Peninsula Railway and existing State-managed railways remain under State management, But if in spite of the Assembly's Resolution above referred to Government should enter on any negotiations for the transfer of any of the above railways to company management, such negotiations shall not be concluded until facilities have been given for a discussion of the whole matter in the Assembly. If any contract for the transfer of any of the above railways to company management is concluded against the advice of the Assembly, the Assembly will be at liberty to terminate the arrangements in this Resolution."

Now, Sir, when this convention was made in the year 1924, it was taken for granted that it would come up for revision in say five years' time. What has happened is that, at the end of five years, a Committee was appointed by the Government of India, but that Committee, as the House now knows, is not likely to submit its report for some time—may be for a year or even longer.

An Honourable Member: It was only for three years.

Sir Purshotamdas Thakurdas: The minimum period fixed was three years, but it was allowed to continue longer. In December 1931 notice has to be given to the Bengal and North Western Railway, if that Railway is to be acquired by Government. There is not much time between now and December 1931, and in view of the other existing subjects that are likely to come up, there may be nothing feasible till then. I would therefore like the Honourable the Railway Member to give an assurance that he will read this Condition No. 9 as including the acquisition for State management of railways, contracts for which fall due hereafter. I do not think it would be fair on the part of Government to point out that Condition No. 9 only related to the Great Indian Peninsula and the East Indian Railways, and therefore they were free to come to any decision they liked regarding the Bengal and North Western Railway. That would be the most unfair advantage they could take of the confidence of the Assembly, namely, that they would abide by this convention till revised. And, unless the Honourable Member is able to reply on this debate that, we can confidently rely on them to include in this condition also the acquisition of the Bengal and North Western Railway being brought up before the House before the Government of India come to any conclusion, we shall have just reason to break the convention now. I feel that, in view of the difficulty which he indicated in replying to the general debate on the Budget about the acquisition of the Bengal and North Western Railway for State management, I am quite justified in asking for a categorical assurance that the inclusion of the Bengal and North Western Railway would be deemed to be understood under condition No. 9.

I feel, Sir, that I ought to say a word regarding what has fallen from the Honourable the Railway Member about some expert advice being made available to the Committee sitting for revision of the convention. It is necessary to ascertain whether we are setting aside a sufficient amount and not too much or too little for depreciation of our railway assets. There is a strong feeling that we may be setting aside much too much and we may thereby be depriving the general taxpayer of India of concessions that may be made available to him if a larger contribution could be had from the Railway Budget. On the other hand, the Railway Department may feel—and perhaps the Honourable the Finance Member also shares this

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feeling—that a sufficiently large amount is not being taken to depreciation out of the gross receipts of the railways for depreciation of this huge machine. I agree that it would be very difficult for any Member of this House, however qualified he might be regarding railway matters, to pronounce an opinion off-hand. I have personal experience of the extremely useful service which can be rendered by a suitably selected expert from England being brought out, who could review the whole thing, go into figures and give us expert advice. I have nothing but admiration for the useful service which the experts brought out with Lord Inchcape for the Retrenchment Committee of 1922, rendered to the taxpayer and to the Railway Administration of India. If Government desires that such assistance should be had, I personally think that we ought to support such a proposal. It may cost us Rs. 20,000 or so, but it will be an extremely good investment to make. There is only one condition which I would make in this connection and that, to my mind, is an essential condition. The person so brought out shall not be a person connected with the railways of India, either directly or indirectly. He must not be a retired official of the Indian Railway Administration, nor must he be a person connected with any of the existing railway companies which have their head offices in London. I think it is necessary to make this a condition precedent for the selection of the personnel. The person brought out should be a person connected with one of the big railway systems in England or Europe or the United States of America, a person who has an open mind. It is only when a person of this nature is brought out, as was done in the case of Lord Inchcape, that I think it would be money well spent. I recommend my friends on this side of the House to approve of this suggestion, which has been made on the condition which I have just mentioned.

I have only one word more to say in conclusion. I feel that there is a very large scope still left for justified and useful economy in the administration of the railways of India. The enormous size of the railway machine and the large distances through which the railway system runs, are, I think, justifiable reasons why we, on this side of the House, should have patience in judging the results of the Railway Board's administration. There is one good change which the Government of India seem to have made. I believe that they have begun to accept and act up to the recommendation of the Acworth Committee's Report, namely, that in selecting persons for the railway administration, Government need not be guided by the same rules as they are for the civil administration of the Government of India. The Acworth Committee unanimously recommended that persons should be selected not so much for reasons of seniority, as is being done in the other civil services, but more for reasons of their being particularly capable and fitted for the job. And I would like the House to know one of the best instances of this which I can think of. It is the appointment of Mr. Russell as the Chief Commissioner for the Railway Board. I think in point of seniority Mr. Russell is not very senior, but in point of ability he made his mark for great capacity of a rare order on the Great Indian Peninsula Railway. I had occasion to work with him on some Boards in Bombay and if what he achieved in Bombay is an indication of what he is capable of achieving here, we expect to find the Railway Board in a different state of efficiency under his management after two or three years.

12 Noon. The same can be said about another officer mentioned by the Auditor General and quoted by Mr. Neogy and the Railway Member. If persons are selected for the Railway Board administration

free from the red-tape of seniority alone, but on merit and if this House will keep a close eye on the criticising of details and not lose patience regarding the useful convention which they have stood by till now, I am sure that we will not regret it. I, therefore, think that the debate raised by my Honourable friend, Mr. Neogy, can be regarded as most useful, and I hope that the Honourable the Railway Member will be able to give an assurance regarding the Bengal and North Western Railway being included in condition No. 9 of the convention, as far as the acquisition of that line is concerned. I am sure that the points raised in the debate were noted by members of the committee which is at present sitting in order to consider the separation of the two Budgets. Sir, I would not like to conclude without repeating my faith in the convention being maintained and upheld by this House in principle, and the details being watched by us, by such energetic Members of this House as my Honourable friend, Mr. Neogy.

The Honourable Sir George Schuster (Finance Member): It had not been my original intention to intervene at all in this debate, but I think I may take it that I have had a direct call from my Honourable friend, who has just spoken, to give this House some impression of the position from the point of view of the Finance Department. Perhaps the mere fact of the Finance Member intervening in a debate at this stage has in itself a certain significance. It shows at least that a very important question of principle is being raised, and that my Honourable colleague and myself do consider these matters together. My Honourable friend, Mr. Neogy, speaking yesterday, referred to the fact that he thought that at times I looked rather uncomfortable in my seat. I assure him that that was not the case. If my presence during these debates is somewhat interrupted, it is not because of any feeling of discomfort or lack of desire to listen to what is going on, but simply owing to the unfortunate coincidence that the Railway Budget is always taken in the few days preceding the General Budget, and I regard those few days as the worst days in my own year. It is very difficult to get through under about 18 hours work a day. Therefore, I cannot always be present in the House during the Railway Budgets as much as I should like to be.

Now, on this question of the relations between the Finance Department and my Honourable colleague, the Commerce Member and the Railway Board, I have certain general observations to make. In the first place, I would impress upon you, as indeed has already been impressed upon the House by my Honourable friend, Sir Purshotamdas Thakurdas, the great complication of the issues, and the difficulty of reconciling some measure of financial control with that latitude in executive work which is necessary if the enormous railway machine is to work without undue friction. It would certainly never be our object in the Finance Department to put sand in the wheels of that machine. We want to make it work as smoothly as possible and with the minimum of friction. At the same time, it is necessary, in the general interests of the taxpayers of the country, that some control over policy should be exercised from the side of the Finance Department. The relations of the Finance Department in regard to the Railways are rather like the relations between a banker and one of his large clients. We are called upon to finance the railways, and if they make mistakes, it is we who have to put our hands into our pockets to see them through. In one respect the relation is different from that prevailing in private business, to which I have referred, for if the railways of the country get into difficulties, we have got to help them out. We cannot say to them, as a banker can say to one of his clients, "you must close your

[Sir George Schuster.]

account with us; we do not like the way in which you do your business; you must find some body else to finance you." That line of action is not open to us, and therefore we must try to protect ourselves at all stages from receiving undue shocks. But considering all the difficulties of the situation, I certainly am prepared to say that the present arrangement is on the right lines. I am quite certain that my Honourable friend, Sir Purshotamdas Thakurdas, is right in expressing the view that the introduction of that arrangement has been of very considerable advantage and that the results which have been realised in the last five years could not have been realised under the old arrangement which prevailed before. But we must always remember, when we talk about the separation of Railway finance, that there is at present no real separation. It is simply a separation of accounts, and the fact that the accounts are shown separately and the Budget is taken separately, is of great value for indicating clearly the results, and for enabling this Assembly, as representing public opinion, to get a clear view of the railway problems. But in practice no real separation has been achieved, and therefore there must be the closest possible contact between the Finance Member and the Railway Member on all questions of railway policy. Now, that contact is, according to my experience, certainly being maintained. Indeed in this whole matter, there must be an interplay of forces. Of these the main motive force comes from the Railway Department as the spending department. Then, we have the Finance Department, as a regulating force, exercising control in order to keep railway activities in their proper proportion in relation to the general financial position of the country. Outside that, we have the force of public criticism stimulating official action and bringing up new points which may not be apparent to the official mind. These three forces must have interplay in order to achieve effective results. I think that these forces are now interacting quite properly, and I regard this debate as a very good example of the way in which public opinion is being applied to the problem. It is a beneficial process, and I say this, even though I do not agree with all that has fallen from my Honourable friend, Mr. Neogy, or perhaps—to put it in a different way,—I would not lay quite the same emphasis on certain of the points which he has stressed as he himself has done.

This brings me to another point, and I am glad to have the opportunity of making this clear in relation to what was said on the Public Accounts Committee. When I, as Chairman of the Public Accounts Committee, have to perform the very difficult role of making myself an independent Chairman of a Committee of critics which is criticising the work for which I, as a Member of the Government, am partially responsible,—in performing that role, I do associate myself very often with the criticisms that are made on particular transactions. But I want to make clear that the sort of points which come before us on the Public Accounts Committee are relatively points of detail, and that it would be a great mistake to read the report of the Public Accounts Committee alone as expressing any sort of judgment on the general operations of the Railway Department. As my Honourable colleague, Sir George Rainy, has said, "Audit is only concerned with one side of the picture", and I think it is very important to bear that in mind. Moreover, not only are we only concerned on the Public Accounts Committee with one side of the picture, but we are only concerned with one particular portion of that side, the accounts side, and I think it is of great importance to realise that criticisms of accounts only cover a very small portion of the picture.

Now, as regards the actual position as it exists today, I would not myself go so far as to say that my Honourable colleague and I are "twin souls with but a single thought", indeed it would be very improper if we were, because he wants to spend and enlarge the railways and I have to keep his activities in proper proportion to the rest of the picture. But I would say this, that we are jogging along together in harness very comfortably, and that, when a touch of the whip is applied by critics like my friend, Mr. Neogy, there is no danger of the two horses trying to jump apart and wreck the carriage. We continue to work in harmony, and I am very glad to have this opportunity of saying that we are now feeling our way towards possibly new developments in our relations, and that I think we are working on the right lines. It is of course a fact that, since I myself took up my duties as Finance Member, the question of financial control has perhaps assumed new significance, because we have particular difficulties at the present moment. But I myself feel no difficulty in dealing with that situation, and I am quite satisfied—and I say it as one who is responsible in a sense as the trustee of the public interest—I am quite satisfied that, under the present arrangements, the sort of financial control which ought to be exercised can be exercised; and if I did not feel satisfied, I should feel myself quite capable of taking the necessary steps, in conjunction with my Honourable colleague, to see that the arrangements were altered, so as to bring about a more satisfactory state of affairs. But it is not necessary to make any drastic change. We are feeling our way, and I think we are acting wisely in not attempting to rush to a conclusion the survey of the railway convention which is now taking place. It is a matter of fundamental importance; it is not a question merely of altering certain details; it is a question of reviewing the whole organisation, and I think it is very wise, particularly at this time when in the present political state of the country the interest of the Honourable Members of this House is perhaps rather more largely centred on affairs outside this House than in normal times it would be. I think it is particularly wise at such a time that we should go slow and should not misuse this opportunity which we have got of reviewing the railway convention. I hope, Sir, that what I have said provides an adequate response to the call which was made upon me by my Honourable friend, Sir Purshotamdas Thakurdas, and I do not think that it is necessary that I should add anything further in this debate.

***Mr. E. F. Sykes (Bombay: European):** Sir, I am entirely at a loss to understand what Mr. Neogy's difficulties are. The powers of the Financial Commissioner should be in no doubt. But as the House never seemed to be acquainted with them, I will read a paragraph from a fly-sheet that was circulated in 1924 when we were discussing this question of separation:

"No proposals involving expenditure or affecting railway revenues can be adopted until he has accepted them. This applies equally to small matters, such as the grant of an allowance to an employee or the addition of a clerk to an office, and to the large projects involving the expenditure of many lakhs."

What further control by the Finance Department Mr. Neogy can want I entirely fail to see.

From this statement of the powers of the Finance Department over Railway matters, two things are obvious: the first one is that there has been no separation of Railway finance from General finance, as Sir George

[Mr. E. F. Sykes.]

Schuster has agreed, and that the present arrangements provide for a divided control and therefore an inefficient one. The correct method of separation, as Sir Purshotamdas Thakurdas will remember, has been indicated by the Acworth Committee, and their proposals would be entirely the same under any constitution; but so long as the Railway Member is content with the present state of affairs and likes to be a subordinate of the Finance Member, nothing will be done under this or any other constitution.

Mr. K. C. Roy (Bengal: Nominated Non-Official): Sir, it is difficult at this stage to pick up the debate because two prominent Members of the Treasury Benches have already had their say. I have been a member of the Public Accounts Committee and I think it is my duty to pay a tribute to Sir George Schuster for his absolute impartiality and fairness in the treatment of men and matters. But I regret to find today that he thought that only one side—the audit side—of the picture was presented before the Public Accounts Committee. That is not true. We had before us Sir Austen Hadow, who gave us a vivid description of the railway working. We were indebted to him for placing such wonderful materials before that Committee. There is no intention on the part of this House or on the part of any member of the Public Accounts Committee to cast any reflections on the Railway Board. The Railway Board has undergone a change in its personnel, as Sir Purshotamdas Thakurdas has already said. Mr. Russell has come from Bombay with a great record. Then there is Mr. Brayshaw, there is Mr. Hannay, and there is Mr. Hayman, and we have already got on the Railway Board Mr. Parsons. The Railway Board is one of the most efficient units of the Government of India as we all know. But they have their good points and the bad points. The Public Accounts Committee was only concerned with the bad points, and I shall come to that later on.

Now, Sir, I come to Sir George Rainy. In his lucid speech, he has followed the tactics of the Opposition and has given notice of a delaying motion. What does he say? He says, let us wait, let us get the new constitution and then we shall deal with the separation convention. What is the net effect of it? Sir George Rainy will have retired; Sir George Schuster will be on the eve of retirement, and all the Members of the Railway Board will have gone to their homes by that time. That will be the net result. I am sorry to say that the House can never be satisfied with the decision which Sir George Rainy has given us, and I hope Mr. Neogy will press his claim for a re-examination of the entire problem.

Now, Sir, when the Public Accounts Committee approached this matter, they had three ideals in view. The first was, is the convention constitutionally right? Secondly, is the convention administratively right, and the third point is, is the financial convention as a whole right for the taxpayer? These three points were gone into, and the net result was a considerable dissatisfaction with the arrangements that exist, considerably reinforced by the observations of the Auditor-General, who has served India for so many years. It was my privilege to raise the first point, is the Railway Member entitled to present the Railway Budget? We raised this point and the unanimous recommendation was this:

“We desire to recommend that when the Governor General exercises this power of appointing any Member as Finance Member for the purpose of any particular rule of the Indian Legislative Rules, the order of such appointment shall be laid on the table of the House.”

This, Sir, as you know, was done. The second recommendation was :

“We also suggest that the Railway Board should obtain the opinion of the Legislative Department as to the interpretation of the definition referred to above.”

We are still unaware of the opinion which the Legislative Department gave. I am not a lawyer and I know very little of rules and regulations; but what I know is that the framers of the Montagu-Chelmsford Reforms never contemplated that there should be more than one Budget. Now the rules in our Manual of Business and Procedure at page 52 distinctly lay down,—and this is the section which was originally framed in the Government of India Act :

“A statement of the estimated annual expenditure and revenue of the Governor General in Council (hereinafter referred to as ‘the Budget’) shall be presented, each year, to the Assembly on such day or days as the Governor General may appoint.”

This was the intention of the framers of the Act. They never thought for one moment, neither Mr. Montagu nor Lord Chelmsford, nor the Joint Select Committee, that there should be two separate Budgets.

Mr. President: Where was the Honourable Member for the last five years?

Mr. K. O. Roy: Then, Sir, rule 48, which was promulgated by the Governor General in Council, says this :

“Nothing hereinbefore contained shall be deemed to prevent the presentation of the Budget to each Chamber in two or more parts and when such presentation takes place, each part shall be dealt with in accordance with the foregoing rules as if it were the Budget.”

This was the change made and what was the net immediate effect? The preparation of the Budget passed from the hands of the Finance Member to the Railway Member. This was the immediate effect. I hope Mr. Parsons will speak and he will give his views on the subject. Then what do we find? As my friend, Mr. Neogy, pointed out, the Honourable the Finance Member has lost his interest in the Railway Budget. There is undoubtedly a dual control over the Railway Budget. There is diarchy in the Railway Administration. The matter should be reviewed by the Committee which was set up by this House some time ago.

Now, Sir, as regards the administrative aspect, what is the position today? Sir George Schuster said that the Finance Department has every control. I certainly deny that. The Financial Secretary has no control over the Railway Budget or the finances of the Railway Department. Sir George Schuster undoubtedly has the power as Member of the Governor General's Council. Then let us consider the position of Mr. Parsons. Mr. Parsons is well known to us. He is known for his conspicuous ability. But his position has no parallel in the Government of India. He is the Financial Secretary for Railways; he is a Member of the Railway Board. He is there both in his executive as well as in his administrative capacity. Is there any other officer in the Government of India occupying a similar position? Take the Military Financial Adviser. He is only a member of the Military Advisory Council. There is nobody who occupies that responsible position which Mr. Parsons does, wielding enormous power and enormous patronage. By saying this I do not want to cast any reflection on Mr. Parsons. But the system is neither sound nor good.

[Mr. K. C. Roy.]

Lastly, mention has been made of the fact that we have done fairly well with the railways. I wish to give some figures as I understand them. About the time when the convention came into force our surplus was about 18,16 lakhs and our total capital investment on the railways was about 6 crores. But today our capital investment is in the neighbourhood of 8 crores and the surplus is only 7,07 lakhs. That means the surplus has gone down by 50 per cent. I admit that there has been reduction in rates and fares. I admit also that there has been trade depression. I admit all that, but, all the same, I am not convinced that the railway financial results have been good; and there is a general impression in the country that the Agents have been given enormous powers and that they are wasting money. It necessarily follows that a review of the convention is urgently called for. There has been an enormous increase in the cost of general administration expenditure. Since the convention started, it has gone up by two crores. The people are not satisfied with it. Sir George Rainy could not say that an auditor's report is not all in all. But when he has put the railways on a commercial footing, it is of vital importance to the people of this country, who are really the proprietors of the railways in India that the auditor's report should be satisfactory. The House will remember that it was not many years ago that Sir Charles Innes described himself as the Chairman of a company and this House as a meeting of the shareholders. I hope, Sir, that Sir George Rainy will follow his predecessor's example and will always look to the taxpayers' interest first and judge the auditor's report on its merits in future. I hope he will not hesitate to review the convention which has been the subject of discussion in this House. Sir, I support Mr. Neogy.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: - Muham-madan Rural): It will be presumptuous on my part to speak with the authority to which my friends, Sir Purshotamdas Thakurdas and Mr. Neogy are entitled on account of their intimate relation with the subject since 1921. This question, as has been pointed out, was seriously considered by the Aoworth Committee, and they said that witness after witness told them that the then financial arrangement needed drastic revision. In their recommendation No. 8 they say, "We recommend that the Finance Department should cease to control the internal finance of the Railways". Their idea was that the Railways would not be allowed to develop and operate as commercial undertakings if their finances were subordinated to vicissitudes of the general finances of the country. Now, this question was referred to a Committee and that Committee added certain conditions that the contribution should be one per cent. of the capital charge of commercial lines, plus one-fifth of the surplus, with certain provisos. The conditions imposed by the Committee were accepted by the Government and they were brought forward in the shape of a Convention on the 17th September, 1924, before the Assembly. The Assembly added two more conditions which I will describe later on. But these two conditions were not put down as the indispensable part of the convention. Now, the working of the last five years has clearly shown that this convention has worked very satisfactorily. During the last five years, the Railway Department has contributed 30 crores of rupees to the general revenues of India. They have also got at present, in reserve and hard cash, a sum of

30 crores. (*An Honourable Member*: "No, no.") Sir, according to Standing Order 27, may I draw your attention to the fact that the Honourable gentleman should stand up when he wishes to speak? They have got 30 crores of rupees as Reserve and Depreciation Fund, and in addition to this during the same five years, they have built 30,000 miles of new lines. They added this mileage to the mileage existing before this convention came into existence. These three figures are very encouraging. But at the same time, we should realise how far they have fulfilled the conditions which this Assembly imposed in 1924. The two conditions which the Assembly adopted on the initiation of Sir Purshotamdas Thakurdas and on the initiation of the Leader of the Opposition were the Indianisation of the Railway services and the purchase of stores in India. These two conditions were accepted by the Government, but we find that they have not been fulfilled. (Hear, hear.)

In addition to these two conditions, a new situation has arisen, which the Assembly did not foresee in the year 1924, and that is the extravagance of the Railway Department. (Hear, hear.) Now, it has already been pointed out by Sir Purshotamdas Thakurdas regarding the power house at Kalyan, that the estimate was 90 lakhs of rupees but the real expenditure was 150 lakhs. (*An Honourable Member*: "Only 150 lakhs?") Perhaps to my Honourable friend this is a very trifling figure, and he doesn't mind it. Now the question is probably whether,—the Members of the Railway Board will bear me out—had the estimate of Rs. 150 lakhs been laid before them at the outset, they would have decided not to build the power house. But this is not a solitary example of extravagance.

Mr. M. S. Aney (Berar Representative): The members of the Standing Finance Committee never even sanctioned the estimate at all.

Dr. Ziauddin Ahmad: This is not the only example of extravagance. The second example of extravagance is the Kangra Valley Railway. The original estimate here was Rs. 1½ crores, but the actual expenditure was Rs. 3½ crores. I would like the engineers who first framed this estimate to come before this Assembly and to justify the enormous increase between the estimate and the actual expenditure.

Now, the third example of extravagance I would mention is the railway station at Lucknow which has cost Rs. 88 lakhs. Now, if this question had been seriously discussed by the Assembly, I would certainly have requested the Railway Board to drop this project, and that the taxpayers' money, instead of being thrown away in costly buildings like the railway station at Lucknow, should be utilised in securing comforts for the third class passengers. I would have very much liked, and the public would have looked upon it with satisfaction, that this amount should have been spent, if it was decided to spend it on buildings, in constructing third class waiting rooms in all the stations in Oudh. The Barons of Oudh might be required to give special donations for the particular railway station in their locality.

The fourth example of extravagance which I would like to mention is the Cawnpore railway station, which was estimated to cost about Rs. 90 lakhs, but now they have revised the Budget and the estimate has already been increased to one crore, and by the time it is finished I do not know at what figure it will end. Now, have the gentlemen who are responsible for this considered whether it would not have been more paying from the

[Dr. Ziauddin Ahmad.]

financial point of view had this money been invested in doubling the line between Allahabad and Cawnpore instead of investing it in big costly buildings at Cawnpore, where it was not required, or in building a line, as my Honourable friend from Dacca suggests, between Dacca and Aricha.

Now, the difficulties are there, but the solution suggested by my Honourable friend, Mr. Neogy, does not appeal to me. He is very much charmed and taken in by the Finance Member, and wants the Finance Member to be the Finance Member at all times and on all occasions. I suppose, if he had his own way, he would probably leave the administration of even a garden party in the hands of the Finance Member. Sir, I admit that I am not very much captivated by the Finance Member. I would like his activities to be confined and not extended to other Departments. We have already seen how he puts obstructions in the way of grants to the Education Department. My Honourable friend, Nawab Sir Abdul Qaiyum is not here, otherwise he would bear me out that, whenever there is a question of remission of revenues, he remembers that there have been floods in the North West Frontier Province and he remits the revenue, but when it comes to the grant for the Islamia College, he insists that the grant of Rs. 50,000 should not be given until Sahibzada Sahib collects another sum of Rs. 50,000 from the famine stricken province. Never mind, that is rather by the way. I am not very much taken in by the Finance Member, and I should like to say that, although he may have some kind of supervision, he certainly should not have control of the railway expenditure as Mr. Neogy advocates. Of course I quite understand his feeling; he has always been opposed to the separation on account of the great admiration which he has for the Finance Member whoever occupies that chair. Now, the difficulties are what I have just mentioned, but the solution is not the solution that has been recommended by the Honourable the Mover. His solution is very much like the treatment of a doctor who always administers poison in the case of a disease. That is the way by which you can treat a patient and send him to the other side of the world most speedily. (Interruption.) However, the difficulties are there, but the solution which he has suggested is not the right one. He ought not to end the convention, but he ought to see that the existing difficulties are removed. Sir Purshotamdas Thakurdas has already told us about the Committee which is sitting, and we should wait till this Committee has reported. But I would like to make one or two suggestions for the consideration of this Committee which is now considering this particular problem: One suggestion I would like to make is that no new expenditure involving Rs. 5 lakhs or more should be undertaken by the Railway Department till permission has definitely been obtained in the shape of a Resolution from the Assembly. (Interruption.) I am not very keen on five lakhs. It may be three or ten. The important point is that in the case of all new expenditure costing more than a given amount the estimate must receive the sanction of the Assembly in the shape of a Resolution and not be concealed in the General Budget.

Mr. A. H. Ghuznavi (Dacca Division: Muhammadan Rural): That is always done.

Dr. Ziauddin Ahmad: I would like to have this new change.

Mr. A. H. Ghuznavi: The change is there.

Dr. Ziauddin Ahmad: May I inquire, Sir, under what rule the Honourable Member goes on interrupting me? Is it not the Standing Order that he should address the Chair and not speak direct to me?

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): You had better go on and don't give way.

Dr. A. Suhrawardy (Burdwan and Presidency Divisions: Muhammadan Rural): It is under the sitting order.

Dr. Ziauddin Ahmad: The Honourable Member should address the Chair and not me.

(Dr. Ziauddin Ahmad resumed his seat.)

Mr. President: Dr. Ziauddin.

Dr. Ziauddin Ahmad: I wish the Sub-Committee mentioned by Sir Purshotamdas Thakurdas to consider whether it should not prescribe a minimum amount of new expenditure above which the Railway Board ought not to spend without the explicit permission of the Assembly.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I am glad to find that my Honourable friend, Mr. Neogy, gave notice of the same motion as stands in my name, and I have great pleasure in giving him my full support. Sir, I have the greatest respect for my Honourable friend, Sir Purshotamdas Thakurdas, for whose work on the Acworth Committee we in this House and Indians all over the country are very grateful and shall always remain grateful. Sir, I listened to him very attentively, but I am afraid I shall have to differ and dissociate from him on this important issue. He went on to say that he is quite satisfied with the terms of the separation convention and that he would let the matter remain as at present. Sir, my Honourable friend, Sir Purshotamdas Thakurdas, when we discussed on the floor of this House the separation convention in 1924, moved two small amendments. They were (a) that no railway line now under State management, and no railway line now managed by a Company, whose contract may hereafter expire, should be handed over to Company-management without the previous approval of the Legislative Assembly, (b) that the railway services should be under the control of the Railway Board. As regards (a), though you yourself, Sir, gave it your full support while you were a Member on the floor of this House the Government would not accept that condition. At last they accepted it with respect to the Great Indian Peninsula Railway and the East Indian Railway. The cases of other Company-managed railways were left out. As regards clause (b) of this amendment, it was never accepted but was added as a recommendation. We know what happens even when we pass Resolutions; the Government Members merely sit tight and never give effect to those recommendations; and so the Honourable the Railway Member and his predecessor never gave effect to that recommendation added to the separation convention and we all know, Sir, recommendations are not binding on the Government. I remember those significant days and old Members of this House will remember how polite, how cordial, Mr. Parsons was, and Sir Charles Innes was, and how sweetly they tried to convince us that the separation of the Railway finance from the General finance would work wonders. The only wonder I see, Sir, is extravagance and a deficit Budget. I was rather surprised to hear my Honourable friend, Sir Purshotamdas Thakurdas, eulogising so much

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the result of that separation. He forgot what my friend, Mr. Jamnadas Mehta, once said—I am so sorry he is not present with us today and that he will not be present on the floor of this House for another six months. Mr. Jamnadas Mehta was a member of the Standing Finance Committee for Railways and he said—my friend Mr. Aney will contradict me if I am wrong—that we have no control over the expenditure; railway projects are brought to us and no sufficient reasons are given; and even the Standing Finance Committee for Railways is very often overruled. My Honourable friend, Dr. Ziauddin Ahmad has just quoted an instance of extravagant railway expenditure—the electrification project at the Kalyan Power House. It was not a technical project; it was a political project undertaken in order to ruin the Tata Electric Company of Bombay; the power house was built to ensure a supply of electricity to the railways as the Tata Company—an Indian-managed Company—could not be trusted to do so during a war or rebellion. I hope my friend, Mr. Parsons, when he replies today, will tell us something about the Kalyan Power House, whether it is an economic and efficient scheme; and I hope he will tell us whether thereby he has reduced the capital expenditure of the great Indian Peninsula Railway and also the working expenses on that Railway. I challenge him to say that on the floor of the House.

Sir Purshotamdas Thakurdas then alluded to the magnificent results achieved by the separation. All alone, Sir, Mr. Neogy has been opposing the separation. At one time I was with him, but when I found the whole House coming to the other view, under the sweet influence of my Honourable friends, Mr. Parsons and Sir Charles Innes, I succumbed to that influence. (Laughter.) I thought the scheme might be allowed to be tried for three years; but now, Sir, another three years have gone and I find there is a breach of contract; even after these six years they have not come forward of their own will to ask us to examine that convention. When I found that breach of contract and after what I came to know in the Public Accounts Committees about the mismanagement on the railways, the scandalous waste of money and also the policy of non-Indianisation which was being pursued by the Railway Board, I felt convinced that we must bring back the Railway finance to the old conditions. After all, Sir, what is the real state of this separation that Sir George Schuster just now told us of? It is merely separation of accounts. If that be so, why not go back to the old conditions? My friend, Dr. Ziauddin Ahmad and others have told us of the wonderful achievements that have been made since the separation was brought about, but they forget the main thing; they forget it is all due to the spirit of the Reforms. It must be remembered, Sir, this was after 1921 whereafter the Railway Budget is amenable to the vote of the Members of this House, and the Government have to take the permission of this House to carry out all expenditure. Whatever has been done—and that is very little—I attribute to the Montagu-Chelmsford Reforms. I do not see that any good result has come out of the separation, because the separation is nothing but a little better control of the Finance Department, through the Financial Commissioner, and through the many Chief Auditors and Chief Accountants. If there was laxity of control during the time of Sir George Schuster's predecessor, if Sir Basil Blackett had too much confidence in Mr. Parsons and did not examine the Railway finance himself very often, we are feeling the pinch of it today.

The Honourable the Railway Member had a dig at the Audit. He referred to a speech of his which he gave to the Railway Agents' Conference in September last. I did notice that and I wanted to raise the matter on the floor of the House by a sort of interpellation or by Resolution. But, Sir, unfortunately, as you know, events in the country are marching so rapidly—the Viceroy's statement in October last, the Lahore Congress, the Viceroy's withdrawal from his statement, certain assurance thereafter—all these have so absorbed us that I could find no time to challenge my friend over that fling at Audit. I agree, Sir, that audit is very important. But audit is not the only thing that matters. It is efficiency, efficiency of engineers, efficiency of railway management, efficiency in administration, proper Indian atmosphere . . . (Mr. Fazal Ibrahim Rahimtulla: "Hear, hear.") Yes; I am an engineer too, and I could tell my friend, Mr. Fazal Ibrahim Rahimtulla, how much mismanagement is happening on the railways on account of these European engineers, and how our money is being squandered . . .

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muhammadan Rural): Simply because they are European?

Mr. B. Das: Yes, certainly so; and you ought to know that being yourself an industrialist.

Mr. Fazal Ibrahim Rahimtulla: No; I did not know that they are not efficient merely because of their colour.

Mr. B. Das: I shall come to that later on. Now, Sir, what was the policy of the Acworth Committee? What was the policy of the European Chambers of Commerce when the Acworth Committee was sitting? What was the policy of the capital expenditure of the Railway Board before the separation convention and after? The Acworth Committee on page 5, para. 11, of their Report, quote extracts (paragraphs 2 and 3) from a letter from the Bengal Chamber of Commerce to the Secretary to the Government of India, Finance Department. In paragraph 2—I shall quote one line—they say, "This severe curtailment of capital expenditure on the Indian railway system has been received with deep regret by the Chamber. At the same time, the existing financial situation of the Government of India is not overlooked, etc., etc. Further on, the letter quotes from the address of the President of the Chamber, Sir Alexander Murray, whose services to the British Empire everybody knows, but whose services to India I am not aware of, unless he helped to bring on the 18*d.* ratio to the Statute-book in order to impoverish the masses: He says, "Money must be found and spent on the railways, no matter whether we are to have direct State management or management by boards sitting in London or in India."

Sir, these European Chambers of Commerce represent the applied engineering industry of Great Britain; they want orders for railway appliances such as wagons, underframes, rails for their iron manufactures and locomotive controls, signal boxes, etc., for their engineering firms. They do not mind if Sir Malcolm Hailey's policy in finance had ruined India and India had no money at the time as a result; they wanted capital expenditure so that fresh orders could go to England and the engineering industry in England could flourish.

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Now, Sir, the Railway Board was first organised in the year 1905 and the separation took place in 1925. What have the Government done, I ask,—what has Mr. Parsons done—to organise the applied engineering industry in India so that railway appliances can be completely manufactured, and purchased in India? What is the use of your spending 100 crores and sending away 80 or 90 crores every year outside India? It may be that the Tatas are getting a few orders under sufferance as it were. If the Agent of the Bengal Nagpur Railway is so pleased, the orders may not be placed with Tatas at all; he may buy anything that he likes from England because there are combinations and pools well known to this House. Sir, as long as the railway are not nationalised, there is no use of quoting instances of Japan regarding nationalisation of railways. *Railways must be controlled and managed by Indians.* Now, who controls the railways in India? Of course, I do not question the spirit of honesty of the Honourable the Railway Member, but then he is a part of that machinery, a part of that Government which we want to end. His Government's policy is to continue and perpetuate the old policy to see as to how far the British industries can flourish at the cost of India. British industries must flourish, they must get orders from India, and that is why our friends on the Treasury Benches are not fighting extravagance.

Now, regarding Capital expenditure, I will just quote from a very handy book which Sir Frederick Gauntlett, the former Auditor General, published before leaving India, "An Epitome of the Reports from the Central Committees of Public Accounts, 1923-27 and of the Government orders thereon". I will quote a few lines showing how expenditure was incurred without budget provision:

"They naturally made provision for proceeding with works that they had started or were starting during the course of the year under any contingency that might arise, so that each railway asked for the maximum amount that it could spend, and the result was that, taken all together, the estimates proved to be too high, and there was every year a considerable lapse" (paragraph 8, p. 27 of the Epitome).

Another instance of gross extravagance prevalent in the Railways was the system of "advance indents" whereby orders are placed without Assembly sanction. On page 19 of the Epitome, Honourable Members will find the comments of the Public Accounts Committee and the order of the Governor General in Council. I quote the latter:

"The matter of 'advance indents' for Railway stores is receiving careful consideration. The Government are in full sympathy with the object aimed at by the Committee."

Even in last year's Public Accounts Committee we found that orders for locomotives were placed in London without the knowledge of the Finance Department, or without the sanction of the Standing Finance Committee for Railways. The Honourable Sir George Schuster, as the Chairman, felt surprised at these commitments.

Of course, I do not blame my Honourable friend, Mr. Parsons, for everything, because Mr. Sim was in charge for a certain period.

Then, Sir, I will refer to another matter. The total capital expenditure in 1923-24 proved to be only 28 crores, against a grant of 41½ crores. They spent only 28 crores and 18½ crores were the surplus, and in that

year the working expenses were so over-estimated that there was a surplus of two crores in the working expenditure. So the Government order said :

"The Governor General in Council regrets the wide divergence between the actual expenditure of the year and the estimates."

Further on it says :

"As pointed out by the Committee, the most serious divergence was under Railways, where there was a saving of 2 crores under Revenue expenditure and 18 crores under Capital expenditure."

Well, whatever order the Government of India passed, I think the Railway Board might show their fingers to the Government of India, because the Railway Board are not amenable to the control of the Government of India. They are committed to a policy of heavy capital expenditure—that is what the European Chambers of Commerce, the Associated Chambers of Commerce and all these Chambers say. That has been the policy of the Railway Board, and that has been going on till we have come to the deficit which the Honourable the Railway Member read out to us this year. Sir, I do not mean to say that the Financial Commissioner is appropriating too much power to himself, but yet cases have happened when we had to discuss the power of the Financial Commissioner in the Public Accounts Committee. We had to question him about his interference in the matter of new services. We had also to make a recommendation to the Governor General in Council regarding "New Services" as interpreted by the Railway Board; the Governor General in Council had to consult the Secretary of State for India over that matter, and orders have been passed that no expenditure on a new service can be undertaken without a token cut before the Assembly and without the permission of this House. Sir, it usually happened that the Honourable Mr. Parsons, with his two crores surplus money, could easily find finance for the survey of the Kangra Valley Railway or a similar project to the extent of a few thousand rupees. Well, if that sum of Rs. 1,000 is granted, afterwards when Mr. Parsons comes before the Standing Finance Committee,—my friends Messrs. Aney and Jamnadas Mehta might have been absent on that occasion,—but my friends Mr. Fazal Ibrahim Rahimtulla and Haji Chaudhury Ismail Khan would be there who usually think, "Oh, Mr. Parsons is a nice fellow" and Sir, they sanction the expenditure, thinking that it is only an expenditure of Rs. 1,000, but afterwards it would be seen that the expenditure has come to over 3½ crores.

Again, Sir, I have to mention the name of Sir Malcolm Hailey, now His Excellency Sir Malcolm Hailey, because he insisted that the Kangra Valley Railway should be built for political reasons, of course and yet, for an expenditure of over 8 crores the Punjab Government would only guarantee towards interests Rs. 4 lakhs per annum for 18 years. That means for the mistakes and follies of the Provincial Governments and Provincial Governors the taxpayer of the whole country should suffer and the Railway Budget becomes a deficit Budget.

(At this stage the Honourable Member paused to consult some notes.)

Mr. President: Does the Honourable Member (turning to the Honourable the Railway Member) wish to say anything in reply?

Mr. B. Das: Sir, I have not yet finished. I will take about twenty minutes more. (*Some Honourable Members:* "No, no.") Sir, I am in a minority here. This is a matter of great national importance. There are some sleeping Members of the Railway Committee on the separation convention, who have done no work for one year. Let them stand up and reply as to why they have not done any work. You can say "No, no" to me. But why have you not done your work for one year? We are sent there to look after the taxpayer's interests.

Regarding the capital expenditure on the railways, I would again allude to it for a moment. We did give a hundred crores of rupees from the taxpayer's money to meet the deficit income to pay the guaranteed interest in the old days. If the Railway Member will admit that debt to the taxpayer and pay us at least $3\frac{1}{2}$ per cent. interest, the taxpayer is entitled to get $3\frac{1}{2}$ crores of rupees every year. Let me forego the interest up to date that has not been paid to the Indian revenues so far. Well, that 100 crores of rupees has been allowed to lapse, and the capital estimate of the railways was fixed at the time of separation at 400 crores and odd. Sir, the Honourable the Finance Member, a few minutes ago, observed that we are going through hard times. I do not mean this year, it may be next year that the Honourable the Finance Member may meet with a heavy deficit and may not have any money to fall back on. I consider he will have to fall back on the Railway Reserve, otherwise he will do the worst thing for India; he would double the salt tax, which will mean the poor man will go without his salt. Why should it be so? The railways have thrived in the past through the taxpayer's money. So if there is any money accumulated in the Reserve the Finance Member must avail himself of that money instead of taxing the poor man again.

1 P.M. To tax salt is the most unreasonable and cruel thing to do. My friend, Dr. Ziauddin Ahmad, did not know that since the separation convention, the Agents have got very wide powers. Formerly they were allowed to spend only a few lakhs. Today any Agent can spend up to 50 lakhs or a crore. They are a happy family. The Railway Members and the Engineer members control the whole thing. I as an engineer know what it is. Those of us who can recollect our old friend, Sir Clement Hindley, know how rude an engineer could be. Sir, he used to say on the floor of this House during discussion of Railway Budgets that he wanted only advice from us. He did not think that the Assembly had any control over the railways! He never thought that we were masters and that we were here to control the Railway Administration. He said, "If you want to give me advice, I will listen to you, otherwise I do not care". That was his temperament. That is the temper of the European railway engineer. It does not matter whether it is Sir Clement Hindley or Mr. Russell, who comes from the Great Indian Peninsula Railway, which was until recently a Company-managed railway. *Is your spirit Indian or British?* That is what we have to see. If Mr. Neogy takes his motion to a division, I know that only he, myself and Mr. K. C. Roy will go into the same lobby with him. (*Mr. K. C. Neogy:* "I will get many supporters.") We offer these criticisms with a view to help the Honourable the Finance Member and the Railway Member and also those sleepy Members of the convention on the non-official side who have not done their duty so far.

One more point. The Lee Commission Report never contemplated that the Lee concessions should be given to railway officers. They have been given not only to Europeans but also to Anglo-Indians. I ask Sir George Rainy who was once President of the Tariff Board. He is supposed to dabble in figures too much. Since 1924, there has been a clamour for more and more pay. Is it not time that the salaries of the Europeans were reduced? The prices have fallen very much since 1922. Will Government revise the scale of salary and special allowances of European officers? Let my friend the Railway Member draw a little less in allowance and let this discriminating Lee concession be done away with. At least, the index of prices justify such reduction.

Now, Sir, I only want to give a few suggestions to Government, if they really wish to work the convention which was to be established in a real spirit of service to India and to which some of us only gave a half hearted support at the time. Sir, (1) I would suggest that a technical Member of the Railway Board should be in future a Member of this House to answer questions on the technical side, and my Honourable friend, Mr. Parsons, should only deal with financial questions. (2) I suggest that the Railway Board's minutes of discussions should be published and put before the Standing Finance Committee for the Railways and in the Library. (3) I further suggest that the Railway Standing Finance Committee should be elected only by the non-official Members of this House, and that the Railway Member and the Financial Commissioner should be Members by their own right. (4) The Agent's power of large expenditure should be curtailed and it should be limited to a maximum of 5 to 10 lakhs. (5) My next suggestion is that, when the Assembly is sitting or whenever it is possible, a non-official member of the Standing Railway Finance Committee should attend every meeting of the Railway Board, if he is in the locality or such members can attend by rotation. For this purpose, they should be treated, by their own right, as honorary Members of the Railway Board. I further suggest that there should be immediately established a Rates Tribunal. There is no use in quoting paragraphs from the Acworth Committee and saying that the Acworth Committee said so and so when that most important recommendation has not been given effect to. We are tired of the Advisory Committees and so I condemn the Rates Advisory Committee.

Sir, I am sorry for speaking long and taking the time of the House. The subject is of vital importance to India; hence my excuse. With these words I support my friend Mr. Neogy's motion.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): I do not understand why we should now go into this question of the separation of the Railway Budget from the General Budget. The time for going into the larger question in connection with the constitutional reforms is very close when all these matters will be taken up and discussed. Sufficient time has not been allowed for the working of the convention. In these circumstances I may be permitted to ask my friend, Mr. Neogy, to withdraw his motion and, if he does not see his way to do it, not to press it. The matter has been talked out and I am sure the Honourable the Railway Member will give full attention to all these things.

Mr. A. A. L. Parsons (Financial Commissioner, Railways): Sir, my Honourable friend, Mr. Das, appears to me to have reviewed almost the whole field of railway activity and to have found it almost entirely bad. I wish he had been able to show a little more of that spirit of leniency for which Sir Purshotamdas Thakurdas made a plea, or even a little more of that judicial attitude, which, I noticed at the time of the general discussion, was displayed by the Honourable Member sitting near him, Mr. Gaya Prasad Singh. If I may interject, I should like to thank Mr. Gaya Prasad Singh for the generous spirit in which he made his remarks about the Bengal and North Western Railway, and I can assure him that the point of criticism will never be lost on the Railway Board when their critic is eminently fair. Sir, I do not wish to follow Mr. Das in his review at this stage of the debate, nor can I deal with the suggestions which he has made for the betterment in his view of the present state of affairs, except for the one suggestion that another Member of the Railway Board should be nominated as a Member of this House in order to deal with technical questions. Personally, I would welcome that suggestion very much, for it would relieve me of some work, though I am not sure that the whole of this Government Bench can be tenanted by people from the Department to which I happen to belong! I do, however, wish to mention this suggestion because, to my mind, it is relevant to the criticism that possibly, when the Financial Commissioner has been for some time in the Railway Department, he becomes more a railway officer than a financial officer. I think that view is taken partly on account of the fact that in a great many of his public appearances the Financial Commissioner of Railways has to speak on, support and defend activities of, the Railway Department on other sides of their administration than the financial, and therefore naturally there is a tendency to think that his financial duties are taking a second place. That, if I may say so, from my own personal experience, is not so.

My chief object in rising at this stage is to reply to one or two points that have been raised by Members since the Honourable the Finance Member spoke. I should like first to deal with the speech of Mr. K. C. Roy, who appears still to be in some doubt as to what the position of the Financial Commissioner of Railways is. Admittedly, and for reasons that were given in the Acworth Committee's Report, there is no position exactly corresponding to it in the other Departments of the Government of India. But the position in itself is perfectly clear. The Acworth Committee recommended, in paragraph 58 of their Report, two radical reforms; they stated that the essence of their reforms was contained in two things, one, the complete separation of the Railway Budget from the General Budget of the country, and, two, the emancipation of the railway management from the control of the Finance Department. Except on one point, I do not propose to deal with the separation of the Railway Budget. As the House is aware, what has been accomplished is not a separation of the Railway Budget, but a partial separation of the railway accounts and Budget. The only point to which I wish to refer is one mentioned by Mr. Roy. We have again consulted the Legislative Department, who have informed us, as indeed we knew before, that our procedure with regard to the presentation of the Railway Budget is perfectly regular; that procedure is to obtain the authority of the Governor General for the presentation of the Budget by the Railway Member in this House and by the Chief Commissioner in another place. And the legal position is that, though there

is separate presentation, the Budget is still one undivided whole, though it is presented in two parts. As the House is aware, the main railway figures still appear in the General Budget.

I turn now to the position of the Financial Commissioner. There, again, the recommendation of the Acworth Committee has not been wholly accepted. The position of the Financial Commissioner has always been, first of all, *vis-a-vis* the Finance Department, that the Railway Department is bound to consult the Finance Department on any matter affecting the general ways and means position of the Government of India, and in practice, of course, the duty of seeing that they are so consulted falls on the Financial Commissioner. The position of the Financial Commissioner *vis-a-vis* the Finance Member has always been that the Finance Member can direct him to submit any case or any class of cases to him, in fact, can deal with him in this respect exactly as he deals with the Finance Secretary on the general side of the Government of India. And here I will interpose a remark on something said by Mr. Neogy. The Financial Commissioner does not exercise powers in excess of those of the Government of India. The powers of the Government of India are greater in Railway matter than in other matters, but the Financial Commissioner does not exercise powers which are in excess of those conferred upon the Government of India. If he did so, he would be very soon called to account by the Secretary of State.

Mr. K. O. Roy: Might I ask if the Financial Commissioner is not allowed the same access to the Viceroy as is the case with the Secretaries of the Government of India?

Mr. A. A. L. Parsons: No, it has never been claimed that the position of the Financial Commissioner is exactly the same as that of the Finance Secretary. In answer to a question given by the Honourable the Railway Member a few days ago, the position was only described as more closely corresponding to that of the Finance Secretary.

Mr. K. O. Roy: In a case of difference between the Financial Commissioner of Railways and the Finance Member, who goes to the Viceroy for orders?

Mr. A. A. L. Parsons: That entirely depends upon the Department to which the case belongs. If it happened to belong to the Railway Department, the case would be taken by the Secretary in the Railway Department who is the Chief Commissioner. Mr. Roy also charged the Railways on the ground that the financial results of the separation have not been good. Here, if I may say so, I wish he had followed the example of my Honourable friend, Pandit Hirday Nath Kunzru. Mr. Roy took the figures of the best year the Railways ever had since separation, namely, the year when there was a surplus of about 18 crores

Mr. K. O. Roy: I took the figures from Mr. Jukes' note.

Mr. A. A. L. Parsons: And compared them with the figures of the revised estimates for this year which, as the House is aware, has been a thoroughly disappointing one. That is not a fair method of comparison, because railway receipts are bound in all countries of the world, and particularly in this country, to go up and down in various years. Mr. Kunzru very fairly chose a year which was a fair average year, namely, 1925-26,

[Mr. A. A. L. Parsons.]

and what we are anticipating next year, and made his comparison on those figures. I do not entirely agree with what Pandit Hirday Nath Kunzru said about those figures, but I do not think this is the time to analyse them. I do anyhow agree with him that they justify our pausing before we again begin to incur capital commitments on a large scale.

Several Members have charged us with extravagance in certain remodeling schemes, and in the construction of the Kalyan Power House. I am afraid the present moment is hardly the time at which to deal with these particular matters, particularly as I have not got the details of the schemes nor the exact figures with me. Speaking from memory, I am doubtful whether the figures quoted by Dr. Ziauddin Ahmad with regard to the Cawnpore remodelling are correct. That is all, Sir, I wish to say on the points raised since the other Members on behalf of the Government spoke.

Mr. M. S. Aney: Sir, ordinarily, I would not have intervened in this debate at all but for the repeated reference made by my Honourable friend Mr. Das to the non-official Members of the Convention Committee having been sleeping all the time. At least during his speech I was not sleeping and this House will admit that.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Now you are awake.

Mr. M. S. Aney: I have been wide awake all the while. That is what I want to say. My point is this. I do not know whether my Honourable friend, Mr. Das, really followed the whole story which the Honourable Sir George Rainy narrated regarding the formation of this Convention Committee of this House and how that Convention Committee has gone into a sub-committee and how, owing to the complexity of the nature of the subjects before them, that Committee has not been in a position to come to any conclusion up to this time. The real difficulty as regards the motion before us is this. The Honourable Member raises a question to which nobody can take any exception, that is the re-examination of the convention regarding the separation of the Railway finance and General finance. As a matter of fact this House has already agreed to the question of examination. It has appointed a Committee for that purpose and the Committee has been sitting, of course, not as regularly as it should have, but the difficulties were not at any rate on the side of the non-official Members or their unwillingness to work on that Committee, but the difficulties were of a different nature. Members on the other side that is official Members have not yet been able to make up their minds as regards the points which they must take into consideration before they can make any recommendation to modify the present convention. Whether the official members of the Committee were sleeping or whether they did not want this Committee to do anything at all, I cannot say. The position is this. Whenever we met, they did not find sufficient time to carry on the discussion on the points which we, the non-official Members, raised. When the whole Committee met twice or thrice, it was soon found that it was necessary to appoint a sub-committee and first settle the points which should be discussed by the general Committee. Then, of course, we succeeded to this extent. The terms of reference were prepared and 17 points have been jotted down as essential for the Committee to consider.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): When was that?

Mr. M. S. Aney: That was done some time in March, 1929. Last time the sub-committee met in Bombay, if I remember aright. We met there and then at that time the discussion turned on the point, namely, whether there was any statement made on behalf of the Railway Board before the Simon Commission at all and if so, what stand the Railway Board took with regard to the constitutional status of the Railways before that Commission. If they had taken that point, it was up to the Committee to know it, before they could proceed further with that work. There was a good deal of discussion on that point and no further information was vouchsafed on that point and the matter ended there. After that day, I believe, I am right in saying, no further meeting of that sub-committee was convened at all and the matter stands there.

Mr. A. H. Ghuznavi: Because the Honourable Sir George Schuster was away.

Mr. M. S. Aney: Yes; nothing could be done in his absence. Now, Sir George Schuster is here and probably, I believe, this sub-committee might meet before we disperse from Delhi. That is the position in which the sub-committee stands today. If this sub-committee's work is over, then there will be something for the general Committee to do. It is true the questions are of a complex nature. Although I differ from my Honourable friend, Mr. Neogy, as regards the fundamental point, namely, whether the separation should be scrapped—on that point I have not much doubt in my mind—I entirely agree with him in regard to inquiry on the necessity of re-examination of the convention. Whether the conditions under which the separation up to this time have been worked require to be further modified in the interests of the tightening up of the popular control over the financial affairs of the Railway Board or not is a point on which I and most of my non-official colleagues hold very strong views, and those who have read these terms of reference will find that they are sufficiently comprehensive to include all points to enable the non-official Members to introduce at least some conditions to establish greater popular control over the Railway Administration. The Committee will undoubtedly discuss that aspect of the problem, so that this Committee, if it completes its labours within a reasonable time, may be in a position to place popular control on a more firm and effective basis than what it is on today. I do admit that there is extravagance in the Railway Administration, I do admit that the existing arrangements do not enable us to have sufficient time to study the various plans and estimates that are placed before us. I do admit all these things, but these are defects in the system and these defects can be cured without changing the fundamental thing, namely, the keeping of the two finances apart from each other. It is not necessary to pool the two finances together. In fact it has been expressly admitted that it is not real separation of the two finances at all, it is merely a separation of the accounts only. These two accounts might be kept apart and yet popular control can be properly tightened up if the bodies which are associated with the work of the Railway Administration today, namely, bodies elected by this House, such as, the Standing Finance Committee and the Central Advisory Council for Railways, are placed on a statutory basis and their functions properly specified. Today the position is this; nobody

[Mr. M. S. Aney.]

knows exactly what the powers of the Standing Finance Committee are; nobody knows what the functions of the Central Advisory Council are.

Mr. B. Das: None.

Mr. M. S. Aney: None, precisely. It is only such work as is placed before the Standing Finance Committee that has to be discussed within the time allotted to them. In the Central Advisory Council, we have to formulate our position, on proposals placed before us and all that we do is by way of advise to the Railway Board. They are now doing everything on their own responsibility. That is where the matter stands. How these powers can be properly specified; whether an amendment of the Railway Act itself becomes necessary or not for this purpose; all these are matters which are to be considered by the convention Committee. The Committee is there. The non-official Members are not sleeping, and they do not want to sleep. The question is what will be the proper and convenient time for the Government Members to convene meetings and have the work done. I do not know if the present discussion will at least serve the purpose, namely, of impressing upon the Government the necessity of expediting the work of that Convention Committee, and if it does that, then I think the discussion may be taken to have served a very useful purpose. From that point of view, I endorse the suggestion in the motion of my Honourable friend, but I cannot accept the central suggestion made by my Honourable friend in the course of his speech, namely, to do away with the separation altogether.

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadian Rural): That is not the motion.

Mr. M. S. Aney: Yes, I know, the motion is not that, but the arguments used in support of the motion tend to show that he wants to do away with the separation. Though he has not worded the motion to that effect, yet by his arguments, he mainly supported the point of view of separation. So far as the motion is concerned, in fact the House has already agreed to it and the Government Members cannot express their dissent from that motion as the Committee has been appointed with their full consent for the examination of this very thing. If this motion is only intended to expedite or accelerate the thing, I believe the Government cannot oppose this motion. Therefore, I find that, although I disagree with some of the arguments advanced by my Honourable friend, I quite agree as to the urgency of the examination of this question and as to getting the work of the Convention Committee expedited without any further delay.

Pandit Hirday Nath Kunzru: Sir, the general impression created by the speech of my Honourable friend, Sir Purshotamdas Thakurdas, was that most of the important questions before the Committee could not be decided without knowing the constitutional changes that we all expected would soon come about. Do Government propose, in these circumstances, that the Committee should set to work and produce its report speedily, or have the Government come to the conclusion in their minds that the Committee is dead? That is the main point on which we require an explanation, and from that point of view, I do not think that the motion of my Honourable friend, Mr. Neogy, is out of place. It is strange that on this point, neither the Honourable Sir George Rainy nor Mr. Parsons gave

any reply at all. Indeed the other day when a question was put to my Honourable friend, Sir George Rainy, with regard to the work of the Committee, I believe, he told us that it had met only thrice. When asked further as to the reasons why the Committee had not met more frequently during the last fifteen months since its appointment, he deprecated any further questions being put and said that, in his opinion, it was not advisable that the matter should be pursued any further. It was left to my Honourable friend, Sir Purshotamdas Thakurdas, to make plain to us the reasons.

The Honourable Sir George Rainy: I think the Honourable Member must be speaking under a misapprehension. What Sir Purshotamdas Thakurdas said today was with reference to what I said in my speech this morning. I dealt fully with the matter but possibly the Honourable Member was not present then.

Pandit Hirday Nath Kunzru: I was present throughout. If the Honourable Member thinks that he said anything today which might in any way be regarded as not putting a stop to the work of the Committee. I should be very glad if he would reconcile his position today with what it was some time ago. But the reply which he himself gave to some supplementary questions the other day and to which I have already referred did create a great deal of uneasiness. I think therefore that it is up to Government to assure us that the Committee that has been appointed will set to work immediately and will produce its report without any avoidable delay.

The second point, Sir, on which I should have liked Government to throw more light was the position of the Financial Commissioner. Honourable Members on the other side know that exception has been taken to the fact that the Financial Commissioner is not a purely financial officer. My Honourable friend, Sir George Rainy, objected to his being called the other day a Member of the Railway Board. Technically, Sir, he may not be a Member of the Railway Board, but practically, as Sir George Rainy himself admitted, the Financial Commissioner is concerned not merely with financial questions but also with administrative questions. It is also clear from the reply which Sir George Rainy gave to a question of mine, that the Financial Commissioner is, except in regard to questions of a financial nature, under the control of the Chief Commissioner of Railways. We should like to know,—because this is a matter of great importance,—whether the duties of the Financial Commissioner are purely financial or in any way executive or administrative; for I confess I do not quite clearly understand how it is that the Financial Commissioner comes in any matter under the control of the Chief Commissioner of Railways. The main point, however, is whether the Financial Commissioner of Railways is to be an independent financial officer; whether the system that is followed in regard to the Railway Board should be the same as is followed in the Army and the Postal and Telegraph Departments, or whether a different method should be followed and the present practice should be continued. Government have yet to convince us that the Financial Commissioner should take part in the discussion of administrative questions and thus identify himself with the Railway Board.

[Pandit Hirday Nath Kunzru.]

My Honourable friend, Sir George Schuster, told us that he was satisfied that the present system was working well, and that the additional measures adopted by him for securing the control of the Finance Department would prove sufficient in practice. I do not know what new rules have been framed by the Finance Department to secure the purpose we all have in view. I asked my Honourable friend, Sir George Rainy, the other day to throw some light on the question, but he refrained from doing so during the Railway Budget debate. I expected therefore that either he or Sir George Schuster would give us some additional information today, particularly as Sir George Schuster, as Chairman of the Public Accounts Committee, said :

"On behalf of the Finance Department I have had to assume a much closer control over capital expenditure than hitherto and new construction of any kind will have to be drastically curtailed."

In addition to this we have to bear in mind that my Honourable friend, Sir George Rainy, said that the interference of the Finance Department will not be confined to capital expenditure but that even questions involving expenditure out of revenue will come under the scrutiny of the Finance Department.

The Honourable Sir George Rainy: I think the Honourable Member is not quoting correctly what I said. I do not think I referred in that way to the Finance Department.

Pandit Hirday Nath Kunzru: The Honourable Member referred to the Finance Member. I take it that it is the Finance Member who represents the Finance Department here. It is obvious that the Finance Secretary or any subordinate of the Finance Member cannot claim to control either the Railway Department or my Honourable friend, Sir George Rainy.

The Honourable Sir George Rainy: It is precisely the Member who exercises control in the Department.

Pandit Hirday Nath Kunzru: The difference is between Tweedledum and Tweedledee. Who represents the Finance Department in the Government of India. It is the Finance Member and it is perfectly obvious to anybody who knows anything of the constitution of this House, that when we speak of the Finance Department, we really mean its representative, the Finance Member, for no other person can be supposed to control either the Financial Commissioner or the Railway Member. The actual words used by my Honourable friend, Sir George Rainy, were :

"The Government of India have decided that in order that the position may be kept under control and that the best use may be made of all sums available for capital expenditure, the general questions of railway policy in their financial aspect should be brought under review at half-yearly intervals by the Finance and Railway Members of the Government in consultation."

He then went on to say :

"I ought perhaps to add that while probably it will be matters connected with the capital programme which will most frequently come under review, that does not by any means exclude from consideration all proposed expenditure on the revenue side which is likely to affect substantially the financial results of the railways."

It was to this that I was referring, and I do not see really that the technical point raised by my Honourable friend opposite, even if it has any

substance in it, affects the question at issue. I must confess to a sense of disappointment that the opportunity has not been taken to elucidate the matter further.

Before I sit down I should like to refer to another matter of importance. I believe my Honourable friend, Sir Purshotamdas Thakurdas, has already referred to it. The Resolution which was accepted by the Assembly with regard to the separation of the Railway from General finances, stated at the end that, apart from the convention, there were certain other matters which Government ought to look into. Those matters concerned the employment of Indians in the higher grades of the Railways and the purchase of stores. I do not wish to enter into those questions at length because separate motions have been set down for the consideration of those questions.

Sir Purshotamdas Thakurdas: There is also the question of the appointment of Indians on the Railway Board.

Pandit Hirday Nath Kunzru: There is one matter, however, which does require consideration at this stage and that is the appointment of Indians as Members of the Railway Board. In regard to this matter, I should like to set all apprehensions on the other side at rest immediately by saying that I do not wish to criticise the appointment of Mr. Hayman on the Railway Board in any way. I regard him as an Indian, for he has been born, bred and domiciled in this country. But the question I wish to discuss, arises in connection with the post of Financial Commissioner. There have been debates repeatedly on that point in this House and the non-official Members have almost unanimously asked that the post of Financial Commissioner should in future be occupied by an Indian. I do not know what the tenure of office of the Financial Commissioner is going to be. In regard to questions put on this subject both last Session and during this Session, the only reply vouchsafed to us by Government was that the matter was under consideration, and the last time when they replied to a question on this subject they said that no action had been taken on the point because they desired that they should consult the new Chief Commissioner of Railways. It is however clear from the reply given by Government in September last, that the position of the Financial Commissioner is to approximate to that of other Secretaries. Now the tenure of Secretaries as a rule in the Government of India, and particularly that of the Finance Secretary, is I believe three years. The present Financial Commissioner, and I say this really without in any way reflecting on his personal merits, has been more than three years in his post. By next year I believe he will have completed five years in his present office. If the Government of India mean to fulfil the undertaking they gave in September last, in this House, I take it that the tenure of the Financial Commissioner will expire next year and we may not have an opportunity again of considering this matter in the Assembly before another appointment is made. We must therefore take advantage of the present occasion to impress once more on Government the paramount importance in the eyes of this Assembly of appointing an Indian as Financial Commissioner when the present incumbent vacates his office. There is no dearth of capable and senior men in the Indian Audit Department and the previous Finance Member, Sir Basil Blackett, when this question was discussed some time ago, said that the scales would be loaded in favour of an Indian when the Government came to select a Financial Commissioner. In our opinion, Sir,

[Pandit Hirday Nath Kunzru.]

the promise then given by the Government has not been fulfilled. Government would be incurring a very serious responsibility indeed if they act again in the manner in which they acted in the past. We have been reminded, Sir, that we are on the eve of great constitutional changes, and I take it that one of the inevitable results of those constitutional changes would be the greater amenability of the Government of India to the control of the popular representatives. It is up to the Government, even before the new constitution is settled, to act in the spirit of the changes that they know will soon come about, whatever the volume of opposition may be amongst our critics in this country or amongst people elsewhere. I trust, Sir, that when this question comes up for consideration, Government will bear the wishes of this House in mind and fulfil, even though in a belated manner, the undertaking, the practical undertaking, which they gave about six years ago.

Mr. President: The question is:

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

The motion was negatived.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

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

Relations of Railways with their Customers.

Mr. K. O. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I do not propose to move motions Nos. 7 to 11. Therefore I come to No. 12. I move:

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

I want to discuss the relations subsisting between the Railway Administration and its customers. A commercial undertaking is primarily to be judged on the results as shown in its financial statement and the balance sheet; but when that commercial undertaking represents a public utility service, certainly its results can also be criticised from the point of view as to how far it satisfied the primary conditions of a useful public utility service. During past years on such occasions Honourable Members have related their personal experiences in regard to the grievances of passengers who have to travel over the Indian railway system. My present intention is not to relate to this House any personal experience at all. I intend to refer to three cases, recent cases, which were decided by competent courts of law, and I want to give to this House the opinions of judicial officers on the actions of the subordinate employees of the Railway Department in relation to the commercial community and the passenger public. The first case to which I would refer is one which has recently been decided in the Calcutta High Court. This suit was brought by one Muhammad Shamsul Haq against the Secretary of State. This gentleman, it appears, is a hide merchant. He was sent a consignment of raw skins, and on July 2, 1927, he went to take delivery of the goods. I may say that this case relates to the East Indian Railway. It was discovered, when he made the application for delivery of the goods, that one of the bundles appeared to be different and

was three seers short in weight. The Railway authorities thereupon refused to deliver the goods to this consignee, and he was told on August 22, 1928, that is, more than a year after the consignment had arrived, that it was available for delivery. I am giving the facts very briefly. The consignee stated that, the goods being perishable goods, they had become absolutely worthless then, and he was not going to take delivery of them, and thereafter he brought a suit against the East Indian Railway. I will now give a few extracts from the judgment of the Calcutta High Court on this particular case. This is what the learned Judge stated :

“His lordship confessed that he did not know whether he was most astonished by the course taken by the Railway authorities, or those who advised the Secretary of State . . . The railway authorities not only broke their contract as carriers of the goods and committed a tort on delivery, but were guilty of conversion of the petitioner's goods.”

Then again;

“Every step taken by the railway official was as improper and illegal as it well could be, but far from being apologetic for their irregular and high-handed behaviour, they had sought to escape from their just liability by raising the plea that they had not received notice of claim as required by section 77 . . . ”

—a technical plea which the railway authorities had set up in defence of their action. His lordship emphasised this particular point towards the end of the judgment. He said :

“I repeat I am surprised at the attitude adopted by those who have advised the Secretary of State. A great disservice has been done to the Government by involving them in a conduct such as is disclosed in this case. The complainant delivered his goods to the Railway Administration and he paid the freight. It is not suggested that he had been at fault in any way. His goods have been rendered worthless owing to the conduct of the railway officials acting as they suggest under the orders of the police. The object of section 77 is to protect the State against possible dishonest claims. It is intended as a weapon of defence against fraud, but not as a means to enable the railway authorities to deprive their customers of their just dues. Owing to what the Railway Administration and the Government must now realise was a series of blunders and illegal acts on the part of their official, the petitioner has lost both his goods and his money. The loss is admitted and in these circumstances I should have thought that the most urgent desire of those in authority would have been to make amends and not shelter themselves behind technical pleas in their endeavours to escape liability.”

I do not remember, Sir, to have seen any stronger strictures having been passed by any High Court in India in such a case. I do not know whether it is the East Indian Railway authorities who alone are to blame, or whether the Railway Board are expected to share some amount of responsibility for the individual railways when a suit like this is brought in the name of the Secretary of State and is fought out to a finish as it has been in this particular case.

Now, Sir, the next case to which I want to refer relates to an incident

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which created some amount of sensation in Calcutta very recently. A very well-known publicist of Calcutta, named Mr. Roy Chowdhury, was travelling with his family over the Khulna section of the Eastern Bengal Railway. At a station called Bongaon they got down, and along with other passengers changed into an empty carriage, which usually goes to Calcutta, as so and so Down. It happened, however, that on that particular occasion this rake was ordered to be detained at Bongaon and another train was to start for Calcutta from another platform. This sudden change in the train arrangements was not communicated to the passengers beforehand and consequently the passengers were put to a good deal of inconvenience; and when they went to the Assistant Station Master on duty to ascertain the real state of things, they were

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“savagely treated” by that official and to add insult to injury, Mr. Roy Chowdhury, who was the spokesman of the passengers there was prosecuted under section 504 of the Indian Penal Code and section 120 of the Railway Act. Now, Sir, let us come to the judicial decision in this particular case. The trying Magistrate held that the passengers had a genuine grievance, and that the station officials were entirely responsible for the inconvenience of the passengers and that the conduct of the accused, Mr. Roy Chowdhury, amounted to nothing more than a representation of a legitimate grievance and entreaties for the redress of that grievance. It goes without saying that this gentleman was acquitted honourably by the Magistrate; but what is more, it appears that in cross-examination the Assistant Station Master stated that he was not really displeased with the conduct of the accused, (laughter) but that he brought the case only as an excuse for the delay in starting the train for which he was liable to censure. Sir, look at the trouble and humiliation to which this respectable gentleman was put simply because the Assistant Station Master thought that he might as well prosecute him in order to escape the liability of explaining a little delay in starting a train. I do not suppose that Honourable Members opposite will be disposed to defend the conduct of their subordinates in this particular case.

The third case, which has also created some sort of sensation, relates to the East Indian Railway. This was a case in which the President of the Congress Committee, Gondia, had to pull the communication cord for the purpose of stopping the train when he found, on going to the lavatory, that there was no water supply in the lavatory. He was travelling third class, as many prominent Congressmen do. He was prosecuted under section 108 of the Railways Act for pulling the chain at Jumna Bridge Station near Agra and this is what the trying Magistrate has found: he found that the accused was perfectly justified in pulling the communication chain under the circumstances of the case, and so acquitted the accused. The Magistrate further passed a sort of censure on the action of the railway authorities, especially the Station Master and guard at the Jumna Bridge Station, and a platform inspector at Tundla station, as in the opinion of the Magistrate it was their legal duty to supply water to the accused, and they had no business to put him in custody, which was probably due to the fact that the accused had published complaints against the railway staff at Tundla in the local weekly called the *Sainik*. That is to say, they were on the look out for an opportunity of punishing him for the dire offence which he committed of criticising the local railway authorities in a vernacular newspaper. This is what the Magistrate found upon a consideration of the evidence. It seems that the accused in this particular case is contemplating further civil action against the railway authorities, and perhaps the Honourable Member will hear more about it in future.

But, Sir, for every three cases which I have drawn attention to in this House, there must be three thousand which never come to public notice. It is a great curse on this country that every little official, whatever his station may be, considers himself to be a pocket edition of His Majesty George V. So far as the Railway Department goes, I can speak from my own personal impression that most of the officials who are in charge of railway stations and platforms, consider that it is an act of great condescension on their part to allow the public to travel by railway trains. I remember to have seen, at least on one occasion, an official dressed in very

fine uniform at the Howrah station flourishing his cane, striking the floor occasionally with it, hurling abuse on the people because there was a large crowd on the platform on that occasion—hurling abuse as the best means of regulating the crowd. It is not my desire to relate any personal experiences on this occasion; but if I were to relate some of them I could give instances in which the railway officials have been guilty of the grossest amount of discourtesy and could be hauled up even before the courts for what they did, if only the Indian public were not so tolerant as they are in these matters. Our besetting sin is to put up with these inconveniences and insults and that is what constitutes the greatest security of the Railway Department.

Maulvi Mohammad Shafee Daoodi (Tirhut Division: Muhammadan): Sir, I have heard my friend, Mr. Neogy, speaking about the inconveniences and troubles which are experienced by the travelling public as well as the commercial public on this side of the Ganges. But, if I may say so, the trouble is far greater; it is of every day occurrence in the country on the north side of the Ganges, I mean where the Bengal and North Western Railway and the Assam Bengal Railway run their lines. On that side I have seen no railway servant who is polite to a third class passenger.

An Honourable Member: Are they polite to first and second class passengers?

Maulvi Mohammad Shafee Daoodi: Of course they see the person: if the first or second class passenger is a European they are bound to be polite; but when they find that it is an Indian, and especially one who is not educated in English, then there is no chance for him for getting any good treatment at the hands of the railway servants. The traders in that part of the country—I am speaking of that part of the country because I have got experience of that only—cannot get any hearing. They are generally uneducated, but they know their business very well. They do not know the language, and so they are treated as if they were so many cattle. It has come to my lot to find them treated like that, and I have devoted my time to go to the Station Master and ask him as to why the state of things is so bad under his administration. (*An Honourable Member:* "Quote an instance".) Even then I find they do not care for my interference. They would of course hear me and try to do something, but as a rule the treatment meted out to the passengers is very very bad. I would therefore appeal to the Honourable the Railway Member, who has been in that part of the country, who has passed his days in that part of the country as Collector of the district, to see that the uneducated people are not treated so badly by the railway servants. He has got a sympathetic heart, I know, and for that reason he will certainly be feeling more for the people of that description. I would therefore ask the Honourable Member for Railways kindly to look into these matters and mend the unsatisfactory state of affairs. I believe it was last year that I saw a notice hung up at all the stations telling the railway servants that any incivility on their part would be severely dealt with. That has been done, I know, but it has been done only recently, say during the last one or two years, but I feel, Sir, that much more scrutiny is required and greater care should be taken to enforce good treatment to the travelling public.

The Honourable Sir George Rainy: Sir, the first case alluded to by my Honourable friend, Mr. Neogy, the civil suit by Mr. Shamsul Haq, had already attracted my attention from the report which appeared in the

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Statesman and it struck me at once that we ought to make inquiries, because, as Mr. Neōgy has pointed out, the comments of the Judge were extremely severe, and it seemed to me that it was desirable that inquiries should be made promptly. I should like to point out, however, that because the learned Judge referred to the advisers of the Secretary of State, it does not in the least follow that the case has at any stage been before the Railway Board, because any civil suit in which the East Indian Railway is concerned must be brought in the name of the Secretary of State, since the whole property is vested in him, and the adviser of the Secretary of State may have been the solicitor or the counsel employed by the East Indian Railway in Calcutta. As regards the other two cases, I had not noticed them, and I shall be very grateful if the Honourable Member will let us have a brief note about each of them so that we may be in a position to institute inquiries promptly.

The Honourable Member said that these were only three cases, but he feared there might be 3,000 cases going all over the country. I had hoped that in these matters things were gradually getting better, because there can be only one desire amongst all Members of this House, on whichever side of the House we may sit, and that is to ensure to passengers reasonable and courteous treatment and to prevent bullying and improper action by railway officers. The difficulty is to know what precise measures can be taken which will bring about the desired results. ●

I was sorry to hear from my Honourable friend, Mr. Mohammad Shafee, of the state of things which he says exists now north of the Ganges, a part of the country with which I am very well acquainted. One point occurred to me when he was speaking. I do not know whether he has ever written to the Agent to bring to his notice a concrete case. Obviously, he has taken a keen personal interest in the matter, and I think it would be desirable that, when he finds a really bad case, he should write to the Agent direct and ask him to take action

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Agents do not care to reply.

The Honourable Sir George Rainy: One of the difficulties is that sometimes these cases do not come to the notice of the higher authorities, and I should be perfectly prepared to write to the Agent myself, send him a copy of what I have said in this House and tell him that, when complaints are made to him by persons whom he knows to be respectable persons, he should make a real effort to make the subordinate staff understand that it is their business, as far as they can, to attend to the needs of passengers and assist them, and not to obstruct them or bully them. I hope that that will show, at any rate, that we are anxious to do what we can to bring to an end a state of things which we all unanimously deplore.

Mr. President: The question is:

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

The motion was negatived.

Indianisation of the Staff of Railways.

Mr. K. C. Neōgy: Sir, I beg to move:

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

If you will permit me, I will combine the three points in Nos. 13, 14 and 15 for the sake of economy of time and speak on the question of Indianisation generally.

Mr. President: Indianisation generally?

Mr. K. O. Neogy: Yes, Sir. It is not my intention to make a long speech. I feel that I have already been responsible for taking up a long time, but I am

Mr. President: Is there no other cut on Indianisation later down on the list?

Mr. K. O. Neogy: I believe there is

Munshi Iswar Saran (Lucknow Division: Non-Muhammadian Rural): If you will kindly turn to page 3, you will find that there is a motion by me for a cut, and that deals with racial discrimination.

The Honourable Sir George Rainy: May I point out, Sir, that No. 80 (Racial Discrimination) is not necessarily the same thing as Indianisation?

Munshi Iswar Saran: Indianisation is part of racial discrimination.

Mr. K. O. Neogy: Sir, it will be very difficult to keep out racial discrimination from Indianisation, and we are bound to have that point brought in once again when you come to

Mr. President: Very well. Let the whole question of Indianisation be discussed on Racial discrimination.

Failure of the Railway Board to settle Labour Problems and the Great Indian Peninsula Railway Labour Troubles.

Mr. B. Das (Orissa Division: Non-Muhammadian): Sir, I beg to give notice of the motion to discuss the question of the Great Indian Peninsula Railway troubles. I have reason to believe that the Railway Member will be approached by a deputation from the Railwaymen's Federation at an early date, and in these circumstances I do not.

Mr. President: Order, order. If the Honourable Member does not wish to move his motion, he should not make a speech.

Mr. B. Das: One sentence more, Sir.

Mr. President: Order, order. The Honourable Member is not entitled to make a statement if he does not make the motion.

Mr. President: The next motion, Mr. B. Das.

Mr. B. Das: I will move my motion, Sir, that the Demand under the head 'Railway Board' be reduced by Rs. 100.

Mr. A. M. Hayman (Railway Board: Nominated Official): On a point of order, Sir. Did you not just rule that we should pass on to the next motion?

Mr. B. Das: You must have mercy on this particular question, because it has attracted the attention of the whole country. I have reason to believe that the Railway Board was approached by the Railwaymen's Federation and that at an early date.

Mr. President: Order, order. The Honourable Member is not entitled to make a statement if he does not wish to move the motion.

Non-development of Railway Communications in Orissa.

Mr. B. Das: I beg to move:

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

In the budget estimate of 1927-28, the Railway Board proposed the survey of the following railway lines in Orissa:

Berhampore-Russelkonda,
Bhadrak-Chandbali,
Jagatpur-Kendrapara,
Jajpur Road-Jajpur, and
Rayagudda-Sasahandi-Jogdalpur.

After some time, Government thought of retrenchment. They did survey these lines and spend a little money. It was shown in the Pink Book of the Bengal Nagpur Railway Budget of that year that the actual construction of these lines would be taken up in the year 1928-29. Then the subject was entirely dropped. I do not know whether it was due to a policy of retrenchment on the part of the Railway Board or whether it was the policy to deny the people of Orissa proper communication. Although money is found for the development of railways, though at a loss in other provinces, I find that my sub-province has so far been denied the pleasure of having adequate railway communications. The former Railway Member, Sir Charles Innes, once told us that some of the lines would be taken up soon besides the Cuttack-Talcher-Sambalpur line which will form the central communication of natural Orissa. But he was always in love with the Madras Presidency. He developed the Vizagapatam-Raipur line and neglected the Orissa communications. When the people in Orissa heard, in 1927, that these lines would be constructed, they were happy. The whole trouble is that the European Chamber of Commerce in Calcutta and the Bengal Nagpur Railway itself do not like the construction of these lines to be taken up because that will short circuit the traffic on the Bengal Nagpur Railway and interfere with its profits, although the British India Steam Navigation Company will get increased profit by increased coastal trade and traffic. If my Honourable friend, Mr. Parsons, brings forward the argument that such lines will not pay, I will point out to him cases where crores and crores of rupees have been spent, which cannot bring in more than 8½ per cent. My part of the country is frequently affected by floods and scarcity and I would ask the Honourable the Railway Member to consider the question of developing communications in Orissa, which is badly in need of them.

Mr. A. A. L. Parsons: To deal with the last remarks of the Honourable Member first. The Honourable the Railway Member authorises me to say, on behalf of the Honourable the Commerce Member, that he is not in charge of communications! Mr. Das has wisely anticipated the first and main objection that I have to raise, namely, that though we have investigated a good many projects in areas which include Orissa, very few of them have been found to hold out any chance of being remunerative. Admittedly, there is in Orissa as a whole a paucity of railway communications, considering the large area to be served, though actually we are improving the position by the construction of the Raipur Vizianagram line, which will pass through a good deal of the south west portion of Orissa. That at least will open up some part of the province for which

the Honourable Member speaks, and I hope that he is glad that, in a poverty year, we have made a large allotment for the continuation of that line. I failed, I am afraid, to catch the names of all the other lines he mentioned, but three at least were recently, investigated, the Bhadrak-Chandbali, Jagatpur-Kandrapara and Jajpur Road-Jajpur. None of them showed the slightest chance of being remunerative. So following our usual practice, I think, the Local Government was asked whether they would like to guarantee them; and as the Local Government was not prepared to give a guarantee, I am afraid all we can do is to postpone them indefinitely. Further, as the Honourable Member must be aware, a time like the present is not the time when we can make a promise that we shall be able to take up fresh extensions of the railway system, particularly where those extensions do not seem likely to earn a high return. I do not know if the Honourable Member mentioned another line—the Sambalpur-Khurda. It was investigated a good many years ago, and it was not possible to make out that it would anywhere near pay for construction. The real trouble is that a good deal of Bihar and Orissa is not very thickly populated, and a lot of the country there is very difficult country for railway construction and the cost of building railways is therefore correspondingly high. It may be inevitable therefore that the development of communications should take another form than that of railways.

Mr. President: The question is:

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

The motion was negatived.

Reorganisation of the Central Advisory Council for Railways and of Local Advisory Committees.

Mr. B. Das: Sir, I move:

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

Sir, we, the non-official Members of the House, do not like the constitution of the Central Railway Advisory Council. We do not like that there should be a panel system of election for eight members, out of whom six will be nominated to this Advisory Council at the option of the Honourable the Railway Member. Further, we have very often, in the debates on the floor of this House, asked the Honourable the Railway Member to make the debates and the proceedings of the Central Railway Advisory Council public. Nothing is published and, although this year while the Budget was being prepared, we did receive a pamphlet publishing minutes of different Local Advisory Committees, nothing has been mentioned about the work of the Central Railway Advisory Council. We cannot understand why the activities of that body are treated so confidentially.

Mr. President: That is not relevant.

Mr. B. Das: Sir, in a former debate, the Honourable the Railway Member said that the discussions . . .

Mr. President: The question is about the reorganisation of the Central Advisory Council and not about the publication of its proceedings.

Mr. B. Das: Sir, I am coming to that question. Therefore, I would like that there should be no panel system of election, and whenever the Government want any number of Members from this House to assist them in their

[Mr. B. Das.]

work they can come to it for the exact number. I might mention here that we wanted to send two gentlemen from our party for nomination to this Committee but one of them, whose name I will not mention, refused to stand, because it was a panel system of election. That happened only this morning. So, when the reorganisation takes place, I hope this House will then have more material about the proceedings of the Central Railway Advisory Council.

Now, I will come, Sir, to the next part of my reason for this cut. The Local Advisory Committees are functioning much better on the Great Indian Peninsula and the Bombay, Baroda and Central India Railways where the Bombay capitalists and industrialists exist. They also work well on the East Indian Railway. There they work much better, but in the part of the country from which I come, the Advisory Committee of the Bengal Nagpur Railway does not function properly. I have some experience of that Committee, and my inference is that the Agent of the Bengal Nagpur Railway is not amenable to the dictates of the Honourable the Railway Member. The Agent receives his instructions from the Managing Director of the Bengal Nagpur Railway about the number of persons that each Advisory Committee should have. There are at present four Advisory Committees on the Bengal Nagpur Railway, one is at Calcutta, one is for Bihar and Orissa, one is at Nagpur and the one for Vizagapatam, which has not yet been constituted. In each of these Advisory Committees there are only six members, two representing the Government of the locality in which they may be working, two representing the European business interests and two representing the public interests. If one were to turn to the pages of the East Indian Railway time table, one would see that it has got half a dozen Advisory Committees and each Advisory Committee consists of 18 to 20 persons, representing the municipalities, the Chambers of Commerce, both European and Indian, the Legislative Council, the public, and various other interests. I think, when the Railway Board advised the various railways to form their Local Advisory Committees, they did not advise them properly as to how they should be constituted and manned. I think it is high time that the Honourable the Railway Member should ask each of the Agents of various railways, both Company-managed and State-managed, to see that the Advisory Committees should be more representative in character. They should not only represent the Government of the locality and the Chambers of Commerce, but the representatives of the people should also be represented on them adequately. I know that, in the Bihar and Orissa Legislative Council, they passed a Resolution the other day demanding that the Bihar and Orissa Councillors should be represented on the Bengal Nagpur Railway Advisory Committee. That has not been yet conceded. I do think that it is not proper and it is an injustice to people of Orissa and Bihar too that only two persons should represent the public interests on the Advisory Committee of the Bengal Nagpur Railway for the local section of Bihar and Orissa and that is the reason why I have moved this cut.

Mr. Anwar-ul-Azim (Chittagong Division: Muhammadan Rural): Sir, I want to say a few words on one or two matters concerning the Local Advisory Committee in Eastern Bengal. I think this is the only occasion when we get a little chance of making our ideas heard by the Railway people in this House. As the House knows, there is a State-managed railway line which is at present controlled by a company with headquarters

in Chittagong. Its length is more than 1,100 miles and it has its branches in many parts of Eastern Bengal. This railway has also got a Local Advisory Committee in Chittagong. This line extends from the borders of the Bay of Bengal to the jungles of the Himalayas. On the Advisory Committee of such a big line you will find that the Chairman of the Chittagong District Board and the Municipality are alternately represented, and the Commissioner of the Chittagong Division is an *ex-officio* member. One member is nominated by the Assam Government from amongst the Members of the local Legislative Council and one is nominated from the ranks of the non-official Members of the Bengal Legislative Council. The total number of members comes to about 11. If anybody were to read the discussions of that body, it would astound him. During the course of its existence, I do not think it has sat more than half a dozen times and I cannot think for a single second that they have at all taken the trouble of paying any heed either to matters relating to the local representation or the representation of the non-official members on that body. That is one complaint. In the second place, I do not know how it is manœuvred, perhaps it is God's work. It is so very inexplicable that invariably those gentlemen who happen to come from the Bengal Legislative Council or the Assam Legislative Council can hardly follow its proceedings. Some time ago I had the privilege of putting a question to the Railway Board here and a list of their activities was given. It was placed on the table of the Library and not the table of the House. If anybody were to take the trouble to ransack the volumes kept under that big dome, he would find that a hundred and one questions were discussed by this body, but not one was of any substance. In short my grievance is this. If, as has been described by Mr. Neogy, the Assam Bengal Railway cost the Indian taxpayers ten crores, and if they have been losing up to now—I find they lost 6 lakhs last year and 14 lakhs this year—if these efficient officers on that Railway mean business, I think they will take counsel from the railway officials here at Delhi and Simla and try to mend matters. With these few words, I support Mr. Das' motion.

Munshi Iswar Saran: Sir, I do wish to ask Sir George Rainy earnestly to consider this very modest proposal of my Honourable friend, Mr. Das. Why have a system of nomination at all? Why insist on this House giving you a panel and on your retaining the power of choosing six or whatever may be the number out of the panel? Can't you have, I ask, so much confidence in this House as to say, "Please elect the exact number that is wanted". It may be that there are some rules somewhere in support of this procedure. If there be some such rules I say that those rules must go. We are not going to have nomination now in the year of grace 1930. Let it be straight election, and if you cannot trust the Legislative Assembly, then I do not know whom you are going to trust. Then, there is another matter which I think deserves serious attention and it is this. As my Honourable friend has pointed out, the Advisory Committee in certain provinces has got a smaller number of men, while in other provinces the number is larger. I wish to ask Sir George Rainy kindly to pay a little attention to this anomaly. Why not go into the whole thing carefully and put the Advisory Committee on a systematic and organised basis, so that there may be framed rules and regulations to guide their work as well as to fix their numbers? If this is done, I am inclined to think that these bodies will prove more useful than perhaps what they are today. But, anyhow, I shall certainly expect the Honourable Sir George Rainy to do away with the system of panel as far as the Assembly

[Mr. B. Das.]

of the Bengal Nagpur Railway, and in the Appropriation Accounts on Railways I found so many charges of gross mismanagement, so many scandals against that Railway. Mr. Parsons asked the Public Accounts Committee of 1926-27 to give him time for one year more so that he could properly investigate the charges against the Bengal Nagpur Railway. Then last year we could not go into the details as the Railway Board could not decide finally, and on the assurance of the acting Financial Commissioner that they were going to write a very strong letter to that Railway, we dropped the matter till the next Public Accounts Committee meeting. Then while we were looking into the contracts of these railways, we found that, in 1912, the following penal clause, which gave the Secretary of State the option to give six months' notice to the Bengal Nagpur Railway, was removed, and I directed the attention of the House to this by putting a question on the 25th September last which was question No. 919:

"Is it a fact that in paragraph 89 of the original contract of the Bengal Nagpur Railway (main contract dated the 9th March, 1887), the following penal provision occurred :

"The Secretary of State may also, if default be made by the Company . . . or in case the undertaking or any part thereof at any time in the opinion of the Secretary of State be in course of gross mismanagement by the Company or be worked at a loss as shown by the revenue account and have been so worked for not less than three half-years continuously down to the time at which the Secretary of State shall give to the Company the stipulated notice of termination under this present power, terminate this Contract by giving to the Company in England six calendar months' previous notice in writing of the termination of this contract'."

The Honourable Sir George Rainy replied :

"There is nothing on record showing the reasons for the change."

Then my friend, Mr. Neogy, put a supplementary question :

"Do I take it that the Government of India were not consulted before this change was made?"

The reply was :

"They were not consulted about this particular change."

This change took place in 1912. Then my curiosity went further to find out how far the Secretary of State had parted with our national birth rights to his cousins the Directors of the Company-managed railways. With regard to the other Company-managed railways Sir George Rainy gave the following reply :

"There was no penal clause in the original contract of the Bombay, Baroda and Central India Railway, but there were such clauses in the contracts of the Assam Bengal, Madras and Southern Mahratta and South Indian Railways. The penal clause in the Madras and Southern Mahratta Railway contract was deleted in a supplemental contract dated the 26th June, 1908. The correspondence relating to this supplemental contract does not throw any light on the reasons that led to the deletion of the penal clause."

Sir, some of us know that the Government of India only serve as hand-maidens to the Secretary of State, sitting six thousand miles away. That the Secretary of State should part away with such provisions simply to help British trade and commerce and British financial interests! I could never understand, and I blame more the present Railway Board, which is nothing but a replica of the old Railway Board that was formed in 1905, and after the formation of that Railway Board these things happened. Yet I find some of the Members of that Railway Board are at present

Managing Directors of the different companies. I find myself unable to understand the policy by which Members of the Railway Board afterwards become Directors of the Bengal Nagpur Railway. I find there are two, Sir C. Wynne and Sir Ernest Bell, who are Directors of the Bengal Nagpur Railway, and I find from the Acworth Committee's Report that Sir Henry Burt, of whom my friend Munshi Iswar Saran spoke the other day, is also a Director of the Bengal and North Western Railway. At the same time he used to represent the India Office on the Company-managed railways as Director of the India Office. This is the sort of patronage which the Secretary of State extends to the very men who try to exploit India. It is a very serious question that the Secretary of State should part with so many of our birthrights, where such large sums of money, involving the Bengal Nagpur Railway and other Company-managed railways, are concerned. And then he goes and extends the contract of the Bengal Nagpur Railway till 1950. Why did he not extend it for two or five or even ten years? Sir, I am an electrical engineer, and if I get a licence for electrifying a town, I get it for the first 30 years, and then it is extended for every ten years, whereafter the municipality has the right of option to purchase. Sir, in this particular case, I should like to know who was the Secretary of State who parted with so much privilege of the people to the Bengal Nagpur Railway for 38 years from 1912 to 1950. I know the Bengal Nagpur Railway will be left in the same dilapidated condition as the Great Indian Peninsula Railway was in when it was taken over. The permanent way will be found in a worse condition. There will be no wagons, no carriages and all the money will be taken away in surplus profits and in salaries by the top-heavy European management. That was actually the condition on the Bengal Nagpur Railway until it was brought to the notice of the Public Accounts Committee by the Audit Department. I may not carry this motion, but I have done a public service (Hear, hear.), in drawing attention to this injustice by the Secretary of State and the Government of India of the time. (Hear, hear.)

Mr. A. A. L. Parsons: I am afraid I cannot satisfy my Honourable friend's curiosity as to the Secretary of State whom he held to be responsible for the change in the penal clause in the Company-managed contracts. But judging from the dates on which the contracts were amended, I suspect it was in the time, first of all, of Lord Morley and possibly later, of Lord Crewe. The Honourable Member has resurrected a matter which lies buried in the mists of the past, for we have entirely failed to discover exactly why these changes were made in the penal terms of the contracts. I can, however, venture a surmise what the reasons were. Originally, when there were guaranteed Companies who had no capital in the undertaking, the contracts were simple in form. I say simple because they contained, I believe, very few clauses, some of which were quite general in terms. Time passed, and experience was gained as to the directions in which it was necessary to tie down the Companies; and when the contracts were revised the duties of the Companies and the rights of the Secretary of State were more carefully defined. To take the Bengal Nagpur Railway, there are clauses in the contract which probably contain all that would have ever been acted upon under the old penal clause. One clause says:

"The Company shall keep the undertaking and the stations and works belonging thereto in good repair. And shall also keep so much of the undertaking as for the time being shall have been opened for public traffic and the stations and works belonging to the part which for the time being shall have been so opened in good working condition and fully supplied with rolling stock, plant, machinery and stores to the satisfaction

[Mr. A. A. L. Parsons.]

of the Secretary of State, and whenever the Secretary of State shall be of opinion that the Company is in any default as to any of the matters before mentioned in this section, he may, in writing, notify the fact to the Company, specifying in such writing the general nature of the defect, and unless the defect be remedied by the Company within one calendar month after the notification thereof by him to the Company, may himself remedy it."

I will read only one clause; there are plenty of others in the contract and, in my opinion, they cover the matters which could conceivably have been dealt with under the old penal clause. It may be argued that an exception should be made of the old penal clause empowering the Secretary of State to resume charge of the undertaking if the Company failed to earn a profit for three continuous half years. But I doubt if that is a condition which could be applied in practice; for with such a condition it seems quite obvious that you would never get any Company to take up the business or to put capital into it. So, Sir, I should like to suggest that the distinguished Secretaries of State who are charged with having failed to consult the Government of India at the time, or the Railway Board, at the time of the changes in these contracts were not guilty of the dereliction of the public duty which the Honourable Member has suggested.

Mr. President: The question is:

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

The motion was negatived.

Policy of Government Recruitment to Accounts and Audit Department of Railways and how Provincial Quota is neglected.

Mr. B. Das: Sir, I move:

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

I have given notice of this motion to criticise the policy of the Government in regard to recruitment to the Accounts and Audit Department of the Railways and how the provincial quota is neglected. Sir, the Financial Commissioner, Mr. Parsons, when we were discussing, in the Simla Session in 1928, about the separation of accounts from audit, gave us an assurance on the floor of the House that, in the recruitment of staff to this Department, the office of the Controller of Accounts, the services of the Public Services Commission would be utilised. At that time, I suggested that the Railways being one of the largest employers of men should see that men in the locality in which a particular railway runs should be recruited for work connected with that Railway, and my friend, Mr. Parsons, said that that would be considered. I am not now speaking for any province except my own province—Bihar and Orissa. Sir, as matters stand, if examinations are held in Delhi, we people in Bihar and Orissa have no knowledge of those examinations and the candidates usually do not come to Delhi, or even if the examination is held in Calcutta, they may not go there. Even if my Honourable friend is prepared to hold an examination at Calcutta, although the students of Bihar and Orissa are far superior in merit to those of my friend Mr. Neogy's province, yet they may not go there. It becomes difficult for them to go to Calcutta to appear for those examinations. I would submit, therefore, that, so far as the recruitment to the Railway staff is concerned, whether it is subordinate or superior, Government should let the examination be held in all the major provinces. They may not be held in Assam, for instance, which is a small province,

because you hold it in Calcutta. But let the examinations be held in a province like Bihar and Orissa. Let them be held at Patna and you can have a number of candidates coming there,—whether it be in the accounts service or the Transportation Department or any other Department of the Railways. It is a very equitable suggestion, and I hope the Honourable the Financial Commissioner will accept it.

Mr. A. A. L. Parsons: Sir, Mr. Das is mostly, I believe, referring to clerical appointments in the Railway Accounts Service. I can give no undertaking with regard to officers appointed to that Service; for they, like those of the Indian Audit and Accounts Service, are recruited by the Public Services Commission, with whom, I think, it would rest to make any recommendation with regard to the establishment of provincial quotas. But so far as the clerks in the Railway Accounts Service are concerned, I see some force in Mr. Das's contentions. I have observed that, in the two examinations we have held, though one of the centres is Calcutta, which is not out of reach of Bihar and Orissa, the number of candidates appearing from Bihar and Orissa has been small and the number of candidates who have passed is still smaller—only one, and I think, from his name, that he is a Madrasi. I am quite prepared to consider whether we should not hold simultaneously an examination in either Patna or Ranchi according to the time of the year. I cannot undertake to do more than consider it, for I shall have to see whether we can make the necessary arrangements for holding the examination. In general, I think the difficulty is largely this, that this is a new examination, and probably the high schools and colleges in the provinces are not yet fully aware of its existence, or of the openings there are for the young men in the schools and colleges in this particular branch of Government service. I am already considering whether we should not attempt to enlarge the field of selection by enlisting the help of Local Governments to make more generally known the existence of this examination, the time at which it is held, and the chances it holds out to young men in the various provinces from which we are likely to get recruits.

Mr. B. Das: Sir, I withdraw my Amendment.

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

Larger Employment of Mussalmans.

Mr. President: Mr. Ghuznavi.

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians): I rise to a point of order, Sir. You just now ruled on Mr. Neogy's motion that it should be taken under No. 30 (Racial Discrimination). Might I suggest that that applies to Mr. Ghuznavi's motion because it refers to discrimination?

Mr. President: Mr. Ghuznavi.

Mr. A. H. Ghuznavi: Sir, it has been truly said that deaf ears do not hear unless you make a very loud sound. (*An Honourable Member:* "Throw a bomb.") And so far as the Mussalmans are concerned, my Honourable friend, the Railway Member, will not hear unless a loud sound is made. Sir, I am speaking on the question of larger employment of Mussalmans in the State Railways, and I am certain that all the Muslim Members who are here will stand to a man to support me. What have you done, I ask the Honourable the Railway Member, for Muslims? What have you

[Mr. A. H. Ghuznavi.]

done to give effect to your announcement that 33 per cent. will be employed from the minority communities? What have you done, I ask in all seriousness? What have your Agents done in response to those circulars? They have treated them as mere scraps of paper. Sir, I am giving concrete cases, and I quote facts and figures. Take for instance, the District Medical Officers. Among the State Railways the total number is 89. Out of a total of 89, you have got only 2 Mussalmans, and I will give you further figures. I ask the Honourable the Railway Member to contradict my figures. On the Eastern Bengal Railway there are one European and 8 Hindus. On the East Indian Railway, there are 4 Europeans, 1 Mussalman and 10 Hindus. On the Great Indian Peninsula Railway, there are 7 Europeans, 4 Hindus. On the Burma Railway, 4 Europeans. On the North Western Railway, 1 European, 1 Mussalman, 2 Hindus and 1 Sikh. So, out of 89 you have got 2 Mussalmans in all the State Railways. Then, Sir, I come to the next concrete case, and it is this. I will ask the Honourable the Railway Member, is it or is it not a fact that there is not a single Mussalman in any State Railway who is either the head or the deputy of any department?

Lieut.-Colonel H. A. J. Gidney: The Chief Medical Officer on the Eastern Bengal Railway?

Mr. A. H. Ghuznavi: I am referring to the head or the deputy of executive departments. There is not a single Mussalman in any of the State Railways, although they have got many Mussalmans who have been employed for the last 15 or 20 years, and have got very good records of services. And this is the way they treat us and they try to bluff us from year's end to year's end, and that bluffing, I can tell you, you can have this year only and no more. (*An Honourable Member:* "Why not?") We shall make the deaf ears hear. (*An Honourable Member:* "You mean you are going to get independence.") I will give further figures. In the Report of the Railway Board on Indian Railways, Volume I, page 114, there is a "Statement of gazetted officers and corresponding ranks employed on Class I Railways, Railway Board and other railway offices, excluding the Nizam's State Railway and the Jodhpur Railway". Let us examine this statement of gazetted officers. What is the position of the Mussalmans? The position is this. Out of the total in 1928 and 1929, the percentages were, Europeans in 1928, 68.5 per cent. and in 1929, 67.8. Hindus in 1928, 17.4, in 1929, 18.51. Then come the poor Mussalmans with 3 per cent. in 1928, and what is the improvement in 1929? 3.3 per cent. My friend Colonel Gidney's community of Anglo-Indians

Lieut.-Colonel H. A. J. Gidney: I thought we were recognised as Indians?

Mr. A. H. Ghuznavi: Here they are separately shown as 8.3 per cent. in 1928 and 7.7 per cent. in 1929. Then, Sir, I come to the subordinate officers drawing a salary of Rs. 250 per mensem and over. Let us see what you have got there. Even on Rs. 250 we have got absolutely nothing. The percentages were, in 1928, Europeans 23.8 per cent., in 1929, 23 per cent.; Hindus, in 1928, 22.8, in 1929, 28.1; Mussalmans again, in 1928, 3.8, and in 1929, 4 per cent. Even on a pay of Rs. 250 per mensem the Mussalmans have got only 2 per cent. (*An Honourable Member:* "What is the page please?") It is on pages 118 and 119. **Anglo-Indians**

were in 1928, 43.9 per cent., and in 1929, 42.5 per cent. Then, Sir, I will refer to pages 120 and 121. Here there is a statement showing the number of appointments created and vacancies which occurred among officers of gazetted rank on the State Railways, and of corresponding rank on Companies' railways (class I),—of course excluding His Highness the Nizam's Guaranteed State Railway and the Jodhpur Railway: Let us see the position here.

State-worked Railways:

No. of vacancies actually filled in 1928-29—49.

Of these the percentages are, Europeans—25, or say 50 per cent.
(Hear, hear.)

Hindus 14, or say 28 per cent.

Muslim 1, or say 2 per cent.

Anglo-Indians 8, or say 16 per cent.

Out of 49 only one Muslim was appointed.

What was the position in 1927-28?

No. of vacancies actually filled—96.

Europeans 44 (again nearly 50 per cent.)

Hindus 30, say 31 per cent.

Muslims 8, say 8 per cent.

Anglo-Indians 16, say 17 per cent.

I am reading from the Railway Board's Report on Indian Railways for 1928-29, Volume I. This is the position which the Muslims have got in the State-worked railways. I will take one or two more railways,—the Assam-Bengal Railway about which my Honourable friend, Mr. Parsons felt so embarrassed the other day that he was afraid even to lay on the table of this House certain information asked for by my friend, Mr. Anwar-ul-Azim. I had a suspicion then and my suspicion is now confirmed by what I have now seen, that they do not appoint any Mussalmans at all on that Railway; and that is the reason why Mr. Parsons did not want to lay that information on the table of the House, but merely put it in a shelf in the Library. The number of vacancies on the Assam-Bengal Railway actually filled was 5; Europeans 2, Hindus 2 and Anglo-Indian 1—Mussalmans *nil*. Then, Sir, take the Bengal Nagpur Railway:

No. of vacancies actually filled—19.

Europeans 10,

Hindus 4,

Muslim 1,

Anglo-Indians 4.

Taking the South Indian Railway next.

No. of vacancies actually filled—16.

Europeans 4,

Hindus 8,

Muslim 1,

Anglo-Indians 2.

[Mr. A. H. Ghuznavi.]

I shall next come to the statement of the number of servants of all races employed on each railway system, including sweepers, coolies and scavengers. That is contained in Volume II of the Railway Board's Report, Appendix C., page 188.

Taking the Bombay, Baroda and Central India Railway, we find there were in 1928-29:

Hindus 55,740.

Muslims 12,498.

On the Great Indian Peninsula Railway the numbers are:

Hindus 96,078.

Muslims 12,842.

The North Western Railway is the only railway where we have got our proportion.

On the Rohilkand and Kumaon Railway:

Hindus 4,041.

Muslims 1,910.

On the Bengal Dooars Railway (Class II) there were:

Hindus 1,888.

Muslims 194.

On the Bikaner State Railway there were:

Hindus 3,211.

Muslims 697.

On the Darjeeling Himalayan Railway there were:

Hindus 1,942.

Muslims 82.

Sir, I think I have been able to prove that the Railway Board, so far as the larger employments of Mussalmans are concerned, have done absolutely nothing. I desire to give this warning to the Honourable the Railway Member, that we will not be bluffed as we have been bluffed all along, and that if we do not see better results in the next year's books we shall know what we have to do. Sir, I move.

Mr. Anwar-ul-Asim: Sir, I do not know if at this late hour we ought to go into any large number of figures. At the outset I must make it clear that I do not grudge anybody, not even an ant, having his proper share and his just share in the administration of the country. My personal grievance is this; perhaps for want of proper representation or for that matter, for want of cohesion of purpose on our part, the position of the Mussalmans has been allowed to be dragged to such a bad state. You know, Sir, that the old Railway Board was created in 1905 and there was a reshuffling some years ago—some Indian element has been introduced and perhaps with an expectation that there will be some support from this part of the House, there has been a sort of improvisation recently,

and two persons of my faith from the State Railways have recently been taken into the Railway Board in a subordinate position. They are, however, first class officers in themselves and I am sure they have been able to give a very good account of themselves; but my grievance is this; where is the justification on the part of the Railway Board, if they are really sincere with regard to fulfilling our demands, in putting other men or people of other faiths in the places of Mr. Asad Mohammad Ali and Mr. Hassan—I mean the places they came from? As far as I know, the places of neither Mr. Hassan nor Mr. Mohammad Ali have been filled by Mussalmans.

There is another point to which I would like to draw the attention of the House. Some of us third benchers are handicapped in many respects, because a third bencher like myself wanted some information as to what was the state of the Mussalmans in the services of the Railway Board, how far their representation went in the grades of assistants, in grades carrying salaries from Rs. 50 to 550 and upwards up to Rs. 4,000. Of course, that information was available to outsiders, but I cannot have it, and so long as this policy of hide and seek continues, I do not know if the Railway Board will increase their prestige or will do anything good to the Mussalmans. This is by the way, Sir.

Now, coming to the motion itself of Mr. Ghuznavi, he has quoted some relevant figures. In the Report of the Railway Board for 1928-29—and I may here pardonably mention that it was published in 1930 after the Special Officer was appointed in the Railway Board to look into Indianisation and things of that sort—it appears that, so far as our representations go, they have not produced any good results. If you scan through the Reports of other years you will find this. On the 31st March 1927 the total number of employees on the railways was 7,72,568, of which 5,012 were Europeans, 5,50,053 Hindus, 1,69,699 Mussalmans (which includes coolies), 14,079 Anglo-Indians and 24,254 others. I should like to know from the Treasury Benches what this enigma is, as to what they mean by "others". Of course, we have heard, so far, in reply to questions put in this House, that there are only two classes in the country, namely, the Mussalmans and non-Mussalmans. But here we find another class termed "other classes". One does not know who these people are coming in by the back door. If they are the inhabitants of this country, I am sure it will not be very difficult to find a name for them. They might be Hindus, they might be Muslims, they might be Jews (*An Honourable Member*: "They might be Arya Samajists."), in fact they might be anybody. So I hope this enigma will be explained in the Report of the Railway Board in future.

Then again, Sir, in that Report of the Railway Board for the year 1927 you find there are 2,143 gazetted officers. Gazetted officers really are very important factors in any administration, and there our strength is only 58. There also we find the term "other classes 52". I do not know what this jugglery is. I am sure the Treasury Benches will be able to explain the position to our satisfaction. Now, if the number of gazetted officers was 2,143 and the Mussalmans were only 58, I think this inadequacy in the number of Mussalmans should be sufficiently explained by the Treasury Benches.

[Mr. Anwar-ul-Azim.]

Then again, if we look at the Report for the year 1928, we find that, on the 31st March, 1928, the number of gazetted officers was 2,178, whereas the number of Mussalmans was only 65, and there also we find the term "other classes" mentioned. The figures for 1929, of course, have been given by Mr. Ghuznavi. Therefore, Sir, if the House looks at these things dispassionately, it will see that—surely the people for whom we have been speaking are not pariahs, have certainly some stake in the country, they have a great heritage behind them,—therefore, as I said, if Honourable Members will look at this question dispassionately, they will see that our demand for a proper share of representation in the services is right and just. Of course, one hundred and one replies are ready when we put interpellations in the House, and they go on behalf of the community as a whole. We get answers to the effect, "The reply will be submitted to the Honourable Member in due course. It will be sent to the Library after publication" and so on. If the idea is only to give such evasive answers, I say the Railway Board are entirely mistaken in their policy, because, after all, a man, and for that matter, a nation has got its various phases of life. A child attains adolescence in time, and in time it gets into its full senses and demands his full rights. I think, so far as this side of the House is concerned, Sir, every one will agree with me when I say that our representations have been treated in a manner to make even a sober man like myself feel that our cries are cries in the wilderness. This is a very serious matter, and I should like the Treasury Benches to give their serious attention to it. With these few observations, Sir, I bring my remarks to a close.

Mr. Fasal Ibrahim Rahimtulla: May I suggest, Sir, that the Honourable Member in charge should speak at this stage in order to find out whether the debate should be prolonged any further.

Mr. A. M. Hayman: Sir, I find myself at a great disadvantage in answering Mr. Ghuznavi at this stage, because I feel I cannot keep off the ground of Indianisation generally if I am to give him a satisfactory answer. Now, Sir, to begin with, if Mr. Ghuznavi wishes to start from say the year 1924 or 1925 and to charge the Government and the Railways of India for not having proceeded with Indianisation at a pace that they ought to have, previously to that I am not going to say I can defend the position entirely.

Mr. Fasal Ibrahim Rahimtulla: Are Mussalmans not Indians?

Mr. A. M. Hayman: That is why, Sir, I said at the beginning that I am at a disadvantage.

Mr. Fasal Ibrahim Rahimtulla: Why do you make so many promises to Mussalmans?

Mr. A. M. Hayman: Therefore, Sir, I wish to ask the House to consider this. We started in 1924 with a certain number of Mussalmans in the different branches of our service . . .

Mr. A. H. Ghuznavi: Do you mean to say that there were no Mussalmans in 1924?

Mr. A. M. Hayman: I do not know, Sir. What the Honourable Member means. He is very well acquainted with the figures. What I wanted to point out was that we have to look at this question in three separate

parts, the officers' grade, the upper subordinates' grade, that is, posts which carry a rate of salary of Rs. 250 or more, and then all the other posts in our services. What have we done in recent years to increase Indianisation in the officers' grades! Perhaps I shall be able to say more on this subject later on another motion, but I want to tell the House now that, since 1925, when Government gave an undertaking to proceed as expeditiously as possible with Indianisation of the superior services and to fill 75 per cent. of our vacancies, we have, within this short period of four or five years attained by last year a percentage of 71. If that is not a good record, I do not know what is.

Mr. Fasal Ibrahim Rahimtulla: That is not the point before us.

Mr. A. M. Hayman: I will come to the point of the Mussalmans.

Mr. Fasal Ibrahim Rahimtulla: The question of Indianisation is going to be debated on the motion of my friend, Munshi Iswar Saran. The point is now quite different.

Mr. A. M. Hayman: I explained my position to the Chair. However, Sir, I will pass over this point very quickly. The point I want to make here is that we have attained to 71 per cent. in four years for the officers' grades. Ever since I have been in charge of this business, I have made up my mind that we shall soon fill vacancies up to 75 per cent. and thus meet our full obligations, and, Sir, we have taken in in this 71 per cent. as many Mussalmans as qualified under our rules. If the Honourable Member made a charge against us that our rules are defective, that our procedure is defective and that the rules of selection for our officers' posts are defective from his point of view, yes, if he brought that forward, I am sure that Government would consider any suggestions that he had to make.

Mr. A. H. Ghuznavi: Do you mean to say that you don't get Mussalmans to appear at the examinations or that they don't pass?

Mr. A. M. Hayman: I will give you a direct answer. The Muhammadans do appear, but few of them pass sufficiently high to be selected. I will give you an instance. Take the Indian Civil Service of Engineers examination of last year. We got one or two Mussalmans out of a large number that we wanted, and because we felt that the Muslim community was not fully represented in that service, we went down the list and took one more on the basis of filling one-third of the required number to redress communal inequalities.

Mr. Abdul Latif Sahib Farookhi (North Madras: Muhammadan): Why do you come with the plea of Indianisation now?

Mr. A. M. Hayman: Recruitment of Muslims is part of the scheme of Indianisation. I pass on now, Sir, to meet another point made by my Honourable friend, Mr. Ghuznavi, namely, that among the heads and deputy heads of departments there was not a single Mussalman on any of the railways of India.

Mr. A. H. Ghuznavi: State Railways.

Mr. A. M. Hayman: You might well have added Company-worked lines also. Now, I wish to say, in the first place, that the policy of the Railway Board and of the Government of India, in filling posts in the administrative grades, is exactly what was reflected in the remarks made by my Honourable friend, Sir Purshotamdas, this morning. For those grades

[Mr. A. M. Hayman.]

we do not go by actual seniority. We pick out the best man we can get for a job, paying due regard to seniority. I think the Mussalman community of India should be very proud, because I cannot remember a single instance of a Muslim officer having been superseded for any one of these posts, although I remember many cases of Europeans, Anglo-Indians and Hindus being superseded on grounds that they were not fit for promotion.

Mr. A. H. Ghuznavi: Why have they not been superseded?

Mr. A. M. Hayman: Because they have not reached that stage of seniority yet when they have to be considered. That is the answer to my friend Mr. Ghuznavi. There is another point of which my friend is unaware. While on the one hand we have not yet superseded any Muslim officer for promotion, we went, I think, out of our way in selecting a very capable officer on one of our State Railways for the post of head of a department on another railway. I refer to the Chief Medical Officer of the Eastern Bengal Railway. My Honourable friend, Mr. Ghuznavi, complained of the paucity of Mussalmans in the Medical Department grades. My Honourable friend, Mr. Parsons, explained the other day, in answer to a question, why that was so. I would like to supplement his remarks in just one particular. Very recently when we wanted to fill up three posts of District Medical Officers on State-worked railways, I particularly asked the Public Service Commission not to recommend three qualified officers, but to recommend a very much larger number. Now, Sir, I did that because I wanted to get a large list of qualified Indian officers for such posts. I did that because I felt, just as Mr. Ghuznavi felt, that although we had only three vacancies on the State-worked lines, the Company-managed lines ought to take some of our Indian officers as District Medical Officers. I got a list of nine officers who were qualified, and of those one was a Mussalman in the first three places. There were two other Muhammadans who were qualified. I have specially written to the Agents of each of the Company-worked railways and asked them particularly to take into consideration the claims of these gentlemen when filling posts on their railways. Perhaps in a little while this request will bear fruit. That is the answer to my friend Mr. Ghuznavi's complaint about Medical Officers, Sir.

I do not think the House would require me, in view of the explanation I have given, to follow Mr. Ghuznavi through the figures that he has quoted of the paucity of Muslim officers in our services. The paucity is there because we began with a very low figure. We are out to do everything possible to take them in, and they on their side must qualify themselves for our examinations, or at least pass sufficiently high. We cannot pass on to Company-managed lines, with real hope of success, the names of people at the bottom of a long list.

The next point to consider is the representation in the subordinate services. As I said previously, we will consider this under two heads, and I take the easier head first, that is the subordinates other than those who are drawing salaries of Rs. 250 and over. I have got some figures which compare the figures of the different communities on the 1st of April, 1926, with those on the 1st of April, 1929.

The Assembly then adjourned till Eleven of the Clock on Monday, the 24th February, 1980.