

27th February 1936

THE
LEGISLATIVE ASSEMBLY DEBATES

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THIRD SESSION

OF THE

**FIFTH LEGISLATIVE ASSEMBLY,
1936**



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1936

Legislative Assembly.

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MR. M. S. ANEY, M.L.A.

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LEGISLATIVE ASSEMBLY.

Thursday, 27th February, 1936.

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

QUESTIONS AND ANSWERS.

TRANSVAAL LAND TENURE AMENDMENT BILL.

852. *Pandit Govind Ballabh Pant: (a) Will Government be pleased to lay on the table a copy of the Transvaal Land Tenure Amendment Bill, 1936?

(b) Have Government made any representations to the Government of Transvaal in this connection? If so, will they place a copy of the same on the table?

(c) Against how many persons was the License Act Ordinance applied in Transvaal last year, and how many of these were Indians?

Sir Girja Shankar Bajpai: (a) A copy of the Transvaal Asiatic Land Tenure Amendment Bill, 1936, has been placed in the Library of the House.

(b) Instructions have been issued to the Agent-General for India in the Union of South Africa as to the representations that he should make to the Union Government in the matter, but Government regret that they are unable to lay a copy of the instructions on the table of the House.

(c) The Honourable Member probably refers to the alleged refusal of licenses to Indians in the Transvaal. As I informed the House in replying to Mr. Muthuranga Mudaliar's question No. 341 on the 12th February, the Agent-General in Africa has been asked for a report.

LOW PROPORTION OF INDIAN FEMALES TO MALES IN THE FEDERATED MALAYA STATES.

853. *Pandit Govind Ballabh Pant: (a) Is it a fact that the proportion of Indian females to males in the Federated Malaya States is very low? Have there been numerous complaints of domestic quarrels, indicating certain degree of moral laxity on this account?

(b) Has Malaya been so far exempted from the operation of Rule 23 of the Indian Registration Rule?

(c) Did the period of exemption terminate at the end of 1935?

(d) Do Government propose to discontinue the exemption and extend the operation of the said rule to Malaya?

Sir Girja Shankar Bajpai: (a) In 1934 the sex-ratio among Indians in Malaya was roughly 2·14 males to one female. 785 cases of domestic quarrels and separation of families were dealt with in Labour Offices in that year.

- (b) and (c). Yes, it was extended up to the 31st January, 1936.
 (d) The matter is under consideration.

DECREASE IN THE NUMBER OF INDIANS IN KENYA.

854. *Pandit Govind Ballabh Pant: Is it a fact that the number of Indians in Kenya has gone down appreciably during the last five years?

Sir Girja Shankar Bajpai: The number of Indians in Kenya at the end of 1930 was estimated at 89,594, and at the end of 1934, 84,955.

DEMAND OF INDIANS FOR ELECTION IN FIJI.

855. *Pandit Govind Ballabh Pant: Have Government made any representation recently regarding the Indians' demand for election, against which the Government of Fiji is said to be conducting an active propaganda?

Sir Girja Shankar Bajpai: The Honourable Member presumably refers to the proposed substitution of nomination for election to the Fiji Legislative Council. His attention is invited to the reply given to part (c) of Mr. Satyamurti's starred question No. 100 on the 6th February, 1936.

ESTABLISHMENT OF AN OVERSEAS DEPARTMENT TO LOOK AFTER THE INTERESTS OF INDIANS OVERSEAS.

856. *Pandit Govind Ballabh Pant: (a) Is it a fact that the disabilities and difficulties of the Indians overseas are continuously increasing in various countries?

(b) Have Government arrived at any decision regarding the establishment of a separate Overseas Department to look after the interests of the Indians Overseas?

(c) In view of the recent developments, are Government prepared to set up this department without any further delay?

Sir Girja Shankar Bajpai: (a) Apart from recent events in Zanzibar and Kenya which Honourable Member knows, Government are not aware of any change in the direction mentioned by the Honourable Member.

(b) and (c). The attention of the Honourable Member is invited to the reply given by me on the 25th February, 1936, to parts (b), (c) and (d) of Mr. Akhil Chandra Datta's question No. 797.

REPRESENTATION OF INDIA ON THE IMPERIAL SHIPPING COMMITTEE.

857. *Mr. Sami Venkatachalam Chetty: (a) Will Government be pleased to state the composition and constitution of the Imperial Shipping Committee and to give the names of its present members?

(b) Will Government be pleased to state if India is represented on the Imperial Shipping Committee and if so, what are the names of India's representatives on that Committee?

(c) If India is not represented on the Imperial Shipping Committee, do Government propose to take any action for securing such representation?

(d) Will Government be pleased to state the qualifications required of a member, which will enable him to secure a seat on the Imperial Shipping Committee?

(e) Do Government intend to take any action to secure an Indian's nomination on the Imperial Shipping Committee, if he satisfies the requirements of a member on that Committee?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (d). The Imperial Shipping Committee consists of a Chairman and 16 members, *vis.*, one member nominated by the Governments of each of the following countries—United Kingdom, Canada, Australia, Union of South Africa, New Zealand, Irish Free State, Newfoundland, Southern Rhodesia and India; one member nominated by the Secretary of State for the Colonies; two members experienced in shipping; three members experienced in commerce and one member experienced in Civil Aviation appointed by the Committee after consultation with all the Governments through their representatives on the Committee. In addition, there is a panel of six ship-owners also to be appointed after consultation with the Governments through their representatives on the Committee from whom the Chairman may select substitutes for the two ship-owner members in respect of cases coming before the Committee in which these members are interested. The formal appointment of the representatives of Overseas Governments on the Committee is to be made by those Governments. The five non-official members are appointed by the Committee themselves, purely as experts and not as representatives of any particular part of the Empire. Apart from their being persons experienced in shipping and commerce, one of the qualifications required of them is that they must be resident in the United Kingdom.

According to a Report issued by the Committee in August, 1935, its present members are:

The Right Honourable Sir Halford J. Mackinder (Chairman).

Sir Frederick W. Leith-Ross, K.C.B., K.C.M.G., United Kingdom.

The Honourable G. Howard Ferguson, K.C., (High Commissioner), Canada.

The Right Honourable S. M. Bruce, C.H., M.C., (High Commissioner), Australia.

Sir James Parr, K.C.M.G., (High Commissioner), New Zealand.

Mr. H. T. Andrews, South Africa.

Mr. J. W. Dulanty, C.B., C.B.E., (High Commissioner), Irish Free State.

Sir Bhupendra Nath Mitra, K.C.S.I., K.C.I.F., C.B.E., (High Commissioner), India.

Mr. S. M. Lanigan O'Keeffe (High Commissioner), Southern Rhodesia.

Sir John F. Shuckburgh, K.C.M.G., C.B., Colonies and Protectorates.

Mr. W. I. Hichens,

Sir Kenneth Lee,

Mr. D. T. Lewis,

The Honourable Alexander Shaw,

Mr. T. Harrison Hughes,

} being persons experienced in shipping and commerce.

Lieutenant-Colonel F. C. Shelmerdine, C.I.E., O.B.E., representative of Civil Aviation.

NOTE.—The seat of Newfoundland on the Committee was at the time vacant.

Panel of Ship-owners—

Mr. Robertson F. Gibb.
 Captain James Gillies.
 Mr. J. R. Hobhouse.
 Mr. G. J. Innes.
 Mr. W. Lealie Runciman.
 Sir Vernon Thomson, K.B.E.

(b) Yes. As mentioned above the official representative of the Government of India is Sir Bhupendra Nath Mitra, High Commissioner for India.

(c) Does not arise.

(e) The High Commissioner for India has been asked to see that any claims that an Indian non-official may possess as an expert are not overlooked when next the question of appointing an expert member on the Committee arises.

Pandit Lakshmi Kanta Maitra: May I know if, in appointing this Indian representative, the Indian commercial interests are consulted?

The Honourable Sir Muhammad Zafrullah Khan: The High Commissioner represents India on behalf of the Government of India. If the Honourable Member means whether the Government of India consulted commercial interests, I am not specifically aware, but I should imagine no.

Mr. Sami Venkatachalam Chetty: When was the last communication made to the High Commissioner?

The Honourable Sir Muhammad Zafrullah Khan: I would require notice of the question to specify the date to the Honourable Member.

Pandit Lakshmi Kanta Maitra: When does the term of this committee going to expire?

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

Mr. Sami Venkatachalam Chetty: Will the Honourable Member again remind the High Commissioner?

The Honourable Sir Muhammad Zafrullah Khan: I do not think it is necessary to go on reminding the High Commissioner about this matter: he has been reminded once about it.

Mr. Sami Venkatachalam Chetty: Since the last communication to the High Commissioner, was any other expert on behalf of commercial interests in any other country nominated to this committee?

The Honourable Sir Muhammad Zafrullah Khan: As I have explained, nobody is nominated to the committee on behalf of commercial interests of any particular country.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member in a position to tell us what is the usual term of members of this committee?

The Honourable Sir Muhammad Zafrullah Khan: As I have said, I would require notice of that.

ORGANISATION OF A UNIVERSITY TRAINING CORPS BY THE MADRAS UNIVERSITY.

858. ***Prof. N. G. Ranga:** (a) Are Government aware of the fact:

- (i) that the Madras University has organised its own University Training Corps; and
- (ii) that it receives an annual grant from Government?
- (b) If the answer to part (a) (ii) be in the affirmative, what is the amount?
- (c) What are the respective shares of the cost of the Corps borne by the Madras University and Government?
- (d) Are Government aware that the Madras University has resolved to organise these Corps in several mofussil places also?
- (e) If the answer to part (d) be in the affirmative, in which places is it proposed to organise these Corps, and what assistance has been asked for from Government?
- (f) What do Government propose to do regarding those proposals?

Mr. G. E. F. Tottenham: (a), (b) and (c). The Honourable Member has been misinformed. University Training Corps are not organised by the University concerned, but are everywhere organised by, and maintained at the cost of, Government. The cost of the University Training Corps at Madras this year is about Rs. 94,000.

(d), (e) and (f). The Madras University Training Corps includes a detachment at Trichinopoly, but Government are aware of no proposals for the formation of detachments elsewhere.

Mr. S. Satyamurti: With reference to the answer to clause (d) of the question, have Government heard from the Madras University that they want to extend this Corps in other places besides Trichinopoly, to which my Honourable friend referred?

Mr. G. E. F. Tottenham: No; I have just said that Government are aware of no proposals for the formation of detachments elsewhere: we have heard nothing from them on the subject.

Mr. S. Satyamurti: Have Government had any information from the University as to the expansion of the University Training Corps, in places in which they are already functioning?

Mr. G. E. F. Tottenham: Not directly from the University.

Mr. S. Satyamurti: Have they heard from the Inter-University Board?

Mr. G. E. F. Tottenham: No. I do not think we have had any recent communication from them on the subject: we have reports on these units from the military authorities; occasionally we have communications from the Local Governments.

Mr. T. S. Avinashilingam Chettiar: What is the policy of Government in this matter, whether to extend the University Training Corps or to keep them as they are?

Mr. G. B. F. Tottenham: The policy is to extend these University Training Corps when funds permit and when the formation of such Corps in any particular place is justified.

Mr. T. S. Avinashilingam Chettiar: Does the Honourable Member mean that there are no funds?

(No reply.)

GRANT FOR THE ORGANISATION OF A UNIVERSITY TRAINING CORPS BY THE ANDHRA UNIVERSITY.

859. ***Prof. N. G. Ranga:** (a) Are Government aware of the fact:

(i) that the Andhra University requested Government in 1938 to give it a grant to enable it to start its own Training Corps;

(ii) that it was then turned down owing to want of funds; and

(iii) that the University has again passed in November, 1949 a resolution requesting Government to make a suitable grant?

(b) If the answer to part (a) (iii) be in the affirmative, are Government prepared to make a grant and enable that University to organise its own Corps, like many other Universities?

Mr. G. B. F. Tottenham: (a), (i) (ii) and (iii). Yes.

(b) The resolution in question was received yesterday and will be considered, but there can be no question of allowing the University to organise its own University Training Corps.

Pandit Lakshmi Kanta Matra: Have all the Universities in India got Training Corps?

Mr. G. B. F. Tottenham: I do not think so.

Mr. S. Satyamurti: What are the criteria by which Government turn down this proposal on account of want of funds? Is there any special grant in the Army Demand for this, or does the Military Department decide from year to year how much to spend on this?

Mr. G. B. F. Tottenham: No; there is a special grant, known as the civil grant, for University Training Corps and the Urban Battalions of the Territorial Force, etc., which has recently been in the neighbourhood of about Rs. 8 lakhs a year.

Mr. S. Satyamurti: Did Government calculate the cost of this Andhra University Training Corps, and what was the cost of that?

Mr. G. B. F. Tottenham: I do not know what the cost was; I would require notice; but, judging from the cost of the Corps at Madras, it would be in the neighbourhood of a lakh of rupees a year.

Mr. S. Satyamurti: Do Government realise that the development of these University Training Corps is necessary for the Indianisation at least of the officer ranks of the Army, and will they, therefore, consider making provision for larger funds for the development of these Training Corps wherever there is a demand for it?

Mr. G. B. F. Tottenham: The assumption on which that question is based is that the University Training Corps do form useful training grounds for future officers of the Army. That, so far, has not been borne out by the facts; comparatively few candidates who come up for the open examination for the Indian Military Academy have taken advantage in the past of the facilities afforded by the existing University Training Corps.

Mr. S. Satyamurti: What is the answer to the second part of my question?

Mr. G. B. F. Tottenham: The answer to the second part is that, no doubt, the possibility will be considered from time to time of providing University Training Corps where they can be justified and when expense permits it.

Mr. S. Satyamurti: Apart from expense, what are the other criteria by which Government decide whether the extension is justified or not?

Mr. G. B. F. Tottenham: Whether a particular University in which a Training Corps is formed shows keenness and efficiency in running its Corps.

Mr. Lalchand Navarai: Are there any rules laid down for giving grants to Universities for helping them to form their own Corps?

Mr. G. B. F. Tottenham: No, Sir, there are no general rules.

Mr. Lalchand Navarai: Is there any policy laid down?

Mr. G. B. F. Tottenham: I have just explained what the policy is.

UNEMPLOYMENT AMONG THE HANDLOOM WEAVERS OF SOUTHERN INDIA.

860. ***Prof. N. G. Ranga:** Will Government be pleased to state:

- (a) if they are aware of the widespread and growing unemployment among the hand-loom weavers of Southern India;
- (b) if they have received any representations from the hand-loom weavers of Salem;
- (c) if they have received any report regarding their plight from the District Collector and the Madras Government;
- (d) if so, what the causes are stated to be for that unemployment?

The Honourable Sir Muhammad Zafrullah Khan: Sir, with your permission I propose to answer questions Nos. 860 and 861 together.

The attention of the Honourable Member is invited to the replies given by me on February 12, to Mr. Ananthasayanam Ayyangar's question No. 808 and the questions supplementary thereto, and on February 18, to the short notice question by the same Honourable Member and supplementary questions.

Prof. N. G. Ranga: In view of the fact that Government have themselves admitted that the unemployment among handloom weavers in Southern India is partly due to the competition from mill made cloth, will they consider the desirability of taking the necessary steps to protect the hand woven cloth to some extent from the competition of mill made cloth by adopting measures to restrict the manufacture of certain kinds of cloth below certain counts and reserve its manufacture to handloom weavers?

The Honourable Sir Muhammad Zafrullah Khan: Does the Honourable Member mean placing restrictions on the mill industry?

Prof. N. G. Ranga: Yes, I mean placing restrictions on mill industry so as to permit the handloom weaving industry to make certain kinds of cloth below certain counts which the mills should not be permitted to manufacture?

The Honourable Sir Muhammad Zafrullah Khan: May I draw the Honourable Member's attention to one of my replies to the supplementary questions on the 18th February, last:

"I would suggest that Honourable Members who are interested in that aspect of the question might confer with those Honourable Members of this House who represent the mill industry here, and the suggestions they agree upon jointly when placed before the Government will be duly considered."

Prof. N. G. Ranga: Will Government call for a conference of the representatives of the mill industry as well as those of the handloom weaving industry to see whether any feasible and possible compromise or solution can be arrived at between these two parties?

The Honourable Sir Muhammad Zafrullah Khan: Honourable Members might perhaps first take advantage of the fact that both groups are represented in this House, and they may have a talk in the lobby and see whether they can come to any agreement.

Mr. T. S. Avinashilingam Chettiar: Is it a fact, Sir, that handloom weavers use Japanese yarn?

The Honourable Sir Muhammad Zafrullah Khan: I cannot say.

Mr. M. Ananthasayanam Ayyangar: Have Government considered the desirability of preventing the importation of Japanese grey goods or cloth below 50 counts as that kind of cloth is competing with the handloom industry?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid that would not be permissible under the Protocol between the two countries.

Mr. S. Satyamurti: Are Government actively considering this question in view of the widespread distress to thousands of very poor people in the Madras Presidency, and also in the Bombay Presidency?

The Honourable Sir Muhammad Zafrullah Khan: I answered a large number of supplementary questions by the Honourable Member on the previous occasion. I have got 10 pages of them which show what is actually being done.

Mr. S. Satyamurti: Is anything going to be done quickly?

The Honourable Sir Muhammad Zafrullah Khan: I read out the steps that the Local Government was taking in the matter, and it was hoped that they would answer the purpose to a large extent.

Mr. S. Satyamurti: Will the Government of India do anything in this matter?

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think that requires an answer. The Honourable Member has already given a full reply.

UNEMPLOYMENT AMONG THE HANDLOOM WEAVERS OF SOUTHERN INDIA.

1861. *Prof. N. G. Ranga: (a) Are Government aware of the fact:

- (i) that the imports of Japanese grey shirting cloth have increased enormously during the last two years; and
- (ii) that such imports have specially caused the growing distress of hand-loom weavers of Salem, Conjeevaram, Pedana and other hand-loom weaving centres of the Madras Presidency?

(b) If the answer to part (a) (ii) be in the affirmative, are Government prepared to consider the advisability of taking suitable action to restrict the imports of such Japanese yarn, and other steps to provide employment to the unemployed hand-loom weavers?

CLEANING OF THIRD CLASS CARRIAGES AND LATRINES ON TRAINS RUNNING BETWEEN MADRAS AND CALCUTTA, ETC.

862. *Prof. N. G. Ranga: Will Government be pleased to state:

- (a) if they are aware of the fact that the third class carriages and latrines of neither the mail trains running between Madras and Calcutta nor the passenger trains running between Madras and Waltair, are swept and cleaned at even any one of the junctions;
- (b) if they are aware that most of the carriages and almost all the latrines are in a hopelessly dirty and stinking condition on the morning after their departure from the starting stations;

*For answer to this question, see answer to question No. 860.

- (c) whether they are aware that neither guards nor the Station Masters are able or willing to get them cleaned, even after being requested, and plead the absence of the sweepers on the platforms or the want of time;
- (d) whether Government are prepared to consider the advisability of issuing strict instructions to see that all the carriages and latrines are properly swept and cleaned at the first junction or watering station reached by every mail or passenger train after a night's journey?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). No.

(d) I am bringing the Honourable Member's suggestion to the notice of the Agents of the Bengal Nagpur and Madras and Southern Mahratta Railways for consideration. I might add that I have had a look into the rules which are quite adequate, but with regard to their actual enforcement, I am drawing the attention of the Agents.

Prof. N. G. Ranga: How are Government in a position to reply to parts (a), (b) and (c) in the negative when actually these inconveniences are daily experienced by the travelling public, because the latrines are always in a dirty and stinking condition?

The Honourable Sir Muhammad Zafrullah Khan: The question was—whether I was aware, and the reply was—I was not aware.

Prof. N. G. Ranga: Will Government consider the desirability.....

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

ASSISTANCE GIVEN FOR THE EDUCATION OF THE CHILDREN OF THE EASTERN BENGAL RAILWAY EMPLOYEES.

863. ***Dr. P. N. Banerjee:** Will Government please state:

- (a) the number of (i) the European and Anglo-Indian and (ii) the Indian, employees of the Eastern Bengal Railway;
- (b) the kinds of assistance given to each of these classes of employees for the education of their children;
- (c) the exact amount spent for each class under that head;
- (d) the ratio of the amount spent per head on education for (i) the European and Anglo-Indian and (ii) the Indian employees?

The Honourable Sir Muhammad Zafrullah Khan: (a) Available information is contained in Appendix C of Volume II of the Report by the Railway Board on Indian Railways for 1934-35, a copy of which is in the Library of the House.

(b) I would refer the Honourable Member to Appendix I of Mr. Smith's Report on the cost of parental educational assistance on the Eastern Bengal Railway and Rules governing the grant of assistance from railway funds to the employees on State-managed Railways towards the education of their children, copies of which are in the Library of the House.

(c) and (d). The information is not readily available and Government consider that the labour and expense involved in getting it will not be justified by the results to be obtained.

Dr. P. N. Banerjee: In view of the great disparity, will Government consider the desirability of making increased grants for the education of the children of Indian employes?

The Honourable Sir Muhammad Zafrullah Khan: The whole question is being considered, and was, as a matter of fact, considered in the last meeting of the Central Advisory Council, and, under the new rules, there is no discrimination in the matter.

Pandit Lakshmi Kanta Maitra: Does the Honourable Member know that in the year 1934, only Rs. 34 was spent for the education of the children of Indian employes, whereas Rs. 64,000 was spent for the children of Anglo-Indian and European employes?

The Honourable Sir Muhammad Zafrullah Khan: I am not aware of that, but I have explained that the rules, that have recently been considered by the Central Advisory Committee, do not permit any kind of discrimination.

Dr. P. N. Banerjee: When does the Honourable Member expect to give effect to these new rules?

The Honourable Sir Muhammad Zafrullah Khan: I am informed that, so far as the question of discrimination is concerned, the rules are already in force. With regard to the modifications that the Committee has been considering, the Committee have now made recommendations, and it should not take long to enforce them.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member aware that the E. B. Railway Administration gives heavy allowances to European and Anglo-Indian employes in proportion to their pay and the number of children they have, whereas, in the case of Indian employes, nothing is done.

The Honourable Sir Muhammad Zafrullah Khan: I think with regard to Indian employes also the rules provide that assistance to be given should depend upon the number of children, subject to a maximum.

Pandit Lakshmi Kanta Maitra: The rules no doubt provide that, but, as a matter of fact, nothing is being done.

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will give me any specific instance where an Indian employe has not been paid the allowance according to the rules, I shall look into the matter.

SCHOOLS FOR THE EDUCATION OF THE CHILDREN OF RAILWAY EMPLOYEES.

864. ***Dr. P. N. Banerjee:** Will Government be pleased to state:

- (a) how many Railway Schools are maintained by the East Indian Railway and the Bengal Nagpur Railway;

- (b) what facilities are given to their school staff;
- (c) how many schools are maintained by the Eastern Bengal Railway for the education of the children of the (i) European and Anglo-Indian employees, (ii) and how many for the Indian employees?
- (d) If there is no Railway School for the Indian employees, the reason for this discrimination?

The Honourable Sir Muhammad Zafrullah Khan: Government are informed as follows:

(a) Fifty and thirty-one, respectively.

(b) School teachers employed in the East Indian Railway are now treated as Railway servants in all respects, except that in the matter of leave they are governed by the new leave rules applicable to the teaching staff employed in Railway schools on State Railways. Such staff employed on the Bengal Nagpur Railway have hitherto been regarded as Railway employees for purposes of the grant of passes, provident fund, bonus and gratuity. In all other respects they have been subject to whatever conditions may be imposed by the Managing Committees of the Indian schools who employ them and by the Railway's Assistant Controller of Schools, who is responsible for the recruitment and conditions of employment of European school teachers.

(c), (i). Four.

(ii) None, but a number of Indian Schools are in receipt of capitation grant from the Railway. Certain of these schools are housed in Railway's buildings.

(d) The European schools on the Eastern Bengal Railway are of the primary standard only and were sanctioned to meet the lack of educational facilities for European and Anglo-Indian children. There was not then and is not now the same difficulty with regard to Indian schools of the same standard.

SCHOOLS AT CERTAIN PLACES ON THE EASTERN BENGAL RAILWAY.

865. *Dr. P. N. Banerjee: Will Government please state:

- (a) if the Railway Board decided that the European and Anglo-Indian Schools at Chitpur, Kanchrapara, Saidpur and Katihar should be treated as Eastern Bengal Railway Schools and be maintained and entirely controlled by the Railway, as published in Notification No. 890 of the Eastern Bengal Railway Gazette No. 13 of 1935, with effect from the 1st July, 1935; and
- (b) whether the Agent of the Eastern Bengal Railway admitted that the Harnett H. E. School, Kanchrapara, is a Railway School, in his letter No. 190-D./W.-1, dated the 9th October, 1922, addressed to the Director of Public Instruction, Bengal, when the latter asked the Agent to make over the Railway building occupied by the said school to its Committee of management?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes, but this in no way altered the status or character of the schools. They have all along been Railway schools and their teachers treated as Railway servants. The only change has been that the Railway has tightened its control and taken over the regulations of the school finances from the school committee. No new benefits have been conferred by reason of the change.

(b) Yes, but the Honourable Member apparently seeks to give the term 'Railway school' used in the letter an interpretation it was never intended to bear. The school was a Railway school in that it was housed in a Railway building, received a capitation grant from the Railway and 78 per cent. of its pupils were the children of Railway employees. Its teachers neither then nor later were treated as Railway employees.

Dr. P. N. Banerjee: Are these schools then in an anomalous position?

The Honourable Sir Muhammad Zafrullah Khan: Which of them?

Dr. P. N. Banerjee: These so-called railway schools, are they private-schools or railway schools?

The Honourable Sir Muhammad Zafrullah Khan: With regard to those to which part (b) of the question refers, the position is, they get a grant from the railways and a very large number of the pupils come from the railways, but otherwise they are not railway schools though sometimes they are housed in railway buildings.

TREATING OF KANCHRAPARA SCHOOL ON THE EASTERN BENGAL RAILWAY AS A RAILWAY SCHOOL.

866. ***Dr. P. N. Banerjee:** (a) Do the Railway Board intend to remove the grievance of the Indian employees of the Eastern Bengal Railway by immediately giving the Harnett H. E. School, Kanchrapara the status of a Railway School, so as to put an end to all suspicion of racial discrimination?

(b) If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Government are not aware that the Indian employees of the Eastern Bengal Railway have any grievance as a result of the Eastern Bengal Railway Administration not giving the school the status of a Railway School and they are not prepared to do so as the present policy is not to take over any more schools.

Mr. M. S. Aney: What is the condition under which a school is taken under the control of the railways?

The Honourable Sir Muhammad Zafrullah Khan: As I have said, no further schools are to be taken under control of the railways, but the capitation grant will nevertheless be continued, and the other facilities which I have mentioned will also be continued.

Mr. S. Satyamurti: Are these schools open to Indian children on the same terms as to the European and Anglo-Indian children?

The Honourable Sir Muhammad Zafrullah Khan: Will the Honourable Member explain what he means by the expression "on the same terms"? What is the significance of that phrase?

Mr. S. Satyamurti: Fees and other conditions.

The Honourable Sir Muhammad Zafrullah Khan: Under the rules, wherever a child is entitled to assistance from railway revenues,—yes.

Mr. S. Satyamurti: Are these schools open to Indians?

The Honourable Sir Muhammad Zafrullah Khan: The schools referred to in part (b) of question No. 865 are open to them.

APPOINTMENT OF THE SUPERINTENDENT, LANDS AND ESTATES, BY THE CALCUTTA PORT TRUST.

867. ***Mr. Basanta Kumar Das:** (a) Is it a fact that the present incumbent of the post of the Superintendent, Lands and Estates, has been appointed by the Calcutta Port Trust authorities on a much higher scale of salary than what used to be for the post?

(b) On what scale of pay has the present incumbent been appointed and what was the scale of salary for his predecessor?

(c) Is it a fact that the time of making this appointment almost coincided with a period when the Port Trust authorities were under the necessity of effecting economy in every possible direction, one of the measures adopted being the retrenchment of staff on a very heavy scale?

(d) Is it a fact that prior to making the appointment of Superintendent, Lands and Estates, the Port Trust authorities appointed two Audit Inspectors on a lower scale of salary than what used to be for the post?

(e) If the answers to parts (a), (c) and (d) be in the affirmative, how can the action of the Trustees in appointing the Superintendent, Lands and Estates, on a higher scale of salary be reconciled with their general policy of economy, as also the appointment of Audit Inspectors on a reduced scale?

The Honourable Sir Muhammad Zafrullah Khan: Information has been called for and a reply will be laid on the table of the House in due course.

CONFIRMATION OF THE TRAFFIC PROBATIONERS RECRUITED BY THE CALCUTTA PORT TRUST.

868. ***Mr. Basanta Kumar Das:** (a) With reference to starred question No. 154 (d) of the 5th September, 1935, will Government be pleased to state whether all the Traffic Probationers recruited by the Calcutta Port Trust in the year 1929, have since been confirmed? If not, why not?

(b) How many of them are still due to be confirmed?

(c) What is the reason for indefinitely prolonging the period of probation in case of those who are yet unconfirmed?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I propose to answer questions Nos. 868 and 869 together.

Information is being called for and a reply will be laid on the table of the House in due course.

Mr. Basanta Kumar Das: Will the Honourable Member give me an idea of the time by which we can receive the information?

The Honourable Sir Muhammad Zafrullah Khan: I could not say, but I do not think that there has been any tendency on the part of the Department to delay laying information on the table in due course after it is received.

RACIAL DISCRIMINATION IN THE CALCUTTA PORT TRUST.

1869. ***Mr. Basanta Kumar Das:** (a) Will Government be pleased to state whether they are aware that in the matter of giving promotion:

(i) the European and Anglo-Indian employees of the Calcutta Port Trust are usually given preference to their Indian colleagues; and

(ii) when the Indians are solely concerned, their appointment, confirmation or promotion in the services is generally governed by such considerations as the influence of and relationship with high officials or public men of eminence?

(b) Is it not a fact that the Indian employees of the Port Trust have in most cases higher education and intellectual equipment than their European and Anglo-Indian colleagues?

(c) Is it not also a fact that the Port Trust authorities are opposed to the introduction of departmental examinations on a *wide* principle? If so, why?

(d) Is it not a fact that in the past:

(i) the Port Trust authorities held departmental examinations for their officers in the Traffic Department up to a certain rank; and

(ii) the system was abandoned? If so, why?

(e) With reference to the answer to starred question No. 155 (c) of the 8th September, 1935, will Government be pleased to state whether character, personality and temperament are considered as necessary assets for the efficient discharge of duties in Government services?

(f) Is it not a fact that on the Railways, both State and Company-managed, there obtains the system of departmental examinations, in some cases, even for persons holding the charge of districts?

(g) If the answer to part (f) be in the affirmative, why do not the Calcutta Port Trust authorities adopt a similar system in order to test the abilities and intelligence of their employees?

(h) Are Government aware of the almost universally accepted principle that system of examinations in public services not only helps to limit the probable scope of favouritism and corruption, but also leads to the recognition of intelligent and meritorious persons?

(i) If the answer to part (h) be in the affirmative, are Government prepared to consider the necessity of urging the Post Trust authorities to extend the system of departmental examinations in their services?

APPOINTMENT OF MR. H. G. FRANKS AS NEWS EDITOR OF THE DELHI BROADCASTING STATION.

870. *Mr. Suryya Kumar Som: (a) Has the attention of Government been drawn to the editorial article of the *Amrita Bazar Patrika*, of the 10th-11th January, commenting on the appointment of Mr. H. G. Franks as "News Editor" of the Delhi Broadcasting Station?

(b) Are Government aware that he published a book "Queer India" in which he depicted Indian people in a very bad light and in which he depicted India as a land of mediæval superstition mingled with primitive savagery?

(c) Are Government aware that according to Mr. Lionel Fieldou, Controller of Indian State Broadcasting Service "Broadcasting if used with integrity, intelligence, idealism, can be the means of infusing into every class and community the spirit of mutual understanding and goodwill and if properly used it will usher in a time when generosity, toleration, and kindness will replace greed, cruelty, and mistrust"?

(d) Was this appointment advertised? If not, why not?

(e) What is the special qualification of this gentleman that prompted Government to appoint him to such an important post?

(f) Are Government aware that the appointment of this gentleman has roused great indignation in the public mind and that the public are attributing some sinister motive behind this appointment?

(g) Are Government prepared to consider the desirability of removing this gentleman at once from the post, which has been given to him only temporarily?

The Honourable Sir Frank Woyce: (a) The Honourable Member is presumably referring to the editorial article that appeared in the *Amrita Bazar Patrika* on the 12th January, 1936. If so, I have seen it.

(b) Government are aware that Mr. Franks is the author of the book "Queer India".

(c) Government are aware that Mr. Fielden did say something to that effect during his speech when opening the Radio Exhibition at Bombay.

(d) No, as the appointment had to be made at very short notice, and was a temporary one only.

(e) The fact that he had long experience of journalism and was free to take up a temporary appointment.

(f) No. Government are aware that the appointment has been criticised by a certain section of the press.

(g) No. Mr. Franks has so far carried out his duties satisfactorily.

Mr. M. Ananthasayanam Ayyangar: How long is he to be retained in service? For what period?

The Honourable Sir Frank Noyce: The question of permanent arrangements is now under consideration, and I hope it will not be long before a decision is reached.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether the news that is edited by the Editor for broadcasting is being revised by any other officer? Is it looked into before it is broadcasted?

The Honourable Sir Frank Noyce: No. The position in regard to the editing of the news is that it has obviously to be done at once otherwise it ceases to be news. Therefore, a very large amount of discretion has to be left to the News Editor.

Mr. Lalchand Navalrai: Then, there will be no time for Mr. Fielden to go into it and see whether any news is objectionable or not, before it is broadcasted?

The Honourable Sir Frank Noyce: Ordinarily not. He can only take *ex post facto* action.

Mr. T. S. Avinashilingam Chettiar: Will the permanent appointment be made through the Public Service Commission?

The Honourable Sir Frank Noyce: That I am unable at the moment to say. I have pointed out already that the whole question of permanent arrangements is under consideration, and I would add for the information of the House that the necessity of an absolutely impartial news service from the Delhi Broadcasting Station will be borne in mind when those permanent arrangements are made. I trust that the House will be satisfied with that assurance.

Mr. Lalchand Navalrai: Will the Honourable Member also keep this in view that anything that is edited will also be revised or something done, so that no bad news goes out?

The Honourable Sir Frank Noyce: I have already said that revision or censorship of the news before it is broadcasted is obviously impossible; otherwise, it ceases to be news. But that makes it all the more important that the News Editor should be very carefully selected.

Mr. M. Ananthasayanam Ayyangar: Will an Indian be appointed in the permanent appointment, or have Government got a European in view?

The Honourable Sir Frank Noyce: All I can say is that the best man available will be appointed.

Mr. S. Satyamurti: Will Government consider the desirability of appointing an Indian, as the news is for the benefit of Indians?

The Honourable Sir Frank Noyce: I can only say that all relevant considerations will be borne in mind and that the best man available, specially qualified for the duties he has to perform, will be appointed.

Mr. S. Satyamurti: What is the term of service of this gentleman, according to the present terms of the contract? When does the term expire?

The Honourable Sir Frank Noyce: He was appointed for two months in the first instance.

Mr. M. Ananthasayanam Ayyangar: In making the permanent appointment, will applications be called for from all over the country?

The Honourable Sir Frank Noyce: As I have said, all these matters are under consideration. I am not able to say more than that at the moment.

DISBURSEMENT OF THE MONTHLY WAGES OF THE DAILY-RATED STAFF OF THE NORTH WESTERN RAILWAY.

871. ***Mr. Sham Lal:** (a) Will Government please state whether it is a fact that the monthly wages of the daily-rated staff of the North Western Railway 'Loco' and 'Carriage & Wagon' Workshops are disbursed by the clerical staff of the Railway Accounts Department, in collaboration with the Executive representatives from the Workshops (Chargemen, etc.)?

(b) If the answer to part (a) be in the affirmative, is it a fact that a separate Railway Cash and Pay Department exists for payment purposes?

(c) Is it a fact that each clerk, paying out, has to disburse cash ranging from ten thousand to twenty thousand rupees?

(d) Are Government aware of the high responsibility that is thrown on the clerical staff who are meant or employed for purely clerical office work and not for payment work?

(e) Is it a fact that shortages of cash, if any, that occur in the process of disbursement operations, are made good by the staff detailed to make payment?

(f) Is it a fact that in view of the responsibility attached to the payment work, the Accounts Staff booked on payment duty, used to be granted a remuneration per turn of Rs. 10 each for the same?

(g) Is it a fact that the said remuneration of Rs. 10, after having been drawn by the staff for more than twelve years, was stopped in 1930, as a measure of economy campaign?

(h) Is it a fact that the responsibility for which allowance was previously given has not ceased and still exists?

(i) Is it a fact that the representations from the staff were actually supported by the responsible officers on the spot, but the superior authorities concerned did not restore the allowance?

(j) Is it a fact that the Executive Staff (chargemen, etc.) deputed to work side by side with the Accounts staff for payment to labour, used originally to get four hours' pay and still are getting two hours' pay as overtime?

(k) If the answers to the preceding parts be in the affirmative, will Government be pleased to state whether they are prepared to take early steps to remove the grievance of the Railway Accounts Staff concerned with retrospective effect?

Mr. P. R. Rau: (a) Yes.

(b) The cash and pay work on the North Western Railway is entrusted to a contractor.

(c) Yes.

(d) Government are satisfied that under the terms of his agreement a clerk in the Accounts Department can be employed on the payment of wages and is not entitled to overtime on that account.

(e) Yes.

(f) and (h). The remuneration was sanctioned for extra work but was discontinued as arrangements have been made to have different clerks to do this work in different months.

(g) Yes.

(i) Government are not prepared to disclose what the recommendations of subordinate authorities were.

(j) Government understand that chagemen deputed for the purpose are granted an overtime allowance equal to four hours' wages.

(k) Government do not consider that there can be any legitimate grievance over the matter.

TAKING INTO CONSIDERATION THE NUMBER OF CHILDREN AND OTHER DEPENDENTS IN ASSESSING INCOME-TAX.

872. ***Mr. Sham Lal:** Will Government be pleased to state:

(a) whether it is a fact that in England the number of children and other dependents is taken into consideration in assessing income-tax; and

(b) if so, whether similar steps are intended to be taken in India?

Mr. A. H. Lloyd: (a) Yes.

(b) The matter is one which will certainly be considered by the Expert Advisers on Income-tax to the Government of India.

AMENDMENT OF PENSION AND GRATUITY RULES IN THE INTEREST OF THE FAMILIES OF GOVERNMENT SERVANTS.

873. ***Mr. Sham Lal:** Will Government be pleased to state:

(a) whether it is a fact that some Government servants die without enjoying any pensions, even after having put in more than half the period of approved service, leaving their widows and children mostly in miserable conditions; and

(b) if so, whether they propose to have pension and gratuity rules suitably amended in the interest of the families of such Government servants?

The Honourable Sir James Grigg: (a) Government have no reason to believe that the families of Government servants who die in service are left unprovided for except in comparatively rare instances.

(b) I would refer the Honourable Member to parts (a) and (b) of the answer given to question No. 347 on the 12th February, 1936.

MARRIED STUDENTS IN INSTITUTIONS IN THE CENTRALLY ADMINISTERED AREAS.

874. *Mr. Sham Lal: Will Government be pleased to state the present number of married students in the Primary, Secondary and Intermediate classes of the Government recognised and Government aided educational institutions of the centrally administered areas below the Sardar limits of 18 and 14 years for males and females, respectively?

Sir Girja Shankar Bajpai: The information asked for by the Honourable Member is not available. The Government of India will consult Local Governments as to whether this type of information can be procured and included in the ordinary statistical tables, and, if so, what categories of pupils would be suitable for inclusion.

GOVERNMENT SERVANTS NOT TRAVELLING IN THE CLASS FOR WHICH TRAVELLING ALLOWANCE IS CLAIMED.

875. *Mr. Sham Lal: Will Government be pleased to state:

- (a) whether it is a fact that several Government servants do not travel by rail in the class for which they claim travelling allowance from the Central Exchequer on their salary rates, causing considerable loss to Railway revenues; and
- (b) if so, whether they propose to amend the travelling allowance rules suitably in this direction?

The Honourable Sir James Grigg: Attention is invited to Supplementary Rule 32-A and Rule 7 of the Simla Allowances Code as amended by correction slip No. 23, dated the 5th April, 1935. It will be seen that the travelling allowance rules have been suitably amended.

UNIFORMS OF RAILWAY OFFICIALS MADE OF IMPORTED CLOTH.

876. *Mr. Sham Lal: Will Government be pleased to state:

- (a) whether uniforms of different Railway officials of various grades are being made of imported cloth on different Indian Railways; and
- (b) the approximate cost of cloth imported for this purpose during the last financial year?

The Honourable Sir Muhammad Zafrullah Khan: (a) With the exception of imported lining cloth all cloth used for State-managed Railway uniforms is of indigenous origin.

(b) The cost of imported lining cloth purchased for State-managed Railway uniforms during 1934-35 was in the region of Rs. 15 only.

FINANCIAL AID TO BELIEVE THE INDEBTEDNESS OF THE PEASANTS.

877. ***Mr. Sham Lal:** Will Government be pleased to state:

- (a) whether it is a fact that State financial aid was given by the Governments in several western countries to relieve the indebtedness of the peasantry; and
- (b) if so, whether the same is being intended to be extended in the centrally administered areas?

Sir Girja Shankar Bajpai: (a) Government have no information.

(b) No.

REVISION OF SALARY GRADES.

878. ***Mr. Sham Lal:** Will Government be pleased to state:

- (a) whether revised salary grades have so far been introduced in all services under them;
- (b) whether revision of salary grades has been carried on in different provinces in consultation with the Central Government; and
- (c) if so, which provinces have so far completed this work and which have not?

The Honourable Sir James Grigg: (a) Revised scales of pay for services under the Governor General in Council have been introduced.

(b) It is understood that the various Local Governments have also been revising the scales of pay for their services, but it is not incumbent upon Local Governments to consult the Government of India in such matters.

(c) Information is not available.

BRITISH DOMINIONS WHERE INCOME-TAX ON SALARIES AND PENSIONS DRAWN IN ENGLAND IS NOT PAYABLE TO GOVERNMENT EXCHEQUERS.

879. ***Mr. Sham Lal:** Will Government be pleased to state the names of British Dominions where Income-tax on salaries and pensions drawn in England from those countries are not payable to the Government Exchequers of those countries?

The Honourable Sir James Grigg: I would refer the Honourable Member to the reply given to part (c) of his question No. 760.

RAILWAY SERVANTS DETECTED TRAVELLING WITHOUT TICKETS OR PASSES.

880. ***Mr. Sham Lal:** Will Government be pleased to state the respective numbers of Railway servants of various official positions detected during each of the last three years travelling on their private business without Railway tickets or passes on different Indian Railways respectively, together with the nature of the disciplinary action taken against them?

The Honourable Sir Muhammad Zafrullah Khan: The majority of Railways do not maintain any record of the number of such cases. I am, however, placing on the table a statement giving such information as is available.

Statement.

A. B. Railway.

1932-33	.	.	.	Nil.
1933-34	.	.	.	One subordinate and five inferior servants.
1934-35	.	.	.	Five subordinates and four inferior servants.

The departmental action taken varied from a warning to dismissal according to the circumstances of each case.

B. and N. W. and R. and K. Railways

Such cases are few and far between and the disciplinary action taken varied from a warning to dismissal according to the circumstances of each case.

B. N. and E. B. Railways.

Full fare and penalty as in the case of ordinary passengers, are recovered.

M. and S. M. Railway.

Full fare and penalty as in the case of ordinary passengers, are recovered. In addition disciplinary action is generally taken according to the circumstances of each case.

N. W. Railway

	1933.	1934.	1935.
Officers	Nil	Nil	Nil
Subordinates	79	49	50
Inferior staff	353	311	298

The disciplinary action taken was in accordance with the rules which provide for the recovery of fares and penalty as in the case of ordinary passengers: in addition, for the first offence the fine is one week's pay, for the second offence one month's pay and for the third offence dismissal.

MISUSE OF THE PRIVILEGE OF TRAVELLING BY MEANS OF RAILWAY PASSES.

881. *Mr. Sham Lal: Will Government be pleased to state:

- (a) whether it is a fact that the privilege of travelling by means of Railway passes is sometimes misused by the friends and relatives of those persons for whom alone they are issued by Railway authorities; and
- (b) if so, what the respective number of convictions has been in such cases on different Indian Railways during each of the last two years?

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

(b) Bombay, Baroda and Central India Railway two cases:

North Western Railway	five cases in 1934 and eight cases in 1935. Convictions were obtained in two cases.
South Indian Railway	one case in 1934 in which, however, the accused was discharged.

The Agents of other principal Railways state that similar information is not readily available.

PASSING OF FIRST AID TEST BY ASSISTANT STATION MASTERS AND STATION MASTERS.

882. ***Mr. Sham Lal:** Will Government be pleased to state whether all Indian Railways have made it compulsory for Assistant Station Masters and Station Masters to pass the test in first aid before being appointed to these posts? If not, do Government propose to take any steps in this matter?

The Honourable Sir Muhammad Zafrullah Khan: I place on the table of the House extracts from the orders issued by the Railway Board in this connection. So far as Government are aware qualifications in first-aid have not been made compulsory in the case of station masters and assistant station masters on class I Railways. In view of what is stated in the Railway Board's letter No. 527-E.G., dated the 27th June, 1933, Government do not propose to take any action at present in the matter.

EXTRACT FROM LETTER No. 527-E. G., DATED THE 27TH JUNE, 1933, FROM THE SECRETARY RAILWAY BOARD, TO THE AGENTS, EASTERN BENGAL, EAST INDIAN, GREAT INDIAN PENINSULA, NORTH WESTERN AND BURMA RAILWAYS.

'First Aid' expenditure.

2. The Board are of opinion that the staff mentioned in paragraph 2 of their letter No. 527-E. G., dated the 9th August, 1932, are the minimum for whom First Aid qualifications should be made obligatory and while they consider that it should be left to the discretion of the railway administrations to decide which other staff should be trained in 'First Aid', they would invite consideration to the fact that such training involves expenditure on travelling allowances when staff have to attend courses at outstations and in view of the present need for economy, the Board would be glad if you would now review the existing orders on your railway in regard to this matter so as to ensure that no expenditure is incurred which could not be reasonably justified.

COPY OF LETTER No. 527-E. G., DATED THE 9TH AUGUST, 1932, FROM THE SECRETARY, RAILWAY BOARD TO THE AGENTS, EASTERN BENGAL, EAST INDIAN, GREAT INDIAN PENINSULA, NORTH WESTERN, BURMA, ASSAM BENGAL, BENGAL NAGPUR, BOMBAY BARODA AND CENTRAL INDIA, MADRAS AND SOUTHERN MAHRATTA AND SOUTHERN INDIAN RAILWAYS.

'First Aid' expenditure

2. The Railway Board consider that it would be advisable to make qualifications in 'First Aid' obligatory in the case of running staff other than those who are not required to be literate and for supervising staff in all workshops and running sheds, provided that such qualifications will not be obligatory for staff already in service but that the possession of such qualifications by staff already in the categories named above prior to the issue of the orders will be taken into favourable consideration in selection for promotion. I am to request that you may furnish the Railway Board with your views on this point.

DISABILITIES OF INDIANS IN CERTAIN COUNTRIES.

883. *Mr. Sham Lal: Will Government be pleased to state:

- (a) whether it is a fact that Indians are being treated differently from others in Natal, Kenya, Zanzibar, Fiji and Mesopotamia, by the respective Governments of those countries;
- (b) if so, whether there are arrangements for having yearly reports regularly as to the improvements effected in the status of Indians in those countries; and
- (c) if not, whether they propose to take any steps in the matter?

Sir Girja Shankar Bajpal: (a) Indians are subject to certain disabilities in Natal, Kenya, Zanzibar and Fiji. No such disabilities exist in Mesopotamia.

(b) The position of the Indian community in Natal is reviewed in the annual reports of the Agent-General for India in the Union of South Africa and of the Protector of Indian Immigrants in Natal. The annual report of the Secretary for Indian Affairs in Fiji contains similar information regarding the Indian community in that colony. There are no such reports relating to the Indian communities in Kenya and Zanzibar.

(c) If a Trade Commissioner for East Africa is appointed, it should be possible to get information more regularly about matters of economic interest to the Indian communities in Kenya and Zanzibar.

COST OF CLOTH IMPORTED FOR THE UNIFORMS OF POSTAL PRONS, POLICE OFFICIALS, ETC.

884. *Mr. Sham Lal: Will Government be pleased to state:

- (a) whether the uniforms of different:
 - (i) men in different ranks of the Indian Defence Force,

- (ii) peons in Post and Telegraph Offices throughout India; and
 - (iii) police officials of various grades employed in the centrally administered areas, are being made of Indian cloth; and
- (b) if not, the approximate cost of the cloth imported during the last financial year for this purpose?

The Honourable Sir Frank Noyce: (a) The uniforms of the personnel of the Defence Services are made both of Indian and of imported cloth. Those of peons in the Posts and Telegraphs Department and of members of the Police force are made entirely of Indian cloth.

(b) During the year 1934-35 articles of uniform clothing to the value of Rs. 21,32,368 were purchased through the Indian Stores Department for the Defence Department. The total includes Rs. 13,71,195 for articles of Indian manufacture and Rs. 7,61,173 for imported articles. The cost of uniform clothing purchased by the Defence Department directly from abroad during 1934-35 is being ascertained and a statement will be placed on the table of the House in due course.

COMPANIES EMPLOYING MORE THAN HALF OF THEIR CAPITAL FROM SOURCES OTHER THAN INDIAN.

885. ***Mr. Sham Lal:** Will Government be pleased to state the number of registered companies in various parts of India on the 31st March, 1935 employing more than half of their capital from sources other than Indian?

The Honourable Sir Muhammad Zafrullah Khan: The information is not available.

PROHIBITION OF DRUNKENNESS FOR MOTOR DRIVERS IN THEIR LICENCES.

886. ***Mr. Sham Lal:** Will Government be pleased to state:

- (a) whether it is a fact that one of the main causes of serious motor accidents is the drunkenness of drivers in several cases;
- (b) whether there is in the centrally administered areas any prohibition of drunkenness for drivers in their licences at the time of driving motor vehicles; and
- (c) if not, whether Government intend to take any action in the matter?

The Honourable Sir Henry Crank: (a) I have no statistics on the point, but obviously if the driver of a motor vehicle is drunk, he is more liable to accident.

(b) Under the Indian Motor Vehicles Act, 1914, reckless or negligent driving is a criminal offence. Also any Local Government (a term which includes the Governments of the centrally administered areas) may in its discretion cancel or suspend any licence granted under the Act or declare any person disqualified permanently or temporarily for obtaining a licence under the Act. These powers can also be exercised up to a period of one year by any Court which convicts of a motoring offence. In addition, the rules of some administrations (*e.g.*, Baroda Cantonment, Central India,

Agency and Hyderabad administered areas, and Andamans) specifically prohibit drunkenness during employment. The rules for Quetta Town and Cantonment provide for the forfeiture of the motor-taxi driver's licence if he is found drunk during employment; and the Delhi rules require, from an applicant for a licence to drive a public motor vehicle or a heavy motor vehicle, a medical certificate as to whether he shows any signs of being addicted to the excessive use of alcohol or drugs.

(c) The power to make Rules under section 11 of the Act vests in the Local Governments: but I have no objection to sending to them the copies of this question and my reply.

REGISTRATION OF MARRIAGES, BIRTHS AND DEATHS.

887. ***Mr. Sham Lal:** Will Government be pleased to state:

- (a) the number of local bodies (District Boards and Municipalities etc.) enforcing registration of marriages, births, and deaths within their jurisdictions in the centrally administered areas; and
- (b) if the number of local bodies, which do not insist on registration of marriages, is still large, whether Government propose to take any action in the matter as a check to abductions from one place to another?

The Honourable Sir Henry Oralk: (a) The registration of births and deaths is enforced in the jurisdiction of all local bodies in the centrally administered areas. The registration of marriages is enforced only by three out of the 20 local bodies.

(b) I am not sure how far the compulsory registration of marriages will act as a check on abduction of women: but I am prepared to communicate copies of this question and my reply to the administrations concerned.

ENTERING OF THE NAMES OF NEWLY-BORN BABIES IN BIRTH REGISTERS.

888. ***Mr. Sham Lal:** Will Government be pleased to state:

- (a) whether Municipalities and District Boards of the centrally administered areas have adopted bye-laws for getting the names of the newly-born babies duly entered in their birth registers within special periods; and
- (b) if not, what action is intended to be taken in the matter?

Sir Girja Shankar Bajpai: (a) and (b). The bye-laws of municipalities in Baluchistan, Delhi and Ajmer-Merwara (except Deoli) provide for registration, within a prescribed period, of the names of newly-born children. The question of enforcing registration of births in Deoli is under consideration. In Coorg municipalities, the registration of the name is contingent on the child having been named within the compulsory period for registration of birth.

In rural areas there is no compulsory provision for the registration of names.

HEAD-GEAR OF UNIFORMS FOR RAILWAY OFFICIALS.

889. *Mr. Sham Lal: Will Government be pleased to state the improvements effected, if any, by different Indian Railways during the last five years in the matter of head-gear of Railway uniforms for different Railways officials?

The Honourable Sir Muhammad Zafrullah Khan: Government have no information and do not consider any useful purpose will be served by collecting it. This is a matter which each Railway Administration decides according to its particular requirements.

PAY AND ALLOWANCES OF INDIAN MILITARY OFFICERS.

890. *Mr. K. L. Gauba: (a) Will Government be pleased to state if.

(1) the pay of a British Officer in the Indian Army is as follows:

(i) UNMARRIED OFFICERS.

Lieutenant.

	Rs.	Rs.
Pay of rank	385	
Indian Army Allowance	75	
Unmarried rate of lodging allowance	20	
	480	

(ii) MARRIED OFFICERS.

Lieutenant.

Pay of rank	385	
Indian Army Allowance	75	
Married rate of lodging allowance	40	
Marriage allowance	65	
	565	

(2) the pay of a British Officer in the British Service is as follows:

(i) UNMARRIED OFFICERS.

Lieutenant.

	Rs.	Rs.
Pay of rank	385	
Unmarried rate of lodging allowance	20	
	405	

(ii) MARRIED OFFICERS.

Lieutenant.

Pay of rank	385	
Married rate of lodging allowance	40	
Marriage allowance	65	
	490	; and

(3) the pay of an Indian Military Officer passed out of the Indian Military Academy is as follows:

Lieutenant.

Pay of rank	300	
Mass allowance for the first year when attached to a British Unit	35	
	335	

(b) Is it a fact that the mess allowance mentioned in part (a) (3) above ceases when an officer is attached to a permanent Unit?

(c) Are Government aware that the Indian Military Officers who have passed out of the Indian Military Academy into the Indian Army as Second-Lieutenant, are unable to make both ends meet, as their pay has been fixed at Rs. 300, which is much lower than that admissible to a British Officer in the Indian Army or British Service and that the monthly expenses of an Indian Military Officer of the rank of Second-Lieutenant are as follows :

Minimum monthly Expenses of the Indian Military Officer passed out of the Indian Military Academy :

	Rs.	Rs
Mess expenses including cigarettes, drinks, stationery, etc.	200	
Monthly preparation of new clothes	10	
Monthly clothing repairs	10	
Conveyance expenses such as tonga hire, etc.	10	
Bearer	25	
Washerman	7	
Sweeper	5	
Chaukidar	4	
Gardener	4	
Electric and water expenses	10	
Cleaning materials such as boot polish, brasso, etc.	10	
House rent	25	
Hire of furniture	6	
Soap, tooth paste, etc.	5	
Club subscription	30	
Cinema	10	
Life Insurance	20	
Miscellaneous expenses	10	
	<hr/>	391
Pay and Mess allowance		335
		<hr/>
Monthly deficit		56

(d) If Government are aware of the monthly deficit incurred by an Indian Military Officer, are they prepared to increase his rank pay to Rs. 385, as allowed to a British Military Officer in the British Service, and give him the same rate of lodging and other allowances?

Mr. G. R. F. Tottenham: (a) The rates mentioned are those for an officer of the rank of 2nd Lieutenant.

(b) Yes.

(c) No. The pay of an Indian Commissioned Officer of the rank of 2nd Lieutenant is based on the pay of an unmarried British Service officer of that rank when he too is serving in his own country. Before the rate was fixed the probable expenditure of an Indian Commissioned Officer of that rank was very carefully examined, and details of necessary expenses in various stations were ascertained. By so doing Government satisfied themselves that the rate fixed should be sufficient to enable a young officer to live in the style suitable to his rank and position without getting into debt, provided that he exercised reasonable care. Government cannot accept the Honourable Member's estimate of minimum expenses.

(d) Does not arise.

ABSENCE OF MUSLIM OFFICERS IN THE CALCUTTA PORT TRUST.

891. ***Mr. K. L. Gauba:** (a) Will Government be pleased to state whether it is a fact that up to now there is not a single Mussalman Officer in the Calcutta Port Trust, who is on a scale of salary rising up to or above Rs. 500?

(b) What is at present the total number of employees in the Calcutta Port Trust who come under the Fundamental Leave Rules?

(c) How many of the employees, classified according to senior and junior ranks, are Europeans, Anglo-Indians, Hindus and Mussalmans, respectively, posts which carry a maximum salary of Rs. 500 and above being treated as in the senior rank?

(d) What percentage of the total amount at present being spent on the salaries and allowances of the employees in the Calcutta Port Trust goes to Europeans, Anglo-Indians, Hindus and Mussalmans, respectively?

(e) With reference to starred question No. 309 of the 31st August, 1933, if the position, both in quality and quantity, with regard to Mussalman employees has not improved, what is the reason?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I propose to answer questions Nos. 891, 892, 893 and 894 together.

The information is being called for, and a reply will be laid on the table in due course.

MUSLIM EMPLOYEES IN THE CALCUTTA PORT TRUST.

†892. ***Mr. K. L. Gauba:** (a) Will Government be pleased to state how many Mussalman employees there are at present in the Calcutta Port Trust who are on a scale of salary:

- (i) rising above Rs. 400, but not exceeding Rs. 450;
- (ii) rising above Rs. 350, but not exceeding Rs. 400;
- (iii) rising above Rs. 300, but not exceeding Rs. 350;
- (iv) rising above Rs. 250, but not exceeding Rs. 300;
- (v) rising above Rs. 200, but not exceeding Rs. 250;
- (vi) rising above Rs. 150, but not exceeding Rs. 200;
- (vii) rising above Rs. 100, but not exceeding Rs. 150; and
- (viii) rising up to Rs. 100?

(b) Is it a fact that when occasions for filling up vacancies, whether clerical or of the officer's rank, under their control arise, the Commissioners do not in 99 per cent. cases advertise in the Calcutta Gazette or in the leading Calcutta papers about the vacancies?

(c) If in most cases they do not advertise their vacancies properly, what is the reason therefor?

RECRUITMENT OF MUSLIMS IN THE CALCUTTA PORT TRUST.

†893. ***Mr. K. L. Gauba:** (a) Will Government be pleased to state whether it is a fact that in the matters of making appointments or giving

†For answer to this question, see answer to question No. 891.

promotion to their employees, the Calcutta Port Trust authorities are very apathetic towards the Mussalmans even when they are qualified and deserving?

(b) Are Government aware of the fact that nowadays there is no dearth of qualified Mussalmans who can efficiently and with credit discharge the duties of the responsible posts in the various sections under the control of the Calcutta Port Trust, with the possible exception of their Mechanical Engineering and Deputy Conservator's Departments?

(c) Is it a fact that:

(i) Government recently asked the Calcutta Port Trust authorities to formulate a scheme reserving a certain percentage of posts for the Mussalmans in order to redress communal inequalities; but

(ii) the Chairman of the Calcutta Port Trust signified his reluctance to meet the wishes of the Government, stating that reservation of 25 per cent. of appointments for the Mussalmans or even a much lower percentage would result not only in the passing over of better qualified men but in the appointment of men who are definitely unfit for the posts?

(d) What are the rules regulating the conduct of a *quasi*-Government official?

RECRUITMENT OF MUSLIMS IN THE CALCUTTA PORT TRUST.

1894. ***Mr. K. L. Gauba:** (a) Will Government be pleased to state what has been the total number of appointments, temporary or permanent, classified according to Senior and Junior ranks that the Trustees of the Port of Calcutta have made since 1st September, 1933?

(b) Out of such vacancies those which were filled up by the appointment of outsiders how many in the senior and junior ranks respectively went to Mussalmans?

(c) Were all such vacancies duly notified in the Press for attracting the best possible candidates?

(d) If not,

(i) why not; and

(ii) how did the authorities come to know that the persons appointed were the most suitable for the posts and Mussalmans with similar or better qualifications were not available?

(e) What are the qualifications of the persons appointed since 1st September, 1933 for filling up vacancies in the senior rank which did not require Marine or Mechanical Engineering qualifications?

(f) Out of the non-Muslims appointed in the junior rank or clerical vacancies since 1st September, 1933:

(i) how many are graduates;

(ii) how many are under-graduates; and

(iii) how many are matriculates?

(g) With reference to the answer to starred question No. 811(c) of the 31st August, 1933, will Government be pleased to lay on the table copies of all the correspondence that passed between the Government and the Calcutta Port Trust authorities regarding the recruitment of Mussalmans?

*For answer to this question, see answer to question No. 891.

(h) Do Government propose to appoint a committee consisting of the Members of this House to examine the records of the Calcutta Port Trust and to report after the enquiry about the rules and regulations followed by the authorities as also various other matters concerning their staff?

TRAFFIC PROBATIONERS RECRUITED BY THE CALCUTTA PORT TRUST.

895. *Mr. K. L. Gauba: (a) Will Government be pleased to state whether it is a fact that in the year 1934, the Calcutta Port Trust authorities appointed eight Traffic probationers who after the completion of the training are intended to fill up the posts in the officers' rank?

(b) If the answer to part (a) be in the affirmative, is it a fact that none of the probationers happens to be a Mussalman?

(c) Is it a fact that some of the probationers are not graduates, one of them being a mere matriculate?

(d) Is it a fact that out of the eight probationers appointed in the year 1934, four are Anglo-Indians?

(e) If the answer to part (d) be in the affirmative, what is the reason for the appointment of four Anglo-Indians out of a total of eight in view of the policy of Indianisation of the Port Trust Services?

(f) Were the posts advertised? If not, why not; and what were the considerations which led to the selection of the persons appointed?

(g) Are Government prepared to consider the necessity of asking the Calcutta Port Trust authorities to notify each and every vacancy in the Public Press before filling up the same?

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

(b) None of the probationers is a Mussalman.

(c) Yes.

(d) Yes.

(e) Anglo-Indians have the legal status of Indians.

(f) Information is being called for and will be laid on the table of the House in due course.

(g) No.

SCHEME OF THE KING GEORGE'S DOCKS.

896. *Mr. K. L. Gauba: (a) Will Government be pleased to state:

(i) what was the total number of berths that were provided for in the original scheme of the King George's Docks;

(ii) what was the estimated cost for carrying out the entire scheme of construction; and

(iii) how many berths up to now have been constructed?

(b) Is it a fact that the expenditure actually incurred in the construction of the berths in existence including sheds, warehouses and all other equipments that have up to now been provided exceeded the estimated cost by more than a crore of rupees?

(c) If the answer to part (b) be in the affirmative, are Government prepared to consider the necessity of appointing a committee consisting of the Members of the House to enquire into and report about the affairs of the King George's Dock Scheme? If not, why not?

(d) What was the estimated cost for the portion of the King George's Docks that has been constructed, what has been the actual expenditure and by how much has the actual expenditure exceeded the cost *originally* estimated?

The Honourable Sir Muhammad Zafrullah Khan: The information asked for is being obtained and will be laid on the table of the House when received.

PREVENTION OF THE EXHIBITION OF OBJECTIONAL FILMS ABOUT INDIA IN FOREIGN COUNTRIES.

897. ***Dr. P. N. Banerjee:** (a) Has the attention of Government been drawn to a communication from Mr. S. C. Bose to the United Press published in the *Amrita Bazar Patrika*, in which he says that the anti-Indian propaganda in foreign countries has not yet stopped?

(b) Is it a fact that a film called "Bosumbo" was shown in Vienna a few months ago, the plot of which was exactly the same as of the film "Bengali"?

(c) Will Government be pleased to state what steps have been taken, since this question was raised in the Assembly in September last, to prevent the exhibition of objectionable films?

The Honourable Sir Henry Craik: (a) I would invite the Honourable Member's attention to the reply given by me on the 20th February to Mr. Satyamurti's question No. 725.

(b) The Government of India have no information other than that contained in the Press report to which the Honourable Member refers. This, I would point out, shows that the film "Bosambo" relates to Africa and not to India.

(c) As I emphasised on the 16th September last in reply to the Honourable Member's question No. 377, the Government of India will take such steps as are possible in respect of films picturing India in an unfavourable light whenever they come to notice. No specific case of the sort has arisen since that date.

Mr. S. Satyamurti: Will they request His Majesty's Government to instruct their representatives in the various countries, to be on the lookout for such objectionable films and bring them to the notice of the Government of India as early as possible?

The Honourable Sir Henry Craik: I am not sure that we can do that, Sir, but I will consider that suggestion. I think, however, that we have already made His Majesty's Government perfectly aware of our policy in this matter, which is, that as we stop films objected to by other countries we should get reciprocity, and, so far as I am aware, in the cases brought to our notice we have succeeded in our object.

Mr. M. Ananthasayanam Ayyangar: Will the Honourable Member consider the advisability of moving this matter before the League of Nations?

The Honourable Sir Henry Craik: In reply to a question yesterday or the day before, I said that I was considering that.

SUBSTITUTION OF THE NAME OF "HITLER" FOR THAT OF "GANDHI" IN AN ENGLISH PLAY.

898. ***Dr. P. N. Banerjee:** (a) Is it a fact that in an English play use of the name "Hitler" was protested against by the German Government with the result that the name "Hitler" was removed and in its place the name "Gandhi" was substituted?

(b) Will Government be pleased to enquire why the name "Hitler" was replaced by the name "Gandhi" in this play?

The Honourable Sir Henry Craik: (a) and (b). Enquiries have been made in England and I am informed that Mr. Gandhi's name was not actually used in the play. The report that appeared to the contrary in the newspapers was incorrect. The facts of the case are as follows according to my information:

When the play in question was submitted for licence what appeared to be a harmless joke dealing with the similarity of the name of a page boy—who was a character in the play—and that of Herr Hitler was not interfered with. Later a complaint was made by the German Ambassador through the Foreign Office and the management of the theatre were in consequence asked to delete the reference to Herr Hitler, and to submit alternative lines for the passage to which exception was taken. Upon receiving a communication to this effect from the Lord Chamberlain the management stated to the Press that they proposed to change the name of the page to "Gandhi", but this was never actually done on the stage so far as the Lord Chamberlain is aware, and following an interview between the author of the play and the Assistant Comptroller of the Lord Chamberlain's Office, fresh and entirely inoffensive dialogue, with no reference to either Herr Hitler or Mr. Gandhi was submitted, and approved by the Lord Chamberlain.

EXHIBITION IN EUROPE OF MISSIONARY PROPAGANDA FILMS.

899. ***Dr. P. N. Banerjee:** (a) Has the attention of Government been drawn to a strong protest made by Dr. Arundale, President of the Theosophical Society (*Amrita Bazar Patrika*, 6th December, 1935) against the exhibition in Europe of missionary propaganda films?

(b) Are Government aware that in such films, the picture depicted is not always a true picture?

The Honourable Sir Henry Craik: (a) Yes.

(b) I am unable to say as I have not seen the films but I see no reason to believe that these films will be other than true pictures.

Mr. S. Satyamurti: I think the Honourable the Home Member, in answer to my question some time ago, said that he was making inquiries about this missionary film. Has he heard anything in answer to his inquiries?

The Honourable Sir Henry Crank: I did make inquiries. As far as I can recollect, the President or some responsible official of the Missionary Film Society—I cannot vouch for the exact name—gave an assurance that the film would be entirely inoffensive.

EXPORTS OF RAW COTTON AND IMPORTS OF COTTON PIECE GOODS TO AND FROM JAPAN.

900. ***Dr. P. N. Banerjee:** Will Government be pleased to make a statement relating to the Indo-Japanese Cotton Protocol for the years 1934 and 1935 showing:

- (1) the exports of raw cotton from India to Japan; and
- (2) permissible imports from Japan of cotton piece-goods?

The Honourable Sir Muhammad Zafrullah Khan: The attention of the Honourable Member is invited to the statements published in the *Indian Trade Journals*, dated the 14th November and the 12th December, 1935, copies of which are in the Library. A further statement will be published as soon as the necessary figures are available.

Mr. M. Ananthasayanam Ayyangar: Is the Honourable Member aware that, with respect to the proportion of cotton grey goods, bordered and unbordered, there are no details shown as to the quantity of unbordered goods and the quantity of bordered goods in the "Trade Review" that is published?

The Honourable Sir Muhammad Zafrullah Khan: I am not aware of that.

Mr. M. Ananthasayanam Ayyangar: Is the Honourable Member aware that, under the Protocol, there is a special percentage fixed for unbordered goods and another percentage for the bordered goods?

The Honourable Sir Muhammad Zafrullah Khan: I will have to make a reference to the Protocol to find that out.

Mr. M. Ananthasayanam Ayyangar: What steps are taken to see that the percentage is not increased?

The Honourable Sir Muhammad Zafrullah Khan: Returns of the Customs Collectors to that effect.

Mr. M. Ananthasayanam Ayyangar: Are there any returns published?

The Honourable Sir Muhammad Zafrullah Khan: I believe a check is kept.

POSITION OF INDIAN OFFICERS IN BURMA AFTER SEPARATION.

901. ***Dr. P. N. Banerjee:** (a) Are Government aware that considerable apprehension exists in the minds of Indian officers serving in Burma as to their future position and prospects after the separation of Burma from India?

(b) Will Government be pleased to state what steps have been taken to secure reasonable treatment for Indian officers and employees in Burma after separation in respect of pay, allowances, promotion and pensions?

The Honourable Sir Henry Crank: (a) Government have received some representations on the subject.

(b) The question is under consideration.

Mr. S. Satyamurti: Will Government give an opportunity to these Indian officers and employees to make representations, before they make up their minds?

The Honourable Sir Henry Crank: Representations have been received and are under consideration.

POST OF THE ARCHÆOLOGICAL SUBORDINATE IN CHARGE OF THE CONSERVATION OF HISTORICAL MONUMENTS IN SIND.

902. *Seth Haji Abdoola Haroon: (a) Will Government be pleased to state whether it is a fact that they are considering the question of abolition of the post of the Archæological subordinate in charge of the conservation of historical monuments in Sind?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state the reasons for doing so?

(c) Will Government be pleased to state whether it is contemplated to transfer the work of conservation to regular Public Works Department in Sind?

(d) Are Government aware that work if done by ordinary Public Works Department subordinates, mostly drawn from irrigation branch with little or no knowledge of high class masonry work, would gradually lead to ruin of the monuments and defeat the very purpose which the Department aims to serve?

(e) Are Government aware that this new system under consideration was tried once in Sind some time ago, but it completely failed and the Government of Bombay were advised to revert to the old system and appoint an Archæological subordinate for the purpose?

(f) Are Government prepared to continue the post of the Archæological subordinate in charge of the conservation of historical monuments in Sind?

Sir Girja Shankar Bajpai: (a) and (b). The Director General of Archæology recently addressed to the Government of Bombay suggestions for making more economical arrangements for archæological works in Sind as the overhead charges involved in the maintenance of a whole time overseer are disproportionate to expenditure which, owing to financial stringency, has been limited for some years now to annual repairs and maintenance of the monuments protected. The Local Government's views are awaited and no decision has yet been reached.

(c) This has been suggested by the Director General of Archæology in India.

(d) Government await the views of the Government of Bombay who will doubtless consider this point.

(e) Government are not aware of the fact that any method was tried in Sind and proved a complete failure. On the other hand conservation work in Sind as in most other provinces has all along been carried out through the agency of the Public Works Department.

(f) I would refer the Honourable Member to the answer to parts (a) and (b).

MEDICAL OFFICERS ON BOARD THE SHIPS OF THE BRITISH INDIA STEAM NAVIGATION COMPANY.

903. *Dr. T. S. S. Rajan: (a) Will Government be pleased to state the number of medical officers on board the ships of the British India Steam Navigation Company, carrying passengers and plying in the Eastern waters?

(b) How many of them are Europeans and how many Indians?

(c) What is the scale of pay for both these ranks?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I will answer questions Nos. 903, 904, 905, 906 and 907 together.

Government have no information on any of the questions put by the Honourable Member. Government's responsibility for the medical arrangements on ships is limited to seeing that properly licensed medical officers are provided on unberthed passenger ships and pilgrim ships carrying more than 100 unberthed passengers or pilgrims, and that the medical stores prescribed by rules under the Indian Merchant Shipping Act are carried.

MEDICAL OFFICERS ON BOARD THE SHIPS OF THE BRITISH INDIA STEAM NAVIGATION COMPANY.

†904. *Dr. T. S. S. Rajan: (a) Are the services of the doctors employed by the British India Steam Navigation Co., temporary or permanent?

(b) Will Government be pleased to state the terms of the tenure of their services?

(c) What are the leave rules and the pay relating to it?

(d) Is there any difference with regard to full pay leave between the European and Indian medical officers?

RESERVE OFFICERS IN THE MEDICAL SERVICE OF THE BRITISH INDIA STEAM NAVIGATION COMPANY.

†905. *Dr. T. S. S. Rajan: (a) Are there reserve officers in the medical service of the British India Steam Navigation Co., kept ready to take the place of those that are disabled by illness or on account of some other emergency?

(b) Does the doctor who is disabled by illness get any leave allowance and security of tenure in the service on account of the leave?

HOURS OF DUTY OF MEDICAL OFFICERS ON BOARD THE SHIPS OF THE BRITISH INDIA STEAM NAVIGATION COMPANY.

†906. *Dr. T. S. S. Rajan: (a) What are the hours of duty of the doctors on board the ships of the British India Steam Navigation Co.?

(b) Is there any difference between the European and Indian doctors in this respect?

† For answer to this question, see answer to question No. 903.

MINIMUM MEDICAL QUALIFICATION FOR ENTRANCE INTO THE SERVICE OF THE BRITISH INDIA STEAM NAVIGATION COMPANY'S STEAMERS.

†907. ***Dr. T. S. S. Rajan:** (a) What is the minimum medical qualification required for entrance into the service of the British India Steam Navigation Company's steamers?

(b) In case the qualification is that required for Assistant Surgeons in Government employ, do they receive the same pay in the naval service of the British India Steam Navigation Co.?

(c) If they are not getting the same pay, will Government be pleased to state the reasons?

AMENDMENTS OF THE RULES FOR COMPETITIVE EXAMINATIONS FOR THE INDIAN CIVIL SERVICE.

908. ***Pandit Govind Ballabh Pant:** (a) Has the Secretary of State in Council amended the rules for competitive examinations for the Indian Civil Service to be held in India and regulations for probation in the United Kingdom of selected candidates for the Indian Civil Service recently?

(b) Will Government please lay a copy of the amendments on the table?

(c) Do these amendments empower the Governor General in Council to disqualify a candidate, even after his selection for appointment on the result of the competitive examination?

(d) Are these amendments to come in operation forthwith?

(e) Why were these amendments considered necessary and what was the urgency?

The Honourable Sir Henry Craik: (a) Yes.

(b) I would invite the attention of the Honourable Member to the Home Department Notification No. F. 75/35-Esta., dated the 5th December, 1935.

(c) The Governor General in Council can, under the amendment to rule 24 of the rules for the examination held in India, disqualify a candidate only before the commencement of his probation.

(d) Yes.

(e) The amendments were made by the Secretary of State in Council to prevent the appointment to the Indian Civil Service of candidates whose qualifications are found to be unsatisfactory subsequent to their selection.

Mr. Lalchand Navalrai: With regard to (c), will the Honourable Member please state whether it is in their discretion to disqualify a candidate, or there are any grounds upon which he could be disqualified?

† For answer to this question see answer to question No. 903.

The Honourable Sir Henry Craik: He would not be disqualified unless a definite disqualification was found to exist.

Mr. Lalchand Navalrai: What are those reasons, if he has passed the competitive examination successfully?

The Honourable Sir Henry Craik: Something may come to the notice of Government subsequently. For example, in one case, to the best of my recollection, a candidate who had been declared to be successful, was found to have deliberately misstated his age, and it was found that he was, in fact, over the prescribed maximum age. He produced a forged document, and that was considered sufficient reason to disqualify him.

Pandit Govind Ballabh Pant: Do these rules apply only to the Indians recruited in India and not to the European or British candidates recruited in England?

The Honourable Sir Henry Craik: These particular rules relate to the competitive examination held in India, but, as far as I remember, there are corresponding rules applying to the examination held in England. In that case, it would be for the Civil Service Commissioners, and not for the Governor General in Council, to disqualify the candidate.

Pandit Govind Ballabh Pant: Have these corresponding rules been made only recently or have they been there from before?

The Honourable Sir Henry Craik: The original rules are of long standing. The modifications referred to in the question were made only in December last.

Pandit Govind Ballabh Pant: Have any amendments been made recently affecting the British candidates recruited in the United Kingdom?

The Honourable Sir Henry Craik: I must ask for notice of that.

Pandit Govind Ballabh Pant: Is it a fact that candidates are required to furnish a number of certificates and careful inquiries are made before they are admitted even to the competitive examination?

The Honourable Sir Henry Craik: In India?

Pandit Govind Ballabh Pant: Yes.

The Honourable Sir Henry Craik: I have got the rules here. It will take me some time to look through them. The candidate has to satisfy the Public Service Commission that his character is such as to qualify him for employment in the Indian Civil Service, and, for that purpose, he would no doubt have to produce certain testimonials.

Pandit Govind Ballabh Pant: Will these persons be given an opportunity of having their cases examined by the Public Service Commission before they are disqualified?

The Honourable Sir Henry Craik: That is done.

Pandit Govind Ballabh Pant: Will charges be framed against them and proper explanations called for?

The Honourable Sir Henry Craik: I cannot definitely say whether formal charges are framed, but in every case, a very full inquiry is made and the candidate has ample opportunity of rebutting the charges.

Pandit Govind Ballabh Pant: Are there any corresponding rules affecting the recruitment to the Imperial Services in Great Britain, which would entitle the Secretary of State to expel from service any probationer after he has qualified for the service and has been admitted to its cadre?

The Honourable Sir Henry Craik: I imagine that there are, but I cannot say for certain.

Pandit Govind Ballabh Pant: Will the Honourable Member refute my statement that there are no such rules affecting the recruitment of candidates to the Imperial Services in the United Kingdom?

The Honourable Sir Henry Craik: What services is the Honourable Member referring to?

Pandit Govind Ballabh Pant: The Indian Civil Service and the Indian Police Service.

The Honourable Sir Henry Craik: Certainly, Sir. The Secretary of State has power to turn out from the service any candidate, even if he is accepted as a probationer, if facts come to light which disqualify him from being a useful member of the service.

Pandit Govind Ballabh Pant: Has any candidate been turned out so far?

The Honourable Sir Henry Craik: Yes, several, to my knowledge, both English and Indian.

Pandit Govind Ballabh Pant: Is there not a tendency in these days in England to tighten the rules so far as the recruitment of Indians to the I. C. S. and other all-India services is concerned, which has recently taken shape in the acceptance of a proposal in the House of Commons to the effect that the fifty-fifty proportion will be rigidly enforced now?

The Honourable Sir Henry Craik: I do not quite follow what the Honourable Member means by "a tendency to tighten the rules".

Pandit Govind Ballabh Pant: I mean what the words indicate,—so as to make it more difficult for Indians and make them more subservient to Imperialist interests.

The Honourable Sir Henry Craik: The rules regarding the eligibility of Indians for the I. C. S. by means of an examination in England have not, so far as I am aware, been altered in any respect recently.

**APPOINTMENT OF MR. H. G. FRANKS AS NEWS EDITOR OF THE DELHI
BROADCASTING STATION.**

909. *Pandit Govind Ballabh Pant: (a) What are the sanctioned emoluments of the post of the News Editor of the Delhi Broadcasting Station?

- (b) Has the post been filled from the first of January this year?
- (c) Who has been appointed to it?
- (d) Was the post advertised and were applications invited?
- (e) Was any Board of Selection appointed?
- (f) How many applications were received?
- (g) Is it a fact that Mr. H. G. Franks has been appointed News Editor of the Delhi Broadcasting Station?
- (h) Was no competent Indian available for the post?
- (i) Did Mr. Franks write the book called 'Queer India', and did the *Times Literary Supplement* write as follows, in its review of 'Queer India', on December 1, 1935?

"Mr. Franks, who is a journalist has made a collection of sensational news-items appearing in the Indian Press over a period of 12 months. The result is somewhat damnatory of India; but it is scarcely fair to build up an indictment of a people in this manner. An Indian employing the same method might without over-much difficulty represent to his fellow countrymen the life of England as a delirium of suicide, murder, motor-banditry, divorce, smash-and-grab raiding"?

"Mr. Franks does not seem to realise that in certain matters people may genuinely and reasonably differ in opinion on what is advantageous". "It is far too wild, too summary, to speak of caste in general as a curse and in particular as an instrument of oppression devised and wielded by a Brahmin oligarchy."

(j) Had the member in charge seen 'Queer India' and the above extracts from the review of the book in the *Times Literary Supplement* before making the appointment?

(k) Has Mr. Franks been appointed only temporarily?

The Honourable Sir Frank Noyce: (a) The present emoluments of the News Editor, Delhi Broadcasting Station, who is also the editor of "Indian Listener" are Rs. 700 per mensem. The question of the permanent emoluments is under consideration.

- (b) The post was filled on the 2nd January, 1936.
- (c) Mr. H. G. Franks.
- (d) and (e). No.
- (f) Does not arise.
- (g) Yes.
- (h) The appointment was made at very short notice and there was no time to invite applications.
- (i) The reply to the first part is in the affirmative. As regards the second part, there was no issue of the *Times Literary Supplement* on the 1st December, 1935.
- (j) No.
- (k) Yes.

Mr. Akhil Chandra Datta: Do Government now realise that it was extremely unfair to India to appoint such a man as the editor of such a book as the News Editor of the Broadcasting Station?

The Honourable Sir Frank Noyce: The Honourable Member, Sir, is, I think, asking me to express an opinion?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is objecting to it; he is quite right under the Standing Orders. The Chair thinks all these questions were really answered just now.

Mr. Akhil Chandra Datta: Will Government consider the desirability of not appointing him when the permanent appointment is made?

The Honourable Sir Frank Noyce: I have already answered that question. I have already assured the House that, in making permanent arrangements, the necessity for absolute impartiality in regard to news from the Delhi or any other broadcasting station will be borne in mind.

Mr. President (The Honourable Sir Abdur Rahim): Dozens of supplementary questions have already been asked.

Pandit Govind Ballabh Pant: I think I may kindly be allowed to ask one or two.

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow that; the Honourable Member was not in the House when all these questions were asked.

Mr. S. Satyamurti: May I ask one question? (Laughter.) I am always here.

Mr. President (The Honourable Sir Abdur Rahim): There must be a limit really. The Chair cannot allow that.

Mr. S. Satyamurti: Sir, a man is appointed who abuses us, and . . .

Mr. President (The Honourable Sir Abdur Rahim): All these questions were asked.

Mr. S. Satyamurti: As regards the appointment of this man? I hardly think so, Sir. This particular review was not interrogated about in the earlier questions,—*vide* part (i) of this question—and here we find that this man is a gross anti-Indian; are we not entitled to ask one or two questions of the Government, in connection with this review?

May I ask whether, after reading the extract here, Government do not realise that it is unfair to India to appoint a gentleman who holds such violent opinions against India, as the News Editor of India even for a day?

The Honourable Sir Frank Noyce: I repeat, again, Sir, that the Honourable Member is asking me to express an opinion.

Mr. S. Satyamurti: Do they realise, after reading this extract, that it is not right to appoint a man who holds such anti-Indian views to this important post? Either they do realise it, or do not realise.

The Honourable Sir Frank Noyce: I ask your ruling, Sir, whether I am not being asked to express an opinion.

Mr. S. Satyamurti: Do they, or do they not, realise it? That is not a matter of opinion—it is a question of fact. I am asking for facts, and not for an expression of opinion. Do they realise it or not?

The Honourable Sir Nripendra Sircar: Sir, my Honourable friend asks. "Do Government realise that it is not right to do this and that?"—"realise" what, Sir?"—"whether this thing is right or not". Well, that is a question of opinion certainly.

Mr. President (The Honourable Sir Abdur Rahim): At any rate, it is an inference which the Honourable Member is making.

Pandit Govind Ballabh Pant: In view of what the *Times Literary Supplement* has said regarding this book, do Government now feel that they committed a mistake when they appointed this gentleman? (Laughter.)

The Honourable Sir Frank Noyce: Sir, I have supplied the House with all the information I can give on this subject, and I should have thought it was open to the House to draw inferences from the statements I have made.

Pandit Govind Ballabh Pant: Will Government now make it an invariable rule not to appoint anybody without advertising the post?

The Honourable Sir Frank Noyce: No, Sir. Government cannot accept that proposition.

EFFECT OF THE APPLICATION OF SANCTIONS AGAINST ITALY.

910. ***Pandit Govind Ballabh Pant:** (a) What has been the effect of the application of Sanctions against Italy? How has it affected the trade of this country?

(b) Have Government made any attempt to find fresh outlet for the goods formerly exported to Italy?

(c) What was the value of the annual exports to Italy, and how do Government intend to assist producers and exporters of such commodities?

Sir Aubrey Metcalfe: (a) The Government of India are not in a position to say what the general effect has been of the application of sanctions against Italy. So far as India is concerned, it is too early yet to determine the effect of sanctions on Indian trade.

(b) and (c). The Government of India are watching the effect of sanctions on Indian export trade with a view to considering what action, if any, should be taken in the event of the export trade with Italy not being replaced by exports to other countries. As regards the value of the annual exports from India to Italy, the Honourable Member is referred to the annual statement relating to the Sea-borne Trade and Navigation of British India and the monthly Sea-borne Trade Accounts of British India, copies of which are in the Library of the House.

Pandit Govind Ballabh Pant: Is it a fact that the balance of trade has always been in favour of India, by several crores?

The Honourable Sir Muhammad Zafrullah Khan: Yes. I do not know whether it could be described as having been in favour of India by several crores, but it has been in favour of India.

Pandit Govind Ballabh Pant: It has been five crores to eight crores in favour of India?

The Honourable Sir James Grigg: No, no.

Pandit Govind Ballabh Pant: Is it not a fact that, in consequence of this embargo on exports to Italy, the producers of these goods have had their markets curtailed?

The Honourable Sir Muhammad Zafrullah Khan: Surely that does not require an answer.

Pandit Govind Ballabh Pant: Are not Government looking for some other outlets in order to replace the markets that have been closed to India now?

Sir Aubrey Metcalfe: I have already said, Sir, that they are considering what action, if any, should be taken in the event of the export trade with Italy not being replaced by exports to other countries. It is too early yet to say what the effect will be.

Pandit Govind Ballabh Pant: Have Government any doubt as to our export trade with Italy being affected by this measure?

Sir Aubrey Metcalfe: I did not say "affected": I said: "in the event of the export trade with Italy not being replaced by exports to other countries".

Pandit Govind Ballabh Pant: Will Government consider the matter after a year or two have elapsed, when they have seen the compiled returns?

Mr. B. Das: May I ask the Honourable the Foreign Secretary or the Honourable the Finance Member what are the methods or plans which the Government of India possess in order to stimulate exports to other countries, when exports to Italy are banned?

The Honourable Sir James Grigg: That is a matter for debate.

Mr. Sami Vencatachalam Chetty: Is it not a fact that, under some Covenant of the League of Nations, other nations are compensated for the loss of their trade with Italy?

Sir Aubrey Metcalfe: No, not at present.

SELECTION OF OFFICERS FOR TRAINING IN THE FINANCE DEPARTMENT.

911. ***Pandit Govind Ballabh Pant:** (a) Have Government selected any officers for training in the Finance Department for service in the provinces after the introduction of the new constitution?

(b) What is their number?

(c) How many of them belong to the Indian Civil Service, and how many are Indians?

The Honourable Sir James Grigg: (a) No, but Provincial Governments have at our suggestion.

(b) and (c). Ten, of whom six are Indians. Nine of the ten are Indian Civil Service officers.

Mr. T. S. Avinashilingam Chettiar: Out of the six Indians, were not three already in the Financial Service?

The Honourable Sir James Grigg: I do not know anything about that. We suggested to the Provincial Governments that they might like to have certain number of officers trained in the Finance Department. They have chosen ten, out of whom six are Indians.

Pandit Govind Ballabh Pant: Was there any suggestion—I am not making any insinuation—from the Finance Department of the Government of India to the effect that it would be better if they gave preference to Officers belonging to the Indian Civil Service?

The Honourable Sir James Grigg: I do not know about that. I should want notice. If I am allowed to give a little more information, I may say there was a suggestion in certain organs of the Congress Party that we had ourselves selected 40 people of whom only two were Indians. That was contradicted the very next day, but some of these organs have continued to repeat the first story.

Mr. T. S. Avinashilingam Chettiar: Why are so many Europeans selected and only six Indians?

The Honourable Sir James Grigg: The Honourable Member is repeating quite maliciously the same insinuation as that which appeared in the Congress organs. I said ten people have been selected, out of whom six are Indians which means that there are only four Europeans.

Pandit Govind Ballabh Pant: Is it proper for the Honourable Member to attribute malice?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will please withdraw that word.

The Honourable Sir James Grigg: I withdraw the word "maliciously".

COMMUNAL REPRESENTATION IN MAKING PROMOTIONS ON THE NORTH WESTERN RAILWAY.

912. ***Mr. Lalchand Navalrai:** (a) Is it a fact that the Government Resolution of July 1934, on communal representation in services, clearly provides that the vacancies to be filled on the railways by promotion will continue to be filled solely on merit and seniority?

(b) Are Government aware that the Railway Board have issued instructions to the effect that communal representation should be ensured in making promotions from inferior to subordinate services on the North Western Railway? If so, why have these orders by the Railway Board been issued in contravention of the Government Resolution?

(c) Do Government propose to stick to their policy indicated in the aforesaid Resolution and direct the Railway Board not to contravene it? If not, why not?

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

(b) If the Honourable Member will refer me to the instructions which the Railway Board have issued I shall look into the matter.

(c) Does not arise.

SUPERIOR MEDICAL OFFICERS ON STATE RAILWAYS.

913. ***Dr. Ziauddin Ahmad:** (a) What is the total number of superior medical officers on the State Railways?

(b) How many of them are Muslims?

(c) When is the most senior Muslim officer due to retire?

(d) What is the length of service of the next senior Muslim medical officer?

The Honourable Sir Muhammad Zafrullah Khan: (a) The total number of officers in the superior service of the Medical Department on the State-managed Railways, including one Malarialogist, is forty-one.

(b) Four.

(c) 4th January, 1939.

(d) The length of service of the next senior Muslim medical officer was six years and nine months on 1st February, 1936.

Syed Ghulam Bhik Nairang: Will Government be pleased to consider the desirability of increasing the proportion of senior medical officers in the medical service?

The Honourable Sir Muhammad Zafrullah Khan: In what manner?

Syed Ghulam Bhik Nairang: By employing senior Muslim medical officers?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I do not know how to increase the proportion among the senior posts?

Syed Ghulam Bhik Nairang: There are ways and means.

The Honourable Sir Muhammad Zafrullah Khan: I am asking the Honourable Member to suggest ways and means.

Syed Ghulam Bhik Nairang: I have suggested the employment of more senior Muslim medical officers.

The Honourable Sir Muhammad Zafrullah Khan: When direct recruitment is made to any of the cadres, the proportions are observed, and that is the method that is being followed. I am not aware of any other that I can follow.

Syed Ghulam Bhik Nairang: As far as I understand this, it is not always by direct recruitment that this railway medical service is organised. Medical officers are sometimes imported from other services.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not putting any question.

PROVISION OF CHEAP FINANCE TO THE COTTON GROWERS.

914. ***Mr. M. Ananthasayanam Ayyangar:** (a) Has any scheme been evolved for tackling the problem of providing the cotton growers in the several provinces with cheap finance, simultaneously easing the burden of their indebtedness as indicated on page 3 of the Indian Central Cotton Committee Report (second edition)?

(b) If so, what are the measures proposed in the Madras Presidency? Have any measures been given effect to, and with what result?

(c) If not, how long has the proposal been under consideration, and at what stage is it at present?

(d) Has the working out of the schemes, if any, been left to the Local Government or is there a central scheme for the whole of India?

Sir Girja Shankar Bajpai: (a) to (d) The Honourable Member presumably refers to the report on the finance and marketing of cultivators' cotton in Madras, dated 1927-28. The primary object of the investigations carried out by the Indian Central Cotton Committee in the Provinces was the study of cotton marketing, a secondary object being the finance of the cotton growers. The general result of the enquiry showed that the cultivator was not so hampered by his debts that he could not take advantage of regulated markets. Action on the reports was a matter for Local Governments and the Madras Government undertook legislation for the regulation of primary cotton markets as evidence by the Madras Commercial Crops Markets Act, 1933.

Prof. N. G. Ranga: Are Government aware that till now not even one open market has been declared or organised in the whole of the Madras Presidency?

Sir Girja Shankar Bajpai: I am prepared to take that as my Honourable friend's information.

COST OF GROWING COTTON, SUGAR-CANE, ETC.

915. ***Mr. M. Ananthasayanam Ayyangar:** (a) At what stage is the inquiry by the Central Cotton Committee into the cost of growing cotton, sugar-cane and their rotation crops in the principal cotton and sugar-cane tracts of India?

(b) Has the cost of sugarcane and cotton production been ascertained in the Madras Presidency?

Sir Girja Shankar Bajpai: (a) and (b). I would refer the Honourable Member to part (b) of the answer I gave to Mr. Ranga's question No. 711 on February 20th.

Mr. M. Ananthasayanam Ayyangar: I was present when that answer was given. May I take it that it is still in progress? When will the conference be completed and when will the report be ready?

Sir Girja Shankar Bajpai: I said, when I answered the previous question, that investigations were to take three years, that those three years would expire in September, 1936, and that we would publish the results as soon after that as possible.

FAMINE CONDITIONS PREVAILING IN CERTAIN COTTON-GROWING DISTRICTS IN THE MADRAS PRESIDENCY.

916. ***Mr. M. Ananthasayanam Ayyangar:** (a) Are Government aware that serious famine conditions have been prevailing in the cotton growing districts of Cuddapah, Kurnool, Anantapur, and Bellary in the Madras Presidency?

(b) Will Government be pleased to state if the famine conditions adversely affected cotton growing during the past two years in those districts, and if so, to what extent?

(c) Are Government prepared to render financial help, directly or through the Local Government or the Indian Central Cotton Committee, to the cotton growers in those districts during the current and coming years?

Sir Girja Shankar Bajpai: (a) Famine conditions prevailed in 1935, in the Anantapur and Bellary districts, and in the Cuddapah and Kurnool districts seasonal conditions were reported to be unsatisfactory.

(b) Government have no specific information in regard to the effect in those districts on cotton of the conditions described in the answer to part (a).

(c) The rendering of assistance of the kind mentioned by the Honourable Member is primarily the concern of the Local Government.

Prof. N. G. Ranga: What was the nature of the assistance rendered to the cotton growers there during the famine time and also now by the Central Cotton Committee?

Sir Girja Shankar Bajpai: It is not the function of the Central Cotton Committee to render assistance to individual cotton growers because of famine conditions.

ENCOURAGEMENT OF THE PRODUCTION OF LONG STAPLE COTTON IN CERTAIN DISTRICTS IN THE MADRAS PRESIDENCY.

917. ***Mr. M. Ananthasayanam Ayyangar:** Have any attempts been made by the Indian Central Cotton Committee to encourage the production of long staple cotton in the ceded districts in the Madras Presidency and in Salem and Coimbatore, and if so, with what result? If not, why not?

Sir Girja Shankar Bajpai: Yes. Attention is invited to pages 24—26 and page 88 of the report of the Indian Central Cotton Committee, Bombay, for the year ending 31st August, 1935, which will be found in the Library of the House. The result has been a steady increase in the area under improved strains of cotton.

Prof. N. G. Ranga: Are Government aware of the fact that no attempt has so far been made in the ceded Districts to raise this long staple cotton, and that the Indian Central Cotton Committee, which was appointed in 1926-27, recommended that experiments should be made for the growing of long staple cotton in the ceded Districts?

Sir Girja Shank Bajpai: If my Honourable friend would do the Committee the honour of reading the report to which I have referred, he will find that research has been undertaken for the purpose which he has mentioned.

Prof. N. G. Ranga: Not long staple cotton.

OPENING OF A BRANCH OF THE TECHNOLOGICAL LABORATORY AT COIMBATORE AND AGRICULTURAL RESEARCH REGARDING COTTON GROWING.

918. ***Mr. M. Ananthasayanam Ayyangar:** (a) Are Government prepared to consider the desirability of opening a branch of the Technological Laboratory at Coimbatore, attached to the main Laboratory at Bombay under the Indian Central Cotton Committee?

(b) What, if any, is the number of students taken from the Madras Presidency for the purpose of agricultural research regarding cotton growing since the formation of the Indian Central Cotton Committee?

(c) Are there any, and if so, how many, persons from the Madras Presidency, engaged in the research, publicity and propaganda departments of the Indian Central Cotton Committee?

Sir Girja Shankar Bajpai: (a) Such a branch has been in existence since 1928.

(b) Approximately four up to August 1935.

(c) Yes: approximately 26 including research and propaganda schemes under the Madras Department of Agriculture financed by the Indian Central Cotton Committee.

Prof. N. G. Ranga: What is the total number of research workers employed, and what is the proportion of these persons that come from Madras?

Sir Girja Shankar Bajpai: I have already said that in all 26 persons are employed, including for research and propaganda schemes. I can also refer my Honourable friend to Appendix XI of the report for 1935 which will give him details.

Prof. N. G. Ranga: Are all these four students already employed by the Madras Government in the Agricultural Department?

Sir Girja Shankar Bajpai: That I cannot say.

REPRESENTATION OF COTTON GROWERS IN THE MADRAS PRESIDENCY ON THE
INDIAN CENTRAL COTTON COMMITTEE.

919. ***Mr. M. Ananthasayanam Ayyangar:** Is there any representation at present on the Indian Central Cotton Committee for the cotton growers in the Madras Presidency? If so, how many? If not, why not?

Sir Girja Shankar Bajpai: Yes: two. The last part of the question does not arise.

Prof. N. G. Ranga: Is it not a fact that these two so-called representatives of the growers are nominated by the Madras Government and do not represent any district or taluka or provincial peasants' association there in the Madras Presidency?

Sir Girja Shankar Bajpai: That they are nominated by the Government of Madras is correct. The other statements of my Honourable friend express his own opinion.

Prof. N. G. Ranga: Will Government try to ascertain whether it is true that these representatives represent no peasants' association at all in the Madras Presidency?

Sir Girja Shankar Bajpai: If my Honourable friend is not satisfied with the representation, it is open to him to represent the matter to the Government of Madras.

Mr. M. S. Aney: Is it not a fact that one of these representatives must be from the Madras Legislative Council?

Sir Girja Shankar Bajpai: No, Sir; there is no provision that he must be from the Madras Legislative Council.

Mr. M. S. Aney: But I have seen that, so far as the other provinces are concerned, one of them is taken from the Legislative Council.

Sir Girja Shankar Bajpai: I am very glad to hear that.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to unstarred question No. 37, asked by Mr. V. V. Giri on the 4th February, 1936.

RETRENCHED STAFF AND EX-STICKERS OF THE GREAT INDIAN PENINSULA
RAILWAY AWAITING EMPLOYMENT.

A statement compiled from information readily available is laid on the table.

Statements showing the number of Retrenched Staff borne on the Working lists on 31st December 1935, the number of Subordinate Staff recruited between 1st July, 1935, and 31st December, 1935, on certain principal railways and the number of ex-strikers of the Great Indian Peninsula Railway awaiting Re-Employment, on 1st December, 1935.

Railways.	Number of retrained staff borne on the waiting list on 31st December, 1935.	Number of re-appointed staff between 1st July, 1935 and 31st December, 1935.	Number of subordinate staff recruited between 1st July, 1935 and 31st December, 1935.	Number of ex-strikers of the G. I. P. Rly. awaiting re-employment on 31st December, 1935 as reported by the Agent, G. I. P. Rly.		Remarks.
				I Wtg. List.	II Wtg. List.	
North Western	1,136	313	199	..	..	(a) The Agent, A. B. Rly., reports that this figure represents staff most of whom had refused appointments offered and that the whereabouts of some others are not traceable.
Eastern Bengal	..	17	406	..	..
Burma	..	54	Figures not available	..	..
Great Indian Peninsula	1,931	349	198	112	2	2,858
East Indian	2,739	300	586	..	..
Assam Bengal	..	416	121	..	..	..
Madras and Southern Mahratta.	259	81	351(b)	..	..	(b) This figure relates to the period from 11th April, 1935 to 31st December, 1935.
South Indian	..	12(c)	158	..	..
Bombay, Baroda and Central India.	400(d)	82	346	..	..	(c) The Agent, S. I. Rly., reports that this figure includes temporary staff.
Bengal Nagpur	237	67(e)	163	..	..
Rohilkund and Kumaon	112	6	39	..	..	(d) The Agent, B. B. & C. I. Rly., reports that this figure represents workshop staff including menials.
Bengal and North Western	33	N4	110	..	..

(e) Includes staff appointed temporarily.

Information promised in reply to unstarred questions Nos. 83 and 86 asked by Mr. Muhammad Ashar Ali on the 4th February, 1936.

QUALIFICATIONS FOR THE POSTS OF TRANSPORTATION INSPECTORS, COMMERCIAL, ON THE EAST INDIAN RAILWAY.

83. (a) I presume the Honourable Member is referring to the orders issued by the Chief Operating Superintendent (who as a principal officer was acting on behalf of the Agent) in 1928 which required the Transportation Inspectors Commercial to pass the goods accounts examination. These orders were, however, modified in 1932, and although the Transportation and Commercial Inspectors are now encouraged to pass this examination it is no longer obligatory.

(b) No such protest has been made by the Chief Accounts Officer.

(c) The seven posts referred to were posts of Joint Transportation and Commercial Inspectors and two of the persons selected for them had passed the Goods Audit examination (now known as the Goods Accounts examination, higher standard), the remaining five had not passed this examination.

(d) The selection board did not contravene any orders since the passing of the examination was not obligatory.

(e), (f) and (g). No.

(h) The reply to the first part is in the affirmative. As regards the latter part Government are informed that the reply referred to Transportation Inspectors Commercial which category has been very largely replaced by Joint Transportation and Commercial Inspectors who are not required to pass the examination.

QUALIFICATIONS FOR PROMOTION TO THE POSTS OF GOODS CLERKS AT THE HOWRAH GOODS SHED.

86. (a) Yes, but the examination referred to was the goods accounts examination (lower standard).

(b) Yes, the orders had the approval of the Chief Operating Superintendent who as a principal officer was acting on behalf of the Agent.

(c) No.

(d) (i) Yes.

(ii) All posts of goods clerks are not treated as selection posts. For such posts as are treated as selection posts, selection boards were held.

(iii) Candidates for promotion need not necessarily have passed the goods examination as a certain time is allowed for candidates to qualify themselves after being selected.

(iv) to (ix). It is not possible to reply to these parts of the question because Government are not aware of the names of the men concerned, nor of the dates and places of selection boards. These are matters of detailed administration in which full powers have been delegated to the Agent and Government do not consider that the labour and expense involved in collecting the information will be commensurate with the results likely to be achieved.

(e) An employed who has a grievance has the right of appeal through the recognised channels.

(f) Does not arise.

Information promised in reply to starred question No. 468, asked by Dr. N. B. Khare (on behalf of Mr. Muhammad Ashar Ali) on the 14th February, 1936.

RACIAL DISCRIMINATION IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

(a) Government are informed that during the last two years only one request was received from an Indian subordinate employee for the electrification of his quarters on the Moradabad division, and no such request was received from any European or Anglo-Indian employee during this period.

(b) Government are informed that a few European and Anglo-Indian staff the maximum of whose grades does not rise above Rs. 126 are occupying electrified quarters. These quarters were already electrified when they occupied them and no demand to occupy them by the Indian staff has been made. Government further understand that the electrification of quarters which are usually occupied by Indian subordinates in grades the maximum of which exceeds Rs. 125 is proceeding, as far as funds permit, every year.

(c) There is no racial discrimination.

(d) Does not arise.

Information promised in reply to unstarred questions Nos. 155, 157, 161 and 168 asked by Mr. Amarendra Nath Chattopadhyaya on the 18th February, 1936.

REGULATIONS REGARDING DISCIPLINARY ACTION AGAINST RAILWAY STAFF.

155. Government are informed as follows :

(a) (i) Yes.

(ii) Yes, on the 22nd June, 1935.

(iii) Yes, on the 5th August, 1935.

(iv) Yes.

(v) Yes, a few cases have been reported and investigated, and it has been found generally that the rules were observed. Non observance of the rules is taken up with the person concerned.

(vi) No, but a pamphlet is at present under print and will be circulated in due course.

(vii) Yes.

(viii) The reply to the first part is in the affirmative. As regards the latter part it is not intended to publish them in the Eastern Bengal Railway Gazette as they are meant for official use only.

(ix) Yes, as permissible under the rules.

(x) No.

(b) Provision has been made in the rules for the issue of charge sheets, and no bar has been placed on their issue by senior subordinates. In any case, such a charge sheet and its reply would have to be dealt with by an officer, and another charge sheet would be served by the officer on the employee concerned before any punishment was inflicted.

(c) I would invite the Honourable Member's attention to my reply to part (a) (vi).

SUBMISSION OF PETITIONS OR MEMORIALS TO THE GOVERNOR GENERAL IN COUNCIL.

157. (a) (i) and (ii). Yes.

(b) In the interests of administration.

(c) Yes, on the East Indian Railway.

(d) No, provided a petition or memorial lies under the rules to the Governor General in Council.

(e) The expression 'terms of contract' mentioned in rules 15 and 16 are understood to include service agreements executed by non-gazetted staff appointed on State-managed Railways.

ABOLITION OF THE POSTS OF SUPERINTENDENT AND ASSISTANT SUPERINTENDENT OF THE WATCH AND WARD DEPARTMENT, EAST INDIAN RAILWAY.

161. (a) Yea.

(b) It was intended that steps should be taken to bring the organization of the Watch and Ward Department on the East Indian Railway more into line with that on the Great Indian Peninsula Railway.

(c), (d) (i) and (ii). The Board after further consideration decided to continue the existing cadre of the superior posts of the Watch and Ward Department up to 10th February, 1936.

(d) (iii) Yes.

(d) (iv), (v) and (vi). No.

(e) (i) The Superintendent, Watch and Ward has been retained in his post in the interests of service and this is not against any rules or orders.

(ii) The suggestion had been made previously and the Railway Board agreed to its examination by the Agents of both the Railways.

(iii) and (v). Yes.

(iv) There has been no such attempt; the matter has been the subject of discussion orally and by correspondence between the Railway Board and the Agent, East Indian Railway.

(vi) No.

(vii) The Watch and Ward Departments on the Great Indian Peninsula Railway, North Western Railway and Eastern Bengal Railway are not directly under the control of the Agents.

(viii) No

(ix) Does not arise.

(x) The reply to the first part is in the negative, the latter part does not arise.

(f) No action is called for.

FILLING UP OF VACANCIES IN THE HIGHER GRADES OF THE SUBORDINATE RANKS ON THE EAST INDIAN RAILWAY.

168. (a) Government are informed that it is not a fact that the claims of employees in the normal avenue of advancement are not considered when promotions are made in the Howrah division.

(b) (i) and (ii). I presume the Honourable Member is referring to the promotion of staff in the goods sheds. If so, Government are informed that it is not necessary for an employee to pass the goods accounts examination before he can be considered for promotion. The passing of this examination, however, is a condition to be satisfied prior to confirmation.

(c) Yes, but it was only a draft rule circulated by the Agent for discussion with the heads of departments and was not finally adopted.

(d) As regards the first part of the question I would refer the Honourable Member to my reply to part (b) of the question. With regard to the latter part there are no definite rules laid down regarding the passing of the coaching examination. In the Howrah division the procedure is that staff who are posted on parcels and booking duties are required to pass the coaching examination.

(e) As regards the first part Government are informed that during the last six months only one promotion was made to the posts mentioned in part (d) and that was to the post of goods clerk, Ramkrishnapur; the person appointed has not yet passed the goods accounts examination due to only a limited number of candidates being permitted to sit at each examination. Arrangements have, however, been made for him to appear at an examination shortly. The latter part of the question does not arise.

(f) No special leave or other privileges are granted to staff in order to enable them to sit for the goods accounts or coaching examination.

(g) As regards the first part I would invite the Honourable Member's attention to my reply to part (b) of the question. The latter part does not arise.

THE RAILWAY BUDGET—LIST OF DEMANDS—*contd.*

DEMAND No. 1.—RAILWAY BOARD—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The European Group
12 Noon. will now move their motion relating to the Railway Demands.

Creation of a Ministry or Department of Communications.

Mr. F. E. James (Madras: European): Sir, I beg to move:

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

The object of this motion is to discuss the question of road-rail competition, the necessity for co-ordination and the advisability of the creation of a Ministry or Department of Communications. In the first place, I should like to say that this controversy which has been carried on for a long time has given rise to a large number of misconceptions and also, if I may say so, exaggerations. The Honourable the Commerce Member in his budget speech claimed that the railways are our biggest national asset. Is he quite sure of his ground on that? They are certainly the most expensive asset. What about the roads? We claim that the interests of roads and rail development are not essentially antagonistic, and we suggest that the statement made by Sir Guthrie Russell at the Road-Rail Conference in 1933, where he speaks of the “luxury of dual forms of transport antagonistic to and in competition one with another”, illustrates a wrong approach to the problem. For, we say that these forms of development of the country are not antagonistic; we also claim that competition is not a luxury but is perfectly legitimate. Therefore, we consider, that it is wrong on the part of either one or the other to attempt to meet competition by impeding development. We suggest, for example, that it is wrong for the railways to hamper or cripple road development, as they are attempting to do in certain parts of the country, by raising freights upon material used for road construction, thus imposing an additional liability upon Local Governments in their road policy. Any movement to restrict the freedom and flexibility of road transport is not only bad for industry and bad for trade but must be ultimately bad for the railways themselves.

Now, Sir, we do not agree that the way to deal with this matter is to increase taxation upon road development or on road traffic. I have already referred to the tendency of railways in some parts to hamper road development by raising freights. I have information as to one example, not very far from here, where the additional cost to the Local Government, as a result of increased freights on materials used for road development, has been worked out at approximately two lakhs a year. We also suggest that this method of dealing with the problem is bad for the Central Government itself, because road development surely means that the transport facilities of this country will be increased and that the Government at the Centre will profit thereby. Take the petrol tax which at present is at the iniquitous figure of ten annas a gallon. The proceeds from that amount to about five crores and 30 lakhs. I believe the provinces get out of that upwards of a crore. That represents 290,000 tons of petrol. The consumption of petrol in Great Britain and Ireland alone is over four million tons, in France it is 2½ million tons; thus, to “crab” road development is certainly to kill one goose whose potential fertility is enormous. And, therefore, to “crab” the programme of road construction in the provinces will indirectly retard the circulation of motor transport and thus tend to diminish the revenue which at present accrues to the Central Government from the tax upon petrol. Then we claim that further to tax motor transport in the

provinces is a wrong way of dealing with the problem. Motor vehicles are already taxed high enough; in Madras they are actually taxed far more than they ought to be taxed. They are taxed through the petrol tax, through duties, through license fees, through provincial taxation, and through registration fees. I believe the total amount

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): What is the difference between license fee and registration fee?

Mr. F. E. James: If my Honourable friend will look into the Madras rules, he will soon find out. There they impose license fees as a measure of taxation, quite apart from the registration fee.

The Honourable Sir Muhammad Zafrullah Khan: These are all provincial?

Mr. F. E. James: Yes, they are provincial. I understand that the total revenue raised from motor transport through these various means is between eight to nine crores of rupees a year, of which 55 per cent. goes to the Centre and about 45 per cent. goes to the provinces.

The Honourable Sir Muhammad Zafrullah Khan: For road development.

Mr. F. E. James: No, not necessarily. What we suggest is that the tax on motor transport should be further systematised and that registration and license fees should be standardised throughout the country. The argument really is this: that it is wrong to penalise either one or other form of transport in the endeavour to maintain a monopoly service either on the road or upon the railways. Competition has come to stay and it has got to stay. It is a very good thing that it has come to stay, and the railways must face it and meet it upon its own ground. Let me give the House one concrete illustration of the type of competition which appears to me to be perfectly legitimate, the competition by lorry as compared with rail. Take a merchant who has piece-goods to send up country. What happens when he wants to send his goods by rail? He has to take the goods by bullock cart to the station. Very likely he has to offer certain inducements to get the goods loaded on the waggon within a certain time. Then, the goods arrive at the rail-head of the destination. Again, if he is in a hurry, undoubtedly a certain further inducement must be offered to get the goods off the waggon; and then he has got to convey the goods to his own godown by bullock-cart. Now the man who operates a road transport service takes his lorry to that man's godown, takes the goods on board the lorry and gives a receipt for them. They are then taken by road and delivered direct to the godown up-country where the goods are to be sent. It is that kind of competition which is perfectly legitimate, which has had to be met in other countries and which will have to be met in this country. It is absolutely no use railways saying that is unfair competition, because it is not. But there is a distinction which must be drawn between what is legitimate and what is unfair competition. I would like to give illustrations of what we consider to be unfair competition, and perhaps the House will forgive me if I draw my illustrations, to a large extent, from my own province. Take the competition of buses with railways. It has been calculated that the economic bus fare may be taken as approximately five pies per mile; and yet you will find that on various

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road sections in South India, parallel to railway lines, the bus fares have been reduced to two pies per mile and a little less than that. The result is, that in order to retain even a small fraction of the traffic which the railways had before, they have had to reduce their charges to two pies per mile. Yet, the normal charge of third class railway travel on the Madras and Southern Mahratta Railway is four pies for the first 50 miles, and three and a half pies for the next 150 miles; and the lowest fare charged, I understand, on any railway system generally is two and a half pies per mile for the first 50 miles on the Bengal and North Western Railway. That kind of competition is not only unfair, but it is entirely un-economic; it involves a loss both to the bus-owner because he cannot possibly make his bus pay, and it involves a loss to the railway.

Then, again, take goods traffic on lorries. There the kind of unfair competition which we think of is the competition that results by over-loading. I understand that recently a census was taken in Delhi, and it was found that last year practically every lorry coming into Delhi was over-loaded. If you calculate the average approximate running cost of a lorry of a certain weight and then overload that lorry to the extent, sometimes, of 25 or 50 per cent. you will find that the lorry is able to convey goods at a rate which is really below the economic rate and thus enter into what we describe as unfair competition with railways.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): What happens to the lorry finally?

Mr. F. E. James: Another illustration is this. I am talking now about over-loading of road transport. Take a case where a lorry takes a bus-load of matches. There is no restriction, from the point of view of public safety, upon the way in which they should be packed. On the other hand, if the railways take the same, they are bound down by certain restrictions, in the interests of public safety, as to how those matches should be actually packed. In other words, it is perfectly true that the railway companies are regulated by Statute, are under obligation to carry goods when tendered, and charge more or less a fixed rate on a certain classification system; whereas the professional hauler by road is under no such restriction, carries the goods when it suits his convenience or his pocket, and is under no obligation to accept traffic either in large or small quantities.

Now, what is the remedy as far as unfair competition is concerned? We suggest that most of the unfair competition could be eliminated by the proper regulation of road transport and by effective measures taken, by Local Governments particularly, in the direction of seeing that those regulations are in fact carried out on the roads. I am quite aware that this is a matter which concerns the provincial Governments intimately, but it surely is a matter on which the Government of India should take the most urgent and drastic steps. We suggest, for example, that the following regulations are required:

- first of all, regulations for standardisation of types of vehicles and regular inspection of buses;
- secondly, compulsory passenger and third party insurance;
- thirdly, uniform driving tests, with regular medical inspection;
- fourthly, punishments for over-crowding and also for over-loading;
- fifthly, limitation on the hours of work on the part of transport workers;

Mr. N. M. Joshi (Nominated Non-Official): Hear, hear.

Mr. F. E. James:.. and.

sixthly, publication of fares and time-tables to which the bus services should be compelled to conform.

These matters have been discussed before, and we have been pro-posed legislation and unaided rules. Where are they? Where is the amending Bill? I would like to ask my Honourable friend, the Member for Industries and Labour, as to whether he cannot tell us what is really happening in connection with these matters. If this is really urgent, then surely the Honourable the Commerce Member should bring pressure to bear upon his colleague to bring the regulations in his Department into line with modern requirements and, to use the words of his own Chief Commissioner, to put the railways and road transport services on an equal basis. But when we urge the need for regulation of motor transport services, we wish to emphasize that that alone is no answer to the fact that the efficiency of the railways has not succeeded in retaining the traffic which they have lost. A solution would lie, fundamentally, not in restricting other forms of transport, but in rejuvenating their own methods.

I suggest that these considerations lead once more to the need for increased co-ordination between the various communications. We have pressed this again and again on the floor of this House. Co-ordination, I know, is a blessed word in political parlance, like 'Mesopotamia' of old days. When we talk about co-ordination, we do not mean restriction; we really mean co-ordination. I notice that the wording of section 46 of the Road-Rail Traffic Act in the United Kingdom is as follows:—it refers to the constitution of a Traffic Advisory Council:

"... for the purpose of giving advice and assistance to the Ministry of Transport in connection with the discharge by him of his functions in relation to the means of, and facilities for, transport and their co-ordination, improvement and development."

That is the kind of thing we require, not only at the Centre, but in the provinces. Sir, the three interests mainly involved are, first of all, the railways (the Central Government), secondly, the road interests—I mean by road interests, the road development interests, (the Local Governments)—and thirdly, the public. I believe that in each province there should be a Communications Board which should, as far as possible, achieve a fair balance between all these three interests. These Boards ought to be small but effective. If I may say so the Madras Communications Board is a somewhat unwieldy Board on which the railway interests are heavily discounted. The kind of Board which we contemplate is the Punjab Board of Communications on its newly constituted basis.

Then, as far as the provinces are concerned, we believe that co-ordinating machinery there alone is not enough, and we urge that there should be similar co-ordinating authority in the Central Government to be presided over by one Member whose responsibility should extend to communications throughout the country. I believe that the urgency of this is sufficiently shown by the financial position of the railways as disclosed by the speech of the Honourable Member when introducing his railway budget; and, as a matter of fact, the Government have already accepted the principle of this. In 1934, Sir George Schuster, on behalf of the

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Government, accepted the general principle of a Portfolio of Communications. He said, of course, they would carry it out "as soon as a convenient opportunity occurs". That is another phrase like "giving the most careful consideration to this matter", which threatens to become historic. As a matter of fact, last year, a "convenient occasion" did occur, but nothing happened. Then, we again raised the question on the budget discussion, and Sir James Grigg was much more decisive, as he generally is. He not only confirmed the acceptance of the principle and said that he hoped that it would be carried out at a convenient opportunity—but he almost gave us hope that this could be done before the end of the last calendar year. He may have made a mistake in saying "calendar" instead of "fiscal"; but even so we have a very short time to go before the present fiscal year ends, and nothing appears to have been done so far. What is the next excuse, I wonder? I would ask the Honourable the Commerce Member one or two questions about this. What are the real difficulties in the way? A "convenient opportunity" will again occur within a few months. Are we then to wait until the report of the Wheeler Committee? Shall we then be told that the Statutory Railway Authority will be set up, only after part III of the Government of India Act is put into force? And when we come to that point, that we had better wait until Federation comes in? I suggest that co-ordination is urgent now in the interests both of road development and of railway development.

Then, there is one other argument, which we consider is an increasingly important argument, in favour of action being taken without delay, and that is the approach of Provincial Autonomy. The new autonomous units are much more likely to be jealous of encroachments upon their rights than the Local Governments of today, for the Local Governments of today take their orders from the Central Government. I might tell my Honourable friend that the Provincial Governments of the future will not be quite so ready to take their orders from the Central Government as the present Local Governments are. Therefore, it will be essential to enlist their co-operation in matters which involve important economic problems like the development of communications throughout the country. The approach of Federation further raises fundamental difficulties in regard to economic policy. There is, in different Federations in the world today, a growing danger of conflict in the economic sphere between the Centre and the individual units, and the separatist tendencies which are inherent in the proposed scheme for this country are likely to grow unless machinery to co-ordinate the various interests for the common economic good is set up. We have made a beginning in agriculture; we have made also a beginning in industry. I believe it will be essential to do something along those lines in regard to Communications. I would further point out that the new Legislature under Federation will be a very different body from the present one. The Federal Legislatures will in future represent much more nearly the interests of the Local Governments concerned, for they will reflect the composition of the Local Legislatures. Therefore, when the Federal Government of India comes to this House and asks for assistance in regard to railways, unless the principle of co-ordination has been accepted and put into practice they will find that the Federal Legislature will be much more jealous of the rights of the provinces than the existing Legislature is

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has exceeded his time limit.

Mr. F. E. James: I would just draw to a close with two sentences. We believe that the adjustment of interests and the sublimation of the conflict of loyalties are essential in some way,—either through this method of co-ordinating machinery which I have endeavoured to outline, or through something more fundamental,—the sharing of financial commitments in regard to railway development as between the units and the Centre. But the choice which is being forced upon other countries where federal institutions exist is forced upon India today and India must make her choice between chaos and co-operation in one of the most important developments in India's economic life.

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

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

Mr. Sami Vencatachalam Chetty (Madras: Indian Commerce): Sir, I rise to participate in this debate not so much to repeat what has been so ably stated by my Honourable friend, Mr. James, but to think along with the Government how to counteract the falling revenues of the railway system.....

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): But, do the Government think?

Mr. Sami Vencatachalam Chetty: The Honourable the Commerce Member has stated in his budget speech that the fall in revenues of the railway system was due to three important causes, *viz.*, world depression and general collapse of commodity prices, the striving after self-sufficiency by almost every country in the world including India, and developing of internal trade production, the increase in motor competition, and to a lesser degree, river and sea competition. While I am inclined to agree that these three constitute perhaps the most important reasons for the fall of revenue, I am in a position to state that the Government have not gone beyond stating the reasons. I do not think the steps, which they have so far taken or which they have indicated to be put into force in the near future, are likely to be strong remedies for the causes which the Honourable the Commerce Member stated. World depression and general collapse of commodity prices is an argument which, in every department of the Government, and as a matter even in family circles, is being invoked. But there is no meaning in repeating that argument, so long as neither this Government nor any person is in a position to counteract that world depression. The alternative will be to find out how to adjust your existing circumstances having regard to the existing depression. I do not think Government have done anything in that direction by way of reducing the expenditure on railway systems. No step seems to have been taken to reduce expenditure effectively; and, if demands are made for the reduction of expenditure, perhaps the most vulnerable service for that kind of thing will be the labour, in which case they would again meet with opposition from the people. It is not in that direction that saving could possibly be effected, which would also

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be agreeable to the general public. There are many spots in the railway administration where working expenses could be retrenched without endangering efficiency of the railway system; and with regard to the second argument that each country is trying to be self-sufficient, and, therefore, there must be a change in the trend of traffic, one entirely agrees. But the question is, whether this is not going to be a permanent feature in our country's industrial and commercial development; and having regard to the fact that India is also, in spite of many impediments, trying to be more and more industrialised, and, therefore, trying to be self-reliant in the matter of commodities, one has got to take into consideration the inevitable fact that there would be a fall in the imports from other countries, and, therefore, there would be a fall in the long lead traffic. Having regard to that state of affairs, what is it that either the Railway Board or the Government have done in order to increase their revenue under the goods traffic, having in their mind the fall in the long lead traffic?

Now, with regard to question (c) about the increase in motor competition, I quite concede that this is a matter bristling with a number of difficulties almost as insuperable as they could possibly be. My Honourable friend, Mr. James, has really put the whole question almost in a number of paradoxes. He does not want that the motor transport should be affected, he wants that every form of transport should be alive and should be encouraged, and yet the railway revenues should increase. It is rather a difficult task, and the difficulty is further enhanced by the fact that the Government of India have not, so far as one could see, bestowed wholehearted attention and thought over this matter. I take it that the Honourable the Commerce Member depends, so far as the railway questions are concerned, on the Railway Board for guidance and advice. If that be so, the Railway Board, having only the interest of the Railways, will not be in a position to understand the other difficulties which confront the co-ordination of all the other forms of transport available in this country. It is in order that the Honourable the Commerce Member might bestow his wholehearted attention over this question that this cut motion has become relevant, otherwise there is no need for the formation of a separate Ministry of Transport. In the first place, Sir, there is no Ministry under the existing Constitution, and, in the second place, the mere fact of shifting the portfolio from one Member to another is not going to minimise our difficulties unless it be by an actual increase in the personnel of the Executive Council. I do not think we should be in a mood to encourage any increase in the present strength of the Executive Councillors and thereby add to the cost of administration. What we want is that the Honourable the Commerce Member or any other Executive Councillor who happens to be in charge of this Department must co-ordinate his thoughts and methods with those of the Local Governments and even perhaps with those of the Local Boards. Sir, roads are now in charge of Local Governments and also in charge of Local Boards. So far as the railway systems are Company-managed, one would have thought it necessary to encourage motor transport even at some inconvenience, and one should be advising the public to resort to motor transport, but railways having been a national asset, and, with perhaps a few exceptions having been dependent upon the general revenues,

it is necessary that we must protect the interests of the railway administration even against certain other competing transports which are not economically run. Now, Sir, so far as the motor transport system is concerned, the difficulties which the public have to face cannot be better explained than what has been explained by my friend, Mr. James. In addition to those difficulties and troubles which the public have to undergo in regard to motor transport, not to speak of frequent accidents and perhaps daily accidents about which we are every day reading in newspapers, he has omitted to mention the police *zooloom* over the motor bus owners. I am not at all sure that a single person who is running a motor bus is in a position to earn money. What he does is, he buys a motor bus on credit, he buys petrol on credit, he buys oil on credit, he lives entirely on credit

Mr. S. Satyamurti: But he pays the police cash.

Mr. Sam. Vencatachalam Chetty: Yet, he pays the police cash!

Mr. M. S. Aney (Berar Representative): And also carry the police-free from place to place.

Mr. Sami Vencatachalam Chetty: Sir, complaint has been made frequently about overloading, which is really responsible for the large number of accidents that occur almost every day, and it is the police who should be held responsible for such overloading and accidents: I have been myself travelling in motor buses from place to place in my Presidency, and I know it has been actively encouraged by the police, not only by compelling the motor owners to take the relations of the police officers, but also goods, vegetables, fruits, plantains, and everything else. Now, Sir, there have been many exactions made from the motor bus owners. The registration fee is collected by the police, the licensing fee is collected by the District Boards, and the provincial tax is collected by the Provincial Governments, apart from the petrol tax which they get from the petrol companies on the quantity of petrol sold. In spite of all these, the motor buses are running at two pice per mile. It is certainly an uneconomic rate. If you only take the figures of motor bus runners from year to year, you will find that not one person would have run a motor bus consecutively for a period of three years. The thing goes on shifting from person to person. Each man wants to take some chance in this motor trade, and, therefore, puts into the trade Rs. 300 or Rs. 400 which he is able to get either by begging, stealing or robbing, and takes a bus on credit. The whole thing comes to a ramshackle, and, in about a year or 18 months he himself disappears from the field, and another man comes and takes up his business. This kind of thing is going on. This can only be stopped by the Government licensing the traffic of motor transport on particular routes to associations of individuals who are prepared to conform to the regulations strictly. In the first place, Sir, third party insurance is very essential. There is no meaning in allowing lives of persons to be entrusted to uneducated and untrained motor drivers. As a matter of fact, valuable lives are being lost on account of this. If only an accident, similar to the one that occurred in the Punjab, a few days ago, had occurred on any of the Railway Administrations, certainly there would have been a hue and cry raised against

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the railway administration, because, we understand, that about 25 people seem to have been killed in that motor bus accident. Is it possible for a civilized Government to allow this state of affairs to continue? Apart from the question whether they affect the railway earnings or not, even from a humane point of view, even from the point of view of protecting the lives of people, it is necessary that suitable action should be taken for regulating the motor transport traffic.

I do not know, Sir, if the mere formation of a Council or Advisory Board for Transport will solve these difficulties. I venture to suggest that, whenever possible, trunk roads should be taken charge of by the Member of the Government of India in charge of Communications. The second class roads must be left to the Local Boards. It is on these second class roads that the Local Governments might be allowed to permit motor transport to be undertaken under their auspices. So far as the trunk roads are concerned, motor buses running on these roads must be either auxiliary or subject to the Government of India regulations. It is only then that, while the motor buses running on taluka roads will bring in traffic to the district boards roads and also the railways, the trunk road motors must be such as to be immediately and directly attached to the contiguous railway administration running in that area. Otherwise, I do not think that it would be possible for us to devise any other means by which, while not affecting the railway revenues, you would not also kill motor transport. In most cases, people are alive to the dangers of motor transport, but still they resort to it on account of the very many inconveniences which the railway administrations are not able to remove

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

Mr. Sami Venkatachelan Chetty: I will now close, Sir. I do not know what the condition is, so far as motor transport is concerned, in areas where the State Railways run, but, in my part of the country, that is, the Madras Presidency, I should like to say that motor buses are actively encouraged on account of the lack of facilities and conveniences provided by the administrations which run the railway lines there. As an illustration, I should like to give only one instance. Motor transport has so far been popular with passenger traffic, but of late it is slowly getting into the goods traffic also. I may mention the case of a consignment of garlic which was sent from Ongole to Salt Cottours, and that was left in the open yard. It is no doubt a fact that usually we do not get rains in this part of the year in Madras, but there was an unusual downpour on that particular day, with the result that the whole consignment was spoiled. The railways are said to be not responsible for it, though they carelessly put that consignment in the open yard. It is to avoid this loss and this danger that people rather resort to motor transport even in the matter of goods traffic. Unless, therefore, more whole-hearted attention is paid to co-ordinating all this, there is no chance of increasing the railway revenues.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, this is the first occasion, since I took charge of the portfolio of Industries and Labour, on which I have been called upon to intervene in a discussion on the railway budget, and I think that is symptomatic of the change that seems to be coming over the opinions of this House. The

previous discussions we have had on this subject of bus competition,—I remember more especially the one on the amendment of the Indian Railway Act to allow the railways to run bus services,—seemed to show that it was the feeling of the House that the little bus owner should be protected against the big bad railways. I rather gather from the trend of this discussion that the House does not feel quite so sure about that now. Time does not permit of my dealing at length with the points raised by my Honourable friend, Mr. James, and, indeed, some of them can much more appropriately be dealt with by my Honourable colleague, the Railway Member, than by me, but there are just one or two points in his speech on which I should like to comment. I rather gathered that at the outset of it he was complaining, perhaps with some justification, of the very high level of taxation imposed on all forms of motor transport. But the impression he left on my mind was that provincial taxation was being imposed at the behest of the Central Government and in order to protect the railways. I think, if my Honourable friend will study what he said, he will realise that that was not an unnatural impression. I notice he is shaking his head and whilst that may not be what he meant, it certainly was what he said. Obviously, the Central Government have nothing to do with the provincial taxation of motor transport, but in so far as they can influence Local Governments, they try to do so by directing their attention to the desirability of imposing that taxation by uniform methods.

Mr. F. E. James: Will my Honourable friend permit me to make clear what apparently has not been made clear? That particular reference to the Central Government was that the policy of the railways had happened to be increasingly in the direction of raising freight on goods used for road development, which increased the Local Governments' budget in regard to road construction.

The Honourable Sir Frank Noyce: The second point on which I should like to comment before dealing with the main topic on which I have risen to speak, that of regulation of motor transport, is the reference my Honourable friend has made to the desirability of a Ministry of Transport. My Honourable colleague, the Railway Member, will deal with it at greater length, but the point I wish to emphasise is, even if a Ministry of Transport had been in existence now, and since the road development fund was started, it would have had no effect whatever on railway losses from motor competition. I maintain, and if time permitted I should have liked to put the case before the House in some detail, that the road development account has throughout been administered in the best interests of both road and rail development. We have done our best to hold the balance even between roads and railways and I think we have succeeded. There has been very close co-ordination throughout between my own Department and the Railway Department. The Chief Commissioner of Railways is a member of the Standing Committee on Roads, and at our road conferences,—the one we had in 1933 and at the meeting of the Transport Advisory Council last year—my Honourable colleague, the Commerce Member, was present and there has never been any difference of opinion between us. I think, therefore, that that blessed word "co-ordination" can be over-worked. I would repeat that the lack of a Ministry of Communications has not, so far, had any effect on this particular problem. The Government have accepted the principle of a Ministry of Communications. My Honourable colleague will deal with that later. But, whatever may be the case in future, I would once again say that the absence of such a Ministry has made no difference in the past. I think my Honourable friend,

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Mr. James, is perfectly right in concentrating his attention on the control of motor traffic. We have been accused, in dealing with that question, of being dilatory. I should like to point out to the House, and it is, I think, a very interesting point, that the importance of this question has been magnified tremendously only very recently. If Honourable Members will study the report of the Indian Road Development Committee, which reported in 1928, they will find that that Committee, the report of which is now only seven years old, laid no emphasis whatever on the question of road-rail competition. That really is a very striking fact. What they said about it was to quote with approval an extract from a memorandum submitted to them by the Railway Board which read as follows:

"Generally speaking any scheme by which the development of the road system of India will receive an impetus, will be welcomed by the railway administration. The benefits that may be expected from it probably far outweigh the losses that may be suffered in some areas from the competition that will arise from road motor traffic It is natural that in the replies received by the Committee from railways the latter should have expressed themselves as opposed to the construction of roads parallel to and running alongside the railway lines, but it must be recognised that a road system will have to be connected up and cannot be limited to roads more or less at right angles to railways. It is suggested, however, that there is large scope for many years to come in the development of roads which will feed the railways rather than compete with them and that, even where roads are required parallel to the railways, they will open up the country better if built at some distance from the railways."

That, I think, is convincing evidence that, as recently as eight years ago, a committee which consisted entirely of Members of this House—and it is very strange and significant to find that there was no representative of railway interest on the Committee—should have felt that there was no immediate danger or even no distant danger to be expected from the growth of competition between motors and railways. It was not long before a change came over the scene. It was felt that this growing competition deserved serious attention and, as the House will remember, the Government of India appointed two officers, Mr. Mitchell, who is now our Consulting Engineer for Roads and Mr. Kirkness, now the Secretary of the Railway Board, who went thoroughly into this question and produced a massive report which examined it in all its aspects. That report was received in January, 1933, and we held a Rail-Road Conference in April of the same year. That Conference also very exhaustively examined all questions connected with road and rail and even inland waterways transport, with special reference to the desirability of co-ordination between them and, as a result, Boards of Communication have been set up in the provinces and the Transport Advisory Council met for the first time in January, 1935, and evolved a concise statement of policy which Local Governments have been asked to ratify and implement. Time does not permit me to read even the relevant portions of that statement of policy, as I do not wish to prevent other Members from speaking. It has been laid on the table and if my Honourable friend, Mr. James, would refer to it he will find that it covers very many of the suggestions he has put forward. The very first paragraph of the second part, which deals with the control of traffic, suggests that the following measures should be adopted in regard to motor buses: a reasonable standard of maintenance of vehicles, medical inspection of drivers, insurance against passenger and third party risks and adequate inspection and enforcement of regulations. That brings me to a point which is of very special importance in this connection and that

is that the Punjab, the Central Provinces and Assam representatives dissented on the question of insurance. We have to remember that, in dealing with this subject, we are dealing with a provincial reserved subject. It is all very well to say that the Government of India have powers of supervision, direction and control. Honourable Members know, as well as I do, that with Provincial Autonomy looming so closely in the distance this is hardly the time to use the big stick and our attitude to this question all through has, therefore, been to endeavour to carry Local Governments with us rather than to force them into a certain course of action. As a result of the meeting of the Transport Advisory Council which met in January, we addressed Local Governments in July but some of the replies have still to come in and it was for that reason that the meeting of the Advisory Council which we hoped to hold in January has had to be postponed till July. I must frankly say I am glad that it has been so as it has given this House an opportunity of expressing its views on the subject and the expression of the views of this House will be of great use when we come to discuss the question further with Local Governments in July. But I should like to make it clear to the House that we do not propose to stop with discussion. We have circulated the draft of an amending Bill to them and in spite of the fact that replies from certain Local Governments are still outstanding we propose to proceed with it and also with the draft of rules framed under it. We propose to discuss the draft Bill and the rules with the Local Governments in July and to introduce an amending Bill in the course of the next Simla Session. I might add that we are, at the same time, reviewing the policy with regard to the road account generally and if we find that any change is necessary we shall have to ask this House to amend the existing Resolution later on. I trust that my Honourable friend, Mr. James, will be convinced that we are devoting careful attention to the aspect of the question which he has raised and that although we have not progressed, perhaps as rapidly as he or we could wish, we have at any rate gone some way. I feel that although there is a good deal more I could say about the administration of the road account generally and also about the interesting suggestion put forward by my Honourable friend, Mr. Vencatachelum Chetty, that there should be a system of federal roads, I had better leave what little time there is to the abler hands of my Honourable colleague, the Railway Member.

Mr. President (The Honourable Sir Abdur Rahim): As regards the time table, this debate is to close at 1-30 p.m. The Chair does not know how long the Honourable Member in charge will take to reply.

The Honourable Sir Muhammad Zafrullah Khan: If the next speaker will confine himself to ten minutes, I shall finish within the remaining 20 minutes.

Mr. G. Morgan (Bengal: European): I shall only take five minutes. I only want to draw attention to the question of co-ordination, that blessed word which the Honourable Member for Industries said has been over-worked. The Honourable Member for Railways made a remark in his speech which has not been referred to in any of the speeches made this morning. The Honourable Member said that apart from road transport, river and sea competition has been intensified in the past few years. Now, Sir, I wish to dispel that idea. It was stated that the decline in railway

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revenues was due in part to river competition. This statement is misleading. The river companies have nowhere extended their field of operations against the railways. Sir, the reverse in fact is the case. The railways are the aggressors. The river companies have been attacked in areas which they had every right to consider their own spheres and any action that has been taken by way of reducing rates, etc., has been forced upon them by that attack. They have not set out to capture traffic which the railways have created. Sir, the Assam Bengal and Eastern Bengal Railways have been continually extending their systems. The main routes for traffic in the East are the rivers Ganges, Brahmaputra and the Meghna, and the railways have been doing their utmost to attract traffic from the established river routes. In many areas, the river steamship companies and the railway companies have had working arrangements, but, recently, these have been breaking down owing to this intensive system that has come about in the railways of not only creating traffic but diverting traffic and the attack, in my opinion, on the traffic of the River Companies in the Brahmaputra, Ganges and Meghna is quite unjustifiable; and, therefore, Sir, this is one of the things which calls for the co-ordination of all transport.

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): May I ask one question of my friend, Mr. Morgan? Is it not a fact that the Dacca-Aricha Railway project has been dropped because of the opposition of the river interests? (Hear, hear.)

Mr. G. Morgan: Sir, I happen to know a good deal about the Dacca-Aricha Railway, and if my Honourable friend will go into the whole question, it started, I think, about twenty-five years ago

Sir Abdul Halim Ghuznavi (Dacca cum Mymensing: Muhammadan Rural): Fifty years ago.

Mr. G. Morgan: I will take it at twenty-five, he will find that although it might have been one of the cases of diverting traffic from the River Companies, the fact was that the cost of bridging and of a ferry service across the Pudma from Aricha to Goalundo was prohibitive in that it would not be remunerative.

An Honourable Member: Nothing of the sort.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I have no quarrel with my Honourable friend, Mr. James, when he wants a co-ordination of the communications throughout India and, for this purpose, he suggests the desirability of a re-distribution of the portfolios of the Viceroy's Executive Council. But I think that the question of the redistribution of portfolios is a matter of wider and more general nature, and I think it would have been better if this question had been taken up on the occasion of the discussion of the general budget.

I really cannot understand why my friend, Mr. James, should utilize the occasion of the discussion of the Railway Budget for this general question. Moreover, we know that, with the introduction of the new reforms, the whole of the Viceroy's Cabinet will be in the melting pot and the Executive Councillors will be changed into Ministers. . . .

The Honourable Sir Muhammad Zafrullah Khan: Not changed, but will have to give way to.

Sir Muhammad Yakub: Let us hope that the change will come about at a very early date and that it will not take a long time before the new reforms are introduced. So I say that that will be a better time when the question of the change of portfolios should be taken up and discussed. This is not the time for it, and with the formation of the new Railway Board, I think the system of management of Railways in India will undergo certain changes. Therefore, I think my friend, the Honourable Mr. James, should wait until the new reforms are introduced and should withdraw his motion for the present.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I had no intention of intervening in this debate, but there are one or two points about which I do not seem to be as clear as the mover of this motion. I may tell him at once that if I find myself in general sympathy with him, I will not reserve my vote for the other side; if I find myself in general sympathy with him, I will vote with him. I feel, Sir, that this question of the establishment of a Transport Ministry would give rise to several other questions which cannot be considered in such an incidental manner. (Hear, hear.) What after all is the Honourable mover after? The other day the Leader of the European Group told us that there was too much centralization in the Railway Board and that the Government of India had been interfering too much with the Railways. From that I understood that he wanted a greater amount of liberty for the Agents. If that be so, perhaps the Group which has so able a spokesman as Mr. James would want still greater freedom for the contemplated Railway Authority. In that case what is the Transport Minister expected to do. And is it a question of only business adjustment, or does it raise the larger question of constitutional freedom and constitutional authority? Does he mean to suggest that the gentleman in charge of transport should have greater freedom than he possesses today? If that be the suggestion, then it raises a general constitutional problem which cannot be solved in a hole and corner fashion but would require careful consideration. Then, I want to guard against any encroachment on the provincial sphere of roads. Roads are a provincial subject, and for the matter of that a transferred subject in the provinces. I do not want the Central Government to make any inroads on the spheres of administration that have been transferred to the provinces, especially in view of the approach of Provincial Autonomy, as it is called, and surely those who have faith in that much advertised expression, "Provincial Autonomy", would not like to start with a handicap at the outset. Then, there seems to be a conflict between the roads and the railways. A charge has been levelled even today that the railways have been treating roads more or less in a step-motherly fashion. In these circumstances, would it be in the interests of roads that they should be placed at the tender mercies of a gentleman whose interest primarily lies in making railways profitable? I also feel that commerce should be in charge of the same gentleman who is in charge of railways. (Hear, hear.) I consider it much more important that commerce and railways should go together than that railways and roads should form part of a composite portfolio, for the railways must always have before them constantly the one supreme object of the commercial development of the country (Hear, hear): and if the administration of the railways is severed from that of

[Pandit Govind Ballabh Pant.]

commerce, that would to a certain extent stand in the way of the unfettered growth and development of commerce. Moreover, without being in any way unfair to any person, I may also state here that I want both railways and commerce to be in the charge of an Indian Member of the Government (Hear, hear), for, while I do not very much worry about Ordinances and the Criminal Amendment Act, I do place much greater value and faith on the commercial advancement and the economic advancement of the country (Loud Applause); and so far as that goes, I believe that an Indian alone is capable of carrying out a policy which will yield desirable results in desirable directions. Sir, my time is up. (Loud Applause.)

The Honourable Sir Muhammad Zafrullah Khan: Sir, before I take up the general question of co-ordination of rail and road transport, I might make one observation with regard to the matter upon which my Honourable friend, Mr. Morgan, touched in the course of his speech. He said that the statement in my speech that the railways had to some extent suffered from river competition was not quite correct. Well, Sir, it is not my object at this stage to establish that certain factors have necessarily been or not been responsible for the position in which the railways find themselves. But, inasmuch as he has found room for criticism with regard to that part of my speech, I do want to make one or two observations to clear up the position in that respect. He says that the railways have been the aggressors, and in two ways. One, by reducing their rates and secondly, by extending their sphere of operations. So far as the last factor is concerned, I am afraid that is a charge that can be brought against railways even by the roads. The roads can say: "we used to carry all the traffic before railways came and the railways have, by establishing themselves, become the aggressors". Similarly, the rivers have been there ever since the earth took on its present shape, and any form of transport that came subsequently can be said to have been the aggressor. That is neither here nor there. But with regard to his other observation, I am afraid, he was not at all correctly informed. He has paid attention only to what has happened during the last two or three years. We went into it at the conference that we held, I think, last December, between rail, commercial and shipping interests and that charge was levelled against the railways during the course of that conference and the Railway Board was able to show that the rate cutting was started by the shipping companies to begin with (Laughter) and that the railways have only recently tried to win back a portion of the traffic that they lost to the shipping companies as a result of that rate cutting. If Mr. Morgan were to go back a few years in his examination of this question, he will be quite convinced that the traffic, which recently the railways have won back from the shipping companies, is only a portion of the traffic that was originally lost to the shipping companies through rate cutting. I need not pursue this matter further. I am also in charge of shipping and I do not want to say anything that might be unfair either to one form of transport or to the other. I am happy to be able to state that certain general principles were accepted at that conference and it was agreed that shipping interests and railway interests should get together at the various ports for adjusting their differences in accordance with those principles.

Now, Sir, with regard to the general question, I find myself in agreement with a good deal of what Mr. James said in his speech when moving his cut-motion, though not with regard to all that he said. I accept the

general principle that the different modes of transport are not necessarily antagonistic to each other. They serve various kinds of needs and they are all necessary for the development of the country and, therefore, unless conditions arise under which competition begins to be wasteful and uneconomic and different forms of transport instead of making the best use of the facilities that are available begin merely to cut each other's throat, there is no room for interference and, I do assure him, that the railways do not want to hamper or impede or exclude this form of transport merely because they cannot make both ends meet. I have tried to explain that in this House as well as in the other House. As a matter of fact so far as the regulation of rail and road transport is concerned, railways do not desire anything more than what my Honourable friend, Mr. James, himself has indicated as a fair basis for regulation and co-ordination. If there is standardisation of types of motor vehicles used for this form of transport, if compulsory insurance with regard to passengers as well as third party risks is enforced, uniformity in driving tests, medical inspection of drivers, fixed hours of work for drivers, punishment for over-crowding, regulation of routes and time-tables is introduced, the railways would have no complaint that motor transport were competing with them on an unfair basis.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): How are these within the province of the railway administration?

The Honourable Sir Muhammad Zafrullah Khan: I do not say it is within the province of the railway authorities. I merely desire that such co-ordination should be brought about. No doubt the Provinces would be to a very large extent concerned in this. I shall have to make reference to that aspect of the matter a little later on.

With regard to one or two other matters which Mr. James referred to as fair competition, I am also in agreement with him. I refer to certain forms of conveniences which road transport is able to offer, and which railways have not yet adjusted themselves to. As a matter of fact, I brought to the notice of the Railway Conference Association, last October, the specific instance that Mr. James has himself mentioned that motor transport is making it easier for people to consign their goods for carriage from their shops, markets or godowns and they are carried right to the shops, markets and godowns of the consignees. It is time that railways considered the question whether they can bring their goods services home to the people who are in need of them in the manner in which motor transport is trying to do. I agree that that is a form of competition that railways cannot complain against and they have got to readjust their methods and the facilities offered by them with regard to these things.

Now, Sir, I have tried to explain what the attitude of the railways is with regard to these matters where competition is entirely uncontrolled and unregulated. It is uneconomic and wasteful as Mr. Chetty has been at pains to explain. As a matter of fact the owners of this form of transport are really not getting any economic return on their outlay and it would be to the interest of everybody, the railways, the owners of motor buses, the commercial community and the travelling public if regulation of motor transport along these lines was introduced. My Honourable colleague, the Member for Industries and Labour, has explained what is being done in his Department in that direction and what are the difficulties in the way. Take for instance the suggestion of Mr. Chetty that certain

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roads should be taken over by the Central Government, that is to say, they should become what I might describe as federal roads. That may be a very attractive idea with regard to the co-ordination of these two forms of transport, but I am afraid that it would not find favour with the Provinces and I doubt whether Provinces would be willing to give up their control over particular roads after a number of years of administration of roads as a transferred provincial subject, more especially when provincial autonomy is in sight. There is, as I pointed out in my speech, the difficulty that while railways are a central subject, roads are a provincial subject and any attempt to deprive Provinces of their control over certain roads would, I am sure, be firmly resisted by the Provinces.

Again, as my Honourable colleague in the Industries and Labour Department has explained another difficulty which is that you can only try to bring about an understanding with the Provinces by persuasion and by demonstrating to them that it is in the interests of the Provinces as well as of the Centre that these matters should be co-ordinated. The Centre has no legal power to compel the Provinces to come to any kind of arrangement, nor would it be desirable to start the new system by causing friction at various points. We must endeavour, as far as it may be possible and practicable, to bring about agreement by persuasion. I do not think there would be any tendency on the part of the Provinces, once the matter is fully explained to them and they realise all the implications of it, financial as well as others, to take up an obstructive attitude.

Sir, one of the suggestions contained in the motion itself requires that there should be one Portfolio of Communications at the Centre. I might offer one or two observations upon that subject. The Honourable the Mover of the cut will have observed that there is not entire agreement with regard to this matter among all sections of the House. On the other hand, as he has pointed out, Government stand committed to the proposal, as there have been various declarations on the floor of this House made on behalf of Government, that, in principle, Government accept the suggestion that a Portfolio of Communications should be set up. There has been some delay in setting it up and Mr. James said, "We do not know what is going to happen. Shall we be told that we are waiting for the report of the Wheeler Committee? Shall we next be told that we are waiting for the introduction of Provincial Autonomy? Shall we then be told that we are waiting for the Federal Railway Authority? Shall we finally be told that as Federation is in sight we need not do anything at all about it?" Sir, I do not think that is the position. Mr. James will, however, realise that it is not possible to announce, at this stage, a definite date, on which this new Portfolio would be set up. More difficulties have arisen in considering this question than was originally anticipated. After all, as the House has seen, amalgamations are rather difficult and they take time; and here it is not only an amalgamation that is suggested but also the splitting up of some Portfolios and then amalgamating them into others. I may here make one observation with regard to Mr. Chetty's question, that so far as the Government of India are concerned, there is no intention of increasing the number of Portfolios in the Government of India on this account. That, of course, refers only to the stage before Federation. After Federation nobody can say what the number of Portfolios will be. With regard to the actual date of setting up a Portfolio of Communications, as I have said, there have been some difficulties, and

there are still some difficulties that have to be cleared out of the way. But, I think, if I might express a purely personal estimate of the time, that is likely to be required, that during the course of the next year active steps will have been taken to set up a Portfolio of Communications, subject, of course, to any further considerations that might arise which may not be apparent just now. Certain considerations have, for instance, been today put forward by Pandit Govind Ballabh Pant. I refer to the economic and not to the racial considerations. I do not say that on account of those considerations Government are likely to change their mind, but before any final decision is given effect to, if any further considerations arise which have to be taken into account, regard must be had to them.

Sir, that is all that I have to submit with regard to this cut. But may I say that with regard to this afternoon's business, I have, except in one case, received no indication from Honourable Members as to the cuts that they intend to move? I do not know what arrangement has been arrived at, but it would facilitate matters, so far as I am concerned, if I knew which cuts are intended to be moved this afternoon.

Mr. President (The Honourable Sir Abdur Rahim): They have not given any notice as to which of the motions they want to move. So the Chair will take up the first motion given notice of by the Members who do not belong to any Group.

The Honourable Sir Muhammad Zafrullah Khan: So far as I am concerned, one Honourable Member, Sir Abdul Halim Ghuznavi, has sent me a cut relating to the Dacca-Aricha Railway. No other Honourable Member has given me any indication.

Mr. President (The Honourable Sir Abdur Rahim): Sir Abdul Halim Ghuznavi has got a number of motions in his name. Therefore, he will have a choice in the matter.

Sir Abdul Halim Ghuznavi: Sir, I will move No. 42 relating to the Dacca-Aricha Railway.

Mr. M. S. Aney: Sir, unless and until this present motion is put to the vote, we cannot proceed with any other business.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member finished his speech?

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir.

Mr. F. E. James: Sir, before the question of the vote arises, I should like just to make three short observations.

Mr. President (The Honourable Sir Abdur Rahim): There is no right of reply.

Mr. F. E. James: In that case, I should like to explain . . .

Mr. Abdul Matin Chaudhury: Sir, I rise on a point of order. I think Sir Ibrahim Rahimtoola, when he was President of the Assembly, ruled that in cut motions there is a right of reply.

Mr. President (The Honourable Sir Abdur Rahim): That is not the general practice.

Mr. F. E. James: I am unfortunate because I exercised that right myself on two previous occasions; but I bow to your ruling. I merely wish to say that it will be quite improper for us to use the privilege of censuring Government in one Department for their failure to do something in another Department. In any case, we are satisfied with the main points that have been made by the two Honourable Members of Government, and I desire leave of the House to withdraw the motion.

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

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, with your permission, I desire to make a statement of business. In accordance with what I understand to be the general desire of the House, Monday in next week has been left free so as to afford Honourable Members the fullest possible opportunity for the study of the budget papers. The general discussion of the budget will take place on Tuesday and Wednesday, while Thursday and Saturday are holidays.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): I received information during lunch time that the moon had been seen at various places on the 23rd, and that the holiday for *Id-uz-zuha* will then fall on Wednesday.

The Honourable Sir Nripendra Sircar: If that is so, I shall make another statement later on. I have ascertained that it will suit those Honourable Members who have been prominent in asking for time to discuss so much of the Report of the Hammond Committee as relates to the Federal Legislature if this discussion is fixed for Friday, the 6th March. The four Resolutions standing in the name of the Honourable Sir Frank Noyce on the subject of certain Labour Conventions will also be placed on the paper on that day.

Mr. President (The Honourable Sir Abdur Rahim): As regards the suggestion that was made by the Honourable Sir Muhammad Zafrullah Khan, it will perhaps be better if the Honourable the Leader of the House makes a statement tomorrow.

The Honourable Sir Nripendra Sircar: Yes, Sir.

The Honourable Sir Muhammad Zafrullah Khan: If the *Id* falls on Wednesday, the general discussion will go on on Thursday.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has to inform the House that it will give its ruling on the various points of order raised on Sardar Sant Singh's motion, before the House adjourns today.

THE RAILWAY BUDGET—LIST OF DEMANDS—*concl'd.*

DEMAND No. 1—RAILWAY BOARD—*concl'd.*

Dacca-Aricha Railway.

Sir Abdur Halim Ghuznavi: Mr. President, I beg to move:

"That the demand under the head 'Railway Board' be reduced by Re. 1."

Many of the Honourable Members now present were not Members of this House in 1930 when a cut motion on the same subject was moved by me. The history of the Dacca-Aricha Railway is this: For half a century we have been agitating for this railway, and this question had been discussed in the Assembly for five years. In 1929, we thought this railway was a settled fact. The sanction of the Secretary of State was obtained, money was provided for in the budget, and we were expecting operation in the winter of 1929. What happens? On the 4th June, 1929, the Bengal Chamber of Commerce writes a letter to the Railway Board to withhold construction of this railway. That letter was not replied to till 19th February, 1930. Before I proceed with my motion, I will, with your permission, read what Mr. K. C. Neogy said at the time in the Legislative Assembly:

"No Viceroy has visited Dacca, no one Governor has ever visited Dacca, but has not been told, in the addresses of welcome presented to him, as to what importance the people of that locality attach to this particular line; but, for a very long time, the Government were not disposed to pay any heed to this public demand."

Then, Sir, he says:

"There has not been one other topic during recent times in which public opinion in Bengal has been so unanimous as in regard to this question. I do not want this House to be misled into thinking that, in so far as it relates to a small tract in Eastern Bengal, this particular scheme is absolutely of local importance and nothing more. If Honourable Members have studied the Railway Board's reply to the letter of the Bengal Chamber of Commerce, they must have seen that the Railway Board itself mentions that, apart from the fact that this particular railway will serve the local needs of the district of Dacca, it will form a very important link in the chain of communication between Eastern and Western Bengal."

Now, referring to that letter which the Railway Board addressed to the Bengal Chamber of Commerce, Mr. Neogy said:

"I should like to know from the Honourable Member in charge as to whether he would stand this kind of hectoring language from any other public body. Now, Sir, Government received this letter in June, 1929, and they sent out their reply only in February, 1930. When a letter like that came from the Bengal Chamber of Commerce, all the five Members of the Railway Board began to quake in all their five pairs of shoes, and when that process of quaking was over, they sat down to compose a suitable reply to the Bengal Chamber of Commerce."

[Sir Abdul Halim Ghuznavi.]

Then, he says:

"The first portion was drafted, I imagine, by an honest railwayman, and for the purpose of drafting the second portion, I think my Honourable friend requisitioned the services of Mr. Howell, the Foreign Secretary, in order to give it a proper diplomatic touch."

Sir, what was the reply that was given to the Bengal Chamber of Commerce by the Railway Board? The reply was this:

"The Government of Bengal, to whom a copy of your letter was forwarded, have stated that their support of the project is not affected by the representation of the Bengal Chamber of Commerce." In the ordinary course, therefore, the construction of the line would have proceeded."

Then comes the "but":

"But, owing to financial circumstances, it is impossible to allot funds in 1930-31 for the commencement of the actual work of construction."

They could find many crores of rupees—for building stations.

Mr. P. B. Rau (Financial Commissioner, Railways): Not in 1930-31.

Sir Abdul Halim Ghuznavi: When was it then?

Mr. P. B. Rau: Much earlier than that.

Sir Abdul Halim Ghuznavi: It was in 1929 that you had budgeted for this money, but you stopped it later on as soon as you got this letter. What is the position? The Bengal Government insisted that this railway should be constructed. The Government of India was not willing, but the Bengal Government said that the line must be constructed, that they considered it was an important line and when they were asked whether they could guarantee the money for the survey, if it was found that the scheme was not good after survey, they said, yes, we would find the money for the survey. Now, it is no use saying that it is not a paying line. The result of the survey was that it was a very paying line. I shall show that from the statement of the Honourable the Commerce Member himself. Immediately this letter was received, they suspended all the work that had been started, and, since then, nothing has been done, and the difficulty is this: the Honourable the Member for Commerce is also the Honourable Member for the Railways. He has to satisfy the Siamese twins: here is the Commerce who wants him not to proceed with the railway and here is the Railway who wants him to proceed with it. What is he to do? He yielded to one of the twins who wanted him not to proceed with it.

With your permission, Sir, I will just say that Sir George Rainy then said that it was a settled fact and we would get the railway. He said:

"Now, as regards the question of the Dacca-Aricha Railway, I should like to make certain things clear. In the first place, the Railway Board and the Government of India are quite satisfied that this railway is needed, and that it is a matter of urgency and that it should be constructed as soon as possible. There is no question at all about that. It is explained very clearly in our reply to the Bengal Chamber of Commerce. It is not only, as my honourable friend, Mr. Neogy, put it, as a means of local communication that it is important, but much more as an essential link in a trunk system of through communication. I believe that, in the future, it will be quite an important line. That is why we propose to construct the line on the broad gauge."

Mr. Neogy referring to the letter of the Bengal Chamber of Commerce said:

"I have nothing to complain with regard to the first portion of it (*the reply to the Bengal Chamber*), which very satisfactorily meets every point made by the Bengal Chamber of Commerce. But it seems to me that two hands were employed for the purpose of drafting this letter Now, Sir, in the concluding paragraph of the Bengal Chamber's letter they have condensed many inaccuracies—I was going to say downright falsehoods. It is difficult to imagine that it could be possible even for the Bengal Chamber of Commerce to condense so much of mis-statement in so short a compass. They first of all say that this is not a matter of urgency. That is a statement which I deny. It is an absolute and deliberate lie. I understand there is an Honourable gentleman here who represents the interests of the Bengal Chamber of Commerce. I may tell him that I am prepared to repeat all that I am saying now outside this House so as to give him an opportunity of taking any action he likes against me. Then the second lie is this: 'the traffic is already adequately provided for by the inland steamer companies.' The third lie is that it 'is little needed', and the fourth lie is that "Opportunity was not given to the public to express their views on the scheme'. The scheme has been before the public of Bengal for the last half a century and before this House at least for the last five years."

Sir, we have seen that the Railway Board have examined the scheme and the Honourable Member stated on the floor of this House that it was an urgent scheme and an important railway. Then comes that letter. After that there is a lapse of five years. Now, what happens? It now happens that the Bengal Government which, at the beginning, was very much in favour of this railway is not now prepared to back it up. What are the reasons? Reasons of health, reasons of sanitation. I will ask the Bengal Government what has since happened? How has the country changed that they now find that reasons of health and sanitation are affecting them now? I will read what they said at the beginning. This is what Sir George Rainy said:

"It seems to me that, in the nature of the case, you cannot say 'I don't care what figures are revealed in the detailed estimates, I shall refuse to reconsider the matter.' That is an attitude which no responsible authority can adopt. The other matter is the question of the effect that the construction of the line might have upon river conservancy and the public health. Now, as my honourable friend Colonel Crawford in an interjection at an earlier stage of the debate asked, 'Why not have a road', I would like to point out that the effect of a road, both on river conservancy and on public health would be exactly the same as the effect of a railway, for unless it was an embanked road, it would be under water for about four months in the year, and if it is an embanked road, then you have to face the complicated questions of the adequacy of the water-ways, the obstruction to drainage and so on."

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

Sir Abdul Halim Ghuznavi: I thought I had half an hour, Sir: but I shall finish in two minutes. The Railway Board's Administration Report says:

"Dacca-Aricha Railway: Rajbari-Naraingunge: construction of a broad-gauge line, about 64 miles in length from Rajbari to Naraingunge, including a wagon ferry across the Padma river between Goalundo and Aricha, was sanctioned in January, 1920. The line will provide railway communication to the large tract of country in the Dacca district situated between Aricha on the left bank of the Padma river and Dacca. The present means of transport in the area traversed by the Railway is mainly by water. The time taken for the railway and river journey between Calcutta and Dacca is about 19 hours."

Sir, to travel 264 miles, it takes 19 hours now, because we have not got a railway.

[Sir Abdul Halim Ghuznavi.]

In conclusion, what I want to impress upon this House is this: The Government of India decided in 1929 that this was an urgent scheme and that the Railway was surely needed. Nothing, therefore, should stop them now from proceeding with that project, because money is also so cheap that the Government of India can easily get a crore and 84 lakhs that is needed for the construction of this line. If this Railway line is constructed, all goods from Peshawar right up to East Bengal can be easily carried; in addition you can carry the whole of the jute trade as well. My Honourable friend, Mr. Morgan, said this morning, that the railways were obstructing the inland steamer service, but I entirely differ from him, because, when jute is carried from East Bengal to Calcutta the steamer freight up to Goalundo is high, because from Goalundo they can carry jute by rail, but the freight to Calcutta is very low, and, therefore, it is river service which is obstructing the railways from carrying jute from Goalundo to Calcutta and also from Serajanj to Calcutta. Up to Serajanj the steamer freight is very high, and from there if you carry jute straight to Calcutta, the steamer freight is very low. Sir, I move.

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

'That the demand under the head 'Railway Board' be reduced by Re. 1.'

Mr. Muhammad Anwar-ul-Aziz (Chittagong Division: Muhammadan Rural): Sir, at the outset, I must thank you for the opportunity you have given me to speak on this subject. As an Eastern Bengal representative in this Assembly for a considerable time, I take it to be a privilege to support the contentions of my Honourable friend, Sir Abdul Halim Ghuznavi, with regard to the construction of this railway. Sir, it will not be proper to shelve the question of the construction of this railway at this late stage, for there has been an insistent demand from people living on the eastern side of the Brahmaputra and Padma for this railway. As a matter of fact, without exaggerating matters, I am certain, if there had been some other quicker forms of transit, the whole political geography of Bengal would have been changed, and the people of Dacca Division and the people living up the borders of Burma, generally, would have been far more happy and contented. I do not hold any brief for the Government of India, least of all it is very difficult for a sober and unostentatious man like myself to hold a brief for Government, but I must say this much in support of getting the construction of this railway expedited. Their constructing the Meghna Bridge will not facilitate matters, even for taking their troops from Fort William if there was trouble either on the Arakkan border or on the borders of the Chittagong hill tracts. That is a factor of which the Government of India should take a very serious note. It will not be enough for the Government of India if they concentrate their military forces in the Chittagong hill tracts. I know that tract well, and I also know the position south of the eastern part of Bengal, and I feel that the Government of India is following an ostrich-like policy if I may say so, if they do not keep their eyes open.

Then, Sir, coming to the other advantages of this railway line, those who hail from this unfortunate part of the Presidency will have experienced the cost that is incurred for taking goods from our side to Calcutta. Calcutta port, as is well known, is getting silted up every day, and I

gather that the cost of constructing a properly navigable river, so far as the Chittagong Port is concerned, is becoming very prohibitive. That being the case, I am certain that the Railway Board and the Government of India will seriously consider if the time has not come to take up this project in hand in right earnest. From a perusal of the concluding part of Sir Allan Parson's speech on the 23rd of February, 1930, it will be seen that he had agreed with the view that if this railway project was carried out, it would not be a losing proposition, for, Sir, he very definitely stated that they thought that the return would be definitely higher. I, therefore, feel, Sir, that a very strong case has been made out by my friend, Sir Abdul Halim Ghuznavi, in support of his contention.

There is another factor which the Assembly should not lose sight of. About six or seven years ago, Sir, Mr. K. C. Neogy, an eminent Member of this House, had brought in a measure for regulating the freight charges of the steamer companies plying between ports in South Eastern Bengal, and the measure was considered necessary, because of the unconscionable way in which the steamer companies were manipulating their tariffs. My submission to Government is this that if really this project is carried out, and if at some future date a bridge is constructed over some parts of Manickganj sub-division, and if that is connected by ferry service, that will link up practically almost the whole of south eastern part of the Presidency. It will not be right for the Government of India to urge the argument of financial stringency in this matter, because if they can find the money for carrying out repairs to the Hardinge Bridge and other projects involving crores of rupees, they should certainly be able to find just a couple of crores needed for the construction of this railway. I assure my Honourable colleagues will appreciate the difficulty which the people of Eastern Bengal experience. Recently, Sir, I suppose a sort of survey has been carried out by the Government of Bengal in order to see if any bridges or railway lines could be constructed over some of the big navigable rivers, and whether those constructions will impair the health of the people. But I can assure the Government of India, knowing as I do my part of the country very intimately, a bridge or a railway line over the place mentioned by my friend, Sir Abdul Halim Ghuznavi, will improve matters very considerably. If, Sir, I am correctly quoting the speech of the Minister for Local Self-Government in my province, I think he and his Department are rather eager, nay anxious to see the people in my part of Bengal getting a proper share of transit facilities . . .

The Honourable Sir Muhammad Zafrullah Khan: Is he in favour of the construction of this railway?

Mr. Muhammad Anwar-ul-Azim: Yes, very much. So, taking all aspects of the matter into consideration, I commend the proposal for the acceptance of the House.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I rise to support the motion.

3 P. M. Apart from the intrinsic merits of this motion, there is one other reason why I feel special pleasure in supporting it, and that is, that it has been moved by my Honourable friend, Sir Abdul Halim Ghuznavi. It is very rarely that I see eye to eye with him, generally our views are as poles asunder. But, here, in the matter of the Dacca-Aricha Railway, there is absolutely no difference between him and not only myself

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but the people of Eastern Bengal and Bengal. But what is the good of speaking on this matter? We speak for what purpose? To make out a case for the Government. But, here I find there is already a final verdict of the Government on this question. In reply to the letter of the Chamber of Commerce to which reference has been made by the Honourable the Mover of the motion, the Government of Bengal said: "We do not agree with you (the Chamber of Commerce). We have investigated the whole thing. We will continue the construction of the railway." Later on, in the another part of the same letter the Government of India said this:

"We find that the railway will be useful. We find that all the arguments that you adduce in favour of the abandonment of the scheme are of no use. We also find that the Bengal Government is with us."

After all this, I think it is useless to talk on the merits of this motion. My Honourable friend, Sir Abdul Halim Ghuznavi, has, in accounting for the change in the mentality of the Government on this question, brought a very serious charge against the Government, and that charge is that they have changed their attitude because something supervened, because a certain gentleman came and intervened for the benefit of the steamer companies that ply between Goalundo and Narayanganj and Goalundo and Chandpur. The position is simply this. Here is the interest of the jute industry on one side. The construction of this railway line will benefit the jute growers of Eastern Bengal, they can carry their goods much more cheaply to Calcutta. Therefore, there is the interest of the jute growers on the one side, and, then, on the other side, there is the interest of the British shipping industry. When there was that conflict of interest between these two industries, and when the cause of the steamer service was urged by a certain gentleman whom my Honourable friend, Sir Abdul Halim Ghuznavi, has mentioned in his speech, the Government changed their attitude. I cannot conceive of a more serious charge of breach of trust of the interests of the people brought against any Government by anybody, and we have got to remember that that is a charge which is brought forward against Government, not by people on this side of the House, but by Sir Abdul Halim Ghuznavi. No further argument is necessary in order to support this motion. Here is an instance in which the administration of this country is carried on, not for the benefit of the people of this country, but for that of outsiders. Before we spoke on this motion, I thought the Government's present attitude might have been indicated so as to enable us to deal with the matter more effectively.

The Honourable Sir Muhammad Zafrullah Khan: The answer is in the negative. (Laughter.)

Mr. Akhil Chandra Datta: I am thankful to my Honourable friend. It has become customary in this House on many matters, for some gentlemen on the Treasury Benches, more tactful, and less blunt than others, to give answers like this: "Oh, I have got full sympathy. I do not oppose. I admit the justice, I admit the principle of the matter. We are trying to do it. The matter is under our consideration." All that is certainly very good, but the whole question is, not what the answer is, but whether the answer is going to be translated into action. The Honourable Member shakes his head.

The Honourable Sir Muhammad Zafrullah Khan: Not in this case. I have given you a quite definite answer, if that is any indication.

Mr. Akhil Chandra Datta: We are none the less anxious to know if the Government are going to give effect to its own verdict expressed in such unmistakable manner so many years ago, and in that hope I do not feel justified in taking up the time of the House a minute longer. Sir, I support this motion.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): I rise to say a few words in support of this motion. The public of Eastern Bengal have for the last fifty years demanded the construction of the Dacca-Aricha Railway, and the Government of Bengal was, until recently, in favour of such construction. The Government of India also favoured the scheme, and the project was actually taken in hand and lands were purchased. Then, what happened? What led the Government of India and the Government of Bengal to change their minds? It has been suggested by my Honourable friend, Sir Abdul Halim Ghuznavi, that the interests of the Steam Navigation Company weighed with the authorities more than the interests of the people of the province, and that was the reason for the change in the mind of the Government of India as well as of the Government of Bengal. But this is not a charge which a single individual has brought against the Government; this is a charge which the people of Eastern Bengal as a whole bring against the Government. I have had occasions to pay visits to Dacca once or twice a year, and I know the feelings of the people of that district. Only a few weeks ago, I had an occasion to pay a visit to Dacca and the steamer, although timed to reach Nurayanganj at 12 o'clock, reached that place two or three hours later. During the winter and summer months, the steamers are always late, and this causes great inconvenience to the public of Dacca and Mymensingh. As regards the support that the project received in the earlier stages from the Government of Bengal and the Government of India, a great deal has been said. The objection which was first raised was on the ground of paucity of funds, but there was no objection raised on the ground of the success of the scheme. Mr. Parsons said in 1930:

“The Railway Board's view is quite definitely this, that of the lines at present in prospect on the East of India, the Dacca-Aricha Railway is the most important. They have no special reason to believe that the existing estimate of the scheme, which is about 186 lakhs, will be largely exceeded in the detailed estimates, though they are prepared for the possibility of a variation from the original abstract estimates, because of the large amount of bridge work in the scheme. On the other hand I have never hidden from my friends on the other side my personal belief that the traffic estimates of the scheme are perhaps even more cautious than our usual traffic estimates and it is because we wish to be certain as to the exact prospects of the scheme and because we do not necessarily wish to drop the scheme, merely if the detailed estimates show some increase in the cost, that we have decided to re-survey the traffic prospects of the line at the same time as the detailed estimates of cost are prepared.”

Thus, there was no doubt in the mind of the expert authorities as to the soundness of the scheme. But subsequently the Bengal Government turned round and put its finger on another aspect of the question. The Bengal Government said that it would interfere with the sanitation of the province. Last year, I asked a question with regard to the construction of this line and was told in reply that the Government now thought that the construction of this line would interfere with the health of the area and on that account it had abandoned the scheme. Now, how will the

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construction of this line interfere with the sanitation of those tracts? By water logging? That is evidently in the minds of the authorities; but could not water-logging be overcome by the construction of large culverts and bridges. If a broad gauge line is constructed this difficulty may easily be overcome, and it is not beyond the competence of engineering science to construct a line in that area in such a way that water-logging may be prevented. I must frankly confess that the reasons on account of which it is now proposed to abandon this project do not appear to me to be grounded on facts. On the question of merits and on the question of finance, the scheme is on a sound footing, and the difficulty of interfering with sanitation may be overcome. I hope and trust, therefore, that the Government of India will change their mind once more and come back to their original frame of mind and agree to take up the construction of this line.

The Honourable Sir Muhammad Zafrullah Khan: Sir, Honourable Members, who have spoken in support of this motion, have said that at one time the Government of India were convinced that the line would be a remunerative one, and, inasmuch as the Bengal Government supported the proposal, it has even been said that they were eager that this line should be constructed—the Government of India had practically decided that it should be constructed. That, I am afraid, is rather old history, so far as this project is concerned. About three years ago, the matter appears to have been reconsidered by the Bengal Government and the Bengal Government then definitely came to the conclusion that the construction of this line was undesirable in the interests of the people of that part of the country inasmuch as it would interfere with sanitation, it would lead to great increase in malaria, it would interfere with agriculture, and that, therefore, altogether it was extremely undesirable that this proposal should be given effect to.

Mr. B. Das (Orissa Division: Non-Muhammadan): It was an afterthought of the Bengal Government.

The Honourable Sir Muhammad Zafrullah Khan: I am coming to that question as to what the position of the Government of India should be in these matters, and, I am sure, that the House will be able to judge to what extent the Government of India are to be blamed in the matter. The Bengal Government addressed the Government of India in this connection and said that the conclusion at which they had arrived was that the danger to public health, agricultural prosperity and river regime far outweighed the benefit to communications which would accrue from the construction of the railway and I shall give from their letter a few details with regard to these matters. They state in that letter, that the construction of an embankment, which would be necessary for the purposes of this railway, would have a detrimental effect on the conservancy of the Dhaleswari river and they think that the premise on which the Committee of 1920 based their favourable decision no longer holds good. Their Chief Engineer of Irrigation, Mr. Addams Williams, strongly opposed the construction of any embankment across the spill of the Dhaleswari, and he was firmly of the opinion that the railway would be found, not so many years hence, to have caused a serious deterioration in public health and agriculture. He also stressed the danger of upsetting the natural regime of a deltaic river by training works designed to hold it in its existing course. In his view, it was impossible to foresee the effect of such training works—the railway project includes training works at Singair, Boyra and above

the Dhaleshwari bridge—on the course of the river in its lower reaches and he pointed out that a small change might endanger the town of Narajanj.

Then, they appointed a committee in 1929, which included the Medical Officer of the Eastern Bengal Railway and the Engineer-in-Chief, Construction, of that Railway, which confirmed the views of Dr. Bentley and Mr. Addams Williams and they were unanimously of opinion that the construction of either a railway or an embanked road was undesirable, because any such embankment must interfere to some extent with the spill flow across the country. The weight of opinion, therefore, of those most competent to form a decision on the matter is opposed to the construction of the railway. The danger to public health and agriculture arising from interference by embankments of any kind with the flow of silt-ladened spill water over the country side and the danger of interfering with the natural development of a river in an active area of the delta by embankments or training works designed to hold it in its course are now more fully realised than they were in 1920 and the Local Government, although they fully recognise that this involves a reversal of the view they formerly held, are convinced that an embankment across the spill of the Dhaleshwari would be a serious menace to the public health and agricultural prosperity of a large area and that the danger to public health and agriculture far outweighed the benefit to communications which would accrue from the construction of the railway. The conclusion which they have reached after the most careful consideration is, that the construction of the railway is altogether undesirable and should not be proceeded with. This letter is dated the 13th September, 1933.

That being the position placed before the Government of India, what is the attitude which Honourable Members think the Government of India should have adopted? The Government of India are not responsible for the public health or agricultural prosperity of the province. Those are provincial matters for which the responsibility rests upon the Local Governments and, therefore, it is the Local Government's view that must be accepted in these matters. Apart from the question of the Dacca-Aricha Railway, look at it as a general question of policy. Should the attitude of the Government of India be, even supposing that they found a particular project was financially remunerative, that, inasmuch as they think that this would be a valuable addition to the communications of a certain portion of the country, and because they are of the opinion that it would bring them an adequate return upon their outlay, they do not care whether the project is likely to injure the agricultural prosperity or the health of that part of the country and insist upon proceeding with it. I am quite sure that if in any case that attitude was adopted by the Government of India, this Honourable House would condemn that attitude and would be quite right in condemning it. The government of this country is based, and is going to be adjusted more and more, upon the federal model where certain matters are to be left to the Provincial Governments and certain other matters are to be reserved for the Federal Government. The Central Government cannot insist that its view must be given effect to whatever the consequences to the people of the country with regard to those matters for which the Local Governments are responsible. If this had been a matter over which there had been a difference of opinion between the two Governments in the sense that the data in the possession of the Government of India had pointed in one direction and the data in the possession of the Local Government had pointed in another direction, then possibly

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the matter might have been resolved by discussion between the two Governments and some sort of a compromise might have been arrived at, but here the Local Government alone is in a position to form an opinion. Apart altogether from that, the entire responsibility for these matters rests on the Local Government and I am quite confident that the House would look at it in this way, that that being the attitude of the Local Government, that being their view on these matters, it was absolutely out of the question that the Government of India should force the Local Government to agree to this line being constructed.

Now, Sir, Dr. Banerjea has pointed out that after all if there are dangers of this kind, it only means that you have got to adopt certain precautions in order to get over these dangers. That may possibly be so. I have not in my possession any kind of information which might show that these are insuperable difficulties. Therefore, I am willing to assume the position that it might be that you could get over those difficulties but you can only do so by a very much larger expenditure of money than was originally contemplated and which, even if the project had been on the original estimates a remunerative project, would immediately convert the project into a dead loss. The only manner in which the desire of the people of that part of the country to have this railway connection, and the opinion of the Local Government that the construction of the line would be a danger to the health and prosperity of the locality, could be reconciled is to decide that in spite of the fact that it would cease to be a remunerative project, we must undertake it at a much larger expenditure of money. If this attitude is adopted the Railway Board would again be prepared to look favourably upon the matter if the Local Government, in the first instance, on a further examination, are prepared to adopt the view that by adopting certain precautions their objections would be fully met, and, secondly, are prepared to say that if this particular line is built and any loss is sustained by the railway as a result of the very much enhanced cost of construction, that loss would be met by the Local Government. With regard to this matter it is not the Railway Board or the Government of India who could be blamed at all. I have not discovered throughout the course of this debate any matter with regard to which any blame could attach to the Government of India. What has got to be done is to press upon the Local Government two considerations. First, if Honourable Members are disposed to think that the view that the Local Government have adopted in this letter and communicated to the Government of India is not founded upon correct data, they must place correct data before the Local Government and then they persuade them to adopt the view that no injurious results would follow upon the construction of this line; and, secondly, to persuade them to offer a guarantee to the Railway Board for the construction of this line where a Local Government is anxious to provide a link in the chain of provincial communications by the construction of a railway line, that is one way of doing it. It has been done to a certain extent in the Punjab, where the Local Government were able to persuade the Government of India to undertake several projects on the basis of a guarantee, and in many of those cases that guarantee has not come into operation because the traffic proved to be remunerative. If this project does not appear to be remunerative, it is only fair that the Railway Board should say: "It is not remunerative on the basis of these particular estimates; if you force us to undertake extra expenditure in order to meet the objections of the Local Government,

then the Local Government must be prepared to guarantee that there would not be any loss on the working of this particular line." If the Local Government are of the view that such a project would definitely prove dangerous to the health and prosperity of that part of the country, the Government of India have not only no means of forcing the Local Government to withdraw their objection but would be entirely unjustified if, merely on the basis of their own estimate of the cost and the estimate of the earnings of this line, they took up the attitude that the Local Government must withdraw their objection. I might add that, as the original survey was undertaken and estimates were framed some time ago we are not quite sure whether the project would still be a remunerative one (Laughter) and that may, I am afraid, prove an additional difficulty in the way. Therefore, I very much regret that with regard to this matter I cannot hold out any hope that, in the near future, this project might become a practical possibility.

Mr. Akhil Chandra Datta: What were the Government of India doing between 1929 and the 13th September, 1933,—before the receipt of that second letter from the Government of Bengal?

(No reply.)

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

"That the demand under the head 'Railway Board' be reduced by Re. 1."

The motion was negatived.

Paucity of Muslims in Railway Services.

Khan Bahadur Shaikh Fasil-Haq Piracha (North West Punjab: Muhammadan): Sir, I beg to move:

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

Sir, in moving this cut motion, I have only to repeat the voice of the Muslim community and to point out that their share in the railway services is very small and that their grade to grade promotions are very meagre. This subject has invariably been discussed almost every year on the floor of this House for a long time past. The thanks are due to the Government for having given a bit of their consideration and for having fixed a definite percentage for the recruitment of Muslims on railways. Although orders fixing 25 per cent. quota for Muslims, on an all-India basis, were issued in 1934, and were supplemented, from time to time, by the issue of further instructions, yet it is strange to notice that the net result of these orders has been that the percentage of Muslims in railway services has actually gone down, instead of going up. There appears to be some inherent defect in the system and it seems that the orders issued by the Railway Board find a place in the waste paper basket in the Agents' offices, and nothing further has been done. To elucidate my allegation, I will narrate a few instances of deliberate breach of these orders by the officials concerned.

[At this stage, Mr. President (the Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

I understand that the railway administrations were instructed through the Railway Board that all vacancies should be advertized and should be given according to the proportion fixed for the different communities, but

[Khan Bahadur Shaikh Fazl-i-Haq Piracha.]

the authorities of the North Western Railway are doing otherwise. From June 1935 to October 1935, about sixteen appointments—two stenographers, eight typists, one litigation Inspector and three clerks—were made without any advertisement in the papers, and without observing the percentage fixed for Muslims. General Orders were issued by the Railway Board that in the matter of promotions from inferior to subordinate grades the percentage fixed for Muslims and other minority communities must be strictly applied, when considering such promotions. But the authorities of the North Western Railway in making promotions from cleaners to firemen, that is from inferior to subordinate posts, issued instructions to all the Divisions that that should not be done. Repeated instructions have been issued by the Railway Board for the appointment of Muslims as head clerks Personal, Office Superintendents, Assistant Personal Officers and Divisional Personal Officers, as and when vacancies occur. But the North Western Railway authorities not only have not made a single such appointment, but, on the other hand, have reduced the number of Muslims in these grades in spite of the fact that there were vacancies of head clerks Personal and Office Superintendents at Quetta, which were filled in by promotion by non-Muslims. From the above instances which I believe to be correct, I speak subject to correction, it will be seen that on a railway which has a preponderating majority of Muslims to be recruited to its ranks, the orders of the Government are flouted and it can be imagined very easily what would be the state of affairs on other railways which have less percentage of Muslims to recruit.

Next I come to the Railway Clearing Accounts Office, which is one of the biggest offices of Railway Accounts administration, the name of which and the state of affairs of which have been repeatedly mentioned in this Honourable House in connection with the paucity of Muslims, for the past so many years. It is sad to note that the result of all the discussions and of all the repeated demands has been to make the position of Muslims of the office from bad to worse and non-Muslim monopoly in all the key posts is on the increase. In order to prove this allegation of mine, I will state and compare the position of various posts held in 1929 as compared with the present year.

	1929.		1936.	
	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.
Director	1	..	1
Deputy Director	1	..	1
Assistant Director	1	..	1
Assistant Accounts Officer	3	..	3
Superintendent	7	..	7
Assistant Superintendents	1	11	..	12
Inspector of States Accounts	7	..	7

Now, I would come to the Office of Divisional Superintendent, North Western Railway, Delhi, where the communal proportion on 1st January, 1929, as compared with that on 1st January, 1936, stands as follows:

	1929.		1936.	
	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.
D. S.		1	..	1
D. P. O.	1	..	..	1
A. P. O.	1	1		1
D. T. O.		1		1
A. T. O.		3	..	3
D. E. N.		2	..	3
S. D. O.		7		7
D. A. O. . . . .	..	1	..	1
D. M. O. . . . .	..	..	..	1
Office Superintendent		1	..	1
Clerks	30	40	11	35

i. e., the position of Muslims in all the posts has become much worse. In other Divisions also the proportion of Muslims has come down and at present there is only one Muslim D. P. O., one Muslim Head Clerk P. and one Muslim Office Superintendent in all the seven divisions of the North Western Railway. I am all the more astonished to see that under the very nose of the Railway Board, that is, in the office of the Assistant Operating Officer not a single Muslim soul is allowed to breathe.

Having stated the state of affairs in some of the offices regarding the position of Muslims, I would now quote a few instances to show what treatment the Muslims are meted out when the question of departmental promotion comes for consideration. I am sorry to say that the Muslims are not given fair treatment and promotions are made according to circumstances suited to benefit the non-Muslim employees and to neglect the rights of the poor Muslims. Sometimes, seniority is considered to be the criterion for promotion, while at other times, personal merits, and sometimes, the system of selection is adopted by the officer concerned. Although I realise that I shall be questioned by the railway authorities present in the House to state from where I got the information and although I feel that certain Muslim employees will incur the displeasure of their officers merely on the basis of suspicion, yet I cannot help quoting a few instances of glaring injustice done to the Muslims in the matter of promotion from which I intend to show to the authorities

[Khan Bahadur Shaikh Fazl-i-Haq Piracha.]

concerned that they should take necessary steps in that direction. In the Railway Clearing Accounts Office, Delhi, a clerk Bhagat Ram, who was junior to at least two qualified Muslims in the grade of clerks, class I, was confirmed ignoring the rights of the Muslims who were senior to him by many places.

The Honourable Sir Muhammad Zafrullah Khan: Surely the Honourable Member does not expect that I shall be able to go into individual cases of the kind that he is about to quote? It would serve no useful purpose to quote them in his speech.

Khan Bahadur Shaikh Fazl-i-Haq Piracha: I want to bring to your notice that such injustices are done, and that instructions should be issued for the future.

Mr. S. Satyamurti: Sir James Grigg is not here! He would jump up now, at this "canvassing of political influence for individual cases"!

Khan Bahadur Shaikh Fazl-i-Haq Piracha: Probably the reason advanced in this case was that the gentleman had passed Appendix D examination, whereas following clear orders of the Controller of Railway Accounts conveyed under his letter No. 59 C. R. A. E. 34 on the memorial of certain clerks in class II of the Railway Clearing Accounts Office for promotion to clerk class I are "In consideration of the relative claims of clerks for promotion to class I it is not the intention that the mere fact of a clerk having passed Appendix D or other equivalent examination should give him a preferential claim for promotion over men who have not passed such examination but otherwise eligible for promotion, (i.e., have passed Appendix C)". Quite contrary to these orders Messrs. Biswa Nath and Bhagat Ram have been confirmed as clerks, Class I, superseding many qualified hands including Muslims. Then another clerk in the same office

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member need not give too many instances. He may give one or two instances just to illustrate his point.

Khan Bahadur Shaikh Fazl-i-Haq Piracha: Very well, Sir. Such has been the case in various other offices where Muslims have been ignored and given no promotion.

There were five vacancies of clerks, class I, in the office of the Bridge Engineer, Jhelum. The Executive Engineer proposed to fill up these vacancies by promotion, two of which were given to Muslims, but the headquarters, not agreeing to the proposal, ordered the Executive Engineer to take men from the Labour Exchange Office who supplied two non-Muslims having only a few months' service, to replace two Muslims who have had eight years spotless service to their credit. It will be curious to note here that the three non-Muslims appointed by the Executive Engineer were allowed to officiate till further supply, and the poor Muslims were shunted out probably on account of their faith in Islam. Although it is said that the Railway Board never interferes in the internal affairs of the various railways, in the matter of promotion and recruitment.

occasionally, however, it seems that this rule is disregarded. On the Eastern Bengal Railway four men were selected for appointment as Commercial Inspectors, two of whom were Muslims, but it was pointed out to the Agent by the Railway Board that direct recruitment for these posts were not the policy of the Railway Board, as a result of which all the four posts were filled up by non-Muslims and thus two Muslims were very cleverly eliminated. In citing some of these cases I mean only to show to Government, how their Resolution of fixing the quota for the Muslim community as regards the railway services is acted upon; and it is a point to be seriously considered as to how many years it will take for the Muslims to have their full share in the railway services. Owing to the methods adopted and the tactics played in keeping out Muslims from the services and from getting promotions, I think centuries will be required to bring them to the level required. Unless and until Government take a keen interest in the matter and stop the recruitment of any other community, until the Muslims attain their full quota, this question will always remain a disturbing factor, and the Resolution of Government will remain ineffective and a dead letter. I would earnestly request and suggest to Government to review their Resolution and find means and ways to redress this long-standing grievance of the Muslim community. The Muslims think that their recruitment to the posts of *chuprassies* and clerks at a pay of Rs. 15 or Rs. 35 is absolutely useless, unless and until grade to grade promotions are given to Muslims already employed in the Railway Department on the basis of the share fixed by Government for them. Muslims at present are in a negligible percentage in the service in superior grades and, as they have been held back from entering the services up till now, it is absolutely impossible for any Muslim to rise to a superior post throughout his life, there having been hundreds and thousands of non-Muslims much senior to them who entered service much earlier.

In one of the speeches on the floor of this House Mr. Hayman, member of the Railway Board, had stated, that no Muslims have been superseded so far as promotion to the administrative gazetted ranks were concerned. In another speech he said that arrangements were being made for affording special facilities to the Muslims to get necessary training which would fit them for senior subordinate posts for the railways. Many years have since passed away and yet no Muslim officers have been promoted to administrative rank nor has the proportion of Muslims in gazetted and subordinate ranks improved. Now that the railways are to be handed over to a statutory authority, not responsible to the Assembly, we, the Muslims, have reason to fear that the Muslim community will become more slender than ever, as far as the railway services are concerned. I deem it, therefore, essential, that Government should see that the interests of Muslims in railway services are adequately preserved before the railways are handed over to the Statutory Board. It will be seen that the number of Muslim officers in the subordinate branches dealing with Establishment is hopelessly inadequate. Sometimes back, hopes were given on the floor of this House to give consideration to the appointment of two Muslim Deputy Agents. Not to say of the appointment of Agent or Deputy Agent not a single Muslim has even been appointed as a Secretary or an Assistant Secretary of the Railway Board.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has only one minute more.

Khan Bahadur Shalkh Fazi-i-Haq Piracha: Having admitted the fact of inadequate representation of the Muslim community in the establishment branches, the Railway Board some times back was pleased to observe and order that preponderance of any one community in the establishment of railway offices should be avoided. But with all this if figures are taken today of the establishment branches of the railway offices, it will be seen that the Muslim position is as hopeless as ever. In some of the most important offices of the establishment branch the existence of even a Muslim clerk has not been allowed.

Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Cut motion moved:

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

Bhai Parma Nand (West Punjab: Non-Muhammadan): Sir, I would not have intervened in this debate but for the remarks of my Honourable friend, Maulana Shaukat Ali, in his speech yesterday. My Honourable friend referred to me as a brother communalist. I confess I am not ashamed of being called communal.

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): Brotherhood!

Bhai Parma Nand: But I want to point out that my communalism is not that communalism which is so often talked about. My communalism is purely defensive in its character. It has nothing of aggression or aggressiveness in it.

An Honourable Member: Your communalism is *Bhaism*.

Bhai Parma Nand: I shall explain my position and say how my communalism is defensive. I want to draw the attention of this Honourable House to the fact that all these years, when the Constitution of this country has been under discussion, the body which I represent has definitely proclaimed its position, and advocated that the Constitution, the machinery of Government and even our politics should be altogether dissociated from religion, kept free from communalism. We have been preaching and advocating this theory all along, and expressing our readiness to act upon it. Then, there came a time when we say that the Government, either forced by our Muslim friends or for certain reasons of their own, were determined to introduce communalism in the Constitution of this country. We did oppose it as best as we could, but we had to submit to it. Then, there came the stage when communalism was to be introduced in the machinery of Government. There were motions in the Assembly that Muslim representation should be fixed in all the public services. I should say that I for one opposed this move tooth and nail. I held that the services should be kept free altogether from this disease, this poison of communalism, because if that was introduced so deeply into society, it would mar our future and stop our social and political progress altogether.

Captain Sardar Sher Muhammad Khan (Nominated Non-Official): Untouchable Muslims.

Bhai Parma Nand: But, Sir, we had to yield to that too, and then after the Communal Award of the British Government, we had another Order-in-Council issued by the Government of India fixing the communal proportion in services and in all departments under the control of the Government of India. In spite of all our opposition, we could not—at least speaking for myself—do anything, but had to submit to it.

Coming now to the main point, I believe everybody knows that the railways are a commercial concern.....

Mr. Muhammad Nauman (Patna and Chotta Nagpur *cum* Orissa: Muhammadan): If it is a commercial concern, all sorts of people should be there.

Bhai Parma Nand: I have never seen any commercial concern or any trading society adopting the theory of communal proportion. These concerns and trading companies should employ men who are best fitted for employment and whom they can make the best use of in order to make the concern profitable and successful. If we begin to discriminate on the basis of religion in a commercial concern, I doubt very much if that concern can ever succeed. Now, Sir, so far as the railways are concerned, a proportion for communal representation has been fixed. Even after that, it is very surprising that we see the cry raised that there is a paucity of Muslims in the railway services and that the Government are neglecting their rights. We all know that a special officer, Mr. Hassan, was appointed to investigate into the matter; he issued a report, which was laid before the Assembly and discussed. My point then was that if we took all the railway services, on an average about one-fifth was composed of Muslims. It should be remembered that Hindus first took to the railways: they took a great part in building the railways all over the country. In the Punjab, in the early days, when the North Western Railway came into being, neither Hindus nor Muslims were educated, and it was mostly the educated from Bengal who came and filled practically all the offices in the North.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official):..... and Anglo-Indians?

Bhai Parma Nand: I am referring to Bengal Hindus even if it be admitted that the Muslims have not got their full share of appointments according to the ratio of their population, whose fault is it? They went into other lines, for which they considered themselves more fit. They did not take to English education and remained backward. Naturally, they ought to suffer for their backwardness and wait till they are gradually taken into the railways.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): But we must help them.

Bhai Parma Nand: They are pressing their claims on Government, because Government listen to them following a policy of their own design. Let me take one simple example. There is the profession of law. It is not controlled by Government. Everybody is free to enter into it. Till ten or fifteen years ago, there were very few Muhammadans in that profession in the Punjab. If they have taken to English education and come into the profession, no one would grudge them. In some districts of our

[Bhai Parma Nand.]

province, Muslims are leading lawyers and there are among them who have risen to high positions by their own efforts. We welcome this competition. We want them to rise and join us in all kinds of public services. But, Sir, we have a serious objection to this procedure, that a special officer should be appointed in order to look to the recruitment of one community in the services. But, in spite of that, . . .

The Honourable Sir Muhammad Zafrullah Khan: There is no special officer to look to the recruitment of one particular community in the service.

Bhai Parma Nand: What was that question and answer about then?

The Honourable Sir Muhammad Zafrullah Khan: The question was whether this officer was appointed to look after communal recruitment and the reply was, that as the work on the establishment side had increased considerably owing partly to the consideration that these returns had also to be looked into, the post of an additional Deputy Director of Establishment had to be created.

Bhai Parma Nand: So this was a part of his duty?

The Honourable Sir Muhammad Zafrullah Khan: Yes; but not with regard to any particular community: it is to see that the orders of the Government of India in this respect are carried into effect with regard to all communities.

Bhai Parma Nand: That is right: with special reference to the minorities; that was the order of the Government of India and he has to follow that order. I will just quote some instances to show how this order is being followed. My point is simply this. My friends, Maulana Shaukat Ali and other Muslim friends in the Assembly, ought to be satisfied that the Government have yielded not one step, not two, but three steps: Muslims have been given communal representation in the Constitution; they have been given communal representation in the services; and they have now been given communal representation in the commercial field also—a ratio has been fixed for the railways on which strict action is being taken; there is no doubt about it. Now, I want to bring to the notice of the Honourable Member for Commerce . . .

Maulana Shaukat Ali: On a point of a personal explanation, may I tell my brother that I have no faith in Government intervention on our behalf: I want to leave my case to the advocacy of Bhai Parma Nand.

Bhai Parma Nand: I had no mind to speak about it till now: but since the Maulana Sahib and his other friends are still talking about this paucity and yesterday he too supported the Honourable Member from Madras, I had to explain the other side. It is based on a well-known fact that for the last six or seven months advertisements have been appearing in the *Tribune* and other papers which say in plain words that no Hindu should apply for these posts. There were 19 vacancies for posts of guards. The proportion given was that there should be 14 Muslims, one Anglo-Indian and one Indian Christian or other minority communities, and 17 Muslims were taken.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has got one minute more.

Bhai Parma Nand: Here I have got two or three cases: The *Tribune* of the 5th December last: applications invited for 85 vacancies for apprentices: proportion fixed is 54 Muslims. Parsis six, Christians six, and 19 other communities. The name "Hindu" of course must not be mentioned in any Government order. (Laughter.) That is the opinion of the Leader of the House. 54 posts means 64 per cent. Yesterday, the Honourable Sir Zafrullah Khan was telling us that 60 was the percentage fixed in the North Western Railway. Here is an advertisement saying that 54 posts or 64 per cent. should go to Muslims. Again, there is another advertisement on the 21st December last: it is for nine vacancies of foremen and assistant foremen: the communal proportions are five for Anglo-Indians, three for Parsis and others; and one for other communities—no place at all for the Hindus. Then, there is another advertisement issued by the Agent of the North Western Railway in the *Tribune*, dated the 27th December last, inviting applications for 50 vacancies in the station master's group in the following communal proportion: 34 for Muslims, i.e., 68 per cent., three for Europeans and Anglo-Indians, i.e., six per cent., for other minority communities—Indian Christians, Parsis and Sikhs six, and for others six. I want to impress upon the Honourable Member that Hindus are not mentioned at all in these advertisements: he should fix a certain percentage for the Hindus also. If 60 per cent. is to be fixed for Muslims in the North Western Railway, since the Hindus live also in that province and the railway runs through that province, why should he not fix a certain percentage for the Hindus as well? Let it be 10 or 20 or 50—any proportion he thinks fit, but something must be fixed. I have been informed by people who have served in the Railway Department, whose sons have served in that department and who have come to me and complained: "These are the conditions now obtaining: this is the reward that the Government are giving to us for our services for all these generations."

Mr. S. Satyamurti: You want to be slaves for ever!

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member will conclude his speech.

Bhai Parma Nand: My complaint is, there are more than enough Muslims in some departments of the railway. I take three departments. The total number of drivers on the North Western Railway is 863.....

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair would ask the Honourable Member to conclude his speech. He has exceeded his time.

Bhai Parma Nand: I do not speak often, Sir. I shall finish soon. Out of 863 drivers, 501 are Muslims and 114 only Hindus. Again, of the 720 shunters on the North Western Railway, Muslims are 509 and only 140 are Hindus. And, thirdly of the firemen whose total is 2,673, the Muslims are 1,801 and the Hindus are only 608. The inference is plain that the percentage of Muslims in all these departments is more than 60 per cent. I say, therefore, that this grumbling is useless. In time, the Muslims will also get to the higher posts, where even now there are no Hindus serving. I just want to mention one more point before I finish.....

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member must conclude his speech.

Bhai Parma Nand: Only one minute more, Sir.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member will kindly sit down.

Mr. Muhammad Nauman: Sir, in supporting the cut motion on the "Paucity of Muslims in Railway Services", brought by my Honourable friend, Mr. Piracha, I want to draw attention of the Government to only one fact that, in spite of our repeated requests and demands for adequate representation of Muslims, the progress has not been as satisfactory as we wanted or expected. Of course, Bhai Parma Nand has intervened to say that we should not have made the demand on a communal basis. Unfortunately, as the country is situated today, the idea of religion and sectarianism has a predominant influence on everybody's mind here. It is not that we relish it, but we are dragged into it for the reasons of selfish and communal mentality of other communities in India: we feel that we would not be secure unless proper representation is given to us on a communal basis everywhere, in administration and in services. Really it is unfortunate, and I do believe that communalism is hampering the progress and national growth of this country, and every day in India communal jealousies are dragging their land to a very much worse position, but, as things stand, we have to clamour for communal representation in the services. What I wish to point out is this that, in spite of the circulars issued by the Government and the frequent promises held out by them about five or six years ago, those promises have not been translated into action as yet. They say that, in regard to recruitments, they are trying to give us the required percentage, but I do not know why Government could not have taken steps to rake up the required percentage within the shortest time possible by stopping the recruitment of the over-represented section, that is to say, to recruit members from those communities only which are not properly represented as against those who are over represented. This has already been done in Bihar and Orissa. In the registration department in Bihar and Orissa, the Muhammadans were over-represented, and actually for quite a few years recruitment of Muslims was stopped in that department by the order of the Executive Councillor there. Now, Sir, if such a thing was practised and made possible in one province, I do not see any reason why the Government of India also should not adopt the same method and do justice to those communities who are not properly represented.

Then, again, Sir, there are so many things on which the question of promotion rests, and I would ask the Honourable Member in charge to consider this aspect of the matter also seriously, because, even if Government give us the percentage fixed in initial recruitments of the services, that is hardly sufficient, because I feel that the division should be made on a money basis and not on the basis of number of posts. What I mean is this. If you recruit only Muslims in the grade of Rs. 10 to Rs. 200, and if you keep all the high salaried posts to members of others communities, the result will be that in spite of the fact that we may get our 25 per cent. or 30 per cent. proportions in the services, we would not be getting actually even five per cent. of the total salaries when the higher services are held by others. Therefore, I say that the division should be on money basis and not on the basis of number of men recruited in the services,

and, as such, the question of promotions to higher grades is equally essential.

Sir, whenever the question of representation of Muslims in the services was raised, the Government reply invariably was that suitable and qualified Muslims were not forthcoming, and consequently they could not be appointed in large numbers. In the year 1931, the Government, after investigating the matter through their officials, had to admit that properly qualified Muslims were available in sufficient numbers and that they were not given their due share in the services. May I say why it happened, either due to certain prejudices of other communities or to want of sufficient influence in high quarters. The percentages were fixed for the recruitment of members of the various communities, and the arrangement was worked up to some extent in regard to Muslims. Notwithstanding the strict orders issued by the Government in this connection, complaints are still pouring in and specially in the Company-managed railways to the effect that the Government orders are not being carried out to the extent they should have been and ways and means are devised to circumvent those orders. Sir, in the headquarters office of the North Western Railway, several posts of typists and stenographers were recently filled by non-Muslims without publishing any advertisement in the press. Besides, in the East Indian Railway section, their circular is absolutely ignored. I would request the Honourable Member in charge to kindly investigate and let me know if my informations are correct, that is to say, whether the posts of typists and stenographers have been filled up in that office by non-Muslims without properly advertising for those posts in the papers, although it was clearly and definitely stated by Government that they would always advertise for such posts and then give due and adequate share to Muslims. Direct recruitment in the accounts grade has been altogether stopped, and Muslim employees are being deprived of getting their due share of promotion. Vacancies in subordinate grades are being filled in by promoting non-Muslims from inferior grades. Another point on which many complaints have been made relates to promotions to higher grades and recruitments in the lowest grade of Rs. 16—20 for poor Muslims. Although the Government have admitted the fact that Muslims had not been given their due share in the service as yet, they do not realise that, in the matter of promotions, too, the rights of Muslims are also being trampled down. One of the main reasons urged to stop promotions is efficiency. Sir, the anomaly of the word "efficiency" is such as is difficult to understand. In my capacity as "Deputy President of the Railway Employees Muslim Association", I know specific cases of injustice, and I have the file here. Of course, I do not like to cite those specific instances in which promotions have been held back, although I have got a number of such specific instances with me which I can produce before the Honourable Member if I am called upon to do so. I consider, it is somewhat unpleasant to enumerate them here, but there are doubtless cases in which officers in the higher grade have either dragged down Muslim subordinates who should have been promoted or superseded them for no rhyme or reason. Personal whims and prejudices of these higher officers devise means to find fault with the Muslims in the name of 'efficiency'. One officer considers a subordinate as quite efficient, while the same subordinate is considered inefficient by another officer, and a third officer, again, certifies the same subordinate as perfectly efficient. Whether the subordinate was really "inefficient" or "efficient" is a matter of opinion based on no reasons except of favours. I do not know how this evil of prejudices can be removed in this country.

[Mr. Muhammad Nauman.]

As regards figures, Sir, my friend, Mr. Piracha, has already given figures exhaustively. Of the lamentable position of Muslims, and I do not want to take the time of the House by repeating those figures. The only point I wish to emphasise is that the Government should take into consideration the fact that the Muslim community does not at all feel satisfied with the method in which progress has been made in carrying out their orders up till now in respect of the representation of Muslims in the services, and we the Muslims feel that justice is not being meted out to us although promises have been held out a long time ago. Mr. Hayman, in the year 1930, when the Railway Budget was under discussion, gave us a definite undertaking to the effect that as many Muslims as were properly qualified under the rules laid down by the Railway Board would be appointed and that Muslims will meet justice unless Government rules were defective. We do not say that the rules are defective, but the procedure is defective, and we certainly feel that we have not secured the proper share of representation in the services as yet. Progress is slow and is in the hands of such officers of other communities who do not want to make it possible. This is what the Honourable Mr. Hayman remarked in 1930:

"I do not think the House would care, in view of the information I have given, to follow Mr. Ghuznavi through the figures he has quoted of the paucity of Muslim officers in our services. The paucity is there, because we began very late. We are out to do everything possible"

This was a definite promise made six years ago, and, so far as our experience goes, we find that the position remains, if not worse at least the same. I would, therefore, draw the attention of the Government to see that everything possible is done to meet out proper justice to Muslims by appointing properly qualified Muslims in the services in order to make up the proper percentage in the shortest possible time.

Sardar Sant Singh (West Punjab: Sikh): Sir, the Mover of this cut motion has my full sympathy in his honest efforts to improve the lot of his own community. I will like to add, if I may, that he should be equally as serious and persuasive in the discharge of his duties as a Member of this House when questions are raised in the House relating to the improvement of the economic condition of his community along with other sister communities of India. I hope that he will show the same zeal and the same zest when the Ottawa Agreement comes for discussion. We will judge him then whether he seeks for the cheap notoriety that such cuts gain, or he is really serious about the well-being and the economic condition of the great masses that cannot have the ambition of entering into Government service. The time is shortly coming to test him. Let me now make just a few observations on the particular subject before the House now.

I deliberately did not give notice of any cut motion in order to draw attention to the inadequate representation of the Sikhs in the railway services. My reason was that, during the last meeting of the Standing Railway Finance Committee, when the appointment of the Deputy Director of Establishment was considered, I put a simple question to the authorities whether the Railways were a commercial concern or a political concern. To such a question there could be only one reply, and that was that it was a commercial concern. Then I asked, why was it that the Railways are appointing officers to look after the interests of the minorities in the services, and why should there be fixed any proportion in the services at all

for the minorities in India in a commercial concern? There was a straightforward reply and I appreciated it. The reply was, that that was the policy dictated by the Home Department and the railways were bound to carry out the policy. My next question was, if the policy was dictated by the Home Department, why should not the Home Department pay for that policy? In the proceedings of the last meeting of the Standing Railway Finance Committee, Honourable Members will be pleased to see the three reasons on account of which I opposed that particular appointment and one other appointment. I am sorry to find that the policy of benevolent neutrality towards the Communal Award and the Communal Service Award adopted by the Congress Party in this House, the policy of aggressive Muhammadanisation represented by my Honourable friend, Maulana Shaukat Ali,

An Honourable Member: The Maulana is a lamb: there is no aggression at all.

Maulana Shaukat Ali: I shall vote with you.

Sardar Sant Singh: the policy of defensive communalism adopted by my Honourable friend, Bhai Parma Nand, leaves two communities, both minorities, to their own resources. The one is the Sikhs represented by Sardar Mangal Singh and myself in this House and the second is the Parsis represented by my Honourable friend, Sir Cowasji Jehangir and my Honourable friend, Sir H. P. Mody, who is absent today.

An Honourable Member: Dr. Dalal.

Sardar Sant Singh: He is a Nominated Member. I believe neither in the policy of benevolent neutrality nor in a defensive communalistic policy. I am one of those who believe in the method adopted by Euclid in propounding his propositions. The evils of communalism can only be appreciated and its effects fully realised by the administration and even by the communities concerned who are taking advantage of that, when this communalism has been taken to that pitch where the whole thing will appear as absurd,—*reductio ad absurdum*, as Euclid calls it. After all, per cent. cannot be more than 100. How can any administration on the face of the earth provide Anglo-Indians with their Knight defender, Sir Henry Gidney, who makes an annual pilgrimage to England and who claims a divine right for his community in the railways

Lieut.-Colonel Sir Henry Gidney: Why can't you do the same? Can you?

Sardar Sant Singh: They are not content with percentage of their population. They want some weightage.

Lieut.-Colonel Sir Henry Gidney: We do not want any weightage.

Sardar Sant Singh: If it is going to be population basis, 100 will be 100, but if we are going to give weightage, 100 must be 120 or 140, by the clever jugglery and manipulation of figures by some clever Member of the Finance Department.

An Honourable Member: In their case, one is equal to *sava* lakhs.

Sardar Sant Singh: Yes, one is equal to *sava* lakhs. So long as this Communal Award remains, as long as it is supplemented by the Communal Service Award, there can be no such thing as honesty in the administration of any commercial concern or of any department of the Government. I am here to state, and I challenge somebody to disprove it,—how can you call the Railway Department a commercial concern when political considerations intervene in its formation and in its carrying out its duties? For about two years efforts have been made to give more posts to one favoured community. May I ask how can that be done except at the expense of some other community? That other community must suffer. An injustice to the other community is involved in the very conception of the idea of weightage. Does the Government mean to perpetuate injustice? Then the best method would be a cut and dried method. Take a note of the different establishments in the departments, and fix a proportion. Turn out all those, whether they have done ten years, or 15 years or 20 years, service—who are not of the particular community, put others in several grades and be done with that once for all. That guillotine will serve you much better. It will leave less poison in the country than you are doing now. The man that suffers owing to injustice done to his right by his superior carries a grievance against the Government and becomes the deadliest enemy in his heart of hearts. My Honourable friends over there may like it because they want that the country should be filled with grievances

Mr. M. Asaf Ali (Delhi: General): A seething cauldron of indignation!

Lieut.-Colonel Sir Henry Gidney: Why not practise what you screech in the Punjab?

Sardar Sant Singh: We do not permit Anglo-Indians to come in our way.

Lieut.-Colonel Sir Henry Gidney: Nor do we permit you to take our railway jobs away.

Sardar Sant Singh: My point, therefore, is if there is to be a settlement of the communal problem, that settlement will have to be based upon some principles of justice, equity and good conscience. That principle has not yet been discovered by the Government of India. Even our super-politically conscious, economically superior friends the Parsis, who are represented by my Honourable friend, Sir Cowasji Jehangir,—noticed the lengths to which the weightage was going and were in a moment of despair, enquired—what about Parsis' representation in the services? A time will come when every community will demand its just quota in the services of the land. What will you do then? Therefore I will suggest that the policy underlying the Communal Award should be revised at the earliest opportunity. I am myself thinking of giving a drastic cut in the General Budget relating to the Home Department, which is responsible for this policy and then I will discuss the whole question with the Government. At this stage I must say that the Muslims should have some regard for the feelings of other communities.

They are going ahead with a greater speed than is desirable. We, Sikhs, who are only 14 per cent. in the Punjab are not given our population share even. I challenge the Honourable the Railway Member to tell me if he can prove that in the Punjab, on the North Western Railway, the Sikhs in the railway employment are even equal to the population basis.

Captain Sardar Sher Muhammad Khan: Much more.

Sardar Sant Singh: I do not want irresponsible remarks from the representative of the Army. My submission is that we are actually waiting for the time when Government will find themselves in difficulties and will revise their policy.

An Honourable Member: You have more people in the Army.

Sardar Sant Singh: If the Government were to give this undertaking that we will get in the Army what we had in 1912 and 1913, I will be satisfied to leave the railway.

An Honourable Member: Will you join the Army?

Sardar Sant Singh: I will join and I will ask my sons to join. I will conclude my speech by saying that the Honourable the Railway Member should guard himself against the inroads made by one community on his equitable and just principles. Therefore, I oppose this motion.

Captain Sardar Sher Muhammad Khan: I did not want to intervene in this debate but on account of my friends, Sardar Sant Singh and Bhai Parma Nand, I have got to say a few words. My friends said that the railway is a commercial concern and, therefore, why introduce communalism into the railway? If railway is a commercial concern, is the Honourable Sir Muhammad Zafrullah Khan a director or manager or is he a Member of the Cabinet of the Governor General of India? When a Railway Department is run by a Cabinet Member of the Government of India, it is not really a commercial concern, though in one sense it is a commercial concern. This railway service is just like any other service under the Government. Therefore, this argument cannot be accepted. The second argument advanced by my friend, Bhai Parma Nand, is that he does not find the word 'Hindu' in the railway service. If he just looks behind the Honourable the Railway Member, he will find Hindus. If he looks towards the official gallery, he will find Hindus there. Now, we must face facts. In the North Western Railway, I must admit that the Agent or the authorities in the Punjab are really doing their level best to bring the minority community who are not represented in the railway service up to its proper level.

Bhai Parma Nand: Are they not represented in the Army much more than their percentage?

Captain Sardar Sher Muhammad Khan: In the month before, on the North Western Railway, I have seen an advertisement in the papers that they wanted to fill 50 vacancies of the grade of station masters and assistant station masters and they distinctly laid down that 85 vacancies

[Captain Sardar Sher Muhammad Khan.]

should go to Muslims. Similarly there was another advertisement, in the commercial group there were 35 vacancies and out of these 12 or 14 were to go to Muslims. I do not know about the position in other railways, but in the North Western Railway, where the Muslims form 80 per cent. nearly, the railway authorities are doing their best to redress the grievances of the minorities. My friend, Sardar Sant Singh, whenever he gets a chance, asks about the Communal Award. He says he will move a drastic cut. But he knows very well who is to blame for this Communal Award. Sir Henry Gidney will bear me out when I say that he knows very well whose fault it is, if the Communal Award was made. With these words I support the motion.

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

The Honourable Sir Muhammad Zafrullah Khan: I made the position clear with regard to these matters when I replied to the cut motion regarding the paucity of Muslims on the Madras and Southern Mahratta and the South Indian Railways yesterday. I have not the slightest desire to follow Honourable Members into the arguments that they have put forward. As I said yesterday, apart from the merits of the controversy one way or the other, I am bound by the orders that have been issued by the Government of India in connection with this matter. I have explained what these orders are. My responsibility is to see that those orders are carried out. I have no power to enlarge the scope of those orders, nor will any kind of pressure induce me to do so. On the other hand I have every intention that I shall take all reasonable and possible steps to enforce them.

Khan Bahadur Shaikh Fazl-i-Haq Piracha: In view of the statement just made, I want to withdraw my motion.

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

Policy of contracts on the North Western Railway—Contracts for loading and unloading, for coolies and for refreshments.

Mr. H. M. Abdullah (West Central Punjab: Muhammadan): I beg to move:

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

Sir, this cut is proposed in order to bring to the notice of the Government the step-motherly treatment meted out to Muslim contractors in the matter of giving out Railway contracts on the North Western Railway

Sardar Sant Singh: I rise to a point of order, Sir. The motion relates to the policy of contracts on the North Western Railway for loading and unloading. In my opinion, this motion can discuss only the policy underlying it—not the communal policy, but the general policy of the administration. The contracts are for loading and unloading.

Mr. President (The Honourable Sir Abdur Rahim): Let the Honourable Member go on.

Mr. H. M. Abdullah: First of all, I take the contract for the sale of ice and aerated waters.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, on a point of order. Can that be taken, —the question of the contract for the sale of ice and aerated waters on the North Western Railway, on this? This motion refers to the contract for loading and unloading. He should restrict himself to that? He is speaking also on motion No. 116?

Mr. H. M. Abdullah: Sir, the North Western Railway was originally divided into three sections for the purpose of these contracts, but as the arrangements proved unsatisfactory, the line was divided into four sections. But now again the authorities, I understand, propose to amalgamate the four sections into three, though the four-section system has worked quite satisfactorily for the last fifteen years. How far is this advisable, Sir? May I know, Sir, whether the findings of the authorities then in 1922 were wrong, about the unsatisfactory working of the three-section system, or the authorities intend to enjoy the pleasure of trying again what has already been fully tried at the cost of the public tax-payer? There had been one Muslim contractor, out of the four, that is, twenty-five per cent. when the percentages of the population through which the North Western Railway runs were neither worked out nor fixed, but now, when the Government have realized the genuineness of the grievances with regard to the Muslim rights, and have fixed the percentages, this twenty-five per cent. portion, in the case of contracts for the sale of ice and aerated waters on the North Western Railway has been withdrawn

Mr. Lalchand Navalrai: Sir, on a point of order, the Honourable Member is again referring to ice and aerated waters. (Laughter.)

Mr. President (The Honourable Sir Abdur Rahim): Let the Honourable Member go on.

Mr. Lalchand Navalrai: Sir, I want to make myself understood to the Chair and my point is this. My Honourable friend said that he is moving the cut No. 117, which refers to the policy of contracts on the North Western Railway for loading and unloading, for coolies and for refreshments, but he has begun his speech by speaking on motion No. 116 which refers to contracts for the sale of ice and aerated waters. He has been up to now speaking on that

Mr. President (The Honourable Sir Abdur Rahim): I suppose aerated waters are some sort of refreshment. (Laughter.)

Mr. H. M. Abdullah: . . . as there was not a single Muslim contractor out of the three at the close of 1935. This has been simply due to the preponderance of the non-Muslims in the railway administration. Sir, sometimes tenders are even not called for so as not to give a chance to the Muslim contractors, as has in fact happened this year. The contracts are again being given to those non-Muslims who held them before. Whenever tenders are even invited, the Muslims are not treated fairly, as a result of which almost all the contracts are given away to non-Muslims. Thus the authorities trample over the rights of the Muslims

[Mr. H. M. Abdullah.]

in this respect Unfortunately, the Muslim contractors are not allowed to supply these things to their Muslim brethren, who form a clear majority in the population of the areas through which the North Western Railway runs.

Babu Baijnath Bajoria (Marwari Association : Indian Commerce) : You want a "percentage" even in contracts ?

Mr. H. M. Abdullah : Yes. How can the Government justify their action for the exclusion of the Muslim contractors from their legitimate right and privilege of serving their fellow-Muslim passengers travelling on the North Western Railway ?

Bhai Parma Nand : Did not they submit their tenders ?

Mr. H. M. Abdullah : No tenders were invited. As the new contracts for 1936 are being considered by the North Western Railway authorities and are to be finally settled by the 15th of March, 1936, immediate intervention of the Government is required to enable the Muslims to have their due share in these contracts. It is suggested, therefore, that the original four section scheme should not be replaced by a three section system. Under the circumstances it would be justified, in the name of bare justice, that the Government should adopt means to enable Muslims to get the contract for at least one section, for the current year 1936, if it is not considered possible at present to give the Muslims their due share in these contracts. For the future, the Government are requested to give the contracts for two sections out of four sections to the Muslims. And, further, such contracts should be for a period of one year only. Sir, the second point to which I draw the attention of the Government is the favouritism shown by the authorities in regard to the contracts for loading and unloading, for coolies and for refreshments. In connection with loading and unloading contracts, there is a paucity of Muslim contractors. In addition to this, neither tenders are invited, nor any specific time is fixed, for the duration of these contracts. How far this method is commendable in the eyes of the Government is a matter that I humbly submit for your consideration, Sir. Sir, the Government should adopt means to see that the favouritism shown to the non-Muslims should be discontinued by fixing a specific period for the tenure of these contracts, and while giving these contracts again the interests of the Muslims should be safeguarded, by giving them their *due share*. The third point is that the present arrangements for the supply of coolies for the removal of the luggage of the travelling public from and to the trains and *tonga* sheds is most objectionable, from the point of view of the public comfort. As a matter of fact there does not appear to exist any satisfactory arrangement for the supply of these coolies. The Government Servants' Conduct Rules specifically lay down that the Government servants are not allowed to be connected with any business directly or indirectly, but strange are the ways of the North Western Railway administration that the Station Superintendents and the Station Masters are also made to work indirectly as the contractors for the supply of coolies at their stations in contravention of the Government Servants' Conduct Rules. Such officers get their coolies under the management of the Jamadars who are active

partners in their lucrative business. The main defect of the present arrangement is that when the passengers complain about the misbehaviour of the coolies towards them, they are not in a position to take any action against the coolies. The passenger is put off on some flimsy pretexts to protect their own interest in order to escape the disclosure of mismanagement caused by themselves. Consequently there is no independent responsible person to whom the passengers may report and get their grievances redressed.

As regards contracts for refreshments, there are certain stations where the contractors of one community alone are being favoured to supply the refreshments to all the communities. For instance, the Government might be aware of the state of affairs at Amritsar and Delhi stations. At Amritsar there is a Hindu contractor while at Delhi there is a Christian contractor. Such contractors indirectly sublet their contracts to Hindu or Muslim vendors with the result that the travelling public do not get proper food as these sub-contractors have to pay a fixed monthly amount to the holder of the contract in addition to their own profits.

In conclusion, I wish to say that the Muslims are not getting their fair and proper share in these contracts.

I would request the Honourable Member for Commerce and Railways to look into this matter and try to redress the grievances of the Muslim public.

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

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

Mr. Lalchand Navalrai: Sir, I am sorry I cannot see eye to eye with my Honourable friend who has introduced this communal bias even in the matter of contracts. Sir, we have enough of communal representations and communal questions in other spheres, but here we find an Honourable Member coming forward to enbarrass the Honourable Member for Commerce and Railways even in questions of giving out contracts. Now, no one can say that there is any Regulation or Resolution of the Government or of the Railway Board directing that contracts should be given on communal basis or that one party should take it only on the ground that he is a Muslim or a Hindu or a Christian. The point at issue is this: should these contracts be given by favours or on account of certain concessions or that they should be given on a just and right basis.

The Honourable Sir Muhammad Zafrullah Khan: The point of the Honourable the Mover of this motion is that these contracts are given on a communal basis.

Mr. Lalchand Navalrai: I say, they are not. I will explain presently.

The Honourable Sir Muhammad Zafrullah Khan: I am glad to hear that from the Honourable Member.

Mr. Lalchand Navalrai: My Honourable friend, the Mover of the cut motion, seems to want that the contracts should be given in such a manner that even the highest bidder should not get it, but that it should be given on communal considerations to any man whatever be the sum which he bids for the contract. This is what it comes to. Suppose a Muslim contractor wants to bid only for Rs. 500 whereas another man belonging to another community prepares to bid for Rs. 1,000—then if you introduce the communal principle, you have to give the contract only to the Muslim although his bid is less than the other one and in this way the railway administration would surely lose a lot of money.

The Honourable Sir Muhammad Zafrullah Khan: What is the point which the Honourable Member is trying to make? Does he mean that these contractors pay these amounts to the officers?

Mr. Lalchand Navalrai: They do not pay these officers.

The Honourable Sir Muhammad Zafrullah Khan: How does the question of payment arise then?

Mr. Lalchand Navalrai: When the Honourable Member goes round *in cognito*, as he says he does, he would see what takes place. He would see things for himself.

The Honourable Sir Muhammad Zafrullah Khan: That is what I am asking him. Whom do they pay?

Mr. Lalchand Navalrai: The Honourable Member has misunderstood me. I will make it clear. My point is by way of an illustration that if tenders are called for and supposing a Muslim tender is for Rs. 500 and a non-Muslim tender is for Rs. 1,000.....

Some Honourable Members: No tender is called for.

The Honourable Sir Muhammad Zafrullah Khan: They would ask for rates. Do you mean to say that a soda water vendor would quote Rs. 500 for a bottle of soda.

Mr. Lalchand Navalrai: Supposing a Muslim vendor quotes a certain rate which is heavier than the rates quoted by a non-Muslim, to whom are you going to give the contract?

The Honourable the Mover of the motion said there were four sections of giving contracts, but now they have been made into three. The point is this, formerly, two years back, there were four. The contract for two men was for a smaller distance and two others for longer distance. Now, it seems they have so arranged that one man has been given two smaller portions put together. For instance from Lahore to Karachi, for a distance of 755 miles, permission to sell ice and aerated water has been given to one contractor. Formerly, there were two contractors, from Lahore to Delhi, *via* the main line, a distance of 349 miles and from Lahore to Delhi *via* Bhatinda a distance of 296 miles respectively and both put together come to 645 miles for which contract has been given to one man, just as at Karachi which covers a distance of 755 miles and has been given to one man. Where is the injustice? I submit, therefore, that on matters such as these the Honourable the Mover of the cut motion should avoid bringing communal controversy in the question of giving contracts.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member in charge has not had any opportunity to reply to the motion. It being five of the Clock, all the motions have to be put now. The Chair, therefore, wishes to know whether the Honourable the Mover of the amendment desires this motion to be put to the House or whether he would like to withdraw his motion.

Mr. H. M. Abdullah: Sir, I beg to withdraw the motion.

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

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

"That a reduced sum not exceeding Rs. 8,79,700 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Railway Board'."

The motion was adopted.

DEMAND No. 2—AUDIT.

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

"That a sum not exceeding Rs. 14,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Audit'."

The motion was adopted.

DEMAND No. 3—MISCELLANEOUS EXPENDITURE.

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

"That a sum not exceeding Rs. 11,40,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Miscellaneous Expenditure'."

The motion was adopted.

DEMAND No. 4—REFUNDS.

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

"That a sum not exceeding Rs. 12,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Refunds'."

The motion was adopted.

DEMAND No. 5—PAYMENTS TO INDIAN STATES AND COMPANIES.

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

"That a sum not exceeding Rs. 3,07,50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Payments to Indian States and Companies'."

The motion was adopted.

DEMAND No. 6-A—WORKING EXPENSES—MAINTENANCE OF STRUCTURAL WORKS.

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

“That a sum not exceeding Rs. 8,67,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of ‘Working Expenses—Maintenance of Structural Works.’”

The motion was adopted.

DEMAND No. 6-B—WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER.

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

“That a sum not exceeding Rs. 16,80,25,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of ‘Working Expenses—Maintenance and Supply of Locomotive Power.’”

The motion was adopted.

DEMAND No. 6-C—WORKING EXPENSES—MAINTENANCE OF CARRIAGE AND WAGON STOCK.

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

“That a sum not exceeding Rs. 6,19,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of ‘Working Expenses—Maintenance of Carriage and Wagon Stock.’”

The motion was adopted.

DEMAND No. 6-D—WORKING EXPENSES—MAINTENANCE OF FERRY STEAMERS AND HARBOURS.

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

“That a sum not exceeding Rs. 28,75,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of ‘Working Expenses—Maintenance of Ferry Steamers and Harbours.’”

The motion was adopted.

DEMAND No. 6-E—WORKING EXPENSES—EXPENSES OF TRAFFIC DEPARTMENT.

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

“That a reduced sum not exceeding Rs. 10,79,99,900 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of ‘Working Expenses—Expenses of Traffic Department.’”

The motion was adopted.

DEMAND No. 6-F—WORKING EXPENSES—EXPENSES OF GENERAL DEPARTMENTS.

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

“That a sum not exceeding Rs. 4,65,25,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of ‘Working Expenses—Expenses of General Departments.’”

The motion was adopted.

DEMAND No. 6-G—WORKING EXPENSES—MISCELLANEOUS EXPENSES.

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

“That a sum not exceeding Rs. 4,22,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of ‘Working Expenses—Miscellaneous Expenses.’”

The motion was adopted.

DEMAND No. 6-H—WORKING EXPENSES—ELECTRIC SERVICE DEPARTMENT.

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

“That a sum not exceeding Rs. 1,19,25,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of ‘Working Expenses—Electric Service Department.’”

The motion was adopted.

DEMAND No. 7—WORKING EXPENSES—APPROPRIATION TO DEPRECIATION FUND.

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

“That a sum not exceeding Rs. 13,28,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of ‘Working Expenses—Appropriation to Depreciation Fund.’”

The motion was adopted.

DEMAND No. 8—INTEREST CHARGES.

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

“That a sum not exceeding Rs. 2,68,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of ‘Interest Charges.’”

The motion was adopted.

DEMAND No. 9—TEMPORARY WITHDRAWALS FROM DEPRECIATION FUND.

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

“That a sum not exceeding Rs. 3,44,44,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of ‘Temporary Withdrawals from Depreciation Fund.’”

The motion was adopted.

DEMAND No. 11—NEW CONSTRUCTION.

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

"That a sum not exceeding Rs. 23,60,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'New Construction'."

The motion was adopted.

DEMAND No. 12—OPEN LINE WORKS.

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

"That a sum not exceeding Rs. 9,99,90,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Open Line Works'."

The motion was adopted.

RULING RE BREACH OF PRIVILEGES OF THE HOUSE.

DEMAND OF A SECURITY FROM THE PUBLISHER OF THE *ABHYUDAYA* OF ALLAHABAD FOR PUBLISHING A SPEECH DELIVERED IN THE LEGISLATIVE ASSEMBLY.

Mr. President (The Honourable Sir Abdur Rahim): The Governor in Council of the United Provinces passed an order dated the 10th January, 1936, under sub-section (3) of section 7 of the Indian Press (Emergency Powers) Act of 1931 (Act No. XXIII of 1931), requiring the publisher of the *Abhyudaya* of Allahabad to deposit security, because that paper had published an article headed "Assembly men Pandit Krishna Kant ji ki Baktrita" (Speech of Pandit Krishna Kant in the Assembly) containing words of the nature described in sub-section (1) (b) section 4 of the above Act, *viz.*, "directly or indirectly expressing approval or admiration of any such offence (*i.e.*, the offence of murder or any cognisable offence involving violence) or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence". Sardar Sant Singh, thereupon, gave notice of a motion for adjournment of the business of the Assembly on the 3rd February, 1936, to discuss this order of the U. P. Government as being a definite matter of urgent public importance. That motion was disallowed by the Governor General under Rule 22 (2) on the ground that it related to a matter which was not primarily the concern of the Governor General in Council. On the 5th February, he gave another notice of a similar motion for adjournment, this time in order to raise the question of "the encroachment of the privilege of the members of the Legislatures to publish their speeches in *verbatim*", *i.e.*, in newspapers. On objection being taken on point of order by the Leader of the House, I disallowed the motion, firstly on the ground that a question of privilege cannot be discussed on a motion for adjournment and, secondly, that the notice of the motion ought to have been given at the earliest possible opportunity.

The same Honourable Member next sought to move the motion under consideration on the 10th February, the motion being that the Assembly do proceed to discuss the question of the privilege of freedom of speech and its publication in the press enjoyed by the Members of the Assembly, adding that "no notice is necessary to discuss the question of privilege and that such motion has precedence over all other work in the House". As the question raised regarding privilege of the Assembly and

its members and the appropriate procedure in such matters are of considerable importance, I allowed the points of order raised (including the question whether a motion of adjournment is the proper procedure) to be discussed at some length.

I shall take up the questions relating to procedure first.

(1) A motion for adjournment under Rule 11 is not the proper procedure for raising a question of privilege pure and simple. This was also the view of President Patel (*vide* Ruling No. 44, dated 4th September, 1928, pp. 44—48 in "Selections from the Decisions from the Chair"). Ordinarily the object of a motion for adjourning the business of the Assembly is to discuss and criticise the conduct or attitude of the Government in a definite matter of urgent public importance, while in a case, where the question of privilege is raised as the main issue (as in the second motion of Sardar Sant Singh and in the case which Mr. Patel had to deal with) the Assembly would be asked to take such suitable action as is within its competence in order to protect the members from interference and molestation in the discharge of their duties or to uphold the dignity of the legislature. But, if the question of privilege raised is a definite matter of urgent public importance, which is also primarily the concern of the Governor General in Council, and the main object of the motion is to discuss and criticise the conduct of the Government in the matter, it can be dealt with by a motion for adjournment, subject of course to the restrictions and limitation laid down by the rules and standing orders in that connection. (*See* the cases of Mr. S. C. Mitra and of Mr. S. C. Bose, Legislative Assembly Debates, dated 21st January, 1927, and 22nd January, 1935, respectively.)

(2) A Resolution under S. O. 59 and Rule 23 is clearly not an appropriate procedure for discussing a matter of breach of privilege, when the question is sought to be raised by a non-official member, for resolutions by non-official members have to be balloted for and there is no knowing what place a particular resolution may secure. Nor can such a resolution be moved except on a non-official day, while, as pointed out by the Law Member himself, the question of privilege must be raised as soon as possible. But if the Government wish to bring up a matter of privilege by a resolution, there need be no such difficulty in their case on the score of delay. Further, by rule 23, every resolution must be in the form of a specific recommendation to the Governor General in Council. While there may be cases in which such a recommendation may meet the exigencies of the situation, in others, the appropriate remedy may lie in the hands of the Legislature itself.

(3) Rule 24A: This rule permits discussion of any matter of "general public interest" otherwise than by a resolution, provided consent is obtained to a motion for such purpose of the President and the member of the Government to whose department the motion relates. In the present case and cases of like character, namely those that are matters of general public interest, I take it, as stated by the Law Member, in answer to a question asked by Sir Muhammad Yakub, that the Home Member would deal with the motion. But it is conceivable that a motion raising the question of privilege may be such that it may not relate to any department of the Government. As for the misgiving which seemed to trouble the minds of some members, I cannot, in interpreting Rule 24A, proceed upon the assumption that either the President or the Home Member is

[Mr. President.]

likely to withhold his consent in a proper case. I, therefore, hold that a question of privilege of the nature involved in this notice can be discussed on a motion moved under the provisions of Rule 24A. Sardar Sant Singh, however, has brought the motion under consideration without conforming to the requirements of that rule, though the question sought to be discussed is a matter of general public interest.

(4) Sardar Sant Singh has based this motion on the practice and precedents of British Parliament. No doubt we often have recourse to Parliamentary practice for guidance, whenever our own rules and standing orders are silent. But Rule 24A explicitly bars such a motion as this, as it is neither a resolution under S. O. 59 of the Manual of Business nor does it conform to the requirements of Rule 24A. I must, however, observe that this rule may not bar a question of privilege being discussed on a motion brought otherwise than in conformity with the provisions of Rule 24A or by a resolution, if the subject matter of the motion cannot be said to be a matter of "general public interest", or if it cannot be said to relate to the department of any member of the Government.

(5) Another difficulty has been suggested by the Honourable the Law Member, *viz.*, that motion by a non-official member, even though with a view to discuss a question of privilege, can only be dealt with on a non-official day. But a question of privilege affects every section of the Assembly and once it is brought to the notice of the House by any member, whether official or non-official, it becomes the business of the entire house and, as is the practice in Parliament, it must be given precedence over all other business, supposing it is of the last mentioned category. In any event, since questions of privilege are undoubtedly of considerable importance to the Assembly and are of an urgent nature as stressed by the Leader of the House, and no provision is made for business of this class in the rules and standing orders, it may well be expected of Government to find time for this purpose.

(6) Whether a motion of this character is brought under Rule 24A or, in a proper case, is brought in accordance with the practice of Parliament, the President, before he gives his consent or allows the question to be discussed by the House, must be satisfied that a *prima facie* case of privilege has been made out. I may also point out that when such a case is made out, it will be generally found desirable to refer it to a committee of the nature of a Select Committee appointed for the purpose or to a Committee of Privileges appointed at the commencement of each session as is the present practice in the House of Commons and then upon its report discuss it in the House.

I am sure the House generally will recognise the importance of protecting the honour and privilege of the Legislature. The Legislature is undoubtedly a most important instrument of Government even under the present constitution and, unless effective means are provided by which members can be assured to carry on their deliberations in the chamber without interference and molestation and the dignity of the Legislature is duly protected from outside attacks, it cannot be expected to function to the best advantage. The Assembly and the Government may perhaps consider whether the rules and standing orders (especially Rules 24A and 6) should not be suitably amended, so that such difficulties as exist at present, and have been emphasised by the Honourable the Law Member, in the way of raising a question of privilege, may be removed.

I now come to the substantive question, what is the nature and extent of freedom of speech, which the members of the Legislature enjoy and which is alleged to have been infringed by the order in question of the United Provinces Government. Has a *prima facie* case of privilege been made out, that is, whether the report of the speech of Pandit Krishna Kant Malaviya published in the newspaper *Abhyudaya* (which, I understand, is owned and published by the member himself) is privileged, so that the action of the United Provinces Government must be regarded as an infringement of the privilege of the Assembly or the individual member concerned?

Section 67, sub-section (7) of the Government of India Act lays down that:

“Subject to the rules and standing orders affecting the chamber, there shall be freedom of speech in both chambers of the Indian Legislature. No person shall be liable to any proceedings in any court by reason of his speech or vote in either chamber or by reason of anything contained in any official report of the proceedings of either chamber.”

The privilege which is enunciated here does not go further than to exempt a member of the Assembly from any proceedings in any court of law by reason of his speech or vote in the chamber or by reason of anything contained in any official report of the proceedings. It does not purport to protect publication of any such speech in other than official reports, *e.g.*, in a newspaper, however faithful or *bona fide* such publication may be. It has been argued, however, by the Leader of the Opposition and the Leader of the Independent Party that I should hold that the freedom of speech in the Chamber entails as a corollary that the publication of the speech of a member in a newspaper is also privileged. But, having regard to the unambiguous terms in which the limitations of that freedom of speech has been defined in the statute, it is impossible for me to extend the privilege to publications other than the official reports. The law in England is substantially the same as that embodied in section 67, sub-section (7) of the Government of India Act.

Of the English cases to which I have been referred bearing upon the point, I find that in Lord Abingdon's case all that is laid down is that a Member of Parliament has certainly a right to publish his speech but, if the speech is made a vehicle of slander against any individual, he would be liable. Similarly, in Mr. Creevey's case where a correct report was sent by a Member of Parliament to the Editor of a newspaper with the request that he should publish it, that publication was held not to be privileged and as the report contained a charge against an individual in the House, Mr. Creevey was found guilty of libel. In Mr. Wason's case the Lord Chief Justice of England laid down “If a member publishes his own speech reflecting upon the character of another person, and omits to publish the rest of the debate, the publication would not be fair, and so would not be privileged: but that a fair and faithful report of the *whole debate* would not be actionable.” But having regard to the language of section 67 (7) of the Government of India Act, even a fair and faithful report of the whole debate, except in the official reports, is not protected. In any event, in the present case, the whole of the debate, in the course of which Pandit Krishna Kant Malaviya made the speech in question, was not published. Erskine May correctly summarises the extent of privilege of a Member in these words: “If a member published his speech, his printed statement becomes a separate publication unconnected with any proceedings in Parliament.”

[Mr. President.]

If any action had been taken in any court against Pandit Krishna Kant Malaviya for publishing his speech in the *Abhyudaya*, he could not plead privilege as a defence to such action, whether such action was taken in a criminal or civil court. But both Mr. Jinnah and Mr. Bhulabhai Desai argued that executive action stands on a different footing to action in a court. But such action would not raise a question of privilege whereas in this case the publication is not privileged. I must further point out that the action of the United Provinces Government was taken under certain statutory powers vested in that Government and if privilege had been made out, that fact would have entailed interpretation of section 67 (7) side by side with the Indian Press (Emergency Powers) Act before a decision could be arrived at whether there has been a breach of privilege or not.

I have all along assumed that the legislature and the members of the legislature have certain privileges of which freedom of speech in the chamber is one of the most important. I have also assumed that on a motion raising a question of privilege the legislature would be in a position, if a proper case were made out, to find some means of dealing with the situation arising out of the breach of such privilege.

The British Parliament, by constant assertion from ancient times, has acquired the status of a high court in all matters affecting its own privileges and those of its members, so that it is called the High Court of Parliament and, like other high courts, the Parliament exercises powers to inflict penalties and punishment for "contempt". It has for a long time exercised such powers through its own officers, the Sergeant-at-Arms and the Black Rod to arrest offenders, punish them with imprisonment in the Tower and the Newgate and the right at least of the House of Lords as a court of Record also to impose fines in such cases has not been questioned. There were conflicts at times between the Parliament and the ordinary courts, particularly the King's Bench, and though some of the punitive and disciplinary functions once exercised by it have now fallen into desuetude, the Parliament still possesses considerable punitive and disciplinary powers. No such powers have been vested in our legislatures by the Government of India Act creating them and I also find that section 28 of the Government of India Act, 1935, forbids the enacting of any law conferring on the Federal Legislature punitive or disciplinary powers or the status of a court other than a power to remove or exclude persons infringing the rules or standing orders or otherwise behaving in a disorderly manner. The same section, I may also mention, defines in sub-section (1) the freedom of speech in the legislature in the same terms as section 67—sub-section (7) of the present Government of India Act, and by sub-section (2) it empowers the Federal Legislature to define the privileges of the members of the Legislature and until that is done those privileges will be such as are enjoyed by the members of the Indian Legislature at present. The extent of those privileges may be briefly indicated in general terms as being such as are necessary for the proper discharge of their duties by the members in the Council Chamber. In addition to the President exercising such powers as have been conferred on him by the Rules and Standing Orders, the House itself, when a breach of privilege is made out, can always, upon a proper motion, express its condemnation and, in suitable cases, make such recommendation to the Governor General in Council as it thinks fit.

The motion of Sardar Sant Singh for the reasons already mentioned is disallowed.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): May I have your permission, Sir, to make a statement about business on the 4th of March? I have received a communication from one of the Members of the House that as that day precedes the day of *Id* the Assembly ought to be closed on that day. In that letter there is a statement that on the last occasion I agreed to such a course. That is rather inaccurate. What happened was this: as the proceedings will show (page 1235) it was represented to the House that as the *Haj* day had fallen on a Friday and that it happens once in 11 years, and that it was a particularly sacred day: upon that I said I have no objection to the House not sitting. But I do not want to be dragged into any question as to whether the day preceding the *Id* is a sacred day or not. That after all is a matter for other people to judge. I want to make the position of the Government clear in this matter. If the House is of opinion that they would not sit on the 4th, then we have no other alternative but to ask them to sit on the 2nd, although we know that that would be extremely inconvenient as they will have no time to prepare for their budget discussion. I, therefore, leave it to the House to decide as to whether they want to sit on the 4th or on the 2nd. This House has never been closed on the day preceding *Id*. I am mentioning it today so that Honourable Members may have time to think over the matter and express their views tomorrow before we come to any conclusion.

Mr. President (The Honourable Sir Abdur Rahim): Following the usual practice, I adjourn the House till 5 p.m. tomorrow when the Honourable the Finance Member will make his budget speech. There will be no questions tomorrow.

The Assembly then adjourned till Five of the Clock on Friday, the 28th February, 1936.