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THE  
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume VI, 1936

*(31st August to 14th September, 1936)*

FOURTH SESSION  
OF THE  
FIFTH LEGISLATIVE ASSEMBLY,  
1936



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1937

# Legislative Assembly.

*President :*

THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I., KT.

*Deputy President :*

MR. AKHIL CHANDRA DUTTA, M.L.A.

*Panel of Chairmen :*

MR. S. SATYAMURTI, M. L. A.

SIR LESLIE HUDSON, KT., M.L.A.

MR. ABDUL MATIN CHAUDHURY, M.L.A.

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

*Secretary :*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

*Assistant of the Secretary :*

RAI BAHADUR D. DUTT.

*Marshal :*

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

*Committee on Petitions :*

MR. AKHIL CHANDRA DUTTA, M.L.A., *Chairman.*

SIR LESLIE HUDSON, KT., M.L.A.

PANDIT NILAKANTHA DAS, M.L.A.

MAULVI SYED MURTUZA SAHIB BAHADUR, M.L.A.

MR. N. M. JOSHI, M.L.A.

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# LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT OF THE FOURTH SESSION OF THE  
FIFTH LEGISLATIVE ASSEMBLY.)

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VOLUME VI—1936.

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## LEGISLATIVE ASSEMBLY.

*Monday, 31st August, 1936.*

The Assembly met in the Assembly Chamber in Simla, at Eleven of the Clock, being the First Day of the Fourth Session of the Fifth Legislative Assembly, pursuant to Section 63-D (2) of the Government of India Act. Mr. President (The Honourable Sir Abdur Rahim, K.C.S.I., Kt.), was in the Chair.

### MEMBERS SWORN.

- Mr. Thomas Chapman-Mortimer, M.L.A. (Bengal-European) ;  
Khan Bahadur Nawab Makhdum Murid Hossain Qureshi, M.L.A.  
(South-West Punjab : Muhammadan) ;  
Mr. George Ernest James Robertson, M.L.A. (Burma : European) ;  
Mr. Satyendra Nath Roy, C.I.E., M.L.A. (Government of India :  
Nominated Official) ;  
Mr. John Anderson Thorne, C.I.E., M.L.A. (Government of India :  
Nominated Official) ;  
Mr. Robert Francis Mudie, C.I.E., O.B.E., M.L.A. (Government of  
India : Nominated Official) ;  
Mr. Susil Chandra Sen, M.L.A. (Government of India : Nominated  
Official) ;  
Diwan Bahadur Bandi Venkata Sri Hari Rao Naydu, M.L.A.  
(Madras : Nominated Official) ;  
Mr. Madhusudan Damodar Bhat, M.L.A. (Bombay : Nominated  
Official) ;  
Mr. Percival Joseph Griffiths, M.L.A. (Bengal : Nominated Official) ;  
Mr. Srimanta Kumar Das-Gupta, M.B.E., M.L.A. (Bengal : Nominated  
Official) ;  
Mr. Rati Nath Dey, M.L.A. (United Provinces : Nominated Official) ;

Mr. Pandyala Satyanarayana Rau, M.L.A. (Central Provinces : Nominated Official) ;

Mr. Durgeshwar Sharma, M.L.A. (Assam : Nominated Official) ; and

Mr. Charles Frederick Grant, M.L.A. (Bengal : Nominated Official).

### QUESTIONS AND ANSWERS

#### INTRODUCTION OF THE BIHAR CESS (AMENDMENT) BILL IN THE BIHAR LEGISLATIVE COUNCIL.

1. \*Pandit Lakshmi Kanta Maitra : (a) Will Government please state if it is a fact that the Government of Bihar have introduced a Bill in the Provincial Legislative Council to amend the Local Cess Act ?

(b) Is it a fact that the Bill proposes to impose a cess on production and despatches of coal from coal mines in Bihar, in addition to the existing cess on profits of collieries ?

(c) Is it a fact that the maximum of the combined cess is proposed to be as much as three annas per ton of coal raised and despatched from coal mines ?

(d) Is it a fact that the Governor General in Council, while sanctioning the introduction of the proposed legislation, made a reservation to the effect that the Government of India would not acquiesce in the subjection of collieries in Bihar belonging to Railway administrations to the proposed enhanced cess, unless they were satisfied that the amounts of cess realised would be spent for the benefit of such collieries alone ?

(e) If the answers to the foregoing parts be in the affirmative, why was the reservation made in respect of Railway collieries only ?

(f) Have Government been convinced that the increased cess realised from collieries belonging to private owners and companies will be spent for the benefit of those collieries only ?

The Honourable Sir Nripendra Sircar : (a) to (c). Yes.

(d) and (e). The sanction required and granted was that of the Governor General, not of the Governor General in Council. In communicating the sanction of the Governor General, the Government of India conveyed an intimation to the effect indicated in the question. The basis of the intimation was the statutory power in respect of the subjection of railway administrations to local taxation which is vested in the Governor General in Council by section 135 of the Indian Railways Act. No corresponding powers exist in respect of collieries other than railway collieries and the Government of India therefore had no status to make a corresponding reservation in respect of such collieries.

(f) The Government of India must leave this question to the Local Government and the Local Legislature.

Mr. K. Ahmed : Has any other company or any private owner raised any objection to the Government of India's sanctioning the introduction of the proposed legislation or introducing a Bill in the Bihar Legislative Council to amend the Local Cess Act ?

The Honourable Sir Nripendra Sircar : The answer is " No ".

**Mr. Sri Prakasa :** Have you heard the question ? (Laughter.)

**Mr. K. Ahmed :** Is it not a fact that there was a great commotion in the country, and yet Government gave a special favour to the railway companies' collieries and not to outside owners ?

**The Honourable Sir Nripendra Sircar :** I have been unable to hear the question.

**Mr. K. Ahmed :** Is it not a fact that in the newspapers, the public platform and the press there was great commotion in the country that the Government was doing a great injustice in not allowing outsiders the same latitude of privileges as they allowed with regard to their own collieries ? Is it sauce for the gander and not sauce for the goose ?

**The Honourable Sir Nripendra Sircar :** Government have not heard of any commotion about the distinction between gander and goose. If my Honourable friend will draw my attention to any specific complaint in any specific paper, I can answer it. At the present moment, if I am compelled to answer, the answer is " No ".

**Mr. K. Ahmed :** In view of the fact that the Honourable the Law Member has caught hold of the gander and the goose and has missed the real point in issue, I want to put a definite and specific question whether there was a great commotion in the press and the public platform. The question was sent a long time ago, and why have not Government heard anything about it ?

**The Honourable Sir Nripendra Sircar :** The answer is " No ".

**Mr. Ram Narayan Singh :** May I take it that the Government accept the principle that the taxes realised from a particular person or company ought to be utilised for the benefit of that particular person or company ?

**The Honourable Sir Nripendra Sircar :** I do not know of any such principle.

**Mr. Ram Narayan Singh :** Then, what about the reservation referred to in part (d) of the question ?

**The Honourable Sir Nripendra Sircar :** That reservation does not indicate that principle.

**Mr. Lalchand Navalrai :** As it seems that there is one provincial cess and the other is an Indian cess that is going to be levied, what will be the difference between the two ? Why are two cesses levied simultaneously ?

**The Honourable Sir Nripendra Sircar :** What is the Indian cess and the provincial cess ?

**Mr. Lalchand Navalrai :** I am asking a question and the Honourable Member is putting me a question. The point is this. It is said in the question that the Provincial Government is going to amend the Local Cess Act. Why should it be in addition to the existing cess on the collieries ? I want to know whether two cesses are going to be levied or only one.

**The Honourable Sir Nripendra Sircar :** The power of amending is given by the Government of India Act, and if the Bill is not *ultra vires*, which I have no reason to think it is, then such power exists in the Local Legislature.

**Mr. Lalchand Navalrai** : I would like to know if there is power in the Local Legislature by which two cesses can be levied.

**The Honourable Sir Nripendra Sircar** : There can be a local surcharge confined to a particular province.

**Mr. N. M. Joshi** : May I ask what is the object on which the money is to be spent ?

**The Honourable Sir Nripendra Sircar** : The Local Legislature will be in a better position to answer that question. The matter is left to the Local Legislature to decide as to what should be done with the proceeds.

**Mr. Lalchand Navalrai** : Have the Government of India heard from the Local Government as to what use will be made of this money ?

**The Honourable Sir Nripendra Sircar** : No.

**Mr. Lalchand Navalrai** : May I know why ?

**Mr. S. Satyamurti** : In giving sanction to this Bill, did Government ascertain or have they any information as to what purpose this cess is levied for, whether to add to the general revenues of the province or for any specific purpose ?

**The Honourable Sir Nripendra Sircar** : I want notice of that question.

**Pandit Lakshmi Kanta Maitra** : May I know whether, in the matter of the proposed imposition, public opinion was consulted ?

**The Honourable Sir Nripendra Sircar** : By whom ?

**Mr. S. Satyamurti** : By the authorities ?

**The Honourable Sir Nripendra Sircar** : I cannot answer that without notice.

#### OPINIONS ON THE BIHAR CESS (AMENDMENT) BILL.

2. **\*Pandit Lakshmi Kanta Maitra** : (a) Is it a fact that the Governor General in Council accorded sanction to the Bihar Cess (Amendment) Bill, 1935, with the recommendation that the Bill should be circulated for the purpose of eliciting public opinion thereon ?

(b) Is it a fact that the non-official public opinion, as expressed on the Bill including the District Board of Manbhum, was almost unanimously opposed to the Bill ?

(c) Is it a fact that the opinion of the coal trade, both European and Indian, was unanimous against the Bill ?

**The Honourable Sir Nripendra Sircar** : (a) No.

(b) and (c). The Government of India have no information.

**Pandit Lakshmi Kanta Maitra** : Did Government care to inquire after the receipt of the notice of this question, because I gave notice of this question four months back ?

**The Honourable Sir Nripendra Sircar** : In these four months, we have had 1,300 questions spread all over India, and we could not make any special inquiries in regard to Pandit Maitra's question.

**Pandit Lakshmi Kanta Maitra :** May I take it that Government have not any machinery to elicit the answers to questions sent four or five months back ?

**The Honourable Sir Nripendra Sircar :** This is a matter for the local people. Government have got certain machinery which can bear a load up to a certain extent.

**Pandit Lakshmi Kanta Maitra :** May I know the extent up to which the load can be borne ? Notice of this question was given as early as April, 1936.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member has given the answer.

**Pandit Lakshmi Kanta Maitra :** He has not given the answer. If this is the answer, then I am helpless.

**The Honourable Sir Nripendra Sircar :** The Honourable Member says that I am prevaricating. Is it Parliamentary ?

**Pandit Lakshmi Kanta Maitra :** I never said that. I never suggested that.

**Mr. S. Satyamurti :** In spite of all these changes, the acoustics of this Hall have not improved at all.

**Pandit Lakshmi Kanta Maitra :** It is a very bad augury that there should be so much heat on the first day of the Session.

**The Honourable Sir Nripendra Sircar :** The day is very cold. A little heat does not matter.

#### DEPRESSION IN THE COAL INDUSTRY OF BENGAL AND BIHAR.

3. **\*Pandit Lakshmi Kanta Maitra :** (a) Is it a fact that the Indian Coal Committee presided over by the Honourable Sir Frank Noyce found that the depression in the coal industry of Bengal and Bihar commenced in 1924 ?

(b) Is it a fact that this depression is still continuing ?

(c) Is it a fact that the coal prices have recorded a continuous fall since 1924 and that such fall has not yet been arrested ?

(d) Is it a fact that a number of collieries in Bengal and Bihar, with all machinery and plants, have been auctioned during the last 12 years in certificate cases, consequent upon their failure to meet local cess demand ?

(e) If the answers to the foregoing parts be in the affirmative, how did Government satisfy themselves that the coal trade could bear a fresh burden of taxation on production and despatches ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) I would refer the Honourable Member to the Report of the Indian Coal Committee, 1925, a copy of which is in the Library. He will find from that Report that the Indian coal industry had been in a depressed condition for some time before 1924 and that this led the Government to appoint the Committee in that year to consider measures by which the competition from which the industry had been suffering particularly in the overseas markets could be relieved.

(b) and (c). So far as the exports of Indian coal to overseas markets are concerned, there has been improvement in the position since the year 1924. The prices of Indian coal have no doubt been steadily declining since that year but the decline may be attributed generally to the economic depression, overproduction and the competition of foreign coal, such as Natal and Japanese coal, which is displacing Indian coal in its principal markets.

(d) Government have no information on the point.

(e) The matter is primarily one for the Local Government and the Local Legislature.

**Pandit Lakshmi Kanta Maitra :** Have the Government of India no control in this matter of mining ? Has not the Railway Member any power to investigate whether any fresh taxation can be borne by a trade which is suffering the deepest depth of depression ?

**The Honourable Sir Muhammad Zafrullah Khan :** The Railway Member has no authority.

**Pandit Lakshmi Kanta Maitra :** Not even in regard to collieries ?

**The Honourable Sir Muhammad Zafrullah Khan :** If any question arises in regard to railway collieries, the matter can be investigated.

#### ROAD CESS ON DESPATCHES OF COAL FROM RAILWAY COLLIERIES IN THE HAZARIBAGH DISTRICT.

4. \***Pandit Lakshmi Kanta Maitra :** (a) Will Government please state :

- (i) if it is a fact that the Government of Bihar intend to impose Road Cess on despatches of coal from collieries owned by Railways in the district of Hazaribagh ;
- (ii) if it is a fact that the maximum cess contemplated is as much as three annas per ton of coal produced and despatched by such collieries ;
- (iii) if it is a fact that the Railway Board has agreed to submit to this cess on production, altering thereby the basis of the existing cess from profits to production of such collieries ; and
- (iv) if it is a fact that besides the existing cess on profits these collieries have to pay cess on rent of surface lands they acquire for purpose of the collieries ?

(b) If the answer to the foregoing parts be in the affirmative, will Government please state :

- (i) the amount or approximate amount of the cess which the Railway collieries will have to pay annually ;
- (ii) the purposes for which the amount of the cess to be paid will be spent ;
- (iii) whether the entire amount is to be made over to the District Board of Hazaribagh ;
- (iv) what the functions of this District Board are with reference to collieries ; and

(v) whether medical aid, health and sanitation, water supply and primary education which are supposed to be legitimate functions of Local Self-Government, are all provided at the Railway collieries at the cost of the collieries themselves ?

(c) If the answer to part (b) (v) be in the affirmative, will Government be pleased to state whether the amounts to be collected from Railway collieries are intended to be spent on the upkeep of road communication alone ?

(d) Will Government please state :

(i) the total mileage of metalled and unmetalled roads serving the Railway collieries in the district of Hazaribagh ; and

(ii) whether the entire amount to be raised as cess will be necessary for the upkeep of roads serving the collieries ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) (i) The Government of Bihar have introduced a Bill of the nature mentioned, providing for the imposition of a local cess.

(ii) Yes.

(iii) Yes. The Government of India have agreed to the imposition of the cess on railway collieries provided that the proceeds are used for improvement of conditions in colliery areas.

(iv) Government understand that no cess on rent of surface lands is payable.

(b) (i) The amount of the cess will depend on the rate of tax finally decided on and the output from the various collieries. I am unable, therefore, to give a reliable estimate at present.

(ii), (iii) and (iv). The Honourable Member is referred to the Hazaribagh Mines Board Bill, 1936.

(v) The Railway collieries provide some of these services for the benefit of the employees.

(c) Upkeep of road communication within the mining areas is one of the purposes for which the amount collected is proposed to be spent.

(d) (i) About 62 miles.

(ii) Government have no information.

**Pandit Lakshmi Kanta Maitra :** I could not follow the answer to part (v) of the question.

**The Honourable Sir Muhammad Zafrullah Khan :** " Upkeep of road communication within the mining areas is one of the purposes for which the amount collected is proposed to be spent ".

**Pandit Lakshmi Kanta Maitra :** Also in the case of approaches to the feeder roads of collieries ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have said " road communication within the mining areas ".

#### SUBJECTION OF RAILWAY COLLIERIES TO COAL CESS.

5. \***Pandit Lakshmi Kanta Maitra :** (a) Is it a fact that the Indian Taxation Enquiry Committee (1925), condemned the imposition



of local cess on production of coal in some of the collieries in the Central Provinces as " differential taxation " ?

(b) If the answer to part (a) be in the affirmative, are Government prepared to subject Railway collieries to the proposed cess ? If so, on what grounds ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) In paragraph 474 of their report the Indian Taxation Enquiry Committee referred to the danger in the Central Provinces of differential taxation under cover of a provision in the law which gives powers of an unduly wide nature.

(b) The proposed legislation in Bihar does not give such wide powers to local bodies as the Central Provinces Local Self-Government Act gives.

**Pandit Lakshmi Kanta Maitra :** I wanted to know whether railway collieries are also intended to be subjected to this cess.

**The Honourable Sir Muhammad Zafrullah Khan :** I have already answered that in my answer to question No. 4.

**Pandit Lakshmi Kanta Maitra :** I could not follow that.

**The Honourable Sir Muhammad Zafrullah Khan :** That I am unable to help.

**Pandit Lakshmi Kanta Maitra :** Help in respect of what ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am bound to read out the answer ; I cannot help the Honourable Member in following it. I said, in answer to question No. 4 (a) (iii), " Yes. The Government of India have agreed to the imposition of the cess on railway collieries provided that the proceeds are used for improvement of conditions in colliery areas ".

#### POPULATION OF THE HAZARIBAGH AND RANCHI DISTRICTS.

6. \***Pandit Lakshmi Kanta Maitra :** Will Government please state the total population of the Hazaribagh District and the Ranchi District separately ?

**The Honourable Sir Henry Craik :** The population of the Hazaribagh District is 1,517,357 and of the Ranchi District is 1,567,149.

#### \* COMMUNIQUÉ ISSUED BY THE ROYAL CONSUL-GENERAL FOR ITALY, CALCUTTA.

7. \***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to a communiqué issued by the Royal Consul-General for Italy, Calcutta, especially the latest one ;

(b) whether their attention has been drawn to the abuse of the Press in India and the Governmental Agencies in this country, contained in this communiqué ; and

(c) whether they propose to take any action in the matter ; if not, why not ?

**Sir Aubrey Metcalfe :** (a) and (b) : Yes.

(c) The Government of India have protested through His Majesty's Government against the propagandist activities of the Italian Consul-General at Calcutta.

**Mr. S. Satyamurti :** Are Government aware that this Consul-General has been transmitting communiqués by post to me certainly and I believe to certain other Honourable Members also, in which they abuse Great Britain, the League of Nations and everybody except Italy, and may I know what action, apart from protesting, the Government of India propose to take against the abuse of the postal facilities in this country, for carrying on this agitation ?

**Sir Aubrey Metcalfe :** The Honourable Member has put down another question on that subject which I shall answer shortly.

**Mr. S. Satyamurti :** When was this protest to His Majesty's Government made, Sir ?

**Sir Aubrey Metcalfe :** I cannot give you the exact date, but I think it was certainly some months ago.

**Mr. S. Satyamurti :** Have Government heard anything in reply from His Majesty's Government ?

**Sir Aubrey Metcalfe :** Certainly.

**Mr. S. Satyamurti :** What is the reply ?

**Sir Aubrey Metcalfe :** That I am not at liberty to state, but, as the Honourable Member will have noticed, the propaganda against which we protested has entirely ceased.

**Mr. S. Satyamurti :** Will the Honourable Member take it from me that even this week I got communiqués from this Royal Consul-General which show that the propaganda has not ceased, but is increasing in venom and which ought not to be allowed to any civilized nation ?

**Sir Aubrey Metcalfe :** I was not aware of that fact, but if the Honourable Member will let me have the pamphlet concerned, I shall be pleased to take any further action that may be necessary.

**Mr. K. Ahmed :** Is it not a matter of opinion that the statement of the so-called abuse of the Press in India, and that the Government agencies in this country in reference to the communiqué issued by the Royal Consul-General of Italy, Calcutta, have nothing to do with it ?

**Mr. S. Satyamurti :** On a point of order, Sir. You have been good enough to rule on other occasions that with reference to the question concerned the Member has answered it. I submit, Sir, that this interruption is irrelevant.

**Mr. K. Ahmed :** I was not putting any question to Mr. Satyamurti or any other Honourable Member.

**Mr. S. Satyamurti :** I am submitting now to Mr. President.

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

## NEGOTIATIONS FOR AN INDO-JAPANESE TRADE AGREEMENT.

8. \***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether it is a fact that the Japanese Consul-General had an interview with the officials of the Commerce Department of the Government of India ;
- (b) whether he expressed the Japanese Government's desire to go ahead with the negotiations, so that there may be a new treaty in place of the existing one in operation, when the Indo-Japanese Trade Agreement of 1935 expires in March next ;
- (c) whether they are considering the matter ;
- (d) when the negotiations are expected to begin ;
- (e) whether they propose to consult this House before finally completing the negotiations ;
- (f) whether they propose to consult commercial opinion, especially Indian commercial opinion, in the country at all stages of the negotiations ; and
- (g) if not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a), (b), (c), (d) and (f). The Honourable Member is referred to the Press Communiqués on the subject recently issued by the Government of India, copies of which are in the Library.

(e) No, Sir.

(g) Does not arise.

**Mr. S. Satyamurti** : May I know if the scope of the negotiations now covers the entire field of external trade between India and Japan or whether it is confined only to the renewal with or without modification of the protocol ?

**The Honourable Sir Muhammad Zafrullah Khan** : I am afraid I cannot add anything to the communiqués that have been already published.

**Mr. S. Satyamurti** : The communiqués are ambiguous on that matter and give no information. I am asking my Honourable friend whether he can throw any fresh light on this question, on which they are silent, as to whether the scope covers the entire trade or is confined only to the protocol.

**The Honourable Sir Muhammad Zafrullah Khan** : The communiqués contain as much information as is in the public interest to publish.

**Mr. S. Satyamurti** : May I know whether there is any hitch in the negotiations now ?

**The Honourable Sir Muhammad Zafrullah Khan** : I have nothing to add to what I have said already.

**Mr. S. Satyamurti** : May I know who is conducting the negotiations—the Honourable Member or his Secretary ?

**The Honourable Sir Muhsamad Zafrullah Khan :** The actual officer carrying on negotiations with the Japanese representatives is the Secretary in the Commerce Department.

**Mr. S. Satyamurti :** May I know why the Honourable Member does not himself conduct these very important negotiations, he being an Indian eminently capable of representing the interests of this country ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am much obliged to the Honourable Member for the compliment he has paid to me, but I understand there are diplomatic reasons in favour of the actual arrangement made.

**Mr. S. Satyamurti :** Is the reason this that Japan will only deal with a European and not with an Indian ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if the communiqués also answer clauses (e) and (f) of this question ?

**The Honourable Sir Muhammad Zafrullah Khan :** Will the Honourable Member read the communiqués and find out whether they are or are not answered, and, if they are not, it is open to him to put down a fresh question.

**Mr. Lalchand Navalrai :** May I ask whether Government propose to consult the House before finally concluding the negotiations ?

**The Honourable Sir Muhammad Zafrullah Khan :** That I have answered already.

**Mr. S. Satyamurti :** May I know the reasons why the Government do not propose to consult this House before completing the negotiations in view of the very strong opinion of this House on this matter, and its competence to pronounce upon them ?

**The Honourable Sir Muhammad Zafrullah Khan :** It would be impossible to complete negotiations of this character if the House has to be consulted before they are concluded.

**Mr. S. Satyamurti :** Are these negotiations to be concluded in India or in England ?

**The Honourable Sir Muhammad Zafrullah Khan :** In India.

**Mr. T. S. Avinashilingam Chettiar :** May I take it that these negotiations will not be ratified finally until after consulting this House ?

**Mr. N. M. Joshi :** Will the representatives of labour which is affected by these treaties be consulted in this matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government do not understand that any representatives of labour are affected by any of these negotiations.

**Mr. N. M. Joshi :** May I ask whether it is not a fact that the interests of the workers are affected by the textile industry as much as the interests of any other people ?

**The Honourable Sir Muhammad Zafrullah Khan :** The representatives of the textile industry were consulted on the matter.

**Mr. N. M. Joshi :** May I ask whether the interests of labour are not the interests of the industries ?

**The Honourable Sir Muhammad Zafrullah Khan :** That I am unable to say. I suppose the interests of labour are vitally bound up with the interests of the industry.

**Mr. N. M. Joshi :** May I, therefore, ask whether the representatives of labour were consulted ?

**The Honourable Sir Muhammad Zafrullah Khan :** The representatives of the industry were.

**Prof. N. G. Ranga :** May I know if the representatives of the cotton growers have been consulted ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes, Sir.

**Mr. M. Ananthasayanam Ayyangar :** May I know if any representative of the handloom industry was consulted ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes, Sir.

**Pandit Krishna Kant Malaviya :** Am I to understand that representatives of every section of the people have been or will be consulted except the Members of this House ?

**Mr. N. M. Joshi :** And of labour also ?

#### INTERNMENT OF MR. SUBHASH CHANDRA BOSE.

9. **\*Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) where Mr. Subhash Chandra Bose is confined ;
- (b) what his present state of health is ;
- (c) whether their attention has been drawn to a statement in the Press about his health by a European doctor who treated him ;
- (d) whether they have provided for him proper treatment ;
- (e) whether they are aware of the answer to a question put in the House of Commons over the internment of Mr. S. C. Bose ;
- (f) whether they propose to refer his case to any judge or judges for enquiry ;
- (g) whether they have any idea of putting him on trial for specific charges ;
- (h) what are the charges on which he is now interned ;
- (i) how long they propose to keep him in internment ;
- (j) whether they have considered the effect of the adjournment motion passed by this House, protesting against the action of the Government in threatening internment for Mr. S. C. Bose ;
- (k) what their conclusions were ; and
- (l) the reasons for turning down the recommendation of the Assembly ?

**The Honourable Sir Henry Craik :** (a) At the residence of his brother at Giddapahar near Kurseong.

(b) and (d). The reports received show that Mr. Bose had an attack of influenza after his arrival in Kurseong and a slight evening temperature since. Examination does not however reveal any signs of trouble beyond tonsillitis. He is receiving proper medical treatment as necessary, from the Civil Medical Officer, Kurseong, and the Civil Surgeon, Darjeeling.

(c) I have seen the statement.

(e) I do not know to what particular question the Honourable Member refers.

(f) No.

(g), (h) and (j) to (l). It is not proposed to place Mr. Bose on trial. I would refer the Honourable Member to the speeches made in this House by Mr. Hallett and myself in connection with the adjournment motion relating to Mr. Bose's return to India which explain the reasons which have led Government to intern him under the provisions of Regulation III of 1818.

(i) As long as this is necessary in the public interest.

**Mr. S. Satyamurti** : May I know if the report of the Honourable the Home Member is the latest on this matter? I am asking this, because I have seen—and I am sure the Honourable Member himself has also seen—some letters in the press recently saying that Mr. Bose is suffering from intestinal trouble. I should like to know if the Honourable Member has got any later report than what he read from, about Mr. Bose's health.

**The Honourable Sir Henry Craik** : The information that I have given to the House is the latest available.

**Mr. S. Satyamurti** : What is the date of that report from which my Honourable friend has read?

**The Honourable Sir Henry Craik** : 15th August.

**Mr. S. Satyamurti** : May I know the reasons why Government do not propose to refer his case, as they do in the case of other detenus, to any Judge or Judges for inquiry?

**The Honourable Sir Henry Craik** : That I explained, as far as I remember, in the speech on the adjournment motion.

**Mr. S. Satyamurti** : May I know if Government have found, after the release of his brother, Mr. Sarat Chandra Bose, that there has been any recrudescence of violent activity in Bengal, and, in view of the calmness that prevails in the province, will they consider the release of Mr. Subhash Chandra Bose also?

**The Honourable Sir Henry Craik** : I do not see the connection between the two.

**Mr. S. Satyamurti** : They are brothers.

**Pandit Lakshmi Kanta Maitra** : Is it not a fact that Mr. Bose has been running slow temperature since his detention in Kurseong, that he has been considerably reduced in weight and has been suffering from insomnia and loss of appetite? All these things have appeared in the press.

**The Honourable Sir Henry Craik :** If certain statements have appeared in the press, that does not necessarily prove that they are correct. Some statements that have appeared in the press about his health are totally incorrect. It has been said that he lost 20 lbs. in weight, which is quite incorrect. He only lost 3 lbs.

**Pandit Lakshmi Kanta Maitra :** Has any specific inquiry been made as to whether he has actually suffered from loss of weight, whether he was running slow temperature and whether he was developing intestinal tuberculosis ?

**The Honourable Sir Henry Craik :** Yes, I have got a full report from the doctor who says that he is not suffering from any such thing.

**Mr. S. Satyamurti :** Do Government review this case from time to time ?

**The Honourable Sir Henry Craik :** Yes.

**Mr. S. Satyamurti :** When did they review it last ?

**The Honourable Sir Henry Craik :** I must have notice of that question.

**Pandit Lakshmi Kanta Maitra :** Do Government propose to appoint a Medical Board to have a thorough examination of Mr. Bose and publish their report for the information of the public ?

**The Honourable Sir Henry Craik :** No, Sir.

**Pandit Lakshmi Kanta Maitra :** Why not ?

**The Honourable Sir Henry Craik :** Because he is receiving satisfactory treatment and there is nothing serious about his health which would justify the appointment of a Medical Board.

**Pandit Lakshmi Kanta Maitra :** He is being examined now by the Civil Surgeon of the place. Does my Honourable friend mean to suggest that he is the highest medical authority on the land, and does he think that his opinion is final and conclusive in the matter ?

**The Honourable Sir Henry Craik :** We have got the opinions of two medical officers—the Civil Medical Officer, Kurseong, and the Civil Surgeon, Darjeeling. They are both satisfied that there is nothing wrong with him except slight tonsillitis which can be corrected by an operation.

**Pandit Lakshmi Kanta Maitra :** Is there anything which prevents his being examined by expert doctors of Calcutta ?

**The Honourable Sir Henry Craik :** I see no necessity for it. There is nothing in the state of his health which would justify it.

**Mr. Sri Prakasa :** Do not Government think that the Home Member's "paradise" will suit Mr. Bose better than Kurseong ?

**Pandit Lakshmi Kanta Maitra :** What was the actual weight of Mr. Bose at the time of his detention and on the 15th of August ? That would give us a sure indication of his health.

**The Honourable Sir Henry Craik :** I cannot say what his actual weight was at the time of his detention, but I can say this that there is a difference of three pounds in his weight. His weight is still considerably in excess of what it ought to be for a man of his height.

**Pandit Lakshmi Kanta Maitra :** I want to know whether there has been any marked difference in his weight from the date of his actual detention and the 15th of August ?

**The Honourable Sir Henry Craik :** I have already said three pounds.

**Pandit Lakshmi Kanta Maitra :** How does the Honourable Member account for it unless he admits that he is suffering from ill health ?

**The Honourable Sir Henry Craik :** He is probably fitter now than he was then.

**Mr. Akhil Chandra Datta :** May I ask, Sir, if it is the case of the Government that they are unable to prove any case against him in a Court of law ?

**The Honourable Sir Henry Craik :** That question does not arise.

**Mr. S. Satyamurti :** I submit it does. Clause (g) relates to that.

**Mr. President (The Honourable Sir Abdur Rahim) :** That has been answered.

**Mr. Akhil Chandra Datta :** My question is this. He has not been put on trial. Is it because Government are unable to prove their case in Court ? Is that the reason why he is not being put on trial ?

**The Honourable Sir Henry Craik :** That is a hypothetical question. The Honourable Member asked me, if he was put on trial, would he be convicted ?

**Pandit Lakshmi Kanta Maitra :** Since his first detention, what new facts have come to light in the space of five months so as to justify his further detention in Kurseong ?

**The Honourable Sir Henry Craik :** No new facts that I am aware of.

**Pandit Lakshmi Kanta Maitra :** Then, how does the Honourable Member justify his further detention ?

**The Honourable Sir Henry Craik :** I said he would be detained as long as it is necessary in the public interest, and, in the opinion of the Government, the public interest does not yet justify his release.

**Mr. S. Satyamurti :** I want to ask a question with regard to clause (g). May I know why Government do not propose to put him before a Court of law on trial, for specific charges ?

**The Honourable Sir Henry Craik :** I explained those reasons in the debate on the adjournment motion. That was not the question which the Honourable the Deputy President put. What he said was : Would he be convicted if he was put on trial ?

**Mr. S. Satyamurti :** Government have no direct evidence on which to go before a Court of law ?

**The Honourable Sir Henry Craik :** That is not the reason.

**Mr. S. Satyamurti :** Then, what is the reason ?

**The Honourable Sir Henry Craik :** Because it is not desirable in the public interest to make the evidence public.

**Mr. S. Satyamurti :** Have Government considered this matter of the release of Mr. Bose, after the passing of the adjournment motion by



this House against his proposed internment ? And, if they did consider the matter, have they come to the conclusion that they ought not to follow the opinion of this House, and, if so, why ?

**The Honourable Sir Henry Craik :** Yes.

**Mr. S. Satyamurti :** What are the reasons ?

**The Honourable Sir Henry Craik :** I cannot state the reasons in public.

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

#### SUBSIDY FOR DISTRIBUTION AMONG THE SUGAR-CANE CENTRES IN THE MADRAS PRESIDENCY.

10. **\*Mr. M. Ananthasayanam Ayyangar :** (a) Is it a fact that Government have sanctioned Rs. 60,000 as subsidy to be distributed among the sugar-cane centres in the Madras Presidency ?

(b) What is the purpose for which this subsidy is granted ?

(c) What is the criterion for granting the subsidy to any society or organisation ?

(d) Is it a fact that the Madras Government have insisted on the subsidy being allotted to only such of the organisations as have supplied sugar-cane to the factory ?

(e) Is it a fact that the Sugar-cane Growers Co-operative Society, Hespel, and the Agricultural Societies, Hespel (Bellary District, Madras Presidency) have applied for the subsidy grant ?

(f) Is it a fact that the Sugar-cane Growers Co-operative Society, Hespel, is organised by the India Sugars and Refineries, Ltd., Hespel, and controlled by it ? Is it further a fact that two of the directors of the above Co-operative Society are paid employees of the Sugar Factory (India Sugars and Refineries, Ltd.), the third director is financially indebted to the Factory, and the fourth, its president, is the director in the Sugar Factory ?

(g) Is it a fact that according to the by-laws of the Society members of the said Co-operative Society, who apply for the loan, should enter into an agreement that he would supply sugar-cane to the Factory at a price fixed by the Factory months prior to the date of the actual delivery without reference to market rate ?

(h) Is it open to any society or organisation, which cannot fight for a fair price for sugar-cane, to apply for the subsidy grant ?

**Sir Girja Shankar Bajpai :** (a) to (c). A sum of Rs. 60,000 was allotted provisionally to the Government of Madras out of the Sugar Excise Fund for assisting the cultivators of sugar-cane in securing fair prices for their cane. It was decided that grants from the fund will only be made for schemes formulated by Local Governments and approved by the Government of India. Out of the provisional allotment of Rs. 60,000 made to the Government of Madras, a sum of Rs. 2,500 has since been allotted to the Government of Orissa as a portion of the area under cane in Madras has been included in the Orissa province.

(d) The Government of Madras have provisionally decided that, as the allotment from the Sugar Excise Fund was intended to help the growers of sugar-cane to secure fair prices from sugar manufacturing concerns, help from the fund should be given only to growers who agree to sell their cane or their jaggery to a factory producing white sugar.

(e) Yes.

(f) Government have no information as to the first part of the question. The answer to the second part is in the affirmative.

(g) Under its by-laws the Society selects the purchaser to whom the cane has to be sold by members from time to time and also fixes a minimum price below which the cane should not be sold. It is not correct that the price is fixed by the Factory months prior to the date of actual delivery without reference to the market rate.

(h) It is open to any society or organisation to apply to the Local Government for assistance.

**Mr. M. Ananthasayanam Ayyangar :** If there is a difference of opinion regarding the fair selling price between the purchaser and the grower, is there any other authority to decide as to what the fair selling price is ?

**Sir Girja Shankar Bajpai :** It is open to the party which considers itself aggrieved to approach the Local Government in the matter.

**Pandit Lakshmi Kanta Maitra :** There is no agency to arbitrate between the grower and the purchaser ?

**Sir Girja Shankar Bajpai :** As far as I know under the rules of the co-operative society, there is no provision made for arbitration.

**Mr. N. M. Joshi :** May I ask whether Government, while making the allotment of subsidy, impose a condition that those who work as wage earners on sugar-cane fields get a fair wage ?

**Sir Girja Shankar Bajpai :** As far as I know Government have made no attempt yet in any Province to determine the fair wage for agricultural workers.

**Mr. N. M. Joshi :** May I ask if Government have attempted to fix the price for the sugar-cane, and, if so, whether they will also try to fix a fair wage for those people who work on sugar-cane fields when they make allotments of subsidy ?

**Sir Girja Shankar Bajpai :** It really is a matter for Local Governments who have to fix prices for the grower. If my Honourable friend so desires, I will pass on the suggestion to the different Local Governments concerned.

**Prof. N. G. Ranga :** Are Government aware that no minimum price is fixed for sugar-cane in Madras Presidency under the Sugar-cane Protection Act, and that, even in spite of protests made by various sugar-cane growers in the Madras Presidency, the Government of Madras have refused to fix the minimum price ?

**Sir Girja Shankar Bajpai :** I am aware of that fact. I made enquiries from the Madras Government and they have reported that they do not find it necessary to fix a minimum price, because the prices actually

fetches have been higher than what the minimum price would have been according to the criteria fixed either by the Tariff Board or by the Sugar Technologist ?

**Prof. N. G. Ranga :** Have the Government received any representation from Hospet and other places in the Madras Presidency protesting against the attitude of the Madras Government ?

**Sir Girja Shankar Bajpai :** I do not think that either the Government of India or the Local Government are bound to take note of protests which are not justified by actual facts.

**Mr. M. Ananthasayanam Ayyangar :** Is it not a fact that the Imperial Council of Agricultural Research started an investigation into the fair selling price and that it has been going on for the past 1½ years ? At what stage is that investigation at present ?

**Sir Girja Shankar Bajpai :** As far as I am aware, the Imperial Council of Agricultural Research started no investigation into the fair selling price of sugar-cane. My Honourable friend is thinking of an entirely different investigation.

**Mr. M. Ananthasayanam Ayyangar :** I was referring to sugar-cane.

**Sir Girja Shankar Bajpai :** I am talking of sugar-cane.

**Prof. N. G. Ranga :** Is this subsidy being offered to the growers of sugar-cane in Madras Presidency in order to enable them to get a fair selling price in view of the failure of the Madras Government to fix a minimum price ?

**Sir Girja Shankar Bajpai :** My Honourable friend ought to draw a distinction between fixation of minimum price and the securing of a fair price. My contention is that these cane growers in Madras are securing a fair price.

**Prof. N. G. Ranga :** If the cane growers are securing a fair price, where is the necessity for offering them this particular subsidy in addition ?

**Sir Girja Shankar Bajpai :** The cane growers are not being offered a subsidy. Certain societies are being offered subsidies in order to enable them to make good terms with the buyers.

#### ASPERSIONS FLUNG ON THE MUSLIM COMMUNITY IN THE *Postal Observer*.

11. **\*Khan Sahib Nawab Siddique Ali Khan :** (a) Are Government aware of the fact that in the *Postal Observer*, for March, 1936, aspersions have been flung on the Muslim community in calling them tigers, etc. ?

(b) Are Government also aware of the fact that a certain Muslim official was tackled for casting aspersions as 'wolves' for the Hindu community ?

(c) Is it a fact the *Postal Observer* is the official organ of the unrecognised Punjab and North-Western Frontier Posts and Telegraphs Hindu Union, which is run by the serving and retired postal staff ?

(d) If the replies to parts (a) and (c) be in the affirmative, are Government prepared to deal with all the members, including the Executive.

of this unrecognized Union for creating ill-will between the two communities and disturbing the peace, as was done in the case of the Muslim official mentioned in part (b) above? If not, why not?

**The Honourable Sir Frank Noyce :** (a) and (c). Government have no information.

(b) Yes.

(d) Does not arise.

**MALTREATMENT OF THE MUSLIM STAFF BY THE POSTMASTER, RAWALPINDI.**

12. **\*Khan Sahib Nawab Siddique Ali Khan :** Are Government aware of the fact that there has been a lot of hue and cry about the maltreatment of the Muslim staff by the present Postmaster, Rawalpindi?

**The Honourable Sir Frank Noyce :** Government have no reason to believe that the facts are as stated by the Honourable Member.

**MALTREATMENT OF THE MUSLIM STAFF BY THE POSTMASTER, RAWALPINDI.**

13. **\*Khan Sahib Nawab Siddique Ali Khan :** (a) Are Government aware of the fact that on receipt of a complaint that the present Postmaster, Rawalpindi, was unnecessarily harassing Muslim staff, the Postmaster General, Punjab, deputed his senior Deputy to make enquiries in the matter, although the subject-matter of the complaint did not fall under the headings dealt with by that officer?

(b) If the reply to part (a) above be in the affirmative, is it a fact that the officer's report being perfunctory, the case was entrusted for thorough investigation to the Deputy Postmaster General directly concerned with the subject-matter of the case?

(c) Is it also a fact that the Postmaster General also looked into the complaints, while at Rawalpindi, and satisfied himself that the Muslim staff were actually harassed by the Postmaster?

(d) If the replies to parts (a), (b) and (c) above be in the affirmative, are Government prepared to take action against the Postmaster, as also steps to redress the grievances of the Muslim staff? If not, why not?

**The Honourable Sir Frank Noyce :** (a), (b), (c) and (d). Government have no information and do not propose to call for it as the Postmaster General is fully competent to deal with the matter.

**CLERICAL VACANCIES IN THE DACCA HEAD POST OFFICE FILLED IN CONTRAVENTION OF THE REVISED COMMUNAL ORDERS.**

14. **\*Khan Sahib Nawab Siddique Ali Khan :** (a) Is it a fact that three clerical vacancies in the Dacca Head Office were filled in September, 1935, in contravention of the revised communal orders providing 71 per cent. of all appointments for Muslims?

(b) Is it a fact that the appointments have not yet been regularised, and that the irregularity has been pointed out by the Postmaster General who has decided that modification must be made?

**The Honourable Sir Frank Noyce :** (a) No. Owing to his not having received the revised orders of Government, the Postmaster made one appointment which was not in accordance with these orders, and the clerk so appointed was subsequently discharged.

(b) No. The error has been rectified.

**REPRESENTATION OF MUSLIMS IN THE POSTS AND TELEGRAPHS DEPARTMENT.**

15. \***Khan Sahib Nawab Siddique Ali Khan** : (a) Will Government please state the result of their investigations in respect of the submissions made by the Muslim Members of the Central Legislature in the memorandum, dated 27th March, 1935, to His Excellency the Viceroy and Governor General of India, regarding the representation of Muslims in the Indian Posts and Telegraphs Department ?

(b) Will Government please state the action taken on each of the points (a) to (k) in paragraph 9 of the said memorandum ?

(c) Is it a fact that while retrenching or discharging the surplus staff in any cadre, junior officials at the bottom of the list are removed from service, and that this nullifies the effect of the orders of reservation of vacancies for Muslims ?

(d) Will Government please state whether, like the Railway Department, there is any proposal of fresh retrenchment in the Posts and Telegraphs Department ?

**The Honourable Sir Frank Noyce** : (a) and (b). A copy of the reply to the memorandum referred to by the Honourable Member is laid on the table.

(c) The fact is not as stated by the Honourable Member in the first part of his question. The discharge or retirement of officials whose appointments may be abolished is governed by the rules in the Civil Service Regulations. The latter part of the question does not arise.

(d) There is, at present, no proposal for compulsory retrenchment on a large scale in the Posts and Telegraphs Department. But I would inform the Honourable Member that increases or decreases in the number of staff employed in the department due to administrative changes or fluctuations of traffic are a normal feature of administration and these will continue to be made under the ordinary rules.

No. Es.B.-26-11|35.

GOVERNMENT OF INDIA.  
DEPARTMENT OF INDUSTRIES AND LABOUR.

POSTS AND TELEGRAPHS BRANCH.

*Simla, the 24th July, 1935.*

FROM

A. G. CLOW, ESQUIRE, O.S.I., C.I.E., I.C.S.,  
*Offg. Secretary to the Government of India,*

TO

A. K. FAZLUL HUQ, ESQUIRE, M.L.A.,  
C/o Legislative Assembly Department, Simla.

**Subject** :—MEMORANDUM REGARDING REPRESENTATION OF MUSLIMS IN THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

SIR,

In reply to your letter, dated the 28th March, 1935, forwarding on behalf of yourself and certain other members of the Central Legislature a memorandum regarding representation of Muslims in the Indian Posts and Telegraphs Department, I am

directed to communicate the following observations. The references are to the paragraphs of the memorandum.

*Paragraph 2.*—The fixing of the ratios of recruitment of different communities in order to give effect to the Government Resolution of July 4th, 1934, is an intricate matter involving references to numerous local authorities. The work is being expedited as much as possible but its completion must take some time. As regards the last sentence of this paragraph, Government have no reason to suppose that the facts are as stated. The entry of a large number of candidates of one community in the waiting lists cannot benefit that community in the matter of recruitment as this is being conducted in strict accordance with the orders of Government for the protection of minority communities.

*Paragraph 3.*—The percentage of 25 has been fixed on a population basis. It is actually slightly in excess of the percentage strictly applicable on that basis, since in British India the percentage of Muslims in the 1931 census was 24.68.

*Paragraph 4.*—The policy of Government has been to ensure that the minority communities get a specified minimum proportion of the vacancies filled by direct recruitment. The Government of India made it clear in the second sub-paragraph of paragraph 9 of the Home Department letter No. F-14/8/35-Est. (S.), dated the 26th June, 1935, that they were not prepared to increase the percentage of vacancies for Muslims or to suspend the recruitment of other communities until the Muslims hold 25 per cent. of all posts in each service. A reference to the Annual Reports of the Posts and Telegraphs Department for the years 1932-33 and 1933-34 will show that the strength of the Muslims in the entire Department (excluding the non-gazetted staff of the Directorate), has risen from 21.66 per cent. in 1932 to 21.99 per cent. in 1933 and that 27.85 per cent. of the vacancies in the Department have gone to Muslims during the year 1933 as compared with 24.03 per cent. during 1932. Thus the interests of the Muslim community have not been neglected.

*Paragraph 5.*—The orders of Government relate only to recruitment and not to promotions. Strict instructions have been issued to all recruiting authorities and their compliance with the orders is being watched by a system of elaborate communal statements received annually from them. It is the duty of the Heads of Circles and of the Director General to see that the orders are being properly carried out. The figures given in the preceding paragraph show that the results of the control exercised by the Department in the matter of recruitment are satisfactory. In addition, as stated in paragraph 9 of the Home Department letter of the 26th June, 1935, referred to above, the Government of India have appointed an Additional Deputy Secretary in the Home Department, an important part of whose duties is to see that the orders are strictly observed. In these circumstances Government do not consider that there is any necessity for a separate special officer to be employed in the Posts and Telegraphs Department for the purpose.

The office staff dealing with questions relating to communal representation in the Home Department can be strengthened if and when this proves necessary. The Government of India consider that there is no ground for any apprehension in respect of compilation or examination of figures and statements. This work is carefully done and the detailed figures which will be furnished by the various Departments are always available for checking purposes if necessary.

*Paragraph 6.*—(i) As has been repeatedly stated in the Legislative Assembly and elsewhere, postings of staff in the various branches of the Department must be made with regard to the exigencies of the service and cannot be made on communal grounds.

(ii) The difficulty of securing duly qualified Muslim candidates has not arisen in the past except in the Bombay Postal Circle and orders have already been issued to the Postmaster-General, Bombay Circle, in November, 1932, to relax this restriction where necessary. Under the Resolution of the 4th July, 1934, the percentage of Muslims to be recruited will be fixed for each local recruiting area with due regard, *inter alia*, to the proportion of the Muslim population in that area. Consequently, a dearth of Muslim candidates is not likely to occur in future, especially in view of the provisions made in paragraph 8 of the Memorandum of Supplementary Instructions a copy of which was forwarded to you with the Home Department letter of the 26th June, 1935.

(iii) The preferential treatment accorded to sons and relatives of the employees is subject to communal considerations and does not operate to diminish the rights of any community in respect of recruitment.

(iv) Orders have already been issued to the effect that the plea that no suitable candidate of a minority community is available for filling a vacancy reserved for that community will not be accepted unless the vacancy has been advertised in such newspapers as are likely to be read by the public of the minority communities or unless a reference has been made to a suitable organization. Attention is invited in this connection to the provision made in paragraphs 8 and 10 of the Memorandum of Supplementary Instructions. No further action appears to be necessary.

(v) *Vide* paragraph 4 above.

*Paragraph 7.*—Attention is invited to the observations made by the Government of India in paragraph 4 of the Home Department letter of 26th June, 1935. Government cannot, with fairness to other communities, reserve for Muslims any proportion of vacancies to be filled by promotion. The claim of individuals to promotion must rest on their own merits and seniority combined and promotion could not be granted on communal grounds, without the risk of a grave depreciation in the efficiency of the service and of reasonable and serious discontent on the part of those whose promotion was thereby retarded.

*Paragraph 8.*—All compulsory retrenchment in this Department ceased with effect from the 1st April, 1935, but as stated in paragraph 6 of the Home Department letter of 26th June, 1935, the orders referred in this paragraph were issued to protect the interests of the minority communities themselves.

The numerical calculations in the second sub-paragraph are evidently based on a misconception of the position. The orders of Government are that 25 per cent. of the vacancies to be filled by direct recruitment should be reserved for Muslims. It is immaterial whether certain cadres are filled by promotion, because when any post in a higher cadre is filled by promotion it causes a vacancy in a lower cadre which is then filled by direct recruitment. Muslims thus secure posts equal in number of 25 per cent. of the vacancies in the whole service, whatever the cadres in which the vacancies originally arose.

*Paragraph 9.*—(a) and (b). Attention is invited to paragraph 7 of the Home Department letter of 26th June, 1935.

(c) Government orders prior to the Resolution of 4th July, 1934, did not reserve a fixed percentage for Muslims who had to compete for a share of 33 1/3 per cent. of the vacancies in posts filled by direct recruitment along with other minority communities. Those minority communities which were educationally advanced were then able to secure a proportionately higher number of posts. The present orders of Government ensure to Muslims a definite share amounting to 25 per cent. of all vacancies filled by direct recruitment.

(d) Government are not prepared to accept this wholesale condemnation of officers belonging to the majority community.

(e) The Government of India consider that their orders of 4th July, 1934, are clear; they will be brought into operation as soon as possible. Attention is also invited to the Memorandum of Supplementary Instructions referred to above.

(f), (g) and (h). These have been dealt with in paragraph 8 above.

(i) While it is true that in the gazetted ranks the percentage of Muslims is low, Government cannot accept the conclusion drawn in the concluding portion of the paragraph that the interests of an Indian official are safe only when entrusted to an officer of the particular community to which he may belong.

(j) It is admitted that there should not be an undue preponderance of any community.

(k) This has been dealt with in paragraph 5 above.

I have the honour to be,

SIR,

Your most obedient servant.

A. G. CLOW,

*Offg. Secretary to the Government of India.*

No. Es.-B.-26-11|35.

A copy is forwarded to the Home Department for information.

SIMLA,

J. R. T. BOOTH,

The 24th July, 1935.

Senior Deputy Director-General.

REPRESENTATION OF MUSLIMS IN THE GOVERNMENT OF INDIA OFFICES.

16. \*Khan Sahib Nawab Siddique Ali Khan : (a) Will Government please state the action taken on paragraph 9 of the memorandum, dated the 27th March, 1935, submitted by Muslim Members of the Legislative Assembly, to His Excellency the Viceroy and Governor General of India regarding representation of Muslims in the Secretariat, Attached and Subordinate Offices of the Government of India ?

(b) Will Government please state how their new orders dated the 4th July, 1934, of recruitment in those offices have worked in actual practice ?

(c) Is it a fact that the number of Muslims in the Superintendents' and Assistants' and First Division clerks has been reduced instead of being increased ?

(d) Will Government please state whether the employees superseded, on the strength of departmental office memorandum embodying certain restrictions have a right of appeal against such supersessions, and, if so, whether they are entitled to copies of the " office memoranda " which are not published in the Gazette of the Government of India, but which are used for recruitment and promotion purposes ?

(e) Will Government please place on the table copies of the Home Department memorandum, dated the 8th December, 1928, and 8th October, 1934, circulated to all departments of the Government of India ?

(f) Are Government prepared to order that all such office memoranda circulated to departments of the Government of India or Local Heads of Government departments are circulated to the employees of the Government department concerned and published in the Government of India Gazette, and if not, why not ?

(g) Are Government prepared to order that no order and memorandum, copies of which were not and could not be supplied to the Government employees or circulated, should not be used for or against the employees ? If not, why not ?

The Honourable Sir Henry Craik : (a) I lay on the table a copy of the Home Department letter No. F. 14|8|35-Ests.(S), dated the 26th June, 1935, addressed to Mr. A. K. Fuzul Huq, which was in reply to the memorandum.

(b) All vacancies are reported to the Home Department who first determine whether the vacancy shou'd, according to the recruitment rules, be filled by direct recruitment or otherwise. Communal rosters on the lines indicated in paragraph 7 of the Memorandum of Supplementary Instructions connected with the Home Department Resolution No. F. 14|17-B.33-Ests., dated the 4th July, 1934 (copies of both of which are in the Library of the House), are maintained in respect of each Division separately. If the vacancy is to be filled by direct recruitment a candidate is nominated according to the roster, and this ensures



that candidates belonging to the minority communities get their due share of the vacancies.

(c) Information in regard to the number of Muslim Superintendents and Assistants in 1934 and 1935 will be included in the annual returns in respect of these years in the form referred to in paragraph 9 of the Memorandum of Supplementary Instructions. It is unlikely that these statements will show a reduction in the number of Muslim Superintendents and Assistants, and in any case any such reduction would be the result of promotions and retirements and not of any deficiency in the number of Muslims recruited.

(d) I presume the Honourable Member refers to the Home Department Office Memorandum No. F. 452|27-Ests., dated the 8th December, 1928 and No. F. 180|34-Ests., dated the 8th October, 1934, which lay down that promotion from a lower to a higher Division should be made strictly by selection from the most meritorious candidates. Any person who feels aggrieved by the orders passed in the matter of promotion is at liberty to represent his case to the Department concerned. Copies of Office Memoranda concerning the staff are generally communicated to their Association and are also available to the members of the establishment and in fact are obtained by them and quoted in representations. There is, therefore, no need for any formal communication.

(e) A copy of the Home Department Office Memorandum No. F. 452|27-Ests., dated 8th December, 1928, will be found in the Library of the House. I lay on the table a copy of the Office Memorandum, dated the 8th October, 1934.

(f) and (g). It is open to members of the staff to familiarise themselves with the orders regulating their conditions of service, but Government cannot undertake to supply copies of all orders to every Government servant nor would the expense of publishing all such orders in the Gazette be justified.

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*Copy of the Home Department letter No. F-14|8|35-Ests. (S.), dated the 26th June, 1935, to Mr. A. K. Fazlul Huq, M.L.A.*

In continuation of my letter No. F-14|8|35-Ests., dated the 4th April, 1935, I am directed to forward, for your information, a copy of a Memorandum of Supplementary Instructions issued by the Government of India in connection with the orders contained in the Home Department Resolution No. F-14|17-B|33, dated the 4th July 1934, and to make the following observations on the remarks and suggestions made in the Memorandum addressed by you and some other Muslim Members of the Central Legislature to His Excellency the Viceroy and Governor General in respect of the position of Muslims in the Secretariat, Attached and Subordinate Offices of the Government of India. Replies to the Memoranda relating to the Audit and Accounts Service, the Railways, the Posts and Telegraphs Department and the Central Public Works Department will be sent separately by the administrative Departments concerned.

2. In paragraph 2 of the Memorandum it is stated that although the instructions embodied in the Resolution referred to have been issued to ameliorate the position of Muslims in the services, in actual practice their position will become worse, and this illustrated by a concrete example. I am to point out that the calculations made in the Memorandum are based on certain assumptions which are not likely to materialize. In the first place, it is assumed that 10 vacancies out of 40 arise on account of casualties among Muslims in the Assistant's'

grade. This is not likely to be the case for a number of years, because of the present low percentage of Muslims, especially in the higher grades. Secondly, it is assumed that none of the vacancies in the First Division to be filled by promotion from the Second Division will go to Muslims. This too seems to be based on a misapprehension. The claims of Muslim members of the Second Division are considered for promotion equally with those of other members of that Division, and I am to add for your information, that out of the 8 vacancies so filled in the Home Department since 1925, 2 have gone to Muslims.

3. The interpretation, referred to in paragraph 3 of the Memorandum, that in the event of Muslims securing 25 per cent. of vacancies by open competition, the 25 per cent. reserved for them will lapse, is correct. This does not, however, mean that Muslims are worse off now than under the old orders. Muslims are now assured of 25 per cent. of vacancies, whereas under the old orders when all minority communities shared in a reservation of 33 1/3 per cent., the Muslim share of vacancies was liable to fall below 25 per cent. and did in fact sometimes fall below this figure.

4. With reference to the suggestion made in the first sub-paragraph of paragraph 4 of the Memorandum, I am to refer you to paragraph 5 of the Memorandum of Supplementary Instructions from which it will be observed that the percentages prescribed for minority communities are to be applied to vacancies in each grade or division of a service to be filled by direct recruitment. As to vacancies to be filled by promotion, it is the established policy of the Government of India that no proportion of such vacancies should be filled in accordance with communal considerations. All the members of a service, office or Department must rely on their own individual merits to gain promotion, and there is nothing to prevent Muslims, or members of other communities from securing their proper share of such vacancies in this manner.

5. As to the complaint made in the second sub-paragraph of paragraph 4 of the Memorandum, I am to say that the orders stopping direct recruitment of Assistants and Second Division clerks in Attached offices apply to all communities alike. The number of Assistants and Second Division clerks had to be reduced as an essential condition of the introduction of the Secretariat scales of pay which are higher than those previously obtaining in Attached Offices, but the result has been a corresponding increase of vacancies in the Third Division. As soon as the ultimate revised strength of the various Divisions in Attached Offices is attained, direct recruitment in the normal manner will be resumed.

6. The principle quoted in paragraph 5 of the Memorandum is still being followed. The orders regarding the preservation of the pre-retrenchment ratios of the various communities were issued for the express purpose of safeguarding the interests of Muslims, as it was apprehended that retrenchment in accordance with the principles laid down for selection of individuals for discharge might result in reducing the percentage of Muslims in service.

7. As to the remarks made in paragraphs 6 and 8 of the Memorandum, it is true that Muslims have not yet attained positions of responsibility and importance in proportion to their population, but this is due firstly to the paucity of sufficiently qualified men among them in the past, as they were much behind other communities in the matter of higher education, and, secondly, to the fact that the orders regarding communal representation have not yet been in operation long enough for their full effect to be felt, especially in those grades to which appointments are made by promotion. Ample opportunities exist for the redress of grievances through statutory appeals, petitions, memorials, etc., and the Government of India do not consider that any further action, other than that already taken in the form of Supplementary Instructions, is necessary to obviate the occurrence of cases of the kind mentioned in paragraph 8 of the Memorandum.

8. The proposal, referred to in paragraph 7 of the Memorandum, that Stenographers should in future be recruited without being required to pass an examination is still under the consideration of the Government of India. The observations made in the Memorandum will be duly considered before a decision is arrived at, but, in the meantime, I am to assure you that the proposal has not been initiated with the object of depriving Muslims of their due share of these appointments.

9. To come now to the appeal made in paragraph 9 of the Memorandum, I am to say that the first suggestion has already been dealt with in paragraph 4 above. As to the second suggestion, the Government of India have appointed an Additional Deputy Secretary in the Home Department, an important part of whose duties is to see that the orders are strictly observed. The statements prescribed in paragraph 9 of the Supplementary Instructions will be useful to him for this purpose.

The third suggestion is that steps should be taken to secure for Muslims their due share within a specified period. The Government of India recognise that at present the percentage of Muslims in some grades or divisions is below 25 and that the filling of future vacancies to the extent of 25 per cent. will not secure to them this percentage of posts for a number of years. Nevertheless, the position cannot, with fairness to other communities, be remedied immediately, and Government are not prepared to increase the percentage of vacancies for Muslims or to suspend the recruitment of other communities until the Muslims hold 25 per cent. of all posts in each service.

With regard to the fourth suggestion, I am to say that Government will take steps to see that appointing authorities carry out these instructions.

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*Copy of the Home Department Office Memorandum, No. F-180|34-Ests., dated the 8th October, 1934, to all Departments of the Government of India.*

**SUBJECT :—***Question of the stoppage of external recruitment and the filling of vacancies by promotion in order to accelerate the process of readjustment of the clerical staff consequent on retrenchment and the introduction of new rates of pay in Attached offices.*

The attention of the Foreign and Political Department|etc., is invited to the Home Department Office Memorandum No. F-250|2|32-Ests. (S.), dated the 9th May, 1934. As a condition of applying the revised Secretariat scales of pay to new entrants in the Attached Offices the number of posts in the First and Second Divisions in the Attached Offices will be materially reduced and a corresponding number of posts will be created in the new Third Division. If this scheme is to have its full effect in the shortest period of time, every vacancy in the higher divisions should be utilised to effect the necessary reduction and replacement; but as this would involve hardship on the clerks in the existing Second Division since they are normally entitled, if qualified, to promotion in every second vacancy in the higher division, *vide* Home Department Office Memorandum No. F-452|27-Ests., dated the 8th December 1928, the Government of India have decided that the first and every alternate vacancy thereafter in the First Division that may occur in an Attached Office should, with effect from the 1st October, 1934, or in cases where vacancies occurring in September, 1934, have not already been filled before the receipt of these orders, from 1st September, 1934, be filled by promotion from amongst qualified members of the old second division. The second, fourth and sixth vacancies, etc., will thus remain unfilled till the requisite sanctioned strength for the First Division is reached. This concession will apply only to those candidates who are already serving in the same office on the old second division scale of pay and are fully qualified for promotion.

2. As regards the Government of India Secretariat in which owing to the retrenchment campaign of 1931-32 certain posts were abolished and Departments undertook to replace a number of Second Division posts by Third Division ones as vacancies occurred, it has been decided that the first and every fifth vacancy thereafter that may occur in the Second Division after the 1st October, 1934, or in cases where vacancies occurring in September 1934, have not already been filled before the receipt of these orders, from 1st September, 1934, should be filled by promotion from the Third Division, provided qualified and exceptionally meritorious men are available.

3. The Foreign and Political Department|etc., is requested to communicate a copy of this office Memorandum to such of its Attached and Subordinate Offices as recruit through the Public Service Commission.

**REPRESENTATION OF MUSLIMS IN THE AUDIT AND ACCOUNTS SERVICE.**

17. \*Khan Sahib Nawab Siddique Ali Khan : (a) Will Government please state the action taken on the memorandum, dated the 6th March, 1935, submitted to His Excellency the Viceroy and Governor General of India regarding the representation of Muslims in the Audit and Accounts Services by Muslim Members of the Legislative Assembly ?

(b) Will Government please state whether, in view of the fact that reservation for initial recruitment at the bottom and again retrenchment at the bottom could not, in actual practice, improve the position of Muslims, the proposal contained in paragraph 3 of the said memorandum for reservation in "Grade and Grade Promotion" has been considered, and, if so, with what result ?

**The Honourable Sir James Grigg :** I would refer the Honourable Member to the reply given in Finance Department letter No. F 10 (10)-Ex. I|35, dated the 23rd December, 1935, addressed to the signatories of the Memorandum including the Honourable Member himself, a copy of which is laid on the table.

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No. F. 10 (10)-Ex.I|35.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

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New Delhi, the 23rd December, 1935.

FROM

J. C. NIXON, ESQUIRE, C.I.E., I.C.S.,  
Secretary to the Government of India,

TO

MAULVI SIR MUHAMMAD YAKUB, M.L.A.,  
etc.

SUBJECT :—Representation of Muslims in Audit and Accounts Services.

SIR,

I am directed to refer to the memorandum, dated the 6th March, 1935, addressed to His Excellency the Viceroy regarding the representation of Muslims in Audit and Accounts Services, and to enclose a copy of a note in which the various statements made in it are examined.

2. The orders regarding the redress of communal inequalities in recruitment to Government service, contained in the Resolution No. F-14|17-B.133, dated the 4th July, 1934, apply only to direct recruitment and it is expressly stated in the Resolution that recruitment by promotion will continue to be made solely on merit. From this policy the Government of India are not prepared to depart.

3. It is moreover clear that the application of the percentages prescribed in the Resolution of the 4th July, 1934, must take some years to produce its full effect. The Government of India are satisfied that the principles laid down in the Resolution are being applied in the case of these Services. Since 1926, 12 Muslims have been recruited to the Indian Audit and Accounts Service out of a total of 45, a figure slightly in excess of the prescribed Muslim percentage.

4. After a careful consideration of your memorandum, the Government of India do not consider that it is necessary to issue in the case of the Audit and Accounts Services further orders on the lines indicated in paragraph 11 of your Memorandum regarding representation of Muslims in the Railway Services.

I have the honour to be,

SIR,

Your most obedient servant,

J. C. NIXON,

Secretary to the Government of India.

No. F. 10 (10)-Ex.I|35.

Copy, with a copy of the memorandum under reply, forwarded to the Home Department, for information.

Before answering the specific complaints in the memorandum submitted by the members of the Legislative Assembly it may be pointed out that when instructions were first issued prescribing a certain percentage of minority recruitment the Government of India were aware of the fact that the percentages then prescribed could not at once be achieved in the total composition of any Service or Department. The fact that the percentage adopted for recruitment has not yet been attained in the total composition of a department does not justify the inference that the Department has deviated in any way from the orders of the Government of India. To this extent the deficiency should not be a reason for complaint. For instance, the recruitment to the Indian Audit and Accounts Service since 1926 has been as follows:—

Hindus	..	29
Muslims	..	12
Sikhs	..	2
Burmans ..	..	2
		45

The prescribed percentages have therefore been correctly observed and Muslims have obtained a share slightly in excess of that laid down by the recent July, 1934, orders.

2. The following remarks are offered on the specific complaints in the memorandum:—

Paragraph 2 (a).—The correct figures are—

	Muslims.	Total.	
Indian Audit and Accounts Service	17	166	} Up to date.
Assistant Accounts Officers	2	77	
Subordinate Accounts Service ..	32	656	} as on 31st December, 1933.
Clerical grades .. .. .	741	6,740	

In paragraph 2 (a) (iv) of the memorandum, figures for the following offices have been omitted:

- (a) Comptroller, Assam.
- (b) Comptroller, North-West Frontier Province.
- (c) Audit Officer, Indian Stores Department.
- (d) Audit Officer, Lloyd Barrage and Canals Construction.
- (e) Director of Army Audit.
- (f) Director of Railway Audit and offices subordinate to him.

If these offices be included in the composition of the clerical grades will be 741 Muslims in a total of 6,740 instead of 564 Muslims in a total 5,650 as shown in paragraph 2 (a) (iv) of the memorandum. [Figures for items (iii) and (iv) are as they stood on 31st December, 1933. Later figures are not available.]

3. The orders of the Government of India provide for a gradual increase in the representation of minority communities by reservation of a prescribed percentage of vacancies for them. The orders do not apply to departmental promotions which are mainly regulated by merit and seniority. If the minority communities receive their prescribed share in the grades to which direct recruitment is made there is no reason why they should not obtain promotion to higher grades after about the same period of service as in the case of the majority community. If reasonable efficiency on the part of minority community personnel be assumed (and every effort is being made to maintain the standard), the proportions in the grades filled by departmental promotion should readjust themselves in due course.

4. Paragraph 3 (a).—Paragraph 8 of the Resolution, dated the 4th July, 1934, does not permit the fixing of a higher percentage for recruitment of Muslims than that prescribed in the paragraph. Government have never agreed to the application of recruitment orders to departmental promotions from grade to grade and the question whether there should be any modification of this policy is a general one concerning all Departments. The introduction of the element of communal representation into promotion to grades filled by selection on considerations of merit and approved service would obviously be detrimental to efficiency. Where however it has been the recognised policy to have a measure of *direct recruitment* to a grade in the Audit Department ordinarily filled by departmental promotion as in the case of the Subordinate Accounts Service the opportunity has been taken to redress communal inequalities by this means and recent recruitment has been almost invariably from minority communities and generally has been Muslim. Confirmation in this grade however depends upon passing an examination and although every reasonable consideration has been shown to Muslim candidates few of them have succeeded in passing the examination. The number of appointments of this kind made since 1930 is 13, including 11 Muslims and 2 from other minority communities.

5. Paragraph 3 (b).—The suggestions made here are without foundation. Concessions in the matter of passing examinations are in particular expressly discountenanced by the Auditor-General.

6. Paragraph 4 (a).—Postings of officers are made after taking into account the usual administrative considerations and in conformity with a general policy of placing officers as far as possible in their own provinces. This policy has facilitated economy and contributes to the contentment of the officers themselves. It is not open to the objections which might be urged if it were applied to executive offices. It follows that a larger proportion of Muslim officers will be found in offices in Northern India but it is not true that Muslim Officers have been concentrated in any single office exclusively. The complaints made in this sub-paragraph are based on insufficient information: the suggestions are not acceptable administratively and the adoption of them would not be conducive to the contentment of the officers themselves.

7. Paragraph 4 (b).—The memorandum ignores the fact that of the 2 Assistants of the Indian Audit and Accounts Service usually attached to the Auditor-General's office one was a Muslim during the year 1932-33. He was the first Muslim Officer so to be employed, he dealt with personnel questions and left on promotion. It is perhaps relevant to point out that the Auditor-General and his Deputy are Europeans. As regards the Subordinate Accounts Service a direct Mohammedan recruit was taken in the year 1930. In spite of extra opportunities given for passing the examination, he failed to pass it: he resigned his post in 1934 and another Muslim probationer has been recruited in his place.

8. Paragraph 4 (c).—The allegations here are unfounded and the remedy suggested would not be effectual. The safeguarding of minority community recruitment is the Auditor-General's personal concern and observance of the rules is checked by him regularly both through returns and by his personal inspections.

#### REPRESENTATION OF MUSLIMS IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

18. \*Khan Sahib Nawab Siddique Ali Khan : (a) Will Government please state the action taken on the various issues raised in the memorandum, dated the 29th March, 1936, submitted to His Excellency the

Viceroy and Governor General of India, by the Muslim Members of the Legislative Assembly, regarding representation of Muslims in the Central Public Works Department ?

(b) Will Government please state the orders passed on the suggestions (a) to (f) contained in paragraph 7 of the said memorandum, and, if not, why not ?

**The Honourable Sir Frank Noyce :** (a) and (b). A full reply to the memorandum referred to in the question was sent to Mr. A. K. Fazlul Huq in the Government of India, Department of Industries and Labour, letter No. E-65, dated the 16th August, 1935, a copy of which is placed on the table.

COPY OF LETTER FROM THE OFFICIATING JOINT SECRETARY TO THE GOVERNMENT OF INDIA, DEPARTMENT OF INDUSTRIES AND LABOUR, PUBLIC WORKS BRANCH, TO A. K. FAZLUL HUQ, ESQUIRE, M.L.A., 215, JHAWTOLA ROAD, CALCUTTA, No. E-65, DATED THE 16TH AUGUST, 1935.

SUBJECT :—*Representation of Muslims in the Central Public Works Department.*

1. I am directed to refer to the memorandum, dated the 29th March, 1935, on the subject noted above, which was addressed to His Excellency the Viceroy by you and other members of the Legislative Assembly.

2. The Government of India do not accept as complete or entirely accurate the figures given in paragraph 4 of the memorandum. But in view of the circumstances in which the Central Public Works Department became a permanent Department in 1933, and of the conditions under which work is now being carried on, no very useful result can be obtained by an examination of figures at short intervals. I am to explain that the permanent Department was formed by the amalgamation of (a) a large temporary staff employed in the Delhi Province and at Dehra Dun, with (b) three permanent divisions at Simla, Ajmer and Indore. Many of the temporary staff had been employed continuously for years, and it would have been unjust to discharge men with long service merely to make room for new recruits belonging to minority communities. Of the permanent divisions, the division at Simla was a central organisation ; the divisions at Ajmer and Indore were staffed by the United Provinces and the Central Provinces respectively. All three divisions were absorbed in the new Department, and there was no question of discharging any of the permanent men then employed in them. The Department was thus formed from several organisations recruited in different ways, and it cannot be expected to reflect the results of a uniform system of recruitment. Apart from this, construction work is still in progress, and there are, in addition to the permanent establishment, two temporary Circles of two and five Divisions respectively. These Circles deal with the New Capital and with Civil Aviation works ; there is no intention of making them permanent, and while they are in existence many temporary men pass through the Department. A comparison based on permanent and temporary figures is therefore likely to be misleading.

3. As regards the suggestions summarised in paragraph 7 of the Memorandum, I am to refer you to the Home Department letter No. F. 14|8|35-Est(s.), dated the 26th June, 1935, and to make the following observations :

- (a) Appointments of Superintending Engineer and Executive Engineer (or Divisional Officer) are not filled by direct recruitment. Most of the gazetted posts in the Department have in the past been filled by the transfer from the provinces of officers of the Indian Service of Engineers, or the Provincial Engineering Services. With the creation of new posts of Assistant Executive Engineer, which are open to direct recruitment, the posts of Executive Engineer will probably be filled by promotion to a greater extent than has been possible in the past ; but the Government of India are not prepared to reserve vacancies in the posts of Executive Engineer or in the posts of Superintending Engineer, for Muslims.

- (b) Superintendents and Head Clerks are not recruited directly, and no reservation for Muslims can be made. Any vacancies in the grade of Assistant to be filled by direct recruitment will be subject to the provisions of the Home Department Resolution No. F. 14|17-B.33-Ests., dated the 4th July, 1934.
- (c) The Government of India cannot agree that the principle of communal reservations should be applied to grade promotions. Promotions must, as in the past, depend on merit and seniority alone.
- (d) The reservation sanctioned is 25 per cent. of all vacancies to be filled by direct recruitment; the Government of India are unable to agree that for the purposes of selection or competition the unreserved should be separated from the reserved vacancies. If Muslims secure on their merits 25 or 30 per cent. of a given set of vacancies they are clearly in no need of special protection.
- (e) It would be impossible, without grave injustice to other communities, to fix a period within which the strength of Muslims in the Central Public Works Department must be increased to a specified figure. The Government of India regret that they cannot accept this suggestion.
- (f) The Government of India cannot agree to the establishment of mixed boards to deal with service cases. The statutory rules already give ample scope for appeals.

CHANGE IN THE CYPHER CODE.

19. \*Mr. T. S. Avinashilingam Chettiar : (a) Will Government state for how long attempts are being made to change the cypher code in India ?

(b) In what stage is the proposed change ?

(c) When is this change expected to be completed ?

Sir Aubrey Metcalfe : (a) to (c). The new Codes are already in use.

Mr. M. Ananthasayanam Ayyangar : Are Indians using that Code ? Have Indians been confided with these Codes ?

Sir Aubrey Metcalfe : If the Honourable Member will wait for the next question, he will hear the answer.

NON-APPOINTMENT OF INDIANS IN THE CYPHER BUREAU.

20. \*Mr. T. S. Avinashilingam Chettiar : (a) Will Government state what the reasons are for not appointing Indians in the Cypher Bureau ?

(b) Has there been an order or understanding with the British Government, express or implied, that Indians should not be appointed to the Cypher Bureau, so long as the present cypher continues ?

(c) If so, what action have Government taken in this matter ?

Sir Aubrey Metcalfe : (a) There is no bar to the appointment of Indians to the Central Cypher Bureau, and an Indian has already been posted there.

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

Mr. M. Ananthasayanam Ayyangar : What is the total number of officers at present employed in the Cypher Bureau of all nationalities ?



**Sir Aubrey Metcalfe** : I cannot give the Honourable Member the exact number, but I think about 14 altogether.

**Mr. M. Ananthasayanam Ayyangar** : Has one Indian alone been found competent to do this work ?

**Sir Aubrey Metcalfe** : That is not the point. All the present posts are filled up ; they cannot be immediately vacated in order to make room for Indians.

**Pandit Lakshmi Kanta Maitra** : Is this Indian an Anglo-Indian ?

**Sir Aubrey Metcalfe** : No, he is an Indian, a full Indian. (Laughter.)

**Mr. Lalchand Navalrai** : May I know whether he has been appointed merely as a clerk without any responsibility, or is he in any responsible position ?

**Sir Aubrey Metcalfe** : He certainly has not been appointed Superintendent.

#### RECRUITMENT OF INDIANS IN THE GOVERNMENT OF INDIA DEPARTMENTS.

21. **\*Mr. T. S. Avinashilingam Chettiar** : (a) Will Government state whether there are any departments of the Government of India to which Indians are not recruited ?

(b) Are there any departments in which recruitment of Indians is not prohibited, but still none have been appointed till now ?

(c) What are the posts in superior services in the Government of India to which recruitment of Indians has not been prohibited ?

**The Honourable Sir Henry Craik** : (a) and (c). Indians are eligible for all superior posts in all Departments of the Government of India.

(b) No.

**Mr. M. Ananthasayanam Ayyangar** : Is there any Indian Secretary in the Home Department or in the Finance Department ?

**The Honourable Sir Henry Craik** : That does not seem to arise, but there are Indians in superior appointments in both these Departments.

**Mr. S. Satyamurti** : In view of the coming Federation and Provincial Autonomy, is there any move to oust all Indians and provide Europeans in what are called the key positions ?

**The Honourable Sir Henry Craik** : I have never heard of it ; the Honourable Member may have some such move.

**Mr. Akhil Chandra Datta** : Is there any Department in which the recruitment of Indians is prohibited ?

**The Honourable Sir Henry Craik** : No, Sir.

**Mr. Akhil Chandra Datta** : Practically, to all intents and purposes ?

#### AMENDMENT OF RULES AND STANDING ORDERS IN RESPECT OF PRIVILEGES OF THE LEGISLATIVE ASSEMBLY.

22. **\*Mr. T. S. Avinashilingam Chettiar** : (a) Will Government state whether, in view of the fact pointed out by the Honourable the

President in his ruling on Sardar Sant Singh's raising the question of the privilege of this House, they propose to bring forward any motion to amend the rules and standing orders ?

(b) If so, what action do Government propose to take in the matter ?

**The Honourable Sir Nripendra Sircar :** (a) and (b). I have given notice of a Resolution on the subject and I propose to move the same during the course of the present Session.

POSITION OF INDIANS IN ZANZIBAR.

23. **\*Mr. T. S. Avinashilingam Chettiar :** Will Government state :

(a) what is the effect of the Zanzibar Anti-Indian decrees on the Indians there ;

(b) whether they have received any replies to their representations to the British Government ;

(c) if so, what ; and

(d) what is the latest position of Indians in Zanzibar ?

**Sir Girja Shankar Bajpai :** (a) to (d). The Honourable Member presumably refers to certain decrees passed by the Zanzibar Legislative Council in 1934. The clove industry, to which one group of these decrees relates, has been the subject of a special enquiry by Mr. Binder, who was deputed to Zanzibar for the purpose. The Government of India sent Mr. Bozman to Zanzibar to act as observer on their behalf in connection with this inquiry. Mr. Binder's report is now awaited. As regards the Land Alienation Decree correspondence with His Majesty's Government is still in progress. The Government of India hope that decisions on this subject also will shortly be forthcoming.

**Mr. M. Ananthasayanam Ayyangar :** Are the decrees in operation now or have they been suspended ?

**Sir Girja Shankar Bajpai :** The decrees have been in operation since they were passed.

**Mr. T. S. Avinashilingam Chettiar :** When do they expect Mr. Binder's report ?

**Sir Girja Shankar Bajpai :** I could not give a specific date, but I hope shortly.

**Mr. S. Satyamurti :** Is Mr. Binder's report to be submitted to the Government of India as well as to His Majesty's Government, or to the Government of India alone ?

**Sir Girja Shankar Bajpai :** He was appointed by the Secretary of State for the Colonies and his report will be submitted to that authority. But I understand that it is the intention of the Secretary of State for the Colonies to supply copies of the report to the Government of India also.

**Mr. S. Satyamurti :** May I know whether the Government of India will get an opportunity, or will be given an opportunity, to make their representations on Mr. Binder's report, before the Secretary of State for the Colonies makes up his mind on the conclusions of the report ?

**Sir Girja Shankar Bajpai** : That certainly is the intention, as far as I am aware.

**Mr. T. S. Avinashilingam Chettiar** : May I take it that some one is making an inquiry on behalf of the Government of India ?

**Sir Girja Shankar Bajpai** : Mr. Bozman was sent to Zanzibar to make an inquiry on our behalf. The inquiry is completed.

**Mr. T. S. Avinashilingam Chettiar** : Has he submitted any representation to the Government of India ?

**Sir Girja Shankar Bajpai** : He sent a memorandum to the Government of India.

**Mr. S. Satyamurti** : In view of the fact that another clove season is on or will soon be on, do the Government of India realise that the continuation of these decrees for another season will cause disaster to the Indian merchants, and what steps do they propose to take to mitigate the loss to them ?

**Sir Girja Shankar Bajpai** : I can assure my Honourable friend that the Government of India are fully conscious of the inconvenience of the continuance of this legislation. I do not think I need say anything more on the subject.

**Mr. S. Satyamurti** : Is the Honourable Member going to do anything more ?

**Sir Girja Shankar Bajpai** : After all, the mere fact that Mr. Binder was appointed to go into the operation of this legislation is some proof of success on the part of the Government of India.

**Mr. S. Satyamurti** : How long do Government expect to take before they are in a position to come to some conclusions on this Mr. Binder's report ? Will it be at least before another season is on ?

**Sir Girja Shankar Bajpai** : As far as I know, the intention of the Secretary of State for the Colonies is to take action on Mr. Binder's report expeditiously.

#### REPORT OF THE SAPRU COMMITTEE ON UNEMPLOYMENT.

24. **\*Mr. T. S. Avinashilingam Chettiar** : Will Government state :

- (a) whether they have finished consideration of the report of the Sapru Committee on unemployment ;
- (b) what is the result of their consideration ; and
- (c) whether they propose to take any action in the matter, if so, what ?

**The Honourable Sir Frank Noyce** : (a) No.

(b) and (c). I would ask the Honourable Member to wait until the consideration of this report, which is being actively pursued, is concluded.

**Mr. T. S. Avinashilingam Chettiar** : How long will Government take to finish the consideration of this report ?

**The Honourable Sir Frank Noyce** : That I am unable to say. A number of Departments are concerned. All I can say is that we are

endeavouring to get on with the consideration of the report as quickly as possible.

**Pandit Lakshmi Kanta Maitra :** May we expect a report by the end of this year ?

**The Honourable Sir Frank Noyce :** Certainly, Sir.

**Mr. Lalchand Navalrai :** May I know if this Sapru Report recommends that Government servants should be made to retire at the age of 50, in view of unemployment ?

**The Honourable Sir Frank Noyce :** The Honourable Member is as capable of reading the report as I am.

**Mr. M. Ananthasayanam Ayyangar :** Will the report be placed for consideration before the Standing Committee of this Assembly for Industries and Labour ?

**The Honourable Sir Frank Noyce :** I am unable to say until we have come to our conclusions on the subject. If there are any points on which the advice of the Standing Committee for Industries and Labour seems desirable, I shall be very happy to obtain it.

**Mr. T. S. Avinashilingam Chettiar :** Apart from mere consideration, do they propose to take any active steps to relieve unemployment ?

**The Honourable Sir Frank Noyce :** That, Sir, opens up a wide question on which we have had lengthy discussions in this House from time to time, and I have nothing to add to the statements which have been made from these Benches on those occasions.

**Mr. N. V. Gadgil :** Has that resulted in reducing unemployment ?

**Mr. M. Ananthasayanam Ayyangar :** Have any of those recommendations been given effect to so far by the Government of India ?

**The Honourable Sir Frank Noyce :** I would remind my Honourable friend that this report was one which was submitted to a Provincial Government, the Government of the United Provinces ; and he will have seen statements in the press that the Government of the United Provinces have taken action upon it.

**Mr. Lalchand Navalrai :** In view of the report that has been received by Government, do they propose to adopt that rule that Government servants should retire at the age of 50 ?

**The Honourable Sir Frank Noyce :** No, Sir.

**Mr. S. Satyamurti :** May I know if Government have considered or propose to consider the financing of large capital works by raising loans at a time when the market is very favourable, with a view to relieve unemployment at least partially ?

**The Honourable Sir James Grigg :** I think the Honourable Member's question when paraphrased comes to this whether the Government of India would adopt inflationary measures. Quite definitely, no.

**Mr. S. Satyamurti :** Do Government propose to keep quiet until unemployment bursts them up and all of us ?

**The Honourable Sir James Grigg :** I am not sure, if the second part of the Honourable Member's diagnosis is right, whether it would not be worth my while to sacrifice myself.

### UNSTARRED QUESTIONS AND ANSWERS.

#### PROMOTIONS OF THE NON-GAZETTED STAFF IN CERTAIN DEPARTMENTS OF THE EAST INDIAN RAILWAY.

**1. Mr. M. Ananthasayanam Ayyangar :** Will Government please state :

- (i) whether the Commercial and Transportation Traffic Departments of the East Indian Railway are considered as one unit for the promotions of the non-gazetted staff ;
- (ii) whether such staff of the Transportation side are eligible for transfers or promotions to the Commercial side ; if so, whether this is in accordance with the rules framed by the Railway Board for the recruitment and training of non-gazetted staff ;
- (iii) whether the Commercial staff seeking promotions or transfers to the Transportation side are informed that they have had no practical experience in Transportation work ;
- (iv) whether Transportation Inspectors who have not passed the Goods Audit Examination (a condition for promotion as an Inspector for the Commercial staff) have been posted as Commercial Inspectors or as Inspectors performing the combined duties of Transportation and Commercial ; and
- (v) whether any gazetted officer with Commercial training and experience has been posted as Chief Operating Superintendent or as Divisional Superintendent since the divisional system was introduced on the East Indian Railway ; if not, why not ?

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

- (i) and (ii). The normal channels of promotion of the Commercial and Transportation Branches are given in Section II of the ' Rules for the recruitment and training of subordinate staff on State-managed Railways ' a copy of which is in the Library of the House. I would invite the Honourable Member's attention to the note printed at the head of Section II in the rules referred to above.
- (iii) Not necessarily. It all depends upon the nature of the duties to be performed and the qualifications of the individual.
- (iv) Yes, if found competent and capable. I may add for the Honourable Member's information that the passing of goods audit examination is no longer compulsory for Inspectors on the commercial side.
- (v) Yes.

## SIGNATURE OF PASSENGERS ON MONTHLY TICKETS ON THE EAST INDIAN RAILWAY.

2. **Mr. M. Ananthasayanam Ayyangar** : (a) Is it a fact that the Chief Commercial Manager of the East Indian Railway published the following in February, 1936 ?

“ Holders of Monthly Tickets are informed that on and from the 1st March, 1936, it will be necessary for them to sign their names on the reverse of the ticket in the presence of the Station Master or Booking Clerk at the time of purchase. In cases where the purchaser of a monthly ticket is illiterate his left thumb impression will be necessary. Ticket holders will be liable to produce their ticket to the checking staff and furnish their specimen signature or thumb impression whenever called upon to do so.”

(b) If the answer to part (a) be in the affirmative, will Government please state :

- (i) whether the Chief Commercial Manager has had his staff trained by handwriting and thumb impression experts ;
- (ii) whether the majority of the monthly ticket holders are residents of stations close to Howrah ;
- (iii) whether they have considered that this burden on *bona fide* monthly ticket holders is likely to drive them to the road services ;
- (iv) whether this system prevails on the other two trunk railways leading into Calcutta ?
- (v) whether the present Chief Commercial Manager and his predecessor have no experience in the Commercial work of Railways ; and
- (vi) whether this scheme has emanated from the Research Section of the Commercial Department of the East Indian Railway ?

(c) Do Government propose to issue instructions to stop this system of check and to take disciplinary action against the official responsible for the approval of the system ? If not, why not ?

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

(b) and (c). The arrangement was recommended by the Indian Railway Conference Association and was based on a procedure actually in force on the Madras and Southern Mahratta Railway. It was, however, subsequently decided not to introduce this arrangement and notices to this effect were published early in March, 1936.

## GRIEVANCES OF THE OLD EAST INDIAN RAILWAY STAFF ON THE DELHI-UMBALA-KALKA SECTION PLACED UNDER THE NORTH WESTERN RAILWAY ADMINISTRATION.

3. **Mr. M. Ananthasayanam Ayyangar** : (a) Is it a fact :

- (i) that when Government took over the management of the East Indian Railway the section—Delhi-Umbala-Kalka—was made over to the North Western Railway ;
- (ii) that the staff on the section referred to in part (i), who were taken over by Government, were utilised by the North

Western Railway pending their return to the East Indian Railway ;

- (iii) that the North Western Railway furnished a list of such staff to the East Indian Railway Administration ;
- (iv) that, although numerous vacancies took place on the East Indian Railway, those members of the staff who were still on loan to the North Western Railway were not considered and the vacancies were filled with their own men ;
- (v) that as a result of this the juniors of those men have superseded them ; and
- (vi) that the deprivations of the legitimate dues of these men have deprived them of senior and better paid posts ?

(b) If the answers to parts (a), (i) to (vi) be in the affirmative, do Government propose to take action to place these men in the positions they would have been, had they not been overlooked for so many years ? If not, why not ?

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

(a) (i) to (iii). Yes.

(iv) to (vi). The allegations made are of a very general nature. The question of absorbing the East Indian Railway staff employed on the Delhi-Umballa-Kalka Section after its amalgamation with the North Western Railway received the careful attention of the East Indian Railway Administration and no cases of supersession have come to the notice of Government.

(b) No.

#### DUTIES OF THE DEPUTY AGENT, PERSONNEL, AND THE WELFARE OFFICER OF THE EASTERN BENGAL RAILWAY.

**4. Mr. M. Ananthasayanam Ayyangar :** (a) Will Government please lay a statement on the table showing, separately, the duties of the Deputy Agent, Personnel, and the Welfare Office of the Eastern Bengal Railway ?

(b) Is it a fact :

- (i) that Junior or Senior Scale Officer is posted as Welfare Officer ;
- (ii) that the post is not a tenure post ;
- (iii) that the gazetted officers only occupy the post for short periods and are then returned to their respective departments ;
- (iv) that the Welfare Officer is required to deal with the appeals from the non-gazetted staff ; and
- (v) that he is not empowered to reverse the decisions of the officers against whose decisions the appeals have been preferred ?

(c) Do Government propose to abolish this post with a view to effecting economy and transfer the work to the Deputy Agent, Personnel ? If not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) A statement showing the duties of the Deputy Agent, Personnel, and the Welfare Officer of the Eastern Bengal Railway is placed on the table of the House.

(b) Government are informed as follows :

(i) This post was held by senior scale officers up to 31st March, 1935, but from 1st April, 1935, it is held by an officiating Lower Gazetted Service Officer.

(ii) Yes.

(iii) The position was as stated in the question for so long as senior scale officers were posted as Welfare Officers.

(iv) No. As a general rule appeals are dealt with by the officers concerned in accordance with Appeal Rules. If, in any case, grievances are represented to the Welfare Officer by the staff, he makes his own enquiry into the case, and puts up facts to the Head of the Department concerned for consideration.

(v) Yes.

(c) No. The post has proved its value.

*Statement showing the duties of the Deputy Agent, Personnel, and the Welfare Officer on the Eastern Bengal Railway.*

*Deputy Agent, Personnel.*

This Officer is the Administrative authority immediately responsible to the Agent for co-ordinating all general questions relating to staff matters of the various Departments and for framing instructions regarding the policy to be followed by Heads of Departments in such matters, thus ensuring co-ordination between the Agent and the Heads of Departments and similarity of treatment in all Departments in connection with the application of rules and orders as in force from time to time. All questions involving general principles are referred to him by Heads of Departments. He also deals with such appeals from the staff as may lie to him and puts up to the Agent appeals from staff against decisions given by Heads of Departments, and disposes of cases requiring the sanction of the Agent except where the Agent's personal sanction is required under the rules. Deals with all references from the Railway Board in connection with staff matters including Assembly questions.

*Welfare Officer.*

This officer is the liaison Officer between the Railway and its employees. Working under the Deputy Agent, Personnel, he brings that Officer and through him, the Agent, into direct and very real contact with the staff and their needs. His duties consist of dealing with schemes drawn up for the benefit of the staff, such as Institutes, Staff Benefit Fund, Co-operative Credit Society, Sports and Athletics. Cases requiring Agent's sanction are submitted by him, through the Deputy Agent, Personnel. In regard to Appeals by the staff it is open to the appellants to interview the Welfare Officer, who makes his own notes on the case and institutes his own enquiries, after which he places the facts before the Head of the Department concerned for his consideration but he does not deal with appeals as the Agent's Deputy, which is one of the duties of the Deputy Agent, Personnel. The Welfare Officer also serves on the various Selection Committees for the recruitment of subordinate staff. He is also the *ex-officio* Secretary of the Staff Benefit Fund Committee and Honorary Secretary of the Junior Co-operative Credit Society.

His duties entail consideration of general representations from recognised Unions and maintenance of personal contact with their officials in order to ensure their co-operation with the Administration.

He deals with Assembly Questions in reference to staff grievances.



## RECOMMENDATION FOR A SECOND CHAMBER IN ASSAM.

5. **Mr. Kuladhar Chaliba** : (a) Will Government please state :

- (a) whether the Assam Government recommended a second chamber for Assam, if so, when ;
- (b) whether any representation was made to the Secretary of State for India by anybody ; if so, please lay on the table the names of the signatories ;
- (c) how many of them are (i) Europeans, (ii) Indians, (iii) Assamese, and (iv) inhabitants of Surma Valley ?

**The Honourable Sir Nripendra Sircar** : (a) In preparing their memoranda for the Simon Commission in 1928 the Government of Assam gave instances demonstrating the defects of a single chamber. Their final conclusion, however, was as follows :

“ The Government of Assam are agreed that there is at present no suitable material in Assam to constitute a second chamber. The Minister for Education (Sir Muhammad Saadulla) would not in any case have approved the creation of a second chamber, but His Excellency and the other Members of the Government would have welcomed a second chamber as the best check on hasty, predatory or communal legislation.”

It will be seen that the opinion of the Government of Assam (as then constituted) was in favour of a second Chamber though they felt that suitable material was not at the time available.

A unanimous recommendation in favour of a second Chamber was, however, made by them in 1935.

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

**FACILITIES GIVEN TO THE STAFF TO SIT FOR THE GOODS ACCOUNTS EXAMINATION ON THE EAST INDIAN RAILWAY.**

6. **Mr. M. Ananthasayanam Ayyangar** : (a) With reference to the reply given in this House to unstarred question No. 168 (f) on the 27th February, 1936, that no special leave or other privileges are granted to staff in order to enable them to sit for the Goods Accounts examination, is it a fact that the Divisional Superintendent, Howrah, *vide* his letter to the Goods Supervisor, Howrah, No. E. Mis.-43, dated the 15th November, 1935 (copy given below) has granted leave and facilities ?

“ With reference to Mr. H. K. Bose's application for three weeks preparatory leave in connection with the above, I have to inform you that his case has been reconsidered and in view of his not getting the opportunity of particular experience at a smaller Goods Shed and Parcel office before sitting for the examination.

**Mr. Bose** is however to be given an opportunity to get in the practical experience at Sheorapbuli at once and examined by the Traffic Inspector in fourteen days from the 15th instant. He must sit for the examination when the next one is held.

Re-weighment Inspector **Mr. N. M. Goswami** is required to appear in the above examination to be held in this office on 18th November, 1935, at 10 A.M. Calcutta time. He should be told to bring his pen to write answers.

Please inform them accordingly.”

(b) Is it a fact that the Railway Board in their letter No. D.O. [E.-36-L.G.-1, dated the 12th December, 1935, to the Agent, East Indian Railway, have stated as follows ?

“ In connection with all forthcoming questions in the Indian Legislature, the Honourable Member for Railways has asked me to supply him with a short note in the form of a brief for his own information and to enable him to deal with supplementaries, in addition to the answers that it is suggested may be given on the floor of the House. To enable me to prepare such notes, I shall be obliged if when sending replies to questions that are referred to you, you will also submit all the materials in your possession upon which your replies have been framed. It is imperative that full and accurate information should be submitted by Agents to the Board and that no facts, even when a mistake has been committed should be withheld.”

If so, who is responsible for the information given in the House, the East Indian Railway or the Railway Board ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) As already stated, in reply to part (f) of question No. 168 laid on the table of the House, no special leave or other privileges are granted to staff to enable them to sit for the Goods Accounts Examination. This does not, however, imply that staff who apply for leave for this or any other purpose and can be spared may not be granted leave which is admissible to them.

(b) Reply to the opening part is in the affirmative. The D. O. referred to was issued to the Agents of State-managed Railways with a view to avoiding mistakes being made and incorrect information being furnished. As regards the second part, information given in reply to the question referred to in part (a) above was correct.

#### CUT IN PAY OR SPECIAL PAY ON THE EAST INDIAN RAILWAY.

**7. Mr. M. Ananthasayanam Ayyangar :** (a) With reference to the reply given in this House to unstarred question No. 158 on the 18th February, 1936, that the cut in pay or special pay has been discontinued by the East Indian Railway after March, 1935, is it a fact that the cut on special pay has not been discontinued by the Divisional Superintendent, Howrah ?

(b) Is it also a fact that the Divisional Superintendent, Howrah, in his letter No. E. Mis.-69 [Vol. II, dated the 6th December, 1935, has ordered :

“ In continuation of my letter No. E. Mis.-89 [Vol. II of 16th April, 1935, I have to advise you that the discontinuance of the ten per cent. reduction on the ‘ Special Pay ’ has been irregular and it should be re-imposed. The deduction should therefore be made from the current month’s salary.

Please arrange to recover the arrear amount on account of ten per cent. reduction on ‘ Special Pay ’ from 1st April, 1935, in two instalments from the staff concerned, commencing from their salary for the month of January, 1936. Special Pay is not admissible to the old East Indian Railway employees during recorded leave, irrespective of the period of such leave. I shall let you hear further in respect of other recoveries if required to be made on hearing from the Divisional Accounts Officer, Howrah ” ?

(c) Is it further a fact that the special pay referred to in parts (a) and (b) only relates to the non-gazetted staff on the Howrah Division ? If not, what gazetted officers are in receipt of this special pay ?

(d) Do Government propose to take disciplinary action against the officers responsible for furnishing false information to this House? If so, what action? If not, why not?

(e) Do Government propose to refund the amount irregularly recovered from the pay of the staff concerned? If not, why not?

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

(a) The reply to question No. 158 referred to emergency cuts imposed from December, 1931, which were discontinued from the 1st April, 1935. The Honourable Member is evidently referring to compensatory allowance which is granted to certain staff at Howrah. If so, I would invite his attention to the reply laid on the table of the House to Mr. Amarendra Nath Chattopadhyaya's question No. 605 asked in this House on the 17th April, 1936.

(b) Yes.

(c) No. Part (a) refers to the emergency cuts in pay which applied to all ranks of Government servants, whereas part (b) refers only to certain subordinate staff of the Howrah Division.

(d) No false information was supplied.

(e) No irregular recovery has been made.

#### PROMOTION OF EMPLOYEES IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

8. **Mr. M. Ananthasayanam Ayyangar :** (a) With reference to the reply given in this House to unstarred question No. 168 (a) on the 27th February, 1936, 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, is it a fact that incorrect information has again been furnished to this House?

(b) If the answer to part (a) be in the negative, will Government please state :

(i) whether the claims of the employees in the normal channels of promotions to the posts of Goods Clerk, Howrah Goods Sheds, and Luggage and Parcel Supervisor, Howrah Station, were considered ;

(ii) whether the men appointed to these posts were advanced in the normal channels of promotions ; if not, what claims the men had to these two posts ;

(iii) whether Selection Boards were convened to nominate suitable employees for the two posts ; if not, why departures from the established procedure on this Division were made in the cases of these posts only ?

(c) Is it a fact that the Divisional Superintendent has addressed a letter to the Chief Commercial Manager asking if he is agreeable for the posts of Luggage and Parcel Supervisors on the coaching side to be reserved for the failures of the Transportation side? If so, with what result?

(d) Do Government propose to take disciplinary action against the gazetted officers responsible for furnishing false information to this House? If so, what action? If not, why not?

(e) Do Government propose to compensate the aggrieved staff whose claims for promotions have been superseded? If so, how? If not, why not?

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

(a) No.

(b) (i) Yes.

(ii) The employee advanced to the post of luggage and parcels supervisor was promoted on the basis of seniority-cum-suitability from among the commercial hands employed in the goods shed. The other employee appointed as goods clerk was an assistant yard master on a high grade but was absorbed in a lower grade than his own for which he was suitable as his eye-sight was declared to have deteriorated and become unsuitable for transportation work, although it was good enough for commercial and other indoor duties.

(iii) Both the posts were filled after a review of the claims of all senior men by the Divisional Officers concerned. There was no departure from the established procedure in regard to the consideration of the claims of employees for filling up these vacancies. The selection boards were not held as these posts are not selection posts.

(c) No.

(d) No false information was furnished.

(e) In view of my reply to part (b) this does not arise.

**OBSERVANCE OF THE PROCEDURE LAID DOWN IN RULE 34 OF THE RAILWAY SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES.**

9. **Mr. M. Ananthasayanam Ayyangar :** (a) Is it a fact that the Railway Board in their letter No. E.-235-A.E.-21, dated the 21st November, 1935, to the Agent, East Indian Railway, regarding the observance of the procedure laid down in Rule 34 of the Railway Services (Classification, Control and Appeal) Rules have stated :

" I am to add that although Rule 34 of the Railway Services (Classification, Control and Appeal) Rules does not specifically require the holding of an enquiry or the serving of a charge sheet in connection with the proposed withholding of increments of gazetted officers, it is desirable that the officer concerned should be given an opportunity to defend himself before the penalty is actually imposed. It is understood that this has been the actual practice hitherto " ?

If so, are similar conditions provided for the non-gazetted staff? If not, why not?

(b) Is it a fact that with the letter referred to in part (a) the Railway Board enclosed a copy of letter No. F. 108/35-8, dated the 10th August, 1935, from the Secretary, Public Service Commission, to the Government of India, Home Department? If so, has the following appeared in that letter :

“ In the second, which related to the Railway Department, the officer believed to be at fault was actually punished by an authority which had not the power to do so, while no charge had ever been framed against him at all ; nor had any inquiry been held into his conduct, beyond the accident in which he was supposed to have played a contributory part ” ?

(c) If the answer to the second part of part (b) be in the affirmative, will Government please state :

- (i) their policy when it has been proved that an authority that had no power to punish had done so ;
- (ii) whether that policy is applicable to both the gazetted and non-gazetted staff ;
- (iii) what action was taken in the case referred to by the Public Service Commission ; and
- (iv) on what Railway it occurred ?

(d) Is it a fact that the following also appears in the said letter of the Public Service Commission :

“ It will be observed that in all these cases open disregard was shown for essential provisions of the rules in question to an extent which no advisory body in the position of the Public Service Commission could possibly overlook. Apart from the fact that these provisions have been deliberately inserted for the protection of the members of the Services, the disregard of them provides an officer who has been punished with an almost irresistible case for the reversal on appeal of any order passed against him. In the matter of defective procedure the Public Service Commission have only one course open to them ” ?

If so, what action has been taken by the Railway Department, and does the same cover both the gazetted and non-gazetted staff ? If not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The reply to the first part of the question is in the affirmative. As regards the last part, I would invite the Honourable Member's attention to rule 12 of the ' Rules regulating discipline and rights of appeal of non-gazetted Railway servants', a copy of which is in the Library of the House.

(b) The reply is in the affirmative.

(c) (i) and (ii). When any such case comes to notice, whether it be that of a gazetted officer or subordinate, it is set right in accordance with the rules applicable.

(iii) Action was taken in accordance with the procedure laid down in the rules.

(iv) Burma Railways.

(d) The reply to the first part of the question is in the affirmative. As regards the latter part, the observations of the Public Service Commission were brought to the notice of State-managed Railways. They referred to the gazetted staff only and not to the non-gazetted staff in regard to whom the Public Service Commission have no functions under the Public Service Commission (Functions) Rules. As already stated in my reply to part (a), rule 12 of the rules referred to covers the case of non-gazetted staff.

**DELEGATION OF POWERS BY THE AGENT OF THE EAST INDIAN RAILWAY TO HIS SUBORDINATES.**

10. **Mr. M. Ananthasayanam Ayyangar** : (a) With reference to the reply given in this House to starred question No. 1569 on the 14th April, 1936, that certain powers have been delegated to senior and junior scale officers, will Government please state whether this delegation or re-delegation of powers is in effect on the East Indian Railway ?

(b) Is it a fact that the Agent, East Indian Railway, has printed a pamphlet in 1935 in which details of the powers of Agents, Principal Officers, other Heads of Departments, and Divisional Superintendents have been published ? If so, will Government please state whether there is any provision in those schedules of powers which permit the Divisional Superintendents to re-delegate certain powers in establishment matters to their senior, junior and lower gazetted officers ?

(c) Has the Agent delegated any powers in establishment matters to senior, junior and lower gazetted officers ? If so, when were these powers delegated ? Why were they not published in the pamphlet referred to in part (b), and will Government lay a copy of the same on the table of the House ?

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

(b) The reply to the first part of the question is in the affirmative. Reply to the second part is in the negative. There is, however, nothing to prevent a Divisional Superintendent from re-delegating powers or allowing the officers, under his control, such powers, within the delegations made to him, as he may consider necessary for day to day administration.

(c) Yes. A statement showing the delegation of powers made by the Agent will be found in the Library of the House. The Agent, East Indian Railway, reports that he did not consider it necessary to include these delegations of powers in the pamphlet referred to which related to delegation of powers to principal officers, Heads of Departments and Divisional Superintendents.

**REMODELLING OF THE HOWRAH RAILWAY STATION.**

11. **Mr. M. Ananthasayanam Ayyangar** : (a) Is it a fact that the East Indian Railway authorities have under contemplation the removal of the present Third Class Booking Offices, the First and Second Class Waiting Rooms, the Refreshment Rooms, etc., at Howrah Station at a cost of about rupees three and a half lakhs ? If so, will Government please state :

- (i) the estimated cost of the proposed remodelling ;
- (ii) the amount already incurred in preparing the various estimates ;
- (iii) the necessity for such a large expenditure in these times of financial stringency ;
- (iv) whether the present or expected traffic warrants such remodelling ;
- (v) whether such expenditure adds to the working expenses of the Railway ; and

(vi) whether such sanction is within the competence of the Agent or the Railway Board ?

(b) Is it a fact that in reply to a supplementary question to starred question No. 327 on the 12th February, 1936, Government have stated that they have impressed upon Agents the necessity of scrutinising every item of expenditure continuously and to effect reductions wherever possible ? If so, are these instructions observed on the East Indian Railway ?

(c) Will Government please state whether the Agent, East Indian Railway, has advised his Principal Officers, Heads of Departments, Divisional Superintendents, etc., regarding the instructions referred to in part (b) ? If so, when were the orders issued ?

(d) Do Government propose to see that unnecessary expenditure is not incurred by the Agent and his subordinate officers and state whether the remodelling of Howrah Station is to be done ? If so, to what extent and at what cost ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) A scheme has been submitted by the East Indian Railway for certain alterations in the arrangements of booking offices, waiting rooms, refreshment rooms, vendors' stalls and latrines at Howrah station :

(i) Rs. 2,40,000.

(ii) As this project has been prepared as part of the normal duties of the East Indian Railway staff, it is not possible to separate the cost of its preparation from that of their duties.

(iii) It is estimated that the reduction in working expenses will more than cover the interest on the capital expended.

(iv) The present traffic warrants it.

(v) No. It reduces them.

(vi) The Railway Board.

(b) Yes. Government are not aware of any grounds for doubting that such is the case.

(c) Government are not aware of any other method by which the Agent could have carried out his instructions. Government are not aware of the date when such steps were taken but have no reason to believe that there was any delay in doing so.

(d) Government are not aware of any unnecessary expenditure by the Agent and his subordinate officers. The remodelling of Howrah station proposed by them has been sanctioned by the Railway Board. The Honourable Member is referred to the answer to part (a) of the question.

#### EXTENSION OF A BUILDING TO HOUSE THE PERSONNEL SECTION OF THE AGENT'S OFFICE, EAST INDIAN RAILWAY.

12. **Mr. M. Ananthasayanam Ayyangar :** (a) Is it a fact that the Agent, East Indian Railway, has sanctioned the extension of a building to house the Personnel Section of his office ? If so, what is the amount involved ?

(b) Have Government considered whether accommodation is available in the very large offices of the Railway at Calcutta and that re-arrangement of rooms was only necessary ?

(c) What is the saving in the number of gazetted and non-gazetted staff and the amount that has been effected by the formation of the Personnel Section ?

(d) Do Government propose to restrict the powers of the Agent in regard to the sanctioning of any new work or scheme ? If not, do they propose to have each item of expenditure over one thousand rupees scrutinised by the Railway Board ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). Owing to the lack of accommodation in the Head Office building, which could not be met by a mere re-arrangement of rooms, it was necessary to provide an additional room at a cost of Rs. 18,690, and the Personnel Section has been accommodated in it as a temporary measure.

(c) The exact saving will be known only after the re-organisation of the work of the Personnel Section has been completed and it can be decided definitely what reductions in staff are possible.

(d) The Agent cannot sanction works costing more than one lakh on his own authority ; Government do not consider that any further restriction is necessary.

#### PROCEDURE IN THE MATTER OF PROMOTIONS OBSERVED IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

13. **Mr. M. Ananthasayanam Ayyangar :** (a) Is it the policy of Government in the Railway Department that before the non-gazetted staff are promoted to any post, they are first placed on special duty in that post in order that they might pick up the duties of the post, then they are temporarily posted in the job and later on confirmed ?

(b) If the answer to part (a) be in the negative, will Government please state whether that procedure has been observed in the Howrah Division of the East Indian Railway ? If so, why ?

(c) Do Government propose to take disciplinary action against the gazetted officers responsible ? If not, why not ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) No.

(b) Government are not aware of any cases in which irregular procedure has been followed on the Howrah Division.

(c) Does not arise.

#### USE OF SERVICE STAMPS BY THE INDIAN RAILWAYS CONFERENCE ASSOCIATION.

14. **Mr. M. Ananthasayanam Ayyangar :** (a) With reference to the replies given in this House to starred questions Nos. 565 and 476 on the 26th February, 1935, and the 14th February, 1936, respectively, that the Indian Railways Conference Association is not owned, worked or controlled by the Government of India, is it a fact that the Association uses postage stamps surcharged "Service" ?

(b) If so, will Government please state :

(i) the reasons why a private body is permitted to use "Service" stamps ;

(ii) who sanctioned the supply of such stamps to the Association ; and

(iii) whether they propose to discontinue this practice ?

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



(b) Government have issued instructions that Service postage stamps should not be used by the Indian Railway Conference Association in future.

#### INTRODUCTION OF THE REVISED SCALES OF PAY ON THE EASTERN BENGAL RAILWAY.

15. **Mr. M. Ananthasayanam Ayyangar** : (a) With reference to the reply given in this House on the 12th February, 1936, to unstarred question No. 60, that the revised scales of pay were actually introduced on the Eastern Bengal Railway on the 1st October, 1934, is it a fact that there are cases of staff employed in the Traffic and Locomotive Departments of the Calcutta District who though appointed before the 1st October, 1934, have been given the revised scales of pay ?

(b) If the answer to part (a) be in the affirmative, do Government propose to give such employees the benefits of the old scales of pay and to make good the amount that would otherwise have been drawn by these men ? If not, why not ?

(c) If the answer to part (a) be in the negative, is it the desire of Government to be furnished with the names and designations of the staff adversely affected ?

(d) Do Government propose to take disciplinary action against the gazetted officers responsible for such treatment of the non-gazetted staff ? If not, why not ?

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

(a) Yes ; although the revised scales of pay were introduced with effect from 1st October, 1934, they were applied to all staff appointed after the 15th July, 1931, as such staff were in the first instance employed on a temporary footing because of the embargo placed on permanent appointments in order to prevent persons appointed after that date from obtaining a right to the old scales of pay.

(b) No.

(c) As the answer to part (a) above is in the affirmative, this does not arise.

(d) Does not arise.

#### INTRODUCTION OF THE REVISED SCALES OF PAY ON THE CERTAIN STATE RAILWAYS.

16. **Mr. M. Ananthasayanam Ayyangar** : With reference to the reply given in this House to unstarred question No. 60, on the 12th February, 1936, that the revised scales of pay though having effect from the 16th July, 1931, were actually introduced on the Eastern Bengal Railway on the 1st October, 1934, will Government please state the dates from which the revised scales of pay were actually introduced on the East Indian, the North Western, and the Great Indian Peninsula Railways ?

**The Honourable Sir Muhammad Zafrullah Khan** : The revised scales of pay for non-gazetted staff were introduced on the East Indian, North Western (except the Press staff) and Great Indian Peninsula Railways from 20th May, 1934, 1st August, 1934 and 1st April, 1934, respectively.

## REGULATIONS REGARDING DISCIPLINARY ACTION AGAINST RAILWAY STAFFS.

17. **Mr. M. Ananthasayanam Ayyangar** : (a) With reference to the reply given in this House to unstarred question No. 155 on the 27th February, 1936, that :

“ 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 ”,

is it a fact that this statement is incorrect and that cases of breaches of the rules reported to the Agent, Eastern Bengal Railway, from the Traffic and Engineering Departments are still pending with the Agent and the appellants awaiting his decisions ?

(b) Is it a fact that appeals from the Traffic and Engineering Departments submitted in February and March, 1936, have not been disposed of by the Agent ?

(c) If the replies to the above be in the affirmative, do Government propose to take disciplinary action against the gazetted officers responsible for the incorrect information given in this House ? If not, why not ?

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

(a) No ; there have been no cases, recently, of successful appeal on the ground of the rules not having been observed ; nor are there any appeals pending with the Agent, Eastern Bengal Railway.

(b) No.

(c) Does not arise.

## APPLICATIONS INVITED FOR STORAGE ACCOMMODATION AT THE HOWRAH GOODS SHEDS.

18. **Mr. M. Ananthasayanam Ayyangar** : (a) Is it a fact that the Divisional Superintendent, East Indian Railway, Howrah, has been inviting applications since April, 1936, from *bona fide* merchants only for storage accommodation for inward grain and seeds traffic on top of Nos. 2 and 3 Sheds, Howrah Goods on and from 1st May, 1936 ?

(b) If so, will Government please state :

- (i) whether storage will be confined to grains and seeds only ;
- (ii) whether this facility has been taken advantage of ; if so, to what extent ; and
- (iii) whether any expenditure has or will be incurred to make these sheds suitable as storage godowns, if so, what is the estimated amount ?

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

(b) (i) Yes ; for the present.

(ii) Yes, to the fullest extent.

(iii) Beyond petty repairs no expenditure has so far been incurred, but the scheme is likely to involve the services of an extra clerk to maintain the required details of occupation and vacation of plots, to realise rents, and to arrange recovery of handling charges where private labour is not engaged by the plot-holders themselves. The scheme is, however, still in an experimental stage.

**ALTERATION IN THE RECORDED AGE OF THE EMPLOYEES ON THE EAST INDIAN RAILWAY.**

19. **Mr. M. Ananthasayanam Ayyangar :** (a) With reference to the replies given in the Council of State to questions Nos. 133 and 134, on the 25th March, 1936, regarding proof for the alteration of the recorded age of the employees on the Eastern Bengal Railway, will Government please state :

- (i) whether an employee of the East Indian Railway is permitted to see the original documents in the office in order to satisfy himself as to whether the mistake has been made by him or by a clerk when filling up the Service Sheet ;
- (ii) whether fresh Service Sheets were prepared for employees after Government had taken over the management from the Company ; if so, whether the employees are to be punished for the errors in copying by the clerks when preparing the Service Sheets ; and
- (iii) whether there are cases in which such charges have been made ; if so, with what results ?

(b) Is it a fact that the policy of the East Indian Railway is not the same as that adopted by the Eastern Bengal and the North Western Railways ? If so, do Government propose to instruct the East Indian Railway to observe the same policy in the matter of the change of the recorded age ? If not, why not ?

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

(a) (i) Yes.

(ii) and (iii). Fresh service sheets were not prepared for all employees who were taken over by Government from the East Indian Railway Company at the time of transfer of the East Indian Railway to State management. Cases do occur in which employees, for whom it was found necessary to prepare fresh service sheets owing, for example, to the original being missing, allege that their age was wrongly recorded by the clerks preparing the fresh service sheets and each case is dealt with on its merits, according to the prescribed rules.

(b) The reply to the first part of the question is in the negative. The latter parts do not arise.

**STATEMENTS LAID ON THE TABLE.**

*Information\* promised in reply to unstarred question No. 33 asked by Mr. V. V. Giri on the 4th February, 1936.*

**SAVINGS EXPECTED BY INTRODUCTION OF NEW SCALES OF PAY.**

*State-owned Railways.*—About 3½ crores per annum.

*Civil departments.*—About 2½ crores per annum.

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\*This information also disposes of the questions regarding such savings asked by Mr. S. Satyamurti on the 12th March, 1936, as supplementary to starred question No. 1141 of Mr. Surya Kumar Som.

*Information promised in reply to unstarred question No. 66 asked by Dr. N. B. Khare on the 4th February, 1936.*

#### DISCHARGE OF SUBORDINATE RAILWAY EMPLOYEES.

(a) Government are informed that this was not a minute sheet from the Agent but an office note recorded by the Assistant Secretary on a case in the Agent's office.

(b) As regards the first part of the question I would refer the Honourable Member to clause 2 of the service agreement of subordinates employed on the East Indian Railway which reads as follows :

“ The said Railway Servant shall serve subject to the following conditions of service, namely, that such service, is permanent and non-pensionable and terminable at any time by the Railway Administration on one month's notice, or without notice on payment of one month's pay and by the Railway Servant on giving the month's notice only.”

As to the latter part of the question the competent authority is any authority declared as competent by the railway administration to remove an employee from service in accordance with the rules in force from time to time.

(c) All efforts were made to absorb the staff who were likely to be retrenched and all except one were absorbed.

(d) Yes.

(e) and (f). Only one temporary peon who was discharged has not yet been absorbed.

*Information promised in reply to unstarred question No. 100 asked by Pandit Sri Krishna Dutta Paliwal on the 4th February, 1936.*

#### REDRESS OF GRIEVANCES OF THE RAILWAY STAFF.

(a) and (c). A Superintendent of Staff who is a senior scale officer on the East Indian Railway had powers regarding discharge of non-gazetted staff under Rules 3 and 6 of the Rules regulating the discharge and dismissal of State Railway non-gazetted Government servants. Under rule 8 of the Rules regulating discipline and rights of appeal of non-gazetted railway servants, which were promulgated in June, 1935, by the Governor General in Council in exercise of the powers conferred on him by the Direction appended to the Railway Services (Classification, Control and Appeal) Rules, copies of which are in the library of the House, power to remove from service non-gazetted railway servants without assigning any reasons in exceptional circumstances according to service agreements can be exercised only by an Agent or an authority not lower than the head of a department to whom powers may have been delegated in this respect. Senior scale officers, however, continue to retain certain powers regarding discharge of non-gazetted railway servants under rules 4 and 5 of these Rules.

(b) Does not arise.

(d) and (e). I would refer the Honourable Member to clause 3 of the agreement under which a railway servant agrees to abide by all regulations for the time being in force and also to all further instructions that may, from time to time, be issued by the Government of India, the Railway Board, the Agent, East Indian Railway, or any person or officer having authority over him.

*Information promised in reply to starred question No. 229 asked by Mr. Lalchand Navalrai on the 10th February, 1936.*

#### LIMITATION OF POWER OF DISCHARGE BY A SENIOR RAILWAY OFFICER.

(a) and (b). A senior scale officer, who derives certain powers in respect of discharge or dismissal of non-gazetted railway servants from the Rules regulating discipline and rights of appeal of non-gazetted railway servants promulgated in June, 1935, by the Governor General in Council in exercise of the powers conferred on him by the Direction appended to the Railway Services (Classification, Control and Appeal Rules), copies of which are in the library of the House, is treated as an appointing authority on the North Western Railway for the purposes of paragraph 3 of the service agreement executed by non-gazetted railway servants, and exercises the powers of such authority to the extent of powers delegated to him by the Agent, North Western Railway. An extract in respect of the powers delegated by the Agent will be found in the Library of the House.

Information promised in reply to unstarred question No. 141 asked by Mr.

ENTRY OF INDIANS INTO STATES.

Serial No.	Name of Country.	(a) Conditions laid down by Dominions and Colonies on the entry of Indians		
		(i) as tourists.	(ii) for business.	(iii) for establishing industries; §(iv) for entering into services; (v) for owning residential or other properties; and (vi) for agricultural purposes.
1	2	3	4	5
DOMI				
1	New Zealand ..	*Nil ..	*No restrictions on temporary visits for purposes of business.	The Government of India are not aware of any disabilities in regard to these matters, unless permanent residence is involved.
2	Australia ..	*Nil ..	*Do. .. (Business means wholesale business and does not include retail business and hawking).	
3	Canada (British Columbia is a province of the Dominion).	*Nil ..	*Do. ..	
4	Union of South Africa (Natal, the Transvaal and the Cape Colony are provinces of the Union).	Permission should be obtained before hand in each case.	Do. .. (Permission should be obtained beforehand in each case).	The position would appear to be the same as in respect of (i) and (ii) except that entry for permanent settlement is not allowed and, in the Transvaal, Indians may not own land or even occupy it in certain areas.
COLO				
5	British Guiana ..	† No restrictions.	† No restrictions.	† No restrictions. ..

§ So far as the Government of India are aware, there is no statutory bar to the Dominions except

*Hussenhai Abdullabhai Laljee on the 18th February, 1936.*

## DOMINIONS AND COLONIES.

(b) Legislation discriminating between the status of Indians living there and that of the natives of those countries.	(c) Conditions placed by the Government of India on the entry into India of the nationals of Dominions and Colonies.	Remarks.
6	7	8

## NIONS.

The only disability from which Indians suffer in this Dominion is their exclusion from the benefits of the Old-Age Pensions Act; but the practical consequences are not serious as the total Indian population is approximately 1,100 only.	Nil.	* No formality beyond the possession of valid passport.
None so far as the Government of India are aware. Resident Indians are not subject to any economic restrictions.	Do.	
The only disability from which Indians suffer in this Dominion is their exclusion from municipal, provincial and federal franchise in the province of British Columbia.	Do.	
There are certain restrictions against Indians in regard to ownership of fixed property, residence, franchise and trade licences. These have been pointed out to the House from time to time.	Do.	

## NIES.

None so far as the Government of India are aware.	Do.	† No formality attaches to entry beyond obtaining a valid passport and all immigrants landing in British Guiana are required to show the police an amount of 96 dollars.
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appointment of lawfully resident Indians to the Civil Services in all the Colonies and Ceylon and Malaya.

Serial No.	Name of Country.	(a) Conditions laid down by Dominions and Colonies on the entry of Indians		
		(i) as tourists.	(ii) for business.	(iii) for establishing industries; §(iv) for entering into services; (v) for owning residential or other properties; and (vi) for agricultural purposes.
1	2	3	4	5
				COLO
6	Trinidad ..	*No restrictions ..	*No restrictions ..	*No restrictions ..
7	Jamaica ..	Do. ..	Do. ..	Do. ..
8	Kenya ..	Do. ..	Do. ..	Do. .. (In practice Indians are not allowed to own or lease land in the Kenya Highlands, for agricultural purposes.)
9	Uganda ..	Do. ..	Do. ..	No restrictions ..
10	Tanganyika ..	†Do. ..	†Do. ..	†Do. ..
11	Nyasaland ..	†Do. ..	†Do. ..	†Do. ..

§ So far as the Government of India are aware, there is no statutory bar to the Dominions except

(b) Legislation discriminating between the status of Indians living there and that of the natives of those countries.	(c) Conditions placed by the Government of India on the entry into India of the nationals of Dominions and Colonies.	Remarks.
6	7	8
<b>NIES—contd.</b>		
None so far as the Government of India are aware.	Nil	* Persons not born or domiciled in Trinidad have to deposit £50 which amount will be refunded at the end of twelve months.
Indians who have been born in the Colony, or who have completed ten years residence in the island, possess the same political rights as the native population.	Do.	
	Do.	Asiatic or African emigrants, without visible means of support or who are likely to become paupers or a charge on the colonial revenues are required to pay a deposit of 200 Shillings or furnish security to that amount.
	Do.	Ditto.
None so far as the Government of India are aware.	Do.	†A non-native entering the territory has to produce a passport duly issued to him not more than 5 years before the date of his arrival. He has also to pay a deposit of £100 for himself and £50 per child or each dependent.
Ditto.	Do.	†The Immigration Officer can demand a deposit of £50 from an immigrant on his arrival in Nyasaland, which amount is returned to him at the end of six months, if he is able to show that he is not likely to become a public charge.

appointment of lawfully resident Indians to the Civil Services in all the Colonies and Ceylon and Malaya.



Serial No.	Name of Country.	(a) Conditions laid down by Dominions and Colonies on the entry of Indians		
		(i) as tourists.	(ii) for business.	(iii) for establishing industries; §(iv) for entering into service; (v) for owning residential or other properties; and (vi) for agricultural purposes.
1	2	3	4	5
12	Mauritius ..	No restrictions ..	No restrictions ..	No restrictions ..
13	Zanzibar ..	*Do. ..	*Do. ..	*Do. ..
14	Northern Rhodesia	Do. ..	Do. ..	There is no formal discrimination against Asiatics entering the Colony: but each individual case is scrutinised as to fitness to enter the Colony. (i) on economic grounds and (ii) on standard or habits of life.
15	British Somaliland	Do. ..	Do. ..	No restrictions ..
16	Gold Coast Colony	†Do. ..	†Do. ..	No information ..
17	Ceylon ..	Do. ..	Do. ..	No restrictions—but please see foot-note below (§).

COLO

§ So far as the Government of India are aware, there is no statutory bar to the Dominions except

(b) Legislation discriminating between the status of Indians living there and that of the natives of those countries.  6	(c) Conditions placed by the Government of India on the entry into India of the nationals of Dominions and Colonies.  7	Remarks.  8
NIES— <i>contd.</i>		
None .. ..	Nil	An immigrant may be required to prove on landing that he will be able to maintain himself in the Colony for at least one year. Doubtful cases are required to deposit a security of Rs. 200.
Under the Alienation of Land (Restriction and Evidence) Decree, 1934, the alienation of land by Arabs and Africans to others including Europeans is prohibited except with the sanction of the British Resident.	Do.	*New Immigrants are required on arrival either to deposit Rs. 100 or give a guarantee of an equivalent amount.
None so far as the Government of India are aware.	Do.	
No information ..	Do.	
Do. ..	Do.	†Formality of valid passport.
Indians like other non-Ceylonese, unless they are domiciled in Ceylon and possess a Ceylon domicile of origin, cannot purchase Crown land set apart for systematic development by 'Ceylonese' under the Land Development Ordinance, No. 19 of 1935.	Do.	

appointment of lawfully resident Indians to the Civil Services in all the Colonies and Ceylon and Malaya.

Serial No.	Name of Country.	(a) Conditions laid down by Dominions and Colonies on the entry of Indians		
		(i) as tourists.	(ii) for business.	(iii) for establishing industries; § (iv) for entering into services; (v) for owning residential or other properties; and (vi) for agricultural purposes.
1	2	3	4	5
<b>COLO</b>				
18	Malaya ..	No restrictions ..	No restrictions ..	No restrictions. ..
19	Fiji ..	*Landing permit should be obtained beforehand from the Secretary for Indian Affairs.	*Same as in column No. 3.	*Same as in Column 3 (Please see also remarks in column 6.)
20	British North Borneo.	No restrictions ..	No restrictions ..	No restrictions ..
<b>SELF-GOVERN</b>				
21	Southern Rhodesia.	Permission should be obtained beforehand in each case.	Permission should be obtained beforehand in each case.	Indians are prohibited from entering the Colony for permanent residence.
<b>FOREIGN</b>				
22	Dutch Guiana. (Surinam).	†No restrictions ..	†No restrictions ..	†No restrictions ..

§ No far as the Government of India are aware, there is no statutory bar to the Dominions except

(b) Legislation discriminating between the status of Indians living there and that of the natives of those countries.  6	(c) Conditions placed by the Government of India on the entry into India of the nationals of Dominions and Colonies.  7	Remarks.  8
<b>NIES—concl'd.</b>		
None so far as the Government of India are aware.	Nil.	
Under the Native Lands Ordinance, No. 1 of 1905, and the rules issued thereunder, Indians and other non-natives are prohibited from buying land outright from natives.	Do.	*The Immigration authorities may demand a deposit of £50 in the case of any person who is likely to become a charge on the Colonial revenues.
No information ..	Do.	
<b>ING COLONIES.</b>		
Resident Indians enjoy Municipal and political franchise on the same basis as Europeans. There are, however, restrictions in regard to (i) the grant of licences to Indians for purposes of trade in Native areas and (ii) the sale or lease to Indians of Crown lands situated in proximity to native areas.	Do.	
<b>COUNTRIES.</b>		
None so far as the Government of India are aware.	Do.	†No formality attaches to entry beyond obtaining a valid passport.

appointment of lawfully resident Indians to the Civil Services in all the Colonies and Ceylon and Malaya.

*Information promised in reply to unstarred question No. 163 asked by Mr. Amarendra Nath Chattopadhyaya on the 18th February, 1936.*

**IRREGULARITIES IN CHARGING SALARIES OF THE SUBORDINATES ON THE EAST INDIAN RAILWAY.**

(a) No.

(b), (c) (i) and (ii). Government are informed that the pay of Messrs. J. Gillard, N. E. Whaley and E. W. Goff was charged against the posts substantively held by them as they had, during the period referred to, the responsibilities attached to these posts with some additional duties. The pay of Mr. L. McNeill was charged against the Chief Commercial Manager's office budget from the 11th November, 1935, to the 22nd December, 1935, when he acted as Assistant Commercial Manager. His pay for 10th and 11th of November and 3rd to 17th December, 1935, was charged against his substantive post. Commercial Inspectors, though attached to the Divisions, work both under the Chief Commercial Manager and the Divisional Superintendents. Their pay is debited to the same sub-head of account whether they work directly under the Chief Commercial Manager or the Divisional Superintendents.

(c) (iii). The Chief Accountant and Booking Clerk performed a portion of the duties of the Commercial Transportation Inspector in addition to his own.

(iv) and (v). Yes.

(vi) Yes, but this did not involve a long stay away from headquarters as the jurisdiction of the Commercial Transportation Inspector, Howrah, extends to the suburban area of Howrah, where the train service is frequent.

(d) Government do not consider that there has been any breach of rules in this case.

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*Information promised in reply to part (g) of starred question No. 555 asked by Seth Govind Das on the 18th February, 1936.*

**BRITISH EMPIRE FORESTRY CONFERENCE HELD IN SOUTH AFRICA.**

A copy of the proceedings of the British Empire Forestry Conference held in South Africa in 1935, together with a copy of Summary Report, Resolutions, and Reports of Committees, has as promised in the reply to part (g) of starred question No. 555 been placed in the Library of the House.

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*Information promised in reply to starred question No. 626 asked by Mr. C. N. Muthuranga Mudaliar on the 19th February, 1936.*

**LETTING OUT OF BUILDINGS IN CONNAUGHT CIRCUS, NEW DELHI.**

(a) and (b). Conditions are prescribed by Government, not by the New Delhi Municipal Committee, at the time that a plot of land is auctioned. These prescribe, *inter alia*, the purpose for which a building on a particular site may be used. Broadly the use of buildings on the inside of Connaught Place and Connaught Circus are to be used as trading premises only while those on the outside and in certain adjacent areas may be used as offices. This division is based on administrative and financial considerations.

(c) Government have no information.

(d) No. The New Delhi Municipal Committee is not concerned.

(e) The attention of the Honourable Member is invited to the reply given to part (f) of his starred question No. 622 on the 19th February, 1936.

*Information promised in reply to starred question No. 788 asked by Mr. Amarendra Nath Chattopadhyaya on the 25th February, 1936.*

**UNIFORM INTERPRETATION AND APPLICATION ON ALL STATE RAILWAYS OF THE RULES FRAMED BY THE RAILWAY BOARD.**

(c), (e) and (f). The words old scales referred to in Railway Board's letter No. 807-E.G.II, dated 31st August, 1934, signify the scales of pay applicable to certain retrenched employees at the time of their retrenchment. These words were wrongly interpreted by the East Indian Railway to mean the co-ordinated scales of pay in force prior to the introduction of the revised scales of pay which apply to the staff appointed after the 15th July, 1931. The correct interpretation has been communicated to the East Indian Railway with the instructions that retrenched employees borne on the waiting lists should, on their re-appointment prior to 1st April, 1936, be given if they were entitled to the old scales of pay under the rules, the old scales of pay which were applicable to them at the time of their retrenchment.

*Information promised in reply to starred questions Nos. 816, 817 and 818 asked by Mr. Amarendra Nath Chattopadhyaya on the 25th February, 1936.*

**SUPPLY OF MILK TO THE DETENUS AT DEOLI.**

816. (a) Milk supplied twice daily by the Contractor, who obtains it from the local cowherds twice daily. The supply is supervised by the medical staff.

(b) No. Milk of exactly the same quality obtained from the same source is daily consumed by all the officers and other inhabitants of the station.

**DETENUS SUFFERING FROM TUBERCULOSIS AT DEOLI.**

817. (a) and (b). No detenu is suffering from tuberculosis.

(c) Separate single-bed wards exist in the Camp hospital for the segregation of suspected cases; and adequate treatment and diet are given until the diagnosis is confirmed. Definite tuberculosis cases are retransferred to Bengal.

**FACILITIES FOR TREATMENT OF DETENU ALOKENATH CHAKRAVARTI.**

818. (a) 15th December, 1933.

(b) The complaint from which he was suffering is technically known as spasmodic torticollis. There was no displacement of the muscles of the neck and shoulder, but only a certain degree of atrophy, which is the usual sequel to this complaint. He has stated that he has been suffering from this affliction since 1929.

(c) He is at present being treated with massage and various medicines. His state of health is reported to have greatly improved. He is able to sit up and occasionally walks with help. A few weeks ago he was unable to do this.

(d) He is no longer in Ajmer Hospital. He returned to Deoli on the 2nd December, 1935. He has not fully recovered, but as I have said he has much improved.

(e) He says that this is a fact. I am not sure whether the treatment by correspondence has ceased.

(f) If he makes such a request, it will be considered.

*Information promised in reply to supplementary questions in connection with Seth Govind Das's starred question No. 845 asked by Pandit Lakshmi Kanta Maitra and Mr. S. Satyamurti on the 26th February, 1936.*

**TRAINING OF INDIAN STUDENTS IN CERTAIN FOREIGN COUNTRIES.**

The High Commissioner for India, London, from whom an inquiry has been made, has intimated that he does not keep particulars of Indian students residing in individual countries in Europe, as Indian students, who go to the Continent for courses

of study and training, usually make their own arrangements direct. Approximate numbers are however given in the Annual Report of the Education Department (of the High Commissioner's office) drawn from information furnished by the foreign universities concerned. In 1934-35 the total number of Indian students on the Continent was :—

France	..	..	..	..	25
German	..	..	..	..	57
Switzerland	..	..	..	..	4
Italy	..	..	..	..	24

2. The High Commissioner for India has stated that no information is available in his office as to whether any discourtesy is being shown to Indian students in certain countries in Europe, but that if any instance of alleged discourtesy were brought to his notice, he would make such inquiries and take such action as might be necessary and possible.

*Information promised in reply to part (b) of starred question No. 988 asked by Dr. Ziauddin Ahmad on the 6th March, 1936.*

#### RECRUITMENT OF MUSLIMS IN PORT TRUSTS.

*A summary of the replies received from the Port Trusts in India to the circular letter issued by the Government of India regarding representation of Muslims and other minority communities in the Port Trust Services.*

*Chittagong Port Trust.*—In view of the large percentage of Muslims already employed in the Port Commissioners' service no special action is considered by them to be necessary.

*Madras Port Trust.*—The Trustees will observe the spirit of the letter from the Government of India in the recruitment of staff.

*Vizagapatam.*—If the population in the neighbourhood of the administration contains no members of the minority communities, it would be necessary to recruit staff from a distance in order to carry out the Government of India policy. Employment of staff whose homes are distant from the scene of their employment usually involves extra expense. The policy of communal representation should, therefore, be controlled by considerations of economy and practicability.

*Calcutta Port Commissioners.*—About 37 per cent. of the Commissioners' staff are Muslims. The vast majority of these are in inferior posts and the percentage in superior posts is very small. The small number in the superior posts requiring educational qualifications is due, not to any discrimination against Muslims but to the generally poor quality of the applicants for appointment. According to the Commissioners' experience the reservation of 25 per cent. of superior appointments for Muslims or even a much lower percentage would have resulted sometimes not only in the passing over of better qualified men but in the appointment of men unfit for their posts. The Commissioners are, however, desirous of seeing more superior posts filled by Muslims and will take care that suitable Muslim candidates are advised of future vacancies and given encouragement to apply. They are not, however, prepared to bind themselves in any way to recruit on a communal basis.

*Bombay Port Trust.*—The nature of work is more varied in Port service than in most other services and different classes of work attract different communities, so that the distribution of appointments is often largely governed by the nature of work. It would, therefore, be very difficult, if not impracticable, to adhere to any rigid ratio for the recruitment of staff. A careful review of the results of the Port Trust policy of recruiting to the service on the basis of merit shows that the various communities in Bombay are fairly represented in their service. In the matter of direct recruitment for officers' posts during recent years the distribution has been 18 per cent. Hindus, 29 per cent. Muslims and 53 per cent. other classes. Interests of minority communities are, therefore, not neglected. Apart from the impracticability of adopting any fixed percentage, the Trustees are of the unanimous opinion after

examining the statistics of actual staff employed, that a change in the present system of recruitment is unnecessary. In any case, the Trustees are unwilling to adopt rules framed to regulate recruitment on a communal basis.

*Karachi Port Trust.*—The Trust has supplied detailed figures which show that Muslims have a large share of the posts in the Karachi Port Trust but mostly of the lower grades because it is stated for their lack of educational qualifications. There is a lack of Muslim candidates with even a Bombay Matriculation qualification but when such come forward they will be given a trial in reasonable proportion in the clerical branch. The first Indian pilot taken into the Karachi Port Trust service was a Muslim and in fact in every appointment Muslims are given a fair chance and in the ordinary clerical Branch preference over other candidates is given as stated above. In their view, the Port Trust are doing even more than the Government of India desire in the matter but nevertheless they consider it inadvisable to lay down any hard and fast rule or in any way to reduce the standard of efficiency in the Port Trust service by the appointment of men less fit for their posts because they are of a particular community.

*Information promised in reply to starred question No. 1085 asked by Pandit Lakshmi Kanta Maitra on the 10th March, 1936.*

EDUCATIONAL INSTITUTIONS MAINTAINED BY RAILWAY ADMINISTRATIONS  
FOR THE EDUCATION OF THE CHILDREN OF THEIR EMPLOYEES.

(a) and (b). I lay two statements on the table of the House giving the required information.

(c) Administrative control over these institutions is vested in the Agents of Railways concerned.

*Statement showing the location and number of schools maintained by certain railway Administration.*

Location.	Number of schools.		Remarks.
	Indian.	Anglo-Indian and Europeans.	
<i>East Indian Railway.</i>			
Asansol, Sahibganj, Jamalpur, Dinapore and Tundla.	5		
Ondal, Jhajha, Keshavapur Behari (Jamalpur) Jamalpur Islamia, Moghalsarai and Bareilly.	6		
Pathardihi, Gomoh and 16 schools at the collieries at Girdih.	18		
Oakgrove Hill Schools .. .. .		3	
Lillooah, Bandel, Burdwan, Ondal, Asansol, Dhanbad, Gomoh, Madhupur, Jhajha Rampur Haut, Sahibganj, Jamalpur, Gaya, Dinapore, Moghal Sarai, Mirzapur, Tundla and Moradabad.		18	
Total ..	29	21	



Location.	Number of schools.		Remarks.
	Indian.	Anglo-Indian and Europeans.	
<i>Bengal Nagpur Railway.</i>			
Adra, Bilaspur, Chakradharpur, Dongargarh, Khargpur, Khurda Road, Nainpur and Santragachi.		8	
Adra .. .. .	3		
Bilaspur .. .. .	3		
Chakradharpur .. .. .	3		
Khargpur .. .. .	3		
Nainpur .. .. .	3		
Chindwara, Dongargarh, Sabdol, Tatanagar, Bhojudih and Jharsuguda.	6		
Khurda Road .. .. .	2		
Total .. .. .	23	8	
<i>Assam Bengal Railway.</i>			
Pahartali .. .. .	2		
Akhaura, Bhairab Bazar, Kayothali, Lumding, Mariani and Badarpur.	6		
Total .. .. .	8		
<i>Great Indian Peninsula Railway.</i>			
Parel, Kalyan, Lonavla, Dhond, Sholapur, Igatpuri, Bhusawal, Manmad, Nagpur, Itarsi and Bina.	..	11*	* These schools are primarily intended for the children of European and Anglo-Indian employees, but in accordance with the Educational Code, children of Indian employees may be admitted upto a limit of 20% with the sanction of the Agent.
Total .. .. .	..	11	

Location.	Number of school.		Remarks.
	Indian.	Anglo-Indian and Europeans.	
<i>Bombay Baroda, and Central India Railway.</i>			
Abu Road, Ajmer, Bandikui, Bulsar, Gohad, Fatehgar, Gangapur, Mhow, Neemuch, Phulera, Rewari and Ratlam.		12	
Ajmer, Dohad, Gangapur, Godhra, Phulera, Kotah Sabarmati and Udhna.	8		
Abu Road ..	2		
Bandikui ..	2		
Ratlam ..	2		
Total ..	14	12	
<i>Madras and Southern Mahratta Railway.</i>			
Bitragunta, Haffieldpet, Jalarpet, Perambur, Arsikere, Bangalore City, Castle Rock, Gadag, Gooty, Guntakal, Hubli, Miraj, Pakala and Rajahmundry and Mormugao Harbour.		15	
Guntakal, Bitragunta, Jalarpet, Gooty, and Pakala.	5	..	
Total ..	5	15	
<i>Eastern Bengal Railway.</i>			
Saidpur, Katihar, Chitpur and Kanchrapara ..		4*	* Children of Indian employees are admitted to these schools up to the percentage permitted by the Educational Department rules for such schools.
Total ..	..	4	
<i>Bengal and North Western Railway.</i>			
Gorakhpur .. .. .	1	..	
Gonda, Gorakhpur, Benares, Sonopore and Samastipur.		5†	† In these schools children of Indian employees are admitted to the extent of 25% on total enrolment.
Total ..	1	5	

Statement showing the expenditure incurred during 1932-33, 1933-34 and 1934-35 by certain Railway Administrations mentioned in Column I on the education of children of Indian and Anglo-Indian and European railway employees.

Railways.	Amount spent on the education of children of Indian employees.			* Amount spent on the education of children of Anglo-Indian and European employees.			Remarks.
	1932-33.	1933-34.	1934-35.	1932-33.	1933-34.	1934-35.	
Eastern Bengal	Rs. 14,223	Rs. 14,272	Rs. 14,705	Rs. 66,108	Rs. 69,007	Rs. 68,965	
East Indian	..	..	..	..	..	..	
Bengal Nagpur	..	..	..	..	..	..	
Assam-Bengal ..	..	..	..	..	..	..	
Bengal and North Western	..	..	..	..	..	..	
Great Indian Peninsula ..	..	..	..	..	..	..	
Bombay, Baroda and Central India	..	..	..	..	..	..	
Madras and Southern Mahratta ..	..	..	..	..	..	..	

\* In addition a total sum of Rs. 75,357 was spent by the B. N. Railway during the years 1932-33, 1933-34 and 1934-35 towards the grant given to employees for the education of their children at Hill Schools.

*Information promised in reply to parts (a) to (c) of starred question No. 1152 asked by Seth Govind Das on the 12th March, 1936.*

**PUBLICATION OF THE "SEA-BORNE TRADE AND NAVIGATION ACCOUNTS".**

The total expenditure incurred on both the monthly and annual Sea-borne Trade and Navigation Accounts is about Rs. 2½ lakhs and the revenue derived from sales is about Rs. 7,500.

*Information promised in reply to unstarred questions Nos. 321, 323, 326 and 333 asked by Dr. N. B. Khare on the 13th March, 1936.*

**PROCEDURE FOR INQUIRY INTO THE CONDUCT OF NON-GAZETTED RAILWAY STAFF.**

321. The provisions of the Public Servants (Enquiries) Act, 1850, are applicable to employees on State-managed Railways who are not removable from their appointments without the sanction of Government. As regards other non-gazetted staff, I would refer the Honourable Member to the 'Rules regulating discipline and rights of appeal of non-gazetted Railway Servants' a copy of which will be found in the Library of the House.

**POWERS OF DIVISIONAL SUPERINTENDENTS ON THE EAST INDIAN RAILWAY.**

323. The reply to the opening part of the question is in the affirmative.

As regards (a), Government are informed that when powers have not been specifically delegated to officers under Divisional Superintendents these officers exercise powers within the delegation of powers made to a Divisional Superintendent to the extent that may be considered necessary for day to day administration and are responsible to the Divisional Superintendent for proper conduct of business according to the internal official arrangements.

(b) I would refer the Honourable Member to the schedule referred to in paragraph 1 of the circular quoted by him.

(c) Presumably the Honourable Member wishes to know the authority under which the Divisional Superintendents are empowered to execute service agreements with non-pensionable railway servants. If so, I would refer him to paragraph 13 of the Government of India, Home Department, Notification No. F. 1084-31-Judicial, dated the 14th July, 1932, a copy of which is in the Library of the House.

**POSTS OF TRANSPORTATION INSPECTORS SANCTIONED BY THE EAST INDIAN RAILWAY.**

326. Government are informed as follows :

(a) and (b). As both the officers who formed the Selection Committee in question have retired, it is not possible to get any further information on the subject. It may, however, be stated that two lists, one containing the names of all suitable candidates for the posts of Transportation Inspectors and the other of all officiating Inspectors with a summary of the recommendations from the Divisional Superintendents and others were prepared and received the consideration of the Selection Committee. The persons selected for the appointments were from these lists.

(c) Government do not consider any action was necessary.

(d) There was no necessity for a fresh Selection Board.

(e) The reply is in the negative.

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### APPEALS AGAINST THE REMOVAL OF A COOLY JEMADAR OR A COOLY ON STATE RAILWAYS.

333. On the Burma, Eastern Bengal, East Indian and Great Indian Peninsula Railways, licensed coolies and Jemadars are not appointed by the Railway Administrations but by contractors; no appeal, therefore, lies to any officer of the Railway Administration from such coolies and Jemadars.

On the North Western Railway, Cooly Jemadars are licensed by Divisional Superintendents who are entitled, in accordance with the terms of the license, to withdraw it at any time. They have no right of appeal. Coolies, whether appointed by Jemadars or by Station Masters, are not railway servants and have, therefore, no right of appeal above the authority recruiting them.

*Information promised in reply to part (b) of starred question No. 1292 asked by Khan Sahib Nawab Siddique Ali Khan on the 17th March, 1936.*

### DEPARTMENTAL PUBLICATIONS TO THE CREDIT OF THE DEPUTY DIRECTOR GENERAL OF ARCHAEOLOGY.

*Statement showing the publications issued by the Archaeological Officers other than the Deputy Director General of Archaeology in India [laid on the table of the Legislative Assembly with reference to part (b) of Khan Sahib Nawab Siddique Ali Khan's starred question No. 1292 in the Legislative Assembly on the 17th March, 1936].*

- |                                     |    |   |
|-------------------------------------|----|---|
| 1. Mr. J. F. Blakiston .. ..        | .. | 1. Edited Memoir on the drawings of Geometric Pattern in Saracenic Art.                                 |
|                                     |    | 2. Memoir on the Jami Masjid at Badaun.   |
|                                     |    | 3. Edited Annual Report for 1924-25.  |
|                                     |    | 4. Ditto 1925-26.   |
|                                     |    | Ditto 1934-35 (in hand).  |
| 2. Dr. M. A. Hamid .. ..            | .. | Nil.  |
| 3. Khan Bahadur M. Sana Ullah ..    | .. | Contributed Chapter XXV and Appendix I in Mohenjodaro Volume.   |
| 4. Khan Bahadur Maulvi Zafar Hasan. | .. | 1. List of Mohammadan and Hindu Monuments in the Delhi Province: Volume I—IV 1916—1922.                 |
|                                     |    | 2. Memoir No. 9. Mosque of Sheikh Abdu Nabi.  |
|                                     |    | 3. Memoir No. 10. A, Guide to Nizam-ud-Din.   |
|                                     |    | 4. Memoir No. 29. Specimens of Calligraphy in the Delhi Museum of Archaeology.                          |
|                                     |    | 5. Memoir No. 45. Bibliography of Indo-Moslem History excluding Provincial monarchies.                  |
|                                     |    | 6. Contributed articles in Epigraphia Indo-Moslemica for 1909-10, 1913-14, 1919-20, 1933-34.            |
| 5. Dr. Ansari .. ..                 | .. | Nil.  |
| 6. Mr. H. L. Srivastava .. ..       | .. | Nil.  |
| 7. Mr. M. H. Kuraishi .. ..         | .. | 1. Urdu Translation of Sir John Marshall's Guide to Taxila.   |
|                                     |    | 2. Urdu Translation of Sir John Marshall's Guide to Sanchi.   |
|                                     |    | 3. Catalogue of the Sanchi Museum of Archaeology.   |
|                                     |    | 4. Guide to Nalanda.  |
|                                     |    | 5. Descriptive List of the Protected Monuments in Bihar and Orissa (New Imperial Series Report Volume). |
|                                     |    | 6. Persian text in Memoir on Kotla Firoz Shah.  |

8. Mr. M. S. Vats .. .. Monograph on Harappa (not yet published).
9. Mr. Q. M. Moneer .. .. Nil.
10. Dr. M. Nazim .. .. 1. Memoir No. 49, Bijapur Inscriptions.  
2. Contributed articles in Epigraphia Indo-Moslemica for 1929, 1934 and 1935.
11. Mr. G. C. Chandra .. .. Nil.
12. Mr. N. G. Majumdar .. .. 1. Memoir No. 48, Explorations in Sind.  
2. Contributed articles in Epigraphia Indica for Volume XIX, 1927-28, Volume XXI, 1931, Volume XXII, Part 4, 1934.
13. Mr. C. R. Krishnamacharu .. .. 1. Edited Annual Report on South Indian Epigraphy for 1931-32 and for 1932-33-34 in Press.  
2. Contributed articles in Epigraphia Indica Volume XV, No. 26, Volume XVI, No. 18, Volume XVIII, No. 41, Volume XXI, No. 24.
14. Mr. H. H. Khan .. .. Nil.
15. Dr. N. P. Chakravarti .. .. 1. Edited Epigraphia Indica Volume XXI, Part VII.  
Edited Epigraphia Indica Volume XXII, Part I-IV,  
2. Contributed articles in Epigraphia Indica Volume XXI, Part I, XXI, Parts IV and V, Volume XXII, Part I.
16. Mr. T. N. Ramchandran .. Nil. (Has joined the Department only recently).
17. Dr. Chabra .. .. Nil. (Has joined the Department only recently).

*Information promised in reply to starred questions Nos. 1303 and 1308 asked by Dr. P. N. Banerjee on the 17th March, 1936.*

#### PAYMENT FOR HOLIDAYS TO THE EMPLOYEES OF THE EAST INDIAN RAILWAY PRESS.

1303. Government are informed as follows :

(a) All employees of the East Indian Railway Press irrespective of the community to which they belong have in the past enjoyed and are now enjoying the paid holidays prescribed for the Press establishment, unless a holiday falls within the period of an employee's leave in which case it is treated as leave.

(b) This is a matter of opinion.

(c) No. The 28th December was not a paid Shop holiday.

(d) The Workshop staff granted leave on the 28th December, 1935, were granted leave with pay if due or leave without pay if no leave was due.

(e) Information is not readily available and Government do not consider the amount of time and labour involved in collecting it will be justified by the results likely to be obtained.

(f) Does not arise.

#### WORKS COMMITTEE OF THE EAST INDIAN RAILWAY PRESS.

1308. Government are informed as follows :

(a) Yes.

(b) (i) and (ii). The Works (Welfare) Committee has never functioned owing to the staff failing to nominate representatives to serve on the Committee.

*Information promised in reply to starred questions Nos. 1362 and 1363 asked by Pandit Sri Krishna Dutta Paliwal on the 20th March, 1936.*

#### RECRUITMENT TO THE CADRE OF DIVISIONAL ACCOUNTANTS.

1362. It is a fact that the appointments to the Subordinate Accounts Service Cadre are considered as departmental promotion, and to the Divisional Accountants' Cadre as direct recruitment, for the purpose of the communal recruitment rules; but the sources of recruitment to these Cadres is not "almost the same". Divisional Accountants who serve both in the offices of Accountants-General and in the offices of the Public Works Department in the various Provinces or areas are recruited from three different sources, viz.:

- (1) from Audit Office clerks,
- (2) from clerks in Divisional or Sub-Divisional Offices in Public Works Department, and
- (3) from Graduates and others of Superior or special qualifications not in Government service.

The Departmental clerks have no more vested right in promotion as Divisional Accountants than have the others. Appointments to a Divisional Accountant Cadre are, therefore not considered as cases of departmental promotions. On the other hand, promotions to the Subordinate Accounts Service are made mainly and almost entirely from source (1) mentioned above, except that a very small number of appointments is also made from source (3). The considerations which apply in the case of Divisional Accountants do not therefore apply to the Subordinate Accounts Service.

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#### RECRUITMENT TO THE CADRE OF DIVISIONAL ACCOUNTANTS.

1363. Although the Divisional Accountants under the Accountant General, Central Revenues, are liable to be posted to Public Works Divisions in different parts of India, recruitment for the cadre is not made on an all-India basis. The Divisional Accountant cadre is 28. There are 14 posts in Delhi and 14 outside. Of the outside posts one each is in Port Blair, Rangoon and the Persian Gulf—not suitable recruiting areas. Six posts are located near or fairly near Delhi—Simla, Dehra Dun, Ambala, etc. Hence the number of posts that might be held to justify all-India recruitment is comparatively small. As a matter of fact recruitment is mainly in Delhi, and it is not unreasonable that the Delhi communal proportions should apply.

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*Information promised in reply to parts (d) and (e) of starred question No. 1365, parts (a) to (f) of starred question No. 1366 and parts (a) to (c) of starred question No. 1367 asked by Mr. D. K. Lahiri Chaudhury on the 20th March, 1936.*

#### ARRANGEMENTS FOR WORK ON SUNDAYS AND POSTAL HOLIDAYS IN THE HOWRAH RAILWAY MAIL SERVICE.

1365. (d) The staff employed in the Railway Mail Service sorting offices is required to perform work on holidays including Sundays, and this is the case with the Howrah Railway Mail Service Sorting Office also.

(e) (i) Such relaxation as is practicable is given on holidays to the staff employed in the Howrah Railway Mail Service. Of the 38 sorters employed in the office, 14 sorters employed in set No. 1 have only 7 hours duty per day as against the standard of 8 hours duty per day. Orders have been issued to give all the sorters a chance of working in set No. 1 by rotation. The staff of the Howrah Railway Mail Service Sorting Office will also be periodically transferred to sections working in railway trains where the maximum hours of work per week are only 36. I may add for the Honourable Member's information that the performance of some work on Sundays and holidays is a recognised condition of service in the Postal Department.

(e) (ii) No reply was received from the head of the circle as none was called for. A copy of the Honourable Member's question was sent to the head of the circle concerned for such action as he considered suitable and practicable.

(e) (iii) This does not arise.

#### GRANT OF RELAXATIONS ON SUNDAYS AND HOLIDAYS TO THE CLERKS IN THE SUB-RECORD OFFICE OF THE HOWRAH RAILWAY MAIL SERVICE.

1366. (a) and (e). The sorters attached to the Sub-Record Office, Howrah, as clerks have been ordered to work at the Howrah Railway Station Post Office as sorters for a portion of their daily hours of duty. No breach of rules is involved in this and they are permitted to enjoy the concession of 20 days maximum casual leave per annum in view of the fact that they do not enjoy relaxation on Sundays and holidays.

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

(f) Does not arise.

#### FIXATION OF WORKING HOURS OF INFERIOR STAFF IN THE RAILWAY MAIL SERVICE.

1367. (a) Ordinarily, the working hours of inferior staff in the Railway Mail Service conform to those of the set to which they are attached, but this is not the case where the inferior staff is attached for duty partly to one set and partly to another. In such cases care is taken to see that the daily or weekly hours of duty of such inferior staff do not exceed the standards fixed.

(b) Yes, if they are wholly attached to the set in which they are working.

(c) Yes.

(d) The facts are not as stated by the Honourable Member. Certain members of the inferior staff of the Howrah Railway Mail Service are attached partly to set No. 1 and partly to set No. 2, and certain other members of the inferior staff are attached to the Howrah Railway Mail Service Post Office. Their hours of duty do not, therefore, conform to those of the sorters either of set No. 1 or of set No. 2; but in no case do the hours of duty of the inferior staff exceed 8 hours per day.

(e) Does not arise.

*Information promised in reply to parts (b) and (c) of unstarred question No. 369 asked by Lieut.-Colonel Sir Henry Gidney on the 20th March, 1936.*

#### PROMOTIONS AND DEMOTIONS OF ELECTRICIANS AND CHARGEMEN, ETC., ON THE GREAT INDIAN PENINSULA RAILWAY.

Government are informed as follows :

(b) No. Generally demotion and promotion are made on the same basis, but in the case of electrical chargemen promotion in the past was made on a divisional basis but at a comparatively recent date demotion had been ordered on a departmental basis, in view of the fact that the cadre was a small one.

(c) Generally where promotion is made on a divisional basis demotion will be on the same basis and where promotion is made on a departmental basis demotion will be made on the same basis.

*Information promised in reply to unstarred questions Nos. 383 and 384 asked by Mr. Sham Lal on the 20th March, 1936.*

#### SUPERNUMERARY BRAKESMEN OF THE OLD OUDH AND ROHILKUND RAILWAY.

383. (a) to (f), (h) and (i). Government are informed that the posts of brakemen on the Lucknow Division were abolished in 1931. Out of 11 brakemen who were retrenched 7 have been re-employed, one died and the remaining 3 did not turn up when called by the Divisional Superintendent, Lucknow, in connection with



re-employment, and their names were struck off the waiting lists; 9 posts of brakemen were abolished on the Moradabad Division in 1935 and the holders of those posts were treated as supernumerary pending absorption in other vacancies. The number of supernumerary brakemen to be absorbed as a result of the orders issued in 1935 was four. Two of them were absorbed as sorters on Rs. 27 per mensem in the scale 18—1—27 with effect from 1st September, 1935, and 1st November, 1935, respectively. One was absorbed as Assistant Trains Clerk on Rs. 28 in the scale No. 28—2—50 on the 27th November, 1935, and the 4th resigned service from 21st December, 1935.

(g) Government are informed that there is no material difference between the duties of letter delivery clerks and sorters. The category of train despatch clerks is extinct. They used to be employed on the old Oudh and Rohilkhand Railway on duties similar to those of letter delivery clerks.

(j) and (m). I would refer the Honourable Member to my reply to Qazi Mohammad Ahmad Kazmi's question No. 832 asked in this House on the 26th February, 1936.

(k) and (n). I would refer the Honourable Member to the reply given to question No. 573 asked by Mr. Muhammad Azhar Ali on 26th February, 1935, in which it was stated that the Government consider that continuance of mileage allowances to staff working as letter delivery clerks is not according to their present policies and that the Agent, East Indian Railway, had been instructed to discontinue the practice and to absorb the staff concerned in categories the duties of which they are actually performing.

(l) The present policy of the Government is to abolish posts which are considered surplus and to absorb holders of such posts into other vacancies as far as possible as an alternative to discharge.

(c) If and when staff other than supernumerary brakemen were ordered to relieve brakemen they were paid daily allowance if permissible and not mileage allowance.

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#### SUPERNUMERARY BRAKEMEN OF THE OLD OUDH AND ROHILKUND RAILWAY.

384. (a) and (b). Reply to the first part of (a) is in the affirmative. As regards the latter part of (a) and (b) I would refer the Honourable Member to the information laid on the table of the House in reply to parts (a) to (f), (h) and (i) of question No. 383 asked by Mr. Sham Lal on 20th March, 1936, in the Legislative Assembly.

(c) Yes.

(d) Staff appointed as sorters have been given the new scales of pay of the posts as there were no old scales of pay for these posts.

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#### *Information promised in reply to unstarred question No. 402 asked by Sardar Mangal Singh on the 20th March, 1936.*

#### NEW SCALES OF PAY FOR JOURNEYMEN ON THE NORTH WESTERN RAILWAY.

Government are informed as follows :

(a) The order that the revised scales of pay would be introduced with effect from the 1st August, 1934, was first notified through the Agent, North Western Railway's letter No. 561-E.167, dated the 31st July, 1934, addressed to the subordinate offices, and was published in the North Western Railway Gazette Extraordinary, dated the 6th August, 1934. A letter of the same number, dated the 17th September, 1934, giving detailed instructions in regard to the application of the revised scales was published in the North Western Railway Gazette Extraordinary, dated the 24th September, 1934.

(b) and (c). The pay of staff newly appointed after 15th July, 1931, and before 1st August, 1934, to whom revised scales were applicable was fixed in the revised scales with effect from 1st August, 1934, but no recovery was made on account of

payments made before 1st October, 1934, from such employees as had been paid at a higher rate than that admissible under the revised scales.

(d), (c) and (j). I would refer the Honourable Member to my reply to unstarred question No. 169 asked by Mr. Nabi Baksh Illahi Baksh Bhutto on the 18th February, 1936. As regards the latter part of (j) the reply is in the negative.

(f) No.

(g) Yes.

(h) As regards the first part of the question the new scales of pay for the junior and senior Chargemen are as follows :

Junior Chargemen—100—10½—120.

Senior Chargemen—100—10½—120—140 (fixed)—160 (fixed)—180 (fixed).

As regards the second part, I would refer the Honourable Member to my reply to unstarred question No. 169 asked by Mr. Nabi Baksh Illahi Baksh Bhutto on the 18th February, 1936.

(i) No.

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*Information promised in reply to unstarred question No. 404 asked by Babu Kailash Behari Lal on the 20th March, 1936.*

#### PROVISION OF A WAITING ROOM AT NATHNAGAR STATION.

(b) The Agent, East Indian Railway, reports that the question was gone into and it was found that the number of passengers dealt with at Nathnagar did not warrant the provision of a waiting room at that station, nor has a recent re-examination of the question altered the Administration's views in this matter.

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*Information promised in reply to unstarred question No. 426 asked by Mr. Sham Lal on the 20th March, 1936.*

#### DISCHARGE OF COMMERCIAL STAFF ON THE NORTH WESTERN RAILWAY.

Government are informed as follows :

(a) (i), (ii) and (iii). Yes. In this connection the Honourable Member is referred to clause 5 of the agreement (reproduced below) executed by these men :

“ that after one month's temporary employment I must be prepared to pass any examination considered necessary for holding charge I am appointed to, failing which my services are liable to be terminated immediately ”.

(b) Does not arise.

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*Information promised in reply to parts (a) to (c) of starred question No. 1388 asked by Pandit Lakshmi Kanta Maitra on the 23rd March, 1936.*

#### GRANT OF HOLIDAYS TO THE OFFICIALS WORKING IN THE RAILWAY MAIL SERVICE SORTING OFFICES.

(a) The number of notified holidays including Sundays for Circle offices, for offices of the Superintendents of post offices and of Railway Mail Service, and for post offices varies in different circles. But even on notified holidays the staff may be required to perform some work if the exigencies of the service require it. Further the performance of some work on Sundays and holidays is a recognised condition of service in the postal department. The staff employed in the Railway Mail Service sorting office is required to perform work on holidays including Sundays.

(b) Such relaxation as may be practicable is given on holidays to the staff employed in Railway Mail Service sorting offices. Moreover the staff employed in Railway Mail Service sorting offices are periodically transferred to work in travelling

sections where the maximum hours of work are fixed at 36 per week and is thus not required to work on all holidays throughout the year.

(c) Does not arise in view of replies to parts (a) and (b).

*Information promised in reply to starred question No. 1424 asked by Dr. P. N. Baurjca on the 23rd March, 1936.*

#### FACILITIES TO THE EMPLOYEES OF THE RAILWAY INSTITUTES IN CERTAIN MATTERS ON STATE RAILWAYS.

Staff employed in railway institutes are not railway servants. They are employees of the managing committees, who appoint them on such terms and conditions of service as they may consider necessary. Railway Administrations do not maintain information regarding their terms and conditions of service. Government regret that they are not prepared to collect information in respect of employees who are not railway servants.

*Information promised in reply to unstarred question No. 431 asked by Mr. Ghansham Singh Gupta on the 23rd March, 1936.*

#### DISTINCTION BETWEEN INDIANS AND EUROPEANS IN ORDNANCE FACTORIES.

(a) There is no distinction between Indians and Asiatic domiciled Europeans doing the same class of work in Ordnance Factories as regards any conditions of service.

(b) The allowances referred to are in the nature of "overseas pay" and are admissible only to those of non-Asiatic domicile.

(c) and (e). At present overseas pay is generally admissible to superior officers of non-Asiatic domicile in civil departments of the Central Government. In no department is any distinction made between Indians and Europeans, irrespective of domicile.

(d) No. A revised scale of pay was introduced for those of Asiatic domicile recruited for Ordnance Factories after the 27th September, 1931.

(f) 9 Europeans have been recruited locally for Ordnance Factories during the last 5 years. In three cases the posts were advertised and the best men available were selected. In the remaining six cases men were specially selected either by transfer from other establishments or on account of special qualifications for the posts.

*Information promised in reply to unstarred questions Nos. 434 and 435 asked by Mr. Amarendra Nath Chhattopadhyaya on the 23rd March, 1936.*

#### SUCCESSFUL *ex*-APPRENTICE MECHANICS OF THE EAST INDIAN RAILWAY TECHNICAL SCHOOL.

434. Government are informed as follows :

(a) The appointment of apprentices as chargemen in the technically trained grade is subject to their being vacancies in that grade; when vacancies do not exist, but are available in a lower grade, apprentices are given the option of appointment in such lower grade vacancies on the understanding that their future promotion will be subject to the rules and principles applicable to employees serving in these lower grades.

(b) The position as stated by the Honourable Member is not correct. The procedure mentioned in reply to part (a) above is followed in all the Mechanical Workshops of the East Indian Railway.

(c) No.

(d) In view of the reply to part (b) above this does not arise.

(e) and (f). In view of the reply to part (a) above, Government do not consider any further action is necessary.

SUCCESSFUL *ex*-APPRENTICES OF THE LILLOOAH WORKSHOPS.

435. Government are informed as follows :

The procedure is that when apprentices who have completed their period of training are appointed to fill temporary vacancies occurring due to staff acting in higher grades, they are appointed in an officiating capacity. When staff officiating in higher grades are confirmed, thus causing a permanent vacancy in the chergeman (technically trained) grade, an officiating chergeman (technically trained) may be confirmed as a permanent measure.

*Information promised in reply to unstarred question No. 445 asked by Mr. Muhammad Azhar Ali on the 23rd March, 1936.*

## SANITATION OF SHAHDARA, DELHI.

(a) The Public Health Commissioner with the Government of India, who is also Director of Public Health, Delhi Province, did not visit the area in 1935-36. The Assistant Director of Public Health, Delhi Province, however, visited it on more than one occasion.

(b) No. The area is looked after by the Notified Area Committee, Shahdara. The Sub-Assistant Surgeon in charge of the Shahdara dispensary is Health Officer of the Committee and is responsible for looking after the Health of the population.

(c) The Health Officer insists that vendors of vegetables, fruits and other eatables should provide wire gauze and covers to protect them from insects and flies. Rotten vegetables, fruits, etc., are seized and destroyed, if necessary.

(d) A scheme for the improvement of the drainage system is being considered by local authorities.

(e) The Notified Area Committee with its limited means keeps the ponds as clean as possible by the use of disinfectants such as diesel oil and phenyle.

(f) This is a local matter under the administration of the Notified Area Committee.

*Information promised in reply to parts (a), (b) and (d) of starred question No. 1429 asked by Sir Muhammad Yakub on the 24th March, 1936.*

## STENOGRAPHERS IN THE GOVERNMENT OF INDIA DEPARTMENTS.

(a) 143, both permanent and temporary.

(b) (i). 25.

(ii) 94.

(d) Five, *viz.*, Legislative, Legislative Assembly, Commerce, Military Finance, and Finance Departments.

*N.B.*—The foregoing states the position on 1st March, 1936.

*Information promised in reply to starred question No. 1433 asked by Prof. N. G. Ranga on the 24th March, 1936.*

## UNSYMPATHETIC AND ANTI-INDIAN ATTITUDE OF THE EDUCATIONAL ADVISER FOR INDIAN STUDENTS AT OXFORD.

(a) Yes.

(b) No.

(c) Does not arise.

(d) The High Commissioner for India, London, who was consulted in the matter, has stated that he has no evidence to the effect that the general body of Indian students at Oxford University are discontented with Mr. Williamson's alleged 'unsympathetic and anti-Indian attitude'.

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*Information promised in reply to starred question No. 1453 asked by Khan Bahadur Shaikh Fazl-i-Haq Piracha on the 7th April, 1936.*

**CANCELLATION OF THE APPOINTMENTS OF MUSLIM INSPECTORS IN THE CREW DEPARTMENT, EASTERN BENGAL RAILWAY.**

Government are informed as follows :

(a) and (c). Yes.

(b) The Agent favoured the appointments, but as they were somewhat exceptional invited instructions from the Board before making them.

(d) and (e). The Agent did not make the appointments because the Railway Board informed him they were not in favour of the proposal.

(f) Information is not available.

(g) In view of my reply to part (f), this does not arise.

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*Information promised in reply to starred question No. 1460 asked by Mr. Sri Prakasa on the 7th April, 1936.*

**RAILWAY ADVERTISEMENTS IN THE INDIAN NEWSPAPER.**

(d) and (e). Government are informed that it is at the instance of the Government of the United Provinces that the East Indian Railway refrain from advertising in the *Aj* (Benares) and the *Pratap* (Cawnpore).

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*Information promised in reply to unstarred question No. 453 asked by Dr. P. N. Banerjea on the 7th April, 1936.*

**LIBRARIES AND INSTITUTES SUBSIDISED BY STATE RAILWAYS.**

Government are informed that the information asked by the Honourable Member is not maintained by Railway Administrations. Libraries are generally attached to railway institutes, maintained out of institute funds and controlled by the managing committee of the institute, who employ such staff as they consider necessary. No grants are given to libraries but institutes receive grants-in-aid from the Staff Benefit Fund and occasional contributions from the same Fund for the purchase of books, etc.

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*Information promised in reply to unstarred questions Nos. 467 and 468 asked by Mr. Amarendra Nath Chattopadhyaya on the 7th April, 1936.*

**CABINETS OF ROSS PATENT TICKET CASES PURCHASED FOR USE AT THE HOWRAH BOOKING OFFICES.**

467. (a) (i). Eighteen Ross Patent Ticket Cases have been ordered ; 16 have been supplied.

(a) (ii). Three cases cost Rs. 150 each and the others Rs. 175 each. Each magazine costs Rs. 5.

(a) (iii). Three cases are in use at Howrah—two in the Intermediate class and one in the Third Class Booking Offices.

(b) (i). 1,600.

(b) (ii). Rs. 13,515.

(b) (iii). A proposal to combine all the Third Class Booking Offices at Howrah into one office to provide efficient supervision, economy in staff and space for

installing the 18 ticket cases is under consideration. An estimate of the cost of the scheme is being prepared.

(b) (iv). The risk of frauds is diminished by the use of these ticket cases as tickets cannot be extracted out of course from the magazines which is possible with the ordinary ticket tubes.

(b) (v). The expenditure was considered justifiable with a view to preventing the fraudulent removal of tickets.

(b) (vi). The question will be decided on results of the trial at Howrah.

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#### INTRODUCTION OF ROSS PATENT TICKET CABINETS ON THE EASTERN BENGAL RAILWAY.

468. (a) Ross Patent Ticket Cabinets have been introduced in the North and South Stations at Sealdah.

(i) Nine cabinets with 980 tubes have been purchased at a cost of Rs. 6,475.

(ii) Five cabinets are in use on the North Station and four on the South Station at Sealdah.

(iii) No.

(iv) The non-introduction of these cabinets, so far, at the main station at Sealdah is due to the fact that it was decided to test the existing Cabinets exhaustively before extending their use to other stations.

(b) No.

(c) Yes ; but these defects were rectified by the supplier.

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*Information promised in reply to unstarred questions Nos. 479, parts (c) and (d), 491, 492, 493, 494, 497, 498, 499, part (d), 510, 518, 519, 541, 547, 548, 561 and 562 asked by Dr. N. B. Khare on the 7th April, 1936.*

#### RENT CHARGED BY THE EAST INDIAN RAILWAY FOR REFRESHMENT ROOMS.

479. (c) and (d). Yes. The rates are generally as shown below :

Messrs. G. F. Kellner & Co., pay a lump sum rent of Rs. 1,087-10-0 per mensem for all the refreshment rooms on the whole of the line which is made up of Rs. 1,000 per mensem for the old East Indian Railway section and Rs. 87-10-0 per mensem for the old Oudh and Rohilkhand Railway section.

Howrah Division—Hindu and Mohammedan refreshment room contractors at Howrah pay Rs. 90 per mensem each.

Asansol Division—The basis of charge is Rs. 5 per mensem for each room.

Dinapore Division—The basis of charge is 6 per cent. on the capital cost exclusive of the cost of land.

Allahabad Division—Rs. 5 per mensem per room.

Lucknow and Moradabad Divisions—Nominal rents of Re. 1 per mensem from each contractor, except at Lhaksar where 5 per cent. of the capital cost is recovered from a contractor.

These rents which are exclusive of the rental on electric equipment, are at present under examination. There is no uniformity in the rates of rental charges as the rents have been fixed after taking into consideration the amount of catering done and possible profits made.

**PROCEDURE ON STATE RAILWAYS FOR PUNISHING OR REDUCING THE STAFF FROM SUPERIOR TO INFERIOR SERVICE ON FAILURE TO PASS AN EXAMINATION.**

491. It is presumed that the Honourable Member is referring to the departmental examinations which certain categories of staff are required to pass during their service. If so, it may be stated that as a general rule on the four State-managed Railways in India, a member of the non-gazetted subordinate service is not reduced to inferior service because of his failure to pass a departmental examination.

As regards punishing the staff who fail to pass a departmental examination, Government are informed as follows :

*East Indian Railway.*—(a) In the case of examinations which are intended as a test of the capacity of the individual to perform his daily duties, failure to pass the examination renders the employee liable to removal from his post and the procedure for dealing with such staff who fail to qualify is as laid down in the notification at paragraph 30 published in the East Indian Railway Gazette, dated the 24th January, 1934, as modified by paragraph 632 of the Gazette, dated the 3rd October, 1934, copies attached.

(b) There are certain training courses and examinations which it is necessary for certain classes of staff to pass before they are eligible for promotion ; failure to pass such examinations would render the employee ineligible for the promotion in question.

*North Western Railway.*—Failure to qualify in a training course is a bar to promotion to that class of appointment for which the qualification obtained by passing that course is laid down, but not a bar to promotion to higher posts for which a training course qualification is not required. The general procedure is that failure to qualify in an examination at the training school is not taken as a conclusive proof that a man is unfit to work in a particular capacity. In the case of train working a man who is considered as being so ignorant as to be dangerous in the matter of the safety of the travelling public, a special report on him is made by the Superintendent of the school. In any case his executive officer, on the basis of the school reports and all other available information, decides whether to allow him to carry on or to put him on probation or to examine him in any way he considers fairest as to his real capabilities, and no one is removed from his post without such personal consideration of his case by his executive officer.

*Great Indian Peninsula Railway.*—Staff who are concerned with train working are required to pass a periodical competency examination. If they fail after two attempts, they are removed to posts not concerned with train working, or removed from the service, if their records are unsatisfactory.

*Eastern Bengal Railway—Traffic Department.*—Signallers failing to pass higher test in telegraphy or to qualify in train passing and coaching duties do not get increments beyond the efficiency bar.

*Mechanical Department.*—Firemen are required to pass as shunters and shunters as drivers within a specified period of service. The penalty for failure to pass this examination is discharge. If, however, the man is otherwise deserving, special consideration is shown to him.

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*Copy of paragraph 632 of East Indian Railway Gazette No. 20, dated the 3rd October, 1934.*

*Railway School of Transportation, Chandausi.*—In modification of the orders contained in gazette notification No. 30 of East Indian Railway Gazette No. 2 of 24th January, 1934, it is notified that the penalties for failing in the examination will not be applied automatically but at the discretion of the Divisional Superintendent. Staff retained at the school under paragraph 3 (b) of the notification will not be required to pay their own messing.

If a man is reported to have failed in any subject, it will rest entirely with the Divisional Superintendent whether he should be allowed to continue in his post or not, and whether his increment should be affected.

A special report on those who fail will be submitted by the school Superintendent to the Divisional Superintendent.

*Copy of paragraph 30 of East Indian Railway Gazette No. 2 of 24th January, 1934.*

*Railway School of Transportation, Chandausi.*—The following is published for the information of all concerned and in supersession of East Indian Railway Gazette Notification No. 953 of 8th August, 1928.

1. The subjects in the Assistant Station Masters Refresher Course will remain as at present, i.e. :

- (i) Transportation,
- (ii) Commercial,
- (iii) Telegraphy,
- (iv) First Aid.

but the Transportation Examination will be subdivided under three heads :

Practical—Practical Test in the Model Room.

Theory A—Questions regarding the safe working of trains.

Theory B—Questions not covered by Theory A.

2. Certificates of competency will only be issued to men who pass in all subjects. Staff who fail in any subject will be shown in the School-Superintendent's Report to the Divisional Superintendent as 'Failed in \_\_\_\_\_' but passed in other duties'.

3. Staff failing to obtain a certificate of competency will be dealt with as follows :

- (a) Those who pass in Transportation, Practical and Theory A, but fail in any other subject, will be sent back to their Divisions as at present, and Divisional Superintendents may continue to utilise them for train passing or any other duties as desired, but they will not be granted any further annual increment with effect from the date they were sent to the school until they obtain a school certificate. Such staff should be returned to the School at the earliest opportunity, *vide* sub-paragraph (c) below.
- (b) Those who fail in Transportation Practical or in Theory A, will be retained at the school for the following course and will pay their own messing charges at the standard rate. These messing charges will be recovered through their salary bills in one instalment.
- (c) Staff undergoing further instruction due to failure in the first examination, *vide* sub paragraphs (a) and (b) above will only be instructed and examined in the subjects in which they previously failed. If a man fails on the second examination, *vide* sub-paragraph (b) above, it will be taken as definite proof that the man is unfit for the post he substantively holds and if no other suitable post is available in which he can be permanently absorbed he will be discharged.

4. All staff of other categories attending any Refresher Courses, as distinct from instructional Courses who fail to pass in all subjects will be returned to their Divisions and be given no further annual increment until they have passed in the subjects failed in. Such staff should be returned to the school for further instruction at the earliest opportunity.

5. As soon as possible after the holding of an examination, the Superintendent will intimate by wire to the Divisional Superintendents concerned, which men are being retained in the School under paragraph 4 (b) above. Divisional Superintendents may then correspondingly reduce the number of Assistant Station Masters they are sending for the next course, if they wish.

6. Extract of Transportation Lectures and a Series of typical examination questions will be printed and may be obtained from the School Superintendent at



approximately cost price. As soon as these are available, a notification to the effect, stating the price, will be published in the East Indian Railway Gazette.

7. A committee composed of two Transportation Officers to be detailed by the Chief Operating Superintendent, will visit the School once a year, or oftener as the Chief Operating Superintendent may direct and study the method of instruction with a view to keeping it as much in touch with line requirements as possible. They will submit to the Chief Operating Superintendent a report of their visit with such recommendations as they consider necessary.

8. These orders will take effect on and from the Course commencing in January, 1934, and will not have retrospective effect.

#### SCALE OF PAY APPLICABLE TO THE STAFF RECRUITED BY THE EAST INDIAN RAILWAY BETWEEN 1ST JULY, 1925, AND 1ST NOVEMBER, 1928.

492. Government are informed as follows :—

- (a) That the staff recruited between the 1st July, 1925, and 1st August, 1928 (1st September, 1930, in respect of Running Staff) were governed by the old East Indian or the old Oudh and Rohilkhund Railways scales according to the area in which they were recruited. Persons appointed thereafter but up to the 15th July, 1931, are governed by the revised scales of pay referred to part (c) of the statement laid on the table of the House in answer to Mr. K. Ahmed's question No. 1469, asked on the 28th November, 1932.
- (b) Revised scales of pay have been introduced on the East Indian Railway since 1925 to meet difficulties arising from the amalgamation of the Oudh and Rohilkhund Railway; to adjust pays fixed at a time when cost of living was high to changed conditions; to improve pay of inferior, lower-paid, and workshop staff; and finally, as on other railways, new scale of pay for all staff engaged after 15th July, 1931.

#### STAFF IN EACH SCALE OF PAY AS BUDGETED FOR THE YEAR 1936-37 BY THE EAST INDIAN RAILWAY.

493. I would refer the Honourable Member to the Pink Book containing East Indian Railway Revised Estimates, 1935-36 and Budget Estimates, 1936-37, a copy of which is in the Library of the House. Government have no other information and do not consider that the expense and labour involved in compiling the information will be commensurate with the results likely to be achieved.

#### SCALES OF PAY REVISED WITH EFFECT FROM 1ST AUGUST, 1928, ON THE EAST INDIAN RAILWAY.

494. A copy of the Agent, East Indian Railway's circular No. 485-A.E.-388, dated the 1st October, 1928, containing the revised scales of pay for subordinate staff introduced with effect from 1st August, 1928, has been placed in the Library of the House.

#### ABUSES OF POWER IN REGARD TO APPEALS FROM RAILWAY SERVANTS ON THE EAST INDIAN RAILWAY.

497. Government are informed that a number of direct appeals are received by the Agent, East Indian Railway every day, but it is not always possible to decide off hand whether these lie to the Agent. They are generally sent to the department concerned 'for disposal', and it has been made clear to the departments that the words 'for disposal' imply that the appeal must be dealt with in accordance with the rules on the subject.

**DISPOSAL OF APPEALS FROM RAILWAY SERVANTS ON THE EAST INDIAN RAILWAY.**

498. If the Honourable Member will quote an instance of an appeal which lay to the Agent but was withheld, otherwise than in accordance with the rules, it will be investigated. Government are informed that all appeals are carefully examined and care is taken to see that the procedure laid down in the rules is observed.

**RULES FOR RESIDENTIAL BUILDINGS ON STATE RAILWAYS.**

499. *Ad-interim* reply given by Honourable Member to part (d) of unstarred question No. 499 on the 7th April, 1936 :

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

Proposed final reply to be placed on the table of the House at a meeting of the next session of the Assembly.

(d) (i). The North Western Railway was able to work out the details of the rent pooling scheme by 1st August, 1928. The staff were not deprived of any benefits, as the new rules as stated in the reply to part (b) of the question, were issued in 1926.

(ii) The said rules could not be enforced from 1st July, 1925, on the East Indian Railway as they were issued in 1926. The earlier rules issued in 1922 were, however, applied to the ticket checking staff, and under these rules the privilege of giving rent free quarters to this class of staff was discontinued on the East Indian Railway proper with effect from the date on which the line was taken over by Government, and on the Oudh and Rohilkhand section with effect from the date on which it was amalgamated with the East Indian Railway. I may mention that such of the ticket checking staff as enjoyed the privilege of rent free quarters or house-rent allowance in lieu thereof, or rent free quarters when available, have been permitted to continue to enjoy this privilege.

**DIFFERENCE IN THE NATURE OF DUTIES OF CERTAIN STAFF ON THE EAST INDIAN RAILWAY.**

510. Government are informed as follows :

- (a) Brakemen have not been employed as such on the East Indian Railway for some years, and it is not, therefore, possible at this stage to specify the precise nature of the duties they used to perform. A guard is in charge of a train in all matters affecting stopping or movement of the train for traffic purposes. Details of the duties of a guard can be found in Chapter III (Working of Trains generally) of the General Rules for all open lines of Railways in British India administered by the Government a copy of which is in the library of the House.
- (b) The duties of letter delivery clerks before this category was replaced by 'sorters' were to deliver dak and empty ticket bags, etc., to stations. Letter despatch clerks and train despatch clerks are not employed on the East Indian Railway.
- (c) I would invite the Honourable Member's attention to the reply to part (f) of Sheikh Fazal Haq Piracha's question No. 1125 asked on the floor of this House on the 2nd October, 1931. Crewmen have not been employed on the East Indian Railway since the 1st June, 1931. When they were employed their duties were largely similar to those now performed by travelling ticket examiners, the principal difference being that crewmen were not responsible for the collection of cash.

**ACTING ALLOWANCES OF THE *ex-COMPANY* STAFF OF THE EAST INDIAN RAILWAY.**

518. (a) and (b). Yes.

(c) (i). No, as the change sanctioned in the Railway Board's letter referred to introduced an additional concession to which these employees were not previously

entitled, and consequently the question of asking them to agree to the grant of the additional concession did not arise. Any employee who does not wish to avail of the concession will not be forced to do so.

(ii), (iii) and (iv). Do not arise.

#### RELATIONSHIP BETWEEN THE AGENT AND CERTAIN OTHER STAFF ON STATE RAILWAYS.

519. While the officials mentioned by the Honourable Member are under the Agent's control so far as general administration is concerned they exercise the powers of a local Government in respect of staff under their administrative control for the purposes of the Rules contained in Appendices I and II referred to in Rule 27 of Rules regulating discipline and rights of appeal of non-gazetted railway servants.

#### CHECKING OF THE WORK OF STATION MASTERS BY A TRAFFIC INSPECTOR ON THE EAST INDIAN RAILWAY.

541. The reply to the first part is in the affirmative. As regards the latter part this is a matter of detailed administration entirely within the competence of the local Railway Administration to decide.

#### SENIORITY OF EAST INDIAN RAILWAY AND OLD OUDH AND ROHILKHAND RAILWAY STAFF.

547. For staff other than Engineering staff separate seniority lists are not maintained and promotions to higher grade appointments including selection posts, which are controlled by the Heads of Departments, are made on the joint cadre, and no distinction is made as between the Oudh and Rohilkhand Railway and East Indian Railway posts. In the case of non-selection posts, promotions are regulated by seniority subject to fitness, and in the case of selection posts promotions are made by selection from among the staff who are recommended by the Divisional Superintendents as fit for promotion. In the case of promotions to lower grades than those controlled from headquarters, each division has its own cadre of posts, and promotions are made by the Divisional Superintendent from the seniority list of his own division.

#### STATION MASTER'S EXAMINATION IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

548. (a) Government have no information and do not consider that the amount of time and labour involved in compiling the information will be justified by results.

Government are informed as follows :

(b) The Goods Accounts Examination was introduced in 1928, was applicable to both the old Oudh and Rohilkhand Railway staff and to East Indian Railway staff.

(c) Previous to 1928 the examination qualifying for promotion as Station Master or as Inspector on the Oudh and Rohilkhand Railway was the goods audit examination, sometimes called the station masters examination.

(d) The date from which the Goods Accounts Examination was introduced.

(e) As regards the first part of the question, the staff of both (old) Oudh and Rohilkhand and (old) East Indian Railways, who have passed the old Goods Audit or Station Masters' examinations are not required to pass the new Goods Accounts Examination to qualify for promotion as station master or inspector. The latter part of the question does not arise.

#### POWER TO PASS AN ORDER OF DISCHARGE BY A SENIOR SCALE OFFICER ON STATE RAILWAYS.

561. On the State-managed Railways officers below the rank of a Divisional Superintendent derive powers in respect of discharge and dismissal of non-gazetted

railway servants from the Rules regulating discipline and rights of appeal of non-gazetted railway servants which were promulgated in June, 1935, by the Governor General in Council in exercise of the powers conferred on him by the Direction appended to the Railway Services (Classification, Control and Appeal) Rules, copies of which will be found in the Library of the House; and exercise powers to the extent permissible under the rules. Powers have actually been delegated by the Agents of North Western, East Indian and Eastern Bengal Railways accordingly. Copies of the extracts in respect of the powers delegated by the Agents of these Railways have been placed in the Library of the House. On the Great Indian Peninsula Railway also powers have been delegated to senior scale officers in respect of discharge and dismissal in accordance with the Rules regulating discipline and rights of appeal of non-gazetted railway servants.

#### DISMISSAL OR DISCHARGE OF AN EMPLOYEE BY A SENIOR SCALE OR ADMINISTRATIVE OFFICER ON STATE RAILWAYS.

562. (a) and (c). I would refer the Honourable Member to the information laid on the table of the House in reply to question No. 561 asked by him on the 7th April, 1936.

(b) Terms of service agreement have nothing to do with delegation of powers by railway administrations.

(d) I would refer the Honourable Member to Rule 8 of the Rules regulating discipline and rights of appeal of non-gazetted Railway servants.

*Information promised in reply to unstarred question No. 564 asked by Mr. Amarendra Nath Chattopadhyaya on the 7th April, 1936.*

#### PROCEDURE IN REGARD TO THE CONVENING OF SELECTION BOARDS ON THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

Presumably the Honourable Member is referring to selection boards held for the filling of posts declared as selection posts. If this is so, Government are informed:

(a) That such selection boards are not held on the Howrah division but at the headquarters office since selection posts are filled by the head of a department. On the Howrah division special selection committees are convened for the purpose of reviewing the cases of senior men who are eligible for promotion. The cases of seniormost men are reviewed by the branch officer, if possible, in consultation with the Staff Superintendent at a special meeting with a view to ensure that senior employees are not passed over unless they have actually been found to be unfit for promotion.

(b) When any of the senior men eligible for consideration is ill or on leave on the date of the interview the vacancy is temporarily filled by the suitable seniormost employee interviewed, and the selected man's senior, who could not attend on account of illness or leave, is given the earliest opportunity immediately he resumes work of having his case reviewed. If he is found to be suitable for the vacancy he replaces the junior employee temporarily selected to fill the vacancy in his absence.

*Information promised in reply to unstarred question No. 575 asked by Mr. N. M. Joshi on the 7th April, 1936.*

#### SUPPLY OF NECESSARY UNIFORMS FOR A CABINMAN OFFICIATING AS A GUARD ON THE GREAT INDIAN PENINSULA RAILWAY.

Government are informed as follows:

(a) The reply to the first part is in the affirmative. As regards the last part it is presumed that the Honourable Member is referring to the

rain coats ; if so, I would invite his attention to my reply to part (d) of the question.

- (b) The information asked for is not readily available and its collection will involve an amount of labour and expense not likely to be justified by results.
- (c) If spare rain coats are available the officiating staff are permitted to use them.
- (d) No.
- (e) Does not arise.

*Information promised in reply to unstarred question No. 591 asked by Mr. Muhammad Azhar Ali on the 7th April, 1936.*

#### HARDWAR STATION ON THE EAST INDIAN RAILWAY.

- (a) Hardwar station was built in 1886. The cost is not available.
- (b) to (d). The information is not available.
- (e) Figures are available only for the financial year 1934-35 and are as follows :

Daily average inwards passengers .. ..	1,200
Daily average outwards passengers .. ..	1,100

(f) Only the earnings of local outwards traffic from Hardwar during the financial year 1934-35 are obtainable and amount to Rs. 3,26,391 or an average of Rs. 894 per day.

(g) and (h). The information is not available.

*Information promised in reply to unstarred question No. 604 asked by Pandit Krishna Kant Malaviya on the 7th April, 1936.*

#### TRAFFIC IN MONKEYS FROM THE PROVINCES TO CALCUTTA FOR EXPORT TO FOREIGN COUNTRIES.

(a) Yes. As regards the countries to which monkeys are mainly exported attention is invited to clause (a) of the reply given by Sir James Crerar on 21st September, 1931, to Mr. C. S. Ranga Iyer's question No. 614. During 1935-36 monkeys were exported mainly to the United States of America, the Straits Settlements, Belgium, Germany and the United Kingdom. Government have no definite information regarding the purpose for which monkeys are exported. In this connection attention is invited to paragraph 1 of the information laid on the table of the House on the 14th September, 1932, in reply to Mr. Ranga Iyer's starred questions Nos. 615 to 618 and 660 which were answered on the 21st and 22nd September, 1931.

(b) and (c). With reference to the case referred to in clause (b) of the question it has been ascertained that the consignment in question was not accepted by the railway staff for despatch until the regulations regarding the carriage of monkeys by rail had been complied with. The railway staff are thus fully alive to their responsibilities in the matter and the Government of India do not consider that any further instructions are called for.

*Information promised in reply to parts (a) to (e) of starred question No. 1501 asked by Mr. Anugrah Narayan Sinha on the 8th April, 1936.*

#### POSTMEN AND LOWER GRADE STAFF UNION, DELHI PROVINCE.

(a) The facts are not exactly as stated by the Honourable Member. The Postmen and Lower Grade Staff Union, Delhi Province, Delhi, is a "branch" union affiliated to the All-India Postmen and Lower Grade Staff Union. It applied for recognition and was told that separate recognition by the Director-General was not

necessary as it was affiliated to the recognised All-India (including Burma) Postmen and Lower Grade Staff Union. The channel for submitting representations was duly prescribed but this implied no departure from the rules regulating the status of Unions.

(b) and (c). The orders referred to by the Honourable Member were issued at first but as the Postmaster-General pointed out that the Provincial Union at Lahore was already representing the interests of all the Postmen and Lower Grade Staff in the Punjab and North-West Frontier postal circle they were subsequently modified to provide that the Delhi Union should be treated as a part of the Circle or Provincial Union at Lahore through which Union it was required to submit its representations to the head of the circle.

(d) Does not arise in view of reply to part (b).

(e) The Clerks Union at Delhi is a Circle Union and has consequently direct relations with the head of the circle. It has been explained in the reply to parts (a) and (b) of this question that the Postmen and Lower Grade Staff Union at Delhi is a "branch" Union. There are no grounds therefore to treat it in a similar manner.

*Information promised in reply to starred question No. 1531 asked by Professor N. G. Ranga on the 9th April, 1936.*

#### FAILURE OF CROPS IN AHMEDABAD AND OTHER DISTRICTS OF GUJERAT.

(i) There was failure mainly of the cotton crop during 1933-34 and 1934-35.

(ii) The Revenue and Police Patel of Aslali village submitted a petition under compulsion by the village people but it was subsequently withdrawn unconditionally.

(iii) There is no famine in any district of Gujerat and the question of extending salt concessions does not arise.

*Information promised in reply to parts (c) to (m) of starred question No. 1538 asked by Mr. S. Satyamurti on the 9th April, 1936.*

#### COFFEE CESS COMMITTEE.

(c) The Indian Coffee Cess Committee has so far held one meeting at Bangalore in November, 1935.

(d) and (e). The following Sub-Committees have been appointed by the Coffee Cess Committee :

(i) *The Executive Sub-Committee.*—Its functions are to deal with the general administration of the Committee to control the finances of the committee and to exercise such powers in matters of policy as is authorised from time to time, by the Committee. This Sub-Committee met on the 24th November, 1935, at Bangalore, on the 26th January, 1936 at Madras and at Coonoor on the 2nd May, 1936. The cost of the Sub-Committee upto the 30th June, 1936, being travelling and daily allowances to non-Government members, was about Rs. 1,383.

(ii) *The Market Expansion Sub-Committee.*—Its function is to examine the question of finding wider markets for Indian Coffee, as detailed in the enclosed statement. This Sub-Committee met on the 24th November, 1935 at Bangalore, on the 5th January, 14th and 15th March, and 26th April, 1936 at Saklasapur. Two joint meetings of the Executive Sub-Committee and this Sub-Committee were also held at Coonoor on the 2nd May, 1936, and at Bangalore on the 10th June, 1936. The cost of this Sub-Committee upto the 30th June, 1936, was about Rs. 1,464.

(iii) *The Selection Sub-Committee.*—It was only an *ad hoc* Committee constituted to consider the several applications for the post of the Secretary.

(f) The estimated income and expenditure of the Committee for 1935-36 and 1936-37 are as follows:

	1935-36.	1936-37.
	Rs.	Rs.
Estimated total income .. .. .	15,000	85,000
Estimated expenditure* .. .. .	15,000	85,000

\*This includes—

(a) estimated expenditure of sub-committees and general committee .. .. .	3,000	4,000
(b) estimated expenditure on promotion of sale and consumption of Indian coffee .. .. .	6,500	60,000†

†(includes Rs. 13,500 for expenditure in the United Kingdom.)

(g) and (h). The particulars required in these parts of the question are as follows:

Post.	Functions.	Name of Officer.	Salary.	Qualifications.
			Rs.	
Secretary to the Coffee Cess Committee.	He is responsible for all routine work, accounts and correspondence with the members of the Committee. He is also responsible for collecting and co-ordinating reports of marketing surveys in India and other countries. His services are also placed at the disposal of the Market Expansion Sub-Committee when possible.	Mr. A. M. Webb (From the 3rd December 1935 to the 27th June 1936.)  Mr. M. J. Simon (Indian Christian) from the 27th June 1936.	450—25—500	Educated at King's School, Rochester. Served for (i) 2½ years in Westminster Bank Limited, (ii) 8 years in Manglos Brothers Coorg Coffee Estates (1920-28), (iii) 7 years in Consolidated Coffee Estates Limited, (iv) Honorary Secretary of the Coorg Planters Association from 1928—1932. At the time of appointment he was proprietor and Manager of the Sidapur Estate. He has intimate knowledge of South Indian conditions having been a coffee planter for 15 years and is acquainted with local vernaculars. B. A. (Mathematics) Madras University: graduated in 1918. Posts previously held:— 1918-19.—Teacher, St. Mary's High School, Alwayr. 1919-22.—Lecturer, Women's Xian College, Madras. 1922-35.—Statistical Assistant, Indian Central Cotton Committee, Bombay. 1935 to the 27th June 1936.—Officiating Superintendent, Indian Central Cotton Committee, Bombay.

Post.	Functions.	Name of Officer.	Salary.	Qualifications.
Secretary to the Coffee Cess Committee— <i>contd.</i>			Rs.	Mr. Simon is a permanent Government servant having been appointed to the staff of the Indian Central Cotton Committee before the passing of the Indian Cotton Cess Act, 1923. He underwent special training in the Office of the Director General, Commercial Intelligence and Statistics, Calcutta, by whom he was recommended for the Indian Central Cotton Committee appointment.
Assistant Marketing Officer for Coffee.	He has been trained by the Agricultural Marketing Adviser to the Government of India in the technique of marketing surveys and has now commenced an all-India marketing survey of coffee in which he will have the assistance of the Central and Marketing staffs in various parts of India. A good deal of the detailed work will lie in South India. He will place at the disposal of the Market Expansion Sub-Committee all possible information which will assist them in their work.	Mr. M. Gopal Menon.	300	B. A. of the University of Madras and had 3 years' training in the Accounts Branch of the South Indian Railway Company Limited. He also worked as Sales and Marketing Inspector for 8 years in the Standard Vacuum Oil Company, Limited.

(t), (k) and (l). In India a propagandist was employed by the Committee for preliminary work in Hyderabad. A firm has since been employed by the Committee to carry out propaganda work in accordance with an approved programme. The period of the appointment of the firm in the first instance is for nine months from July, 1936, subject to three months' notice on either side to terminate on or before the 31st March, 1937. A sum of Rs. 40,000 has been provided for expenditure,

In England an organisation called "The Indian Coffee Market Expansion Board" has been set up at London with the assistance of the Indian Trade Commissioner, Indian Trade Publicity Officer and the Mysore Trade Commissioner. The functions of the Board will be to serve as the agent of the Indian Coffee Cess Committee in the United Kingdom in its efforts to increase the sale of Indian Coffee in the United Kingdom and Europe. A sum of £1,000 per annum has been allocated for this purpose.

(j) Yes. Does not arise.

(m) Yes. Bulletins explaining the activities and proposals of the Sub-Committees are issued to the Press.



**Statement showing the functions of the market Expansion Sub-Committee.**

The following more important subjects have been under discussion :

- (1) Deccan Propaganda Scheme : First proposals of—and amended proposals of—
- (2) Engagement of Marketing and Advertising Experts.
- (3) Press Publicity and Broadcasting : Advertising General Write-ups and talks-counteracting of Tea Advertisement in South India.
- (4) Trade Co-operation : Seeking names of Distributing Trade desirous of co-operating. Co-operation from Associated Trade.
- (5) Secretary's Report : On preliminary visit to Hyderabad, with addenda concerning informal meeting with Trade at Coimbatore.
- (6) India Coffee House : Establishment and functions of at Secunderabad and relative staff, equipment, etc.
- (7) Propaganda Budget : Detailed scheme and Budget approval of Executive Sub-Committee.
- (8) Press Contributions : Approval of—
- (9) Exhibitions, etc. : Hyderabad Silver Jubilee Exhibition, British Industries Fair, All-India Empire Exhibition at Bangalore and Delhi Exhibition.

I.

*Information promised in reply to parts (a) (i) and (a) (iv) of starred question No. 1563 and part (a) (iv) of starred question No. 1564 asked by Bhai Parma Nand on the 14th April, 1936.*

**PROMOTION OF THIRD DIVISION CLERKS IN THE GOVERNMENT OF INDIA OFFICES.**

**Part (a) (i) of No. 1563.**

Name of Department.	Number of candidates promoted to the Second Division who are qualified for the Third Division only.
Commerce .. .. .	2 (1 temporary).
Defence .. .. .	....
Financial Adviser, Military Finance ..	1 (officiating).
Finance .. .. .	....
Home .. .. .	1
Imperial Council of Agricultural Research ..	....
Industries and Labour .. .. .	....
Legislative .. .. .	....

II  
PROMOTION OF THIRD DIVISION CLERKS IN THE GOVERNMENT OF INDIA  
OFFICES.

Parts (a) (iv) of No. 1563 and (a) (iv) of No. 1564.

Name of Department. (1)	Number of clerks qualified for the Second Division who have yet to be promoted. (2)	Number of Super-numerary posts. (3)	Number of 3rd Division men promoted to the Second Division in one out of five vacancies. (4)
Commerce ..	2 (one is provisionally permanent in the 2nd Division).		2
Defence ..	5		
Education, Health and Lands.	....		1
Finance .. ..	1	3	....
Financial Adviser, Military Finance.	....		Some have been promoted.
Foreign and Political ..	3 (temporary) ..	8	(Promotion has been given in accordance with the rules).
Home ..	10 (5 are provisionally permanent in the 2nd Division).	2	1
Imperial Council of Agricultural Research.	1		....
Industries and Labour ..	5	6	
Legislative ..		7	....
Legislative Assembly ..	There are no Third Division appointments in this Department.		
Railway ..	1	..	Some have been promoted.
Reforms .. ..	(It is a temporary office).		

*Information promised in reply to parts (e) to (g) of starred question No. 1571 and starred question No. 1591 asked by Mr. Muhammad Azhar Ali on 14th April, 1936.*

NON-PROSECUTION OF *Sadhus*, *Fakirs* AND BEGGARS TRAVELLING WITHOUT TICKETS ON THE EAST INDIAN RAILWAYS.

1571. (e)—(g). The Agent, East Indian Railway, states that it was found that prosecution of mendicants served no useful purpose and only resulted in extra cost to the State and that there was nothing that the Railway could do beyond ejecting mendicants from trains. Government do not propose to interfere in the matter.

ABSENCE OF A SHED ON THE PLATFORM OF THE HARDWAR RAILWAY  
STATION.

1691. (a) It is not possible to estimate the number of passengers that can be accommodated with their luggage in an area of 1,680 sq. feet, as the amount of luggage that passengers travel with varies considerably and much depends also on whether passengers lie or sit down. A rough figure would be from 150 to 200.

(b) The length of passenger trains varies from 280 feet to 840 feet.

(c) Yes.

(d) Yes, by the Railway Administration who have been guided by the fact that no accidents to passengers have, so far, been reported as a result of the slopes. Government have no reason to think otherwise.

(e) Figures are available only for the financial year 1934-35 and are as follows :

Daily average inwards passengers ..	1,200
Daily average outwards passengers ..	1,100

(f) Amenities for passengers including shelter from heat-stroke and rain, are given constant attention and consideration, and additional facilities and amenities are provided at Hardwar station from time to time.

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*Information promised in reply to starred questions Nos. 1618, 1620 and 1623 asked by Mr. V. V. Giri on behalf of Mr. Sri Prakasa on the 14th April, 1936.*

CLOSING OF THE LEVEL CROSSING NEAR THE BENARÈS CANTONMENT RAILWAY  
STATION.

1618. (a) The level crossing is closed for a period exceeding 15 minutes on an average only once in 24 hours and at other times for lesser periods.

(b) No.

(c) It is not practicable to issue instructions that the level crossing should not be closed for more than 5 minutes at a time, as the period of closing depends on the shunting movements to be done and on the passage of trains. Orders have, however, been issued that if the shunting takes more than 10 minutes, it is to be stopped to pass the road traffic and then shunting to be resumed, if necessary.

(d) Traffic on the Grand Trunk road can cross the railway by the bridge at Chowkaghat, or by this level crossing. The question of constructing a subway in place of the level crossing is for the Local Government to decide.

—

CONSTRUCTION OF HYDRANTS SUPPLYING DRINKING WATER OR URINALS AND  
LATRINES BY THE ROADSIDE IN NEW DELHI.

1620. (a) and (b). Two public urinals constructed on the water borne system, which can be used both as urinals and latrines, have been provided, one on Queen Mary's avenue and the other on Talkatora Road. A scheme for increasing public urinals is under the consideration of the New Delhi Municipal Committee.

—

OPENING OF A PASSAGE DIRECT TO THE DHARMASHALA OUTSIDE ETAWAH  
RAILWAY STATION.

1623. (a) The plot in question was a part of the land originally acquired for the construction of the station.

(b) Does not arise.

*Information promised in reply to starred question No. 1650 asked by Mr. M. Ananthasayanam Ayyangar on the 16th April, 1936.*

**FILMS, BOOKS AND OTHER PUBLICATIONS IN FOREIGN COUNTRIES CALCULATED TO LOWER INDIA IN THE EYES OF THE WORLD.**

*Statement.*

The suggestion that the League of Nations should be approached with a view to stopping the misrepresentation of India through cinematograph films, books, etc., has been carefully considered by the Government of India in consultation with the Secretary of State, who in turn consulted the Home Office and Foreign Office. It has been agreed that no useful purpose would be served by bringing the matter to the notice of the League. In view of the business before that body, there is no prospect at present of getting this matter considered by it and, even if this were later found possible, the probability is that considerable time would be taken in evolving a formula for the acceptance of foreign powers which may quite conceivably never prove effective in stopping misrepresentation or the production of films, etc., which offend the sentiments of people of this country. It is not therefore proposed to pursue the matter. The Government of India consider that far more effective results are likely to be achieved by bringing to the notice of foreign powers, through diplomatic channels, concrete cases of objectionable films and books, whenever this is necessary and feasible. To this end His Majesty's representatives abroad who are fully alive to the necessity of protecting against any misrepresentation affecting the British Empire have been instructed to maintain a careful watch for such films and to bring them to notice as promptly as possible.

*Information promised in reply to starred question No. 1661 asked by Mr. Lalchand Navalrai on the 16th April, 1936.*

**GRANT OF HOLIDAYS TO GOODS AND PARCEL CLERKS ON IMPORTANT INDIAN FESTIVAL DAYS.**

Government are informed as follows :

- (a) On the Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railway, Goods and Parcel offices are closed on Good Friday and Xmas day only, and not on the New Year's day, except in the case of the Eastern Bengal Railway where the city Booking offices and Goods Shed situated in Calcutta are closed on the New Year day also. Arrangements are, however, made for the delivery of perishable, live-stock, etc., etc., even on closed holidays.
- (b) The reply to the first part of the question is in the affirmative. As regards the second part, Railways are essentially public utility services, and the number of days on which normal business is suspended for any reason must be kept as few as possible. In view of the very large number of religious festivals which vary in their significance and importance in the different areas served by the same Railway, it would not be in the public or in Railways' interest, if the number of closed holidays was increased in order to satisfy all communal demands for holidays on this account.
- (c) The Posts and Telegraphs Department give some of their employees holidays on certain Indian festivals, but on all these holidays a certain amount of work is performed in the Posts and Telegraph offices, e.g.,
  - (i) one delivery of letters by postmen,
  - (ii) despatch of mails, booking and delivery of express telegrams, etc., etc.
- (d) The assumption of the Honourable Member in the first part of the question is not correct. On Hindu holiday non-Hindu transact business with Railways as usual, and on Muslim holidays non-Muslim communities carry on their business.

- (e) The reply to the first part of the question is in the negative. As regards the latter part, it will result in business being seriously dislocated if the booking and delivery of goods and parcels is suspended on all communal holidays.

*Information promised in reply to parts (e) and (f) of starred question No. 1668 asked by Mr. C. N. Muthuranga Mudaliar on the 17th April, 1936.*

**SCHOOLS FOR TRAINING TELEGRAPH SIGNALLERS MAINTAINED BY THE POSTS AND TELEGRAPHS DEPARTMENT.**

(e) On the North Western Railway, Great Indian Peninsular Railway and Burma Railways telegraph training schools are maintained for training of candidates recruited for employment as signallers. The East Indian Railway and the Eastern Bengal Railway do not maintain such schools. The Eastern Bengal Railway obtains its signallers from certain private training schools which have been recognised by that Railway. The East Indian Railway recruits signallers from amongst those who have qualified in telegraphy at private schools or other institutions.

- (f) Does not arise in view of the reply to part (e) above.

*Information promised in reply to starred question No. 1676 asked by Pandit Lakshmi Kanta Maitra on the 17th April, 1936.*

**CLOSE OBSERVATION BY THE POSTAL AND POLICE AUTHORITIES IN CALCUTTA ON THE SUBSCRIBERS OF THE Railway Labour.**

Government are informed as follows :

(a) Yes.

(b) No.

(c) The reply to the first part of the question is in the negative. As regards the second part the Honourable Member is referred to reply to (b).

*Information promised in reply to starred questions Nos. 1692 and 1693 asked by Mr. Satya Narayan Sinha on the 17th April, 1936.*

**SUBMISSION OF MEMORIALS OF RAILWAY SERVANTS TO THE GOVERNOR GENERAL.**

1692. (a) to (c). Yes.

(d) and (g). The rules referred to state certain circumstances under which petitions to the Governor General in Council may be withheld by a local Government and for this purpose a local Government includes a Divisional Superintendent in respect of non-pensionable subordinate staff. Divisional Superintendents of Dinapore and Asansol are therefore competent to withhold petitions to the Governor General in accordance with the rules. Government are not aware of any petitions having been wrongly withheld and would be prepared to make enquiries if any specific instances are quoted in which petitions have been wrongly withheld.

(e) The reply to the first two parts of the question is in the affirmative. The last part does not arise.

(f) Reply to the first part is in the negative ; the rest of the question does not arise.

**SELECTION AND PROMOTION OF GUARDS IN THE DINAPORE DIVISION OF THE EAST INDIAN RAILWAY.**

1698. Government are informed as follows :

(a) No such circular was issued by the Agent, East Indian Railway.

(b) Does not arise.

- (c) Promotion of guards from grade ' B ' to grade ' A ' is made according to seniority subject to fitness, if the senior man in the lower grade is found unfit for promotion he would be superseded.
- (d) On the Dinapore Division eight ' B ' grade guards have been promoted to ' A ' grade since November, 1934. Out of these one has been confirmed. The others will be confirmed subject to vacancies, after they have been tried out as grade ' A ' guards.
- (e) There are no retrenched guards in the Dinapore Division.

*Information promised in reply to starred question No. 1694 asked by Mr. Ram Narayan Singh on the 17th April, 1936.*

#### TENDERS INVITED FOR THE SUPPLY OF CONSERVANCY PLANTS IN NEW DELHI.

(a) Yes. A list of tenderers, who are mostly local firms of standing and have served the municipality satisfactorily in the past is given below :

- (1) Mistry Nazir Ahmad, Lal Kuan, Delhi.
- (2) Mistry Mohammed Yasin, Kucha Pandit, Delhi.
- (3) Messrs. Bhola Nath and Sons, 87, Market Road, New Delhi.
- (4) L. Lachman Das and Company, Chaori Bazar, Delhi.
- (5) Messrs. M. Young and Company, Shahdara (Delhi).
- (6) Messrs. Brij Mohan Lal, Chaori Bazar, Delhi.
- (7) Messrs. Nechal Singh, Janki Das, Delhi.
- (8) Pt. Balak Ram, Katra Neel, Delhi.
- (9) Messrs. Bhana Mal Gulzari Lal, Chaori Bazar, Delhi.

(b) All tenderers are invited to be present when tenders are opened but the opening is done in the presence of such of them as respond to the invitation.

(c) Tenders below Rs. 100 are opened by the Health Officer. Tenders above this amount are opened by the Vice-President in the presence of the Health Officer.

(d) Not unless there is some special reason for changing the date.

(e) There is no box kept for tenders. A tenderer has the option to send them by registered post or to hand it personally to an official in the office who may be the Head Clerk or some other responsible person. A receipt is granted to the person who delivers a tender personally in the Office.

(f) Any corrections in tenders are attested both by the tenderers and the scrutinising officer.

*Information promised in reply to starred questions Nos. 1697 and 1698 asked by Pandit Nilakantha Das on the 17th April, 1936.*

#### FIRMS MANUFACTURING PIG IRON IN INDIA.

1697. (a) Pig iron is produced in India by four firms, namely, The Indian Iron and Steel Company, Limited, the Mysore Iron and Steel Works, the Bengal Iron Company, Limited, and the Tata Iron and Steel Company, Limited.

(b) 22.

(c) 13 have rupee capital.

1 has sterling capital.

12 (including 1 Railway concern) are proprietary.

Ten Joint Stock Companies were floated after June, 1924, but no information regarding the date of commencement of work by private companies is available.

## ENGINEERING FIRMS FABRICATING AND ASSEMBLING STEEL PRODUCTS IN INDIA.

1598. (a) The Honourable Member is referred to the "Large Industrial Establishments in India, 1935", copy of which is in the Library.

(b) and (c). Detailed information is not available.

*Information promised in reply to starred questions Nos. 1703, 1704, 1705, 1706, 1707 and 1709 asked by Mr. Muhammad Azhar Ali on the 17th April, 1936.*

## APPLICATION OF THE PUNJAB EXCISE ACT AND EXCISE RULES TO THE DELHI PROVINCE.

1703. (a) Compared with the Punjab Delhi is a small province with limited sources of income. The abolition of L-10 licences would cause considerable loss of revenue. Delhi being the seat of Government and a trade centre has amongst its population people of every class and many nationalities. L-2 licences have been issued in the civil station and cantonment areas as there is a demand for superior liquor in these localities. L-10 licences are issued for the vend of foreign liquor in the bazar for the general public.

(b) No instance of L-2 shops competing with country spirit shops by selling cheap brands of foreign liquor has been brought to the notice of the local authorities.

## GRANT OF LICENCES FOR VENDING FOREIGN LIQUOR IN DELHI.

1704. (a) The question of the abolition of L-10 licences in Delhi was considered in 1929, 1930, 1934 and 1935, but it was decided to retain them. The following points were taken into consideration when reaching a decision :

1. Loss of excise revenue in the case of abolition of L-10 licences ;
2. Apprehension that competition between L-10 shops when converted into L-2 shops and country liquor shops might be encouraged by the fact that the conversion of L-10 licences into L-2 licences would mean an appreciable reduction in the incidence of vend fees on those shops.

(b) The material difference in the conditions of grant of L-10 and L-2 licences are the following :

An L-2 licence is for sale of foreign liquor and is meant for a shop of proved respectability in a Civil Station or Cantonment, or any other place where there is a demand for superior foreign liquor, and is granted on assessed fees on a fixed scale.

An L-10 licence is meant for the sale of foreign liquor in a ' bazar ' ; these licences are situate close to country liquor shops and compete with country liquor by selling cheap and obscure brands of foreign liquor and are sold by auction.

L-2 licences do not in practice compete with country liquor shops.

The costs of upkeep, etc., of an L-2 licence are high ; while an L-10 licence requires small capital to run.

(c) Yes. L-2 licences are granted to firms or persons of approved respectability in a civil station, or cantonment, or in any other places where there is a demand for superior foreign liquor. L-10 licences are sold by public auction to the highest bidder and are intended for the retail vend of foreign liquor in the bazar to the general public.

(d) The rate of excise duty is the same whatever the method of distribution. If the Honourable Member refers to vend fees the question hardly seems to arise in view of reply to part (c) of question No. 1705.

## GRANT OF LICENCES FOR VENDING FOREIGN LIQUOR IN DELHI.

1705. (a) The licensee holding a licence in form L-2 at Mori Gate is allowed to retain a L-4 licence with the sanction of the Chief Commissioner under rule 14 of the Chief Commissioner's Notification No. 8058-Commerce, dated the 3rd October, 1935. There is no restriction against a L-2 licensee holding a licence in form L-17.

(b) There are no hard and fast rules discriminating between inferior and superior foreign liquor. The liquor which pays higher still head duty than country spirit is foreign liquor and L-2 shops sell superior foreign liquor. It was decided by the Chief Commissioner in 1927 that the sale of rum and malt whisky should be permissible under a L-2 licence as they were considered to be superior foreign liquor, and other species of Indian made foreign liquor are not necessarily inferior to them.

(c) The rules for L-2 shops do not purport to prohibit their selling cheap brands or inferior brands, but in practice their business is restricted to the superior brands (except to a negligible extent) due to the selection for the location of L-2 licences of places where the demand is mainly for superior liquor.

(d) There is no regular bazar at Mori Gate. There are certain shops of confectioners which meet the demand of the locality, and which depend for their business also on residents of the Civil Lines.

(e) The justification for giving L-2 licences on assessed fees lies in the general policy relating to the grant of such licences, which is to make available supplies of superior foreign liquor at a reasonable price in a manner not likely to cause inconvenience to the consumers and at the same time to derive as much revenue as possible from this class of licensee. To require persons who are catered for by L-2 licensees to go to the shop of a person successful at auction would be very inconvenient to them, since it is much better from their point of view that licences should be given to general merchants and should be continued from year to year.

(f) No notification under which different localities are declared for different licences has been issued. Licences are granted according to local circumstances and the demand for liquor which exists.

(g) In Delhi L-10 shops are situated close to country spirit shops and compete with them by selling cheap and obscure brands of foreign liquor. No such competition exists between the L-2 and L-10 shops or between the L-2 and country spirit shops. In the circumstances there appears to be no necessity for protection of L-10 shops against L-2 shops. When bids are given for L-10 shops the bidders are well aware of this fact.

## GRANT OF LICENCES FOR VENDING FOREIGN LIQUOR IN DELHI.

1706. (a) Yes.

(b) There are many brands of medicated wines. Important ones are as follows :

1. Wincarnis.
2. Hall's wine.
3. Manola.
4. Vibrona.
5. Stearn's tonic.
6. Vane tonic.
7. Buckfort tonic.

(c) I cannot answer because the word "this" occurs three times in Rule 17 and the Honourable Member has not specified which particular place where the word is used is in his mind.

(d) No.

(e) Most people residing near Gandhi gali or Chaori Bazar are not accustomed to a European or a modern style of living.



(f) The majority of upper class consumers live in Civil Lines, New Delhi and Delhi Cantonment where L-2 shops are in existence to provide the necessary facilities.

(g) No such difficulty has been brought to the notice of the local authorities.

(h) The expression "Upper class" was used in the reply quoted to refer to Indians living in a European or modern fashion and to Europeans living in bungalows.

#### GRANT OF LICENCES FOR VENDING FOREIGN LIQUOR IN DELHI.

1707. (a) Yes. The question was considered in 1930, 1934 and 1935. It was decided to retain L-10 licences and to make no alterations in the present rules.

(b) No. A statement of excise revenue from each form of licence for 1934-35 and 1935-36 is given below :

	Rs.
1934-35—	
L-2	14,229
L-10	21,700
1935-36—	
L-2	18,710
L-10	20,700

#### OFFICER NEXT IN AUTHORITY TO A DIVISIONAL SUPERINTENDENT ON STATE RAILWAYS.

1709. Presumably the Honourable Member is referring to the officer next above the Divisional Superintendent on State-managed Railways. If so, the head of a Department on the Great Indian Peninsula and East Indian Railways and the Agent on the North Western Railway is the officer next in authority to a Divisional Superintendent.

*Information promised in reply to part (e) of starred question No. 1729 asked by Mr. S. Satyamurti on the 17th April, 1936.*

#### INSISTENCE BY THE RAILWAY DEPARTMENT TO PURCHASE A PARTICULAR BRAND AND TRADE MARK OF ARTICLES.

(e) No.

*Information promised in reply to unstarred question No. 605, parts (b) to (e) of unstarred question No. 606 and unstarred question No. 614 asked by Mr. Amarendra Nath Chattopadhyaya on the 17th April, 1936.*

#### CONTINUANCE OF THE CUT ON ALLOWANCES OF THE RAILWAY STAFF AT CALCUTTA AND HOWRAH.

605. (a) Yes. I may, however, add that the local allowance granted to the staff at Howrah is not 'special pay' but 'compensatory allowance', the cut on which has not been withdrawn.

(b) The reductions referred to, which were made in pursuance of economy campaign, were distinct from the emergency cut and Government are not prepared to withdraw them.

**ACCEPTANCE OF BAPTISM AND UNIVERSITY CERTIFICATES IN SUPPORT OF APPLICATIONS FOR CHANGES IN AGES OF THE EAST INDIAN RAILWAY STAFF.**

Parts (b) to (e) of No. 606. Government are informed as follows :

- (b) The particulars including age recorded in the service sheet are attested by the employees when the service records are prepared and the employees therefore have the opportunity of pointing out any errors.
- (c) The service records are generally prepared by the establishment section of the office in which the employee is appointed and are attested by the employee and a gazetted officer.
- (d) Each employee was required to execute a fresh agreement from 1st January, 1925, but new service records were not prepared.
- (e) The age of the employee was required to be shown in the agreement. Particulars were generally filled in by the employee himself, but in cases of illiterate or semi-literate staff the details were filled in by the establishment section concerned. The employees when signing the agreement had the opportunity of pointing out any discrepancy that had occurred.

**EXTENSIONS OF SERVICE GRANTED TO THE STAFF OF THE INCOME-TAX DEPARTMENT AT CALCUTTA.**

614. (a) Yes.

(i) Four non-gazetted officers were on extension of service in April, 1936.

(ii) The extensions were granted in the public interest.

(iii) Yes.

(iv) Probably some of the discharged men could have been absorbed if the extension had not been granted, but it was not known at the time when the extensions were sanctioned that the taxation of "lower incomes" would be discontinued from 1st April, 1936.

(a) (v) and (b). The Government do not propose to cancel the extensions already sanctioned.

*Information promised in reply to starred question No. 1750 asked by Pandit Govind Ballabh Pant on the 18th April, 1936.*

**SCALES OF PAY OF TEACHERS IN RAILWAY MIDDLE SCHOOLS.**

Government are informed as follows :

- (a) In order to recruit better class of teachers for railway schools Government decided in 1929 to regulate the rates of pay in railway schools by the rates of pay of teachers of schools of equivalent standard administered by Provincial Governments concerned. The scales of pay of teachers of railway schools were revised accordingly.
- (b) and (d). Yes, the annual increments of six teachers of the school in question have been held up at the efficiency bars pending satisfactory report on their work. The Inspector of Schools has been asked to assist the Railway to arrive at a fair decision by giving his opinion on the qualifications and capabilities of these six teachers.
- (c) Government understand that in United Provinces Government schools there is no efficiency bar in the scale of pay for trained graduate teachers sanctioned in 1921 ; but that there is an efficiency bar in the scale of pay sanctioned for trained undergraduate teachers and that promotion beyond the efficiency bar is limited to 25 per cent. of the sanctioned strength.

(e) Ten.

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- (f) and (g). The New State Railway Leave Rules as modified for vacation departments apply to teaching staff at Oakgrove school appointed on and from the 1st April, 1930. They are also applicable to teaching staff at European and Anglo-Indian schools and Indian schools on the plains irrespective of date of appointment. The teaching staff at Oakgrove school appointed prior to 1st April, 1930, are granted leave on the basis of the East Indian Railway Company's leave rules and according to the merits of each application.

*Information promised in reply to starred question No. 1751 asked by Pandit Krishna Kant Malaviya on the 18th April, 1936.*

#### HOLIDAY FOR BSAKSHI IN THE GOVERNMENT OF INDIA OFFICES.

(a)—(c). In almost all Government of India Departments and their attached and subordinate offices situated at the headquarters of the Government of India a sectional holiday on account of Baisakhi is granted to such Hindus as wish to avail themselves of it, provided that the state of work permits and the maximum number of sectional holidays, *viz.*, six holidays in a year, is not exceeded by any individual.

The attached and subordinate offices situated outside the headquarters of the Government of India follow the practice of the local authorities in regard to the observance of holidays.

*Information promised in reply to starred question No. 1761 asked by Mr. Kuladhar Chaliha on the 18th April, 1936.*

#### TRANSFER OF BORAPATHAR MAUZA IN GOLAGHAT SUB-DIVISION IN ASSAM TO THE MIKIR HILL TRACTS.

(a) Borapathar Mauza has been included in the Mikir Hills jurisdiction for at least 30 years. Under the new constitution it will remain within that jurisdiction which will be a partially excluded area.

(b) The inhabitants of the Mauza have never been subject to the ordinary jurisdiction of the civil and criminal courts. Appeals lie to the Commissioner and local Government.

(c) Under the new constitution they will exercise the ordinary right of franchise in the General and Muslim constituencies of Golaghat.

*Information promised in reply to starred questions Nos. 1763 to 1765 asked by Pandit Sri Krishna Dutta Paliwal on the 18th April, 1936.*

#### REDUCTION IN THE GRANT-IN-AID OF THE EAST INDIAN RAILWAY ANGLO-VERNACULAR HIGH SCHOOL, TUNDLA.

1763. Government are informed as follows :

- (a) No.
- (b) The reply to the first part of the question is in the affirmative and to the latter part in the negative.
- (c) No.
- (d) The amount was Rs. 7,200 in 1934-35 and Rs. 8,556 in 1935-36.

#### STOPPAGE OF THE TEACHING OF SANSKRIT AND PERSIAN IN THE EAST INDIAN RAILWAY ANGLO-VERNACULAR HIGH SCHOOL, TUNDLA.

1764. Government are informed as follows :

- (a) and (b). Yes.
- (c) Yes. It is, however, possible that both these teachers may be absorbed in other vacancies.

- (d) The saving will amount to Rs. 2,040 per annum.  
 (e) A similar question did not arise at other schools.  
 (f) None.

SIOPPAGE OF THE TEACHING OF SANSKRIT AND PERSIAN IN THE EAST  
 INDIAN RAILWAY ANGLO VERNACULAR HIGH SCHOOL, TUNDLA.

1765. Government are informed as follows :

- (a) A public meeting was held at Tundla, which adopted a resolution, a copy of which I lay on the table of the House. Other representations on this subject have also been made to the East Indian Railway Administration. The East Indian Railway Administration has made a representation to the United Provinces Government for increase of grant as without this the school funds do not admit of the retention of Sanskrit and Persian.
- (b) Yes.
- (c) Government understand that a representation was made to the Managing Committee of the School.
- (d) Government understand that a reply in the terms mentioned in the question was given by the Vice-President of the School Committee.
- (e) The Vice-President is the Executive Officer responsible for the work of the School, *vide* Rule 3 of the Rules and Regulations for the management of East Indian Railway Schools, dated 1st April, 1925. The Vice-President is authorised to reply to representations made to the Committee through the Honorary Secretary when the matter is one of detail or when the views of the Committee have been previously ascertained.
- (f) Superintendent, East Indian Railway Schools.
- (g) The saving on account of the abolition of these two posts will be Rs. 1,793 during the financial year 1936-37. This will balance the school budget.
- (h) Government have no information.
- (i) It is purely a question of finance ; and, if the money is forthcoming, the question of restoring Persian and Sanskrit will receive consideration.

*Resolution No. 13, dated the 29th December, 1935, passed by the Hindu Youngmen's Association, Tundla.*

This meeting of the Hindu Youngmen's Association, Tundla, strongly protests against and expresses its deep sense of resentment of the orders of the Railway authority of the Railway High School, Tundla, whereby the education of classics, *i.e.*, Sanskrit and Persian, have been abolished from the school and request the Agent, East Indian Railway, and the Railway Board and the Minister of Education, United Provinces, not to interfere in the education of Sanskrit and Persian which are the religious and cultural languages of Hindus and Musalmans, who are the permanent residents of the town and the province and to withdraw the prohibition order and thereby remove the discontent from the public at as early a date as possible.

Copy to—

The Agent, East Indian Railway, Calcutta.

Minister of Education, United Provinces.

Divisional Superintendent, East Indian Railway, Allahabad.

Inspector of Schools, Agra.

Secretary to the Railway Board, New Delhi.

*Information promised in reply to starred questions Nos. 1784, 1788, 1791, 1795, 1796, 1800 and 1802 asked by Dr. N. B. Khare on the 20th April, 1936.*

**ENHANCEMENT OF THE PAY OF THE INSPECTOR APPOINTED TO INVESTIGATE CASES OF CLAIMS PREFERRED AGAINST THE EAST INDIAN RAILWAY.**

1784. Government are informed as follows :

- (a) Yes.
- (b) Under items (1) and (2) of the Schedule of Powers of Agents of State Railways in establishment matters, a copy of which is in the Library of the House.

**USE OF THE WORD "COOLY" IN RESPECT OF INDIANS AND "LABOUR" IN RESPECT OF EUROPEANS AND ANGLO-INDIANS.**

1788. Government understand that contract for licensed coolies at Howrah is at present held by a European.

**FILLING UP OF VACANCIES ON THE EAST INDIAN RAILWAY WITHOUT THE MEDIUM OF SELECTION BOARDS.**

1791. Government are informed as follows :

It is not understood what the Honourable Member means by " junior most staff ". If it refers to the staff who are lowest in seniority in the junior most grade of a particular category of staff, it is obvious that such persons would not be suitable for selection as office Superintendents. As regards the latter part of the question, the following are confirmed in the 4 permanent vacancies of office Superintendents which occurred in 1934 and 1935 :

1. Mr. M. N. Ghosh.
2. Mr. D. V. Barwanker.
3. Mr. G. R. Pandya.
4. Mr. D. J. McMullin.

**REGULATIONS REGARDING DISCIPLINARY ACTION AGAINST RAILWAY STAFF.**

1795. Government are informed as follows :

- (a) The words " for official use only " are intended to mean that the pamphlet in which subsidiary rules framed by the Agent, East Indian Railway, are published is a departmental publication for the use of the staff who are delegated with powers to administer the rules, and that all copies of the pamphlet are the property of Administration.
- (b) and (c). Some of the non-gazetted supervising staff, who are delegated with powers to administer the rule subject to the restrictions contained therein, are required to know the subsidiary rules.
- (d) If the Honourable Member is referring to non-gazetted staff other than subordinate supervising staff, who are vested with powers under the subsidiary rules, the reply is that they have no occasion to use or refer to these subsidiary rules.
- (e) The subsidiary rules are not intended for general information, but only for the guidance of those officials who are vested with powers under them. There is no question of victimization.

**REGULATIONS REGARDING DISCIPLINARY ACTION AGAINST RAILWAY STAFF.**

1796. Government are informed as follows :

The subsidiary rules containing the powers delegated have been made known to the staff to whom these have been delegated. It is not necessary that they should be published for general information. The rules by which staff can claim to be dealt with are those published by the Railway Board, and these have been given publicity through the East Indian Railway Gazette.

**SCALES OF PAY IN FORCE ON THE EAST INDIAN RAILWAY ON CERTAIN DATES.**

1800. (a) to (e). The East Indian Railway Company's scales, the Old Oudh and Rohilkund State Railway's scales, the co-ordinated scales and the revised scales of pay were in force on the East Indian Railway on 1st April, 1936.

**SENIORITY OF TRANSPORTATION AND COMMERCIAL STAFF ON THE EAST INDIAN RAILWAY.**

1802. Government are informed as follows :

Seniority in the Operating Department (Transportation and Commercial), East Indian Railway, is usually determined according to the date of entry into a grade or class.

*Information promised in reply to starred questions Nos. 1810, 1811, 1813 and 1814 asked by Sirdar Jogendra Singh on the 21st April, 1936.*

**DISMISSAL OF CERTAIN EMPLOYEES OF THE DELHI MUNICIPAL COMMITTEE.**

1810. (a) Thirteen employees including the Assistant Secretary, two senior clerks and ten junior clerks were dismissed.

(b) (i) and (ii). Yes.

(b) (iii). Does not arise.

(c) Yes. The irregularities committed during the year 1932-33 were brought to the notice of the Committee by the Audit Department in 1934.

(d) Yes.

(e) No. The Secretary was simply asked to hold a thorough enquiry and the final orders were passed by the Executive and Finance Sub-Committee.

(f) In view of the reply to part (e) above, the question does not arise.

(g) No. Cases of corruption and grave carelessness in discharge of their duties by Municipal employees were separately dealt with from the rest of the audit note which related to the ordinary office procedure.

(h) All cases in which charges had to be framed were taken up together.

(i) No.

(j) The audit note was received in 1934, and was the subject of a lengthy enquiry.

**DISPOSAL OF APPLICATIONS FOR THE CONSTRUCTION OF PRIVATE BUILDINGS IN DELHI.**

1811. (a) Yes.

(b) No. Such power has not been delegated to the Senior Vice-President ; but the Members of the Committee decided, at an informal meeting, that the opinion of the Senior Vice-President, who presides at meetings at which building applications

are considered, should be accepted in cases in which there is a difference of opinion as to the application of rules. Even so it is open to any member to challenge a division of the point after the Senior Vice-President has expressed his opinion.

(c) No record of such cases has been kept.

(d) and (e). In view of the answer given to part (b) of the question, these parts do not arise.

(f) I would invite the Honourable Member's attention to the answer to part (b).

#### ALLEGED CORRUPTION IN THE DELHI MUNICIPAL COMMITTEE.

1813. (a) No action has been taken as the statement in question did not cite specific cases of corruption.

(b) The Auditors after examining the Building Department Registers, prepared a list of 700 files which had not been consigned to the record room, and these were described as missing. Of these, 400 files have since been consigned to the record room. A number of files are still pending but there is no information that any are missing.

#### ALLEGED CORRUPTION IN THE DELHI MUNICIPAL COMMITTEE.

1814. (a) and (b). The Government have seen the press report referred to by the Honourable Member. Rai Bahadur Sohan Lal, Secretary of the Delhi Municipal Committee denies having granted an interview or having made any statement to any representative of the "Hindustan Times".

(c) Does not arise.

*Information promised in reply to starred question No. 1817 asked by Maulvi Syed Murtuza Sahib Bahadur on the 21st April, 1936.*

#### RE-EMPLOYMENT OF THE NORTH WESTERN RAILWAY STRIKERS.

Government are informed as follows :

(a) The letter quoted was issued by the North Western Railway and not by the Railway Board and contained instructions to register the names of staff discharged on account of reduction of establishment or participation in the unrest of 1925 for re-employment in preference to Great Indian Peninsula Railway strikers and outsiders.

(b) *Ex-North Western Railway* strikers of 1925 have been re-employed since the issue of the letter referred to in part (a) above, but information is not available to show whether more *ex-North Western Railway* strikers, drivers and shunters were engaged before or as a result of this instruction.

(c) It is possible that certain North Western Railway strikers of 1925 have been medically examined and not subsequently absorbed due to retrenchment which commenced in 1931 (not 1930), but the number so affected is not available.

(d) So far as can be easily traced applications were received by Government from two *ex-North Western Railway* strikers asking for re-employment. They were forwarded to the Agent, North Western Railway, for disposal.

(e) Government do not consider any further instructions to the Agent, North Western Railway, on this subject are called for.

*Information promised in reply to starred question No. 1823 asked by Sardar Sant Singh on the 21st April, 1936.*

**DEFALCATIONS DISCOVERED AT QUETTA GRASS FARM.**

(a) Yes, several years ago.

(b) and (c). The documents are of a confidential nature, and Government are not prepared to lay them on the table of the House.

(d) One British Officer of the Royal Indian Army Service Corps was dismissed; one British Officer of the Military Farms Department was retired, and one British Officer of the Military Farms Department was Court Martialled and acquitted.

(e) Disciplinary action was taken against 15 persons with the following results:

1 British subordinate was sentenced by General Court Martial to 7 years' penal servitude.

1 British subordinate was summarily dealt with and reduced in rank.

1 Viceroy's Commissioned Officer was sentenced to 1 year's rigorous imprisonment, and 1 Indian Non-Commissioned Officer was sentenced to 2 years' rigorous imprisonment.

1 Indian Non-Commissioned Officer gave King's evidence and was discharged under the India Army Act.

2 Indian Non-Commissioned Officers were discharged on reduced pension.

4 Indian Non-Commissioned Officers were summarily dismissed.

3 Indian civilian clerks were dismissed.

1 Indian civilian clerk was discharged in accordance with the terms of his agreement.

(f) The reply to the first part is in the negative. The second part does not arise.

*Information promised in reply to starred questions Nos. 1834, 1836 and 1837 asked by Maulvi Syed Murtuza Sahib Bahadur on the 21st April, 1936.*

**COMMUNAL COMPOSITION OF CERTAIN MILITARY SERVICES.**

1834. (a) On the assumption that by the word "class" the Honourable Member means "clerks", the strength of Upper and Lower Division clerks in the different services is as follows:

	Upper Division Clerks.	Lower Division Clerks.	Total.
Military Engineer Services ..	109	637	746
Indian Army Corps of Clerks ..	170	186*	356*
Indian Army Ordnance Corps ..	63	413 (including 124 Routine Division clerks.)	476
Military Grass Farms ..	17	96	113
Royal Indian Army Service Corps ..	156	932	1,088
Army Remount Department ..	7	44	51

\* Includes 2 temporary appointments.



(b)—

	Europeans and Anglo-Indians.	Indian Christians.	Hindus.	Muslims.	Sikhs.	Parsees.	Jews.	Total.
Military Engineer Services ..	2	26	567	100	51	..	..	746
Indian Army Corps of Clerks ..	1	36	214	75	27	1	..	354*
Indian Army Ordnance Corps ..	..	20	306	95	53	..	2	476
Military Grass Farms .. ..	..	4	76	29	3	1	..	113
Royal Indian Army Service Corps	1	28	713	174	149	5	..	1,070†
Army Remount Department ..	..	..	29	18	4	..	..	51

\* Excludes—

1 clerk for Station Supply Officer, Wana.

1 clerk for Station Supply Officer, Jutogh.

† 18 posts are vacant.

(c)—

	Sub-Divisional Officers.	Superintendents, Electrical and Mechanical.	Overseers.	Store-keepers.	Draftsmen.	Total.
Europeans and Anglo-Indians.	7	3	1	..	..	11
Indian Christians ..	..	13	4	..	2	19
Hindus .. ..	51	41	151	44	43	330
Muslims .. ..	12	8	56	13	39	128
Sikhs .. ..	10	4	36	2	8	60
<b>Total ..</b>	<b>80</b>	<b>69</b>	<b>248</b>	<b>59</b>	<b>92</b>	<b>548</b>

(d) The reply to the first portion of the question is in the affirmative. The rest of the question does not arise.

CLERKS IN THE INDIA ARMY CORPS AND THE MILITARY ENGINEERING SERVICES  
GETTING SHORTHAND ALLOWANCE.

1836. (a) and (b). Yes. A shorthand allowance of Rs. 75 per mensem is authorised for each Command Headquarters and of Rs. 20 per mensem for each District Headquarters, Independent Brigade Area, and the offices of Chief Engineers of Commands. The allowance is granted at the discretion of the Army, District and Independent Brigade Area Commanders and the Chief Engineers and may be divided between any clerks who are for the time being actually employed on shorthand work in addition to their normal duties, provided that they maintain their efficiency in shorthand. The allowance is granted purely with regard to administrative convenience and efficiency, irrespective of the community to which the clerk concerned belongs, and as changes are continually made any figures shewing the communities of these clerks would be valueless.

HOME DEPARTMENT CIRCULAR *re* THE FRIDAY PRAYER.

1837. The reply to the first portion of this question is in the negative ; the second portion therefore does not arise.

*Information promised in reply to starred question No. 1840 asked by Prof. N. G. Ranga on the 21st April, 1936.*

ALLEGATIONS AGAINST CERTAIN BRITISH SOLDIERS OF THE GLOUCESTERSHIRE  
REGIMENT AT MADRAS.

(a) and (b). It appears that the report which was published in the press was a gross exaggeration. The facts of the case are as follows :

The seats reserved for male passengers were full when four soldiers entered the tram-car. There were however several empty seats which the soldiers do not seem to have realised were reserved for females, and two of the four soldiers took these seats. The tram-car conductor came to remonstrate with them, and some argument had apparently begun when an Indian policeman in plain clothes, who was the uncle of a female occupant of the compartment, intervened in a state of great excitement. There is no evidence whatever that the conductor was insulted nor that the soldiers were asked to apologise and refused. No allegation of any indecency on the part of any of the soldiers was made by any of the occupants of the tram except by the woman and her uncle. They alleged that *one* of the soldiers made indecent signs to the woman, but all four soldiers denied this absolutely and there was no further evidence to support it. In the course of the altercation the policeman came close up to one of the soldiers who gave him a push to keep him back. The other soldiers then interposed between the two and prevented a further disturbance taking place.

(c) A crowd collected, but at once dispersed quietly on being warned by a Police Sergeant.

(d) A charge was laid by the Army authorities against two of the soldiers under Section 40 of the Army Act for creating a disturbance and they were awarded fourteen days detention each.

DEATHS OF KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN,  
SIR M. RAMACHANDRA RAO AND MR. W. S. LAMB.

The Honourable Sir Nripendra Sircar (Leader of the House) : Sir,

12 Noon.

may I have your permission to mention the deaths of three persons who at one time or other were Members of this House ? The first is Khan Bahadur Mian Sir Fazl-i-Husain. His period of membership of this House was from the 10th January, 1931,

[Sir Nripendra Sircar.]

to 30th September, 1931. His activities lasted up to a very recent date, and there is hardly any Member of this House who is not fully aware of them. It is not necessary for me, therefore, to speak at length. I would remind this House that he was in the Local Government of the Punjab : he was, first of all, a Minister, and then he was a Revenue Member. Then he joined the Government of India : he was here for a certain amount of time : he was the Leader of the House in the Council of State, and, in his official capacity as Revenue Member of the Government of the Punjab and as Member for Education in the Government of India, he took a very leading and prominent part, and, as I said, these matters are all known to this House. I desire, Sir, to express to this House, and to convey to the family of the deceased through the Honourable the President, our deep sense of loss at the demise of Sir Fazl-i-Husain.

There are two other Members whom I would like to mention. One is the late Sir M. Ramachandra Rao. His period of membership was from 1924 to 1926. I personally am not very much aware of the activities of the late Sir Ramchandra Rao, but I have seen accounts of his activities in the press, and they must be fresh in the minds of Members of this House.

Yet another case is that of Mr. W. S. Lamb, who represented the Europeans of Burma in this Assembly during 1925, and also from 1926 up to the dissolution of that House. I think he returned in 1927, and I am not aware of further particulars of this Member.

In all these cases, I would convey to the families of the deceased, through you, our sense of loss and deep regret at their death.

**Mr. Bhulabhai J. Desai** (Bombay Northern Division : Non-Muhamadan Rural) : Mr. President, it is a melancholy duty which we have to perform at the commencement of every Session, and it only reminds one that life is after all mortal. So far as Sir Fazl-i-Husain is concerned, before I came to this House I only knew him by reputation ; but I am bound to admit that I had the same admiration for him as any public man would have for a man of strong public opinions and implacable in their application so far as he conceived it right so to do. Since my coming to this House and my personal contact with him, I was very happy to observe that his vision in matters public was so considerably altered that I cannot help wishing that he had lived long enough to operate the views which were exchanged between him and myself, particularly during the last few months. He began to realise more and more that the problem of this country was a human problem of raising the standard of life, the betterment of education and hygiene in this country. He began further to realise that in that human problem there was no room for any distinction of caste or faith, and it is in that vision of the larger services which I expected him to render that I particularly feel the loss that the country has suffered in the death of Sir Fazl-i-Husain.

So far as Sir Ramachandra Rao is concerned, I was aware of the one question which he made his own, namely, the interests of the people of the Indian States to the extent to which it was possible to serve them through any legislative measure in the larger constitution of the Government of this country.

I associate myself with what has fallen from the Leader of the House as regards the expression of regret at the death of the three gentlemen he has named.

**Mr. M. Ghiasuddin** (Punjab Landholders) : Sir, I beg to associate the Independent Party and myself with the sentiments expressed so nobly by the Honourable the Leader of the House and the Honourable the Leader of the Opposition. It is indeed with a heavy heart that I speak this morning : the passing away of Sir Fazl-i-Husain is indeed a national loss. But to me it is really more of a personal loss. Sir, I belong to that generation which grew up under the benevolent influence of Sir Fazl-i-Husain and which mostly derived its political inspirations from him. Whenever there was an outstanding question, it was always to Sir Fazl-i-Husain that we looked to, and whenever we wanted any advice we went to him. The greatest service that Sir Fazl-i-Husain was able to render was to those sons of India who have made their homes across the seas. He was ever ready in their service. I had the honour and privilege of working with him on the Standing Emigration Committee, and I can say from personal experience that the zeal with which he worked for them was almost fanatical. His negotiations on behalf of the Government of India resulted in improvement of the conditions of the Indians in South Africa, and that is something which will always be remembered by historians. I must also refer to his services in the cause of education and uplift of masses in our province. During the time he was the Education Minister in the Punjab, several new colleges were started and a great impetus was given to compulsory primary education. Today he has been taken away from us at a time when we need him most. Sir Fazl-i-Husain was in failing health for the last fourteen years, but it was only his sense of duty which kept him at the helm of affairs. A good many times he was told by his medical advisers to take rest ; but his sense of duty would not permit him to do so. In the end, I would say that he died like a warrior fighting for the cause, that is, the education and uplift of his people, a cause which was so dear to his heart. His death reminds me of one of the beautiful lines of an Urdu poet who has said :

*"Qatraḥ wuh jis men shorish-i-daryā kā ho zahur.  
 Hotā hai jalḍ chushm-i-jahān se nehan zarur."*

**Sardar Sant Singh** (West Punjab : Sikh) : Sir, on behalf of the Congress Nationalist Party, I beg to associate myself with all that has fallen from the Leader of the House, the Leader of the Opposition and the previous speaker. Sir Fazl-i-Husain was one of those dynamic personalities of his time who commanded hearing even from those who happened to differ from him on political and other matters. It must be said to his credit, Sir, that during his time as a Minister in the Punjab and as an Executive Councillor of the Governor General's Executive Council he had raised issues which set the people thinking about their future political careers both in the provinces as well as in the Centre. At a time when he was organising the Unionist Party in the Punjab on economic lines, he was unfortunately suddenly taken away from our midst. His death has left a big void in the Unionist ranks in the Punjab which it will be difficult to fill. Today we find that, on the eve of the introduction of a new Constitution, the Punjab politicians do not find any leader to lead them. Sir, I join in offering our condolence to the bereaved members of the family.

**Sir Leslie Hudson** (Bombay : European) : Sir, on behalf of my Party and myself, I wish to join in the remarks that have fallen from the lips of my friends on my right. Sir Fazl-i-Husain was well-known to almost all of us in our Party. We knew him as a most courteous gentleman in all the dealings, whether business or social, we had with him. He was an outstanding personality in this country, and more particularly in the Punjab. His experience and ability as an administrator are well-known throughout the length and breadth of this country, both in a provincial capacity and also as a Member of the Viceroy's Executive Council. He was, I think, a realist in his policies, and a man who always took a statesmanlike view of the position of his co-religionists in India. He knew their strength as well as their weaknesses, and he was a very stalwart support to them in both those capacities. As Mr. Ghiasuddin has said, Sir Fazl-i-Husain's policy as regards the Indians overseas was throughout a striking success. His championship of them during his term of office in His Excellency's Council is well-known to us all. We shall miss what were his far too infrequent visits to this Assembly where his powers of debate were held in high admiration. Sir, a commanding figure has been removed from the Indian political sphere which it will be very hard to replace.

Sir Ramachandra Rao was an outstanding leader in the co-operative movement, and he was, I believe, responsible for the establishment of the Land Mortgage Bank system in Madras.

The late Mr. Lamb was a personal friend of mine, and he was a loyal and capable Member of our Group. He was full of humour and kindness in his relations with us all.

Sir, I join in asking you to convey our condolences to the relatives of the deceased.

**Sir Abdul Halim Ghuznavi** (Dacca cum Mymensingh : Muhammadan Rural) : Sir, Sir Fazl-i-Husain was a wonderful personality. He left the impress of it on every sphere of life with which he came in contact. Whether it be the profession of law, or the public and political life of the country,—provincial as well as All-India,—or the administration of a Government Department either in the Centre or in the Province,—his hard work, consummate ability, dogged tenacity, and splendid foresight and statesmanship came into play and forced on him that leadership which came to him without asking. He was undoubtedly anxious that the Muslims of India who had been lagging behind their Hindu brethren in education and other activities of life should go ahead and come into line with the latter, because he believed that unless that was achieved, self-Government for India must continue a dream. But this attitude of his never brought him near to communalism as was evidenced by the wonderful and glowing tributes which were paid to his memory by our Hindu brethren. By his death, Sir, the Government have lost a capable adviser, and the country a consummate leader and shrewd administrator. It is no wonder, therefore, that I should like to join those who have already spoken in adding my humble tribute to the memory of such a talented man and patriot whose death has been mourned all over the country and whose loss has been a personal one to me and whom it was my good fortune to study at close quarters.

Sir, in the deaths of Sir Ramachandra Rao and Mr. W. S. Lamb, I have lost two personal friends. Sir, I extend my sincere condolence to the members of these three bereaved families.

**Mr. President** (The Honourable Sir Abdur Rahim) : It is my duty, as desired by the Members of the Assembly, to convey to the bereaved members of the families of Sir Fazl-i-Husain, Sir Ramachandra Rao and Mr. W. S. Lamb the condolences of the Assembly and the feeling tributes that have been paid to the memories of these three gentlemen who some time or other were Members of this House. Sir Fazl-i-Husain was a distinguished figure in the political and public life of India, and his death, as has been stated, is a serious loss to the country, and especially to the Muslim community in the Punjab. He had a long and distinguished career during which he rendered very valuable services to the people of this country, and those who had the privilege of knowing him realised that he was a man of outstanding personality, a great judge of human character, and one who never spared himself in the discharge of his duties. I am sure, as has been expressed, his death, when he was about to embark on further political activities in his own province, will be mourned by all who knew him and realised the value of his services to the country as a whole.

I had hardly the privilege of knowing Sir Ramachandra Rao. But he had a great reputation for public service in his Presidency. I shall convey the condolence of this House to the bereaved members of the three families.

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#### NOMINATION OF THE PANEL OF CHAIRMEN.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to inform the House that under rule 3(1) of the Indian Legislative Rules, I nominate Mr. S. Satyamurti, Sir Leslie Hudson, Mr. Abdul Matin Chaudhury and Mr. M. S. Aney on the Panel of Chairmen for the current Session.

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#### APPOINTMENT OF THE COMMITTEE ON PETITIONS.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have to announce that under Standing Order 80 (1) of the Legislative Assembly Standing Orders the following Honourable Members will form the Committee on Petitions :

- (1) Sir Leslie Hudson,
- (2) Pandit Nilakantha Das,
- (3) Maulvi Syed Murtuza Sahib Bahadur, and
- (4) Mr. N. M. Joshi.

According to the provision of the same Standing Order, the Deputy President will be the Chairman of the Committee.

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#### MOTION FOR ADJOURNMENT.

##### NEW RULES FOR RECRUITMENT TO THE INDIAN CIVIL SERVICE.

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. I have received notice of a number of motions for adjourning the business

[Mr. President.]

of the Assembly, the first of which stands in the name of Mr. S. Satyamurti. He wishes to move an adjournment of the business of the Assembly in order that the House may consider "the attitude and action of the Government of India in respect of the new rules for recruitment to the Indian Civil Service in London and in India". Does the Honourable Member wish to ask for leave to move that motion?

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : Yes, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) : Is there any objection?

**The Honourable Sir Henry Craik** (Home Member) : No.

**Mr. President** (The Honourable Sir Abdur Rahim) : The motion will be taken at 4 o'clock.

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#### GOVERNOR GENERAL'S ASSENT TO BILLS.

**Secretary of the Assembly** : Sir, information has been received that the following Bills, which were passed by both Chambers of the Indian Legislature during the Delhi Session, 1936, have been assented to by His Excellency the Governor General under the provisions of subsection (1) of section 68 of the Government of India Act :

- (1) The Italian Loans and Credits Prohibition Act, 1936,
- (2) The Salt Additional Import Duty (Extending) Act, 1936,
- (3) The Parsi Marriage and Divorce Act, 1936,
- (4) The Payment of Wages Act, 1936.
- (5) The Decrees and Orders Validating Act, 1936,
- (6) The Cochin Port Act, 1936.
- (7) The Indian Aircraft (Amendment) Act, 1936,
- (8) The Factories (Amendment) Act, 1936,
- (9) The Indian Lac Cess (Amendment) Act, 1936,
- (10) The Indian Tariff (Amendment) Act, 1936,
- (11) The Indian Mines (Amendment) Act, 1936, and
- (12) The Indian Tariff (Second Amendment) Act, 1936.

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#### STATEMENTS LAID ON THE TABLE.

##### OBJECTS ON WHICH THE PETROL TAX FUND WAS EXPENDED.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I lay on the table the statement promised in reply to part (b) of short notice question No. 146 asked by the Honourable Mr. E. Miller in the Council of State on the 28th August, 1934, showing the

objects on which the Petrol Tax Fund was expended during the financial year, 1935-36 :

<i>Object.</i>	<i>Expenditure.</i> Rs.
1. Financial Assistance to four ground engineer apprentices and scholarship to a research scholar, in England ..	*14,460
2. Lighting of W/T masts at Mingaladon (Rangoon) ..	2,598
3. Provision of a sun beacon at Jodhpur ..	1,862
4. Provision of an Osira hoodlight at Safdar Jang's tomb near the New Delhi aerodrome ..	3,929
5. Provision of a beacon at Hyderabad ..	15,000
6. Purchase of an altigraph ..	175
7. Training of Indians in Wireless Telegraphy ..	3,697
8. Purchase of spares for the wind T indicator installed at Karachi Air Port ..	468
9. Experimental floodlighting of the obstructions to the west of the Civil Aerodrome at Bombay (Juhu) ..	267
10. Provision of portable Neon lights for trial at certain aerodromes (New Delhi and Karachi) ..	2,560
11. Provision of loud speakers in the buildings at New Delhi aerodrome ..	1,648
12. Experimental equipment of an aeroplane with armourplate glass wind screens ..	100
13. Grant for additional travelling allowance and miscellaneous expenses to ground engineer apprentices ..	130
14. Provision of a Westinghouse beacon at Sukkur (experiment abandoned) ..	12
15. Installation of a G. E. C. Neon beacon at New Delhi ..	1,850
<b>Total</b> ..	<b>48,756</b>

\*Revised estimate ; actual expenditure not yet known.

#### PAYMENTS FROM SUGAR EXCISE DUTY TO SUGAR MANUFACTURING PROVINCES.

**Sir Girja Shankar Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table the information promised in the course of discussion on the 25th March, 1936, on the motion for a supplementary grant in respect of "Agriculture", regarding payments from Sugar Excise Duty to Sugar Manufacturing Provinces.

The following tentative provision was made for the Sugar Excise Fund during the past two years :

	Rs.
1934-35	5,48,000
1935-36	6,43,000
<b>Total</b>	<b>11,91,000</b>

Of this the Government of India decided :

- (i) to keep aside a sum of Rs. 1,91,000 as a Central reserve fund for grants to the centrally administered areas and for assisting any special measures in a particular province, and



(ii) to allot provisionally the balance of Rs. 10 lakhs for financing approved schemes in the provinces in proportion to the estimated production of white sugar in each province in 1935-36. On this basis the allocation was roughly made as follows :

Province.	Percentage of estimated production of white sugar in 1935-36.	Amount.  Rs.
United Provinces	54	5,40,000
Bihar and Orissa	29	2,90,000
Madras ..	6	60,000
Punjab	3	30,000
Bombay	3	30,000
Burma	3	30,000
Bengal	2	20,000
<b>Total</b>	<b>100</b>	<b>10,00,000</b>

### THE INDIAN COMPANIES (AMENDMENT) BILL.

#### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Companies Act, 1913, for certain purposes.

### THE GENERAL CLAUSES (AMENDMENT) BILL.

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, I beg to move for leave to introduce a Bill further to amend the General Clauses Act, 1897, for a certain purpose.

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

“ That leave be granted to introduce a Bill further to amend the General Clauses Act, 1897, for a certain purpose.”

The motion was adopted.

**The Honourable Sir Nripendra Sircar** : Sir, I introduce the Bill.

### THE REPEALING AND AMENDING BILL.

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, I beg to move for leave to introduce a Bill to amend certain enactments and to repeal certain other enactments.

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

“ That leave be granted to introduce a Bill to amend certain enactments and to repeal certain other enactments.”

The motion was adopted.

**The Honourable Sir Nripendra Sircar** : Sir, I introduce the Bill.

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THE TRADE DISPUTES (AMENDMENT) BILL.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I beg to move for leave to introduce a Bill further to amend the Trade Disputes Act, 1929, for certain purposes.

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

“ That leave be granted to introduce a Bill further to amend the Trade Disputes Act, 1929, for certain purposes.”

The motion was adopted.

**The Honourable Sir Frank Noyce** : Sir, I introduce the Bill.

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THE CHITTAGONG PORT (AMENDMENT) BILL.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Railways) : Sir, I beg to move for leave to introduce a Bill further to amend the Chittagong Port Act, 1914, for certain purposes.

The only observation that I wish to make at this stage is that unfortunately in the printing of the Bill an error has crept into the Third Schedule, paragraph 11. The Third Schedule, paragraph 11, gives a list of certain survey plot numbers, and in the last line but one, number 1153 is repeated. The first 1153 is meant to be 1154, and the second will remain as 1153. If Honourable Members will kindly correct their copies accordingly, perhaps it will obviate the necessity of moving a formal amendment later to correct that mistake.

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

“ That leave be granted to introduce a Bill further to amend the Chittagong Port Act, 1914, for certain purposes.”

The motion was adopted.

**The Honourable Sir Muhammad Zafrullah Khan** : Sir, I introduce the Bill.

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THE INDIAN RAILWAYS (AMENDMENT) BILL.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Railways) : Sir, I beg to move :

“ That the Bill further to amend the Indian Railways Act, 1890, for certain purposes, be referred to a Select Committee, consisting of Mr. V. V. Giri, Mr. Sri Prakasa, Mr. Kailash Behari Lal, Maulana Shaukat Ali, Pandit Krishna Kant Malaviya, Mr. G. Morgan, Sir Muhammad Yakub, Sir Abdul Halim Ghuznavi, Dr. R. D. Dalal, Mr. R. F. Mudie, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Sir, this Bill has been before the House since the last Session, and I have no doubt that Honourable Members have had plenty of opportunity

[Sir Muhammad Zafrullah Khan.]

to study its provisions. The provisions of this Bill are not at all complicated, though inasmuch as they touch a very large number of persons conflicting opinions have been expressed at least with regard to some of them.

Sir, the object of the Bill is so to strengthen the law dealing with persons travelling on the railways without a proper pass or ticket as to mitigate and reduce to its minimum the evil of ticketless travel. Various estimates have been made of the number of people who evade due payment to the railways of their fares when using these services. These estimates are necessarily mere approximations to the actual figures. Since 1928 figures have been kept of people who have been actually detected travelling without tickets and these figures show that since 1928, on the average about 25 lakhs of persons are detected in this country travelling without proper passes or tickets. The lowest figure during these years has been 23 lakhs and the highest has been as much as 29 lakhs, so that on the average 25 lakhs may be accepted as correct but that, as I have said, is the number of people who are detected as travelling without a ticket or proper pass and I am afraid the apprehension is correct that a very much larger number than these escape detection. The question has sometimes been raised that possibly the system of detection adopted by the railways is not adequate. There are limits to the system of detection that might be adopted by the railways. As it is, railways are spending a sum of 25 or 26 lakhs on the average every year on the system of trying to detect people who make use of the railways without paying their proper dues to them.

**Paudit Lakshmi Kanta Maitra** (Presidency Division : Non-Muhammadian Rural) : For purposes of detection only ?

**The Honourable Sir Muhammad Zafrullah Khan** : For the purpose of checking those who travel on the railways and therefore the object is to discover whether anybody is travelling without having paid his or her proper dues to the railways. Now, it is possible to increase this checking staff and experiments have occasionally been made in that direction. The result is that a more intensive system of checking does disclose that a very much larger number of people actually travel without proper passes or tickets than is detected by the normal system of checking, but it so happens that the extra returns from this intensive checking amount to almost as much as the extra expenditure that is undertaken. The position is this. There is a considerable amount of money properly due to the railways for carrying passengers, which is not being paid to the railways and to that extent the income of the railways is being affected. If the railways could recover this extra money, it could be utilised towards providing additional facilities and amenities for people who pay for the service which they require from the railways. I do not think there would be any question that this practice that is so prevalent in this country ought to be put an end to if possible or at least to be reduced to a minimum. On this question in the abstract, there will be no difference of opinion between the different sections of this House. The question is what is the kind of remedy to be adopted for that purpose. Government have put forward certain amendments to the Indian Railways Act which are designed to a very large extent to check this practice.

This measure, as I have said, was put forward in the last Session, and Honourable Members have had an opportunity of considering it. It has also been considered by the Central Advisory Council for the Railways and, as I have said, criticism has been offered to various aspects of the amendments put forward but that criticism is of a nature which I think eminently deserves consideration in Select Committee. It will be difficult to consider all that detailed criticism in a full Session of this House. Let me say that both the critics of this measure as well as the supporters of this measure have two objects in view. One is this : If the law does require strengthening in the direction of provision being made for dealing with ticketless travel on a more stringent basis, let that be done but care should be taken that in amending the law no kind of power is conferred upon railway staff the misuse of which might amount to a hardship or at least an unnecessary hardship upon people who, though negligent, may not necessarily have been dishonest in this respect. I may say at once that I agree entirely with that position. It is not possible at this stage to state whether it would be possible to discover any set of amendments which would satisfy every kind of critic to the proposals that have been put forward on behalf of Government, but I am free to state that in Select Committee, in case the House does appoint a Select Committee to consider this measure, it would be my object to see that if any of these proposals made on behalf of Government are shown to be unduly harsh upon that class of persons they are so modified as to exclude the danger of harassment or persecution of honest travellers on the railways. On the other hand I am quite sure Honourable Members will realise that if as many as 25 lakhs of persons take the risk every year of travelling without tickets so that on detection they have to pay a larger amount of money in respect of the same journey than they would otherwise have to pay, then the evil is prevalent to an extent which does require a remedy. Briefly the proposals are these. With regard to section 68 of the Railways Act which provides that no person shall travel upon the railways without a proper pass or ticket unless he has been authorised or been permitted by a railway servant to do so, it is proposed to amend this section so as to provide that railway servants who are properly authorised to do so, when permitting a person to travel without a proper pass or ticket, may supply such a person with a certificate to the effect that such person has been authorised to travel without a proper pass or ticket, in which case the person holding such a certificate when he has to pay proper dues will not be liable to pay any additional penalty in respect of the distance he has already travelled or proposes to travel which he would be liable to pay if he did not hold such a certificate. A further amendment of the section gives powers to railway staff to eject from a railway carriage a person who is travelling without a proper pass or ticket. That is an amendment over which much trouble need not arise but the main amendments to the Act are those that are proposed to sections 112 and 113 of the Act. These two sections deal with people who are found travelling without a ticket or without a pass or who give intimation before detection that they have not been able to secure a proper pass or ticket. These are the two sections which are intended by the proposed amendments to be tightened up.

Now, the main amendment is that the penalty for travelling without a proper pass or ticket is sought to be raised from a mere fine which might extend to Rs. 100 to a certain term of imprisonment. It is also proposed

[Sir Muhammad Zafrullah Khan.]

that a person who is discovered on the railway without a proper pass or ticket shall, if he wants to escape conviction under this section, prove that he did so without any intent to defraud. These are the two main amendments that are proposed to section 112. Section 113 is also proposed to be amended in this sense that if a person who has become liable to pay his fare and the penalty for travelling without a ticket refuses to pay the amount that he is liable to pay, power is being taken to arrest him and to produce him before a magistrate. The offence of travelling without a ticket with intent to defraud has also been made cognisable. These are the main provisions of the Bill. As I have said, Government do not claim that these provisions are in themselves either so rigid that no modification is acceptable or that they are so perfect that no modification need be made in them. The attitude of Government is that a serious evil exists and that measures have to be taken to reduce this evil, if the law is lax in certain respects, the law ought to be strengthened. On the other hand, it should be our care to see that nothing is introduced in the law which is likely to operate harshly upon the honest traveller. With these observations, Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill further to amend the Indian Railways Act, 1890, for certain purposes, be referred to a Select Committee, consisting of Mr. V. V. Giri, Mr. Sri Prakasa, Mr. Kailash Behari Lal, Maulana Shaukat Ali, Pandit Krishna Kant Malaviya, Mr. G. Morgan, Sir Muhammad Yakub, Sir Abdul Halim Ghuznavi, Dr. R. D. Dalal, Mr. R. F. Mudie, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I beg to move :

“ That the Bill further to amend the Indian Railways Act, 1890, for certain purposes, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1936.”

Sir, the Bill which is now before us is a Bill of momentous importance, one upon which we should not deliberate without seriously considering every aspect of the question. We no doubt all have a great sympathy with the Honourable the Mover's desire that we should reduce the number of ticketless travels, and that is a thing which we should make every endeavour to reduce. In this object we are entirely in agreement with the Honourable the Mover. But the methods which he has suggested for reducing them are very revolting, such as no other civilised country in the world has ever dreamt of. In other countries, they have devised a method by means of which travel without a ticket is rendered impossible. On the other hand, in India, they have devised a method by means of which they encourage travel without ticket. In Germany, for instance, it is impossible for any traveller to enter any railway station without a ticket or a pass. The entrance to the platform is by a barrier. There is a person at the gate all twenty-four hours to see no person can enter a platform without a ticket. In addition to it, tickets are also checked in running trains, and no person can get out of the station without handing over his ticket at the gate. In other countries like France and England, the system is not so perfect as it is in Germany, but still there the tickets are usually checked in running trains. In India, however, we never devised any method of this kind.

and tickets are only checked when the train stops at certain stations. Our system of checking tickets is very defective, and it encourages travelling without ticket. Mr. Moody, in consultation with his colleague, devised a new system in 1931 which is known as the Moody-Ward system for checking tickets, but one great omission that they made was that they did not provide for transition from one system to the other. They were not starting with a clean slate. There was a system already in existence prior to their report, but they never mentioned the method by which the old system should be transferred into the proposed one, with the result that five years and a half have passed away and still the question has not yet been settled. Thus, there have been an enormous number of questions put in this House as regards the travelling ticket inspectors. I myself made not less than two dozen representations to various railway authorities about the injustice done to the T. T. I.'s and the officers in the Crew Department. Five years have passed away, and their cases are still undecided. Therefore, even the new method, devised by the Government for checking tickets in two major lines, East Indian Railway and North Western Railway, has not proved a success. That method was devised without consulting the travelling public, and you have left the persons who are responsible for checking the tickets in an unenviable position. There is great discontent amongst them, and discontented men naturally cannot carry out their duties so efficiently as contented men can do. My first point is that you have not really considered all the avenues by means of which this system of travel without a ticket may be put a stop to or be minimised. You are not prepared to spend money, and you want to check tickets by insufficient low paid and discontented staff and then expect the results now attained in European countries. You have failed to put your own house in order, and you have come forward with a drastic measure which is not justified by the circumstances of the case.

My Honourable friend has mentioned that 25 lakhs of persons travel without tickets, but I should like to ask what is the percentage of the persons who travel without tickets to the total number of travellers. The percentage is less than .5, it is less than a half per cent. Therefore, the number is not so large that it may really justify the introduction of this extraordinary measure. In these circumstances, the railway authorities should, in consultation with the representatives of the travelling public, devise a better method of checking tickets. It is unfair to ask this House to shelter the weakness of Railway Administrations by drastic legislation.

Now, Sir, there are one or two other points which to my mind are exceedingly difficult to understand. Sir, we have been told time after time that the railways are really a commercial concern. The Parliament in the Government of India Act has created a new Railway Authority, and the basic principle of that measure is that the railways should be treated as purely a commercial concern and we should avoid all political influences, so much so that a person who is a Member of a Legislature and who has been a Member of a Legislature for the last twelve months cannot be a Member of that Railway Authority. Indian Railways will soon be a commercial concern and will be free from political influences, and this system will come into force from the 1st April, 1937, simultaneously with Provincial Autonomy. The commercialisation will come into operation within seven months. Why then introduce this punishment of imprisonment on the eve of its commercialisation? You ask us to treat our

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railways as a commercial concern, and I request you to introduce only such legislation which a commercial concern can justify. On the one hand you profess to treat the railways as a commercial concern, and, on the other hand, you treat the matter as if it were an act dangerous to the public peace. You seek to legislate in a manner as if railway travel without a ticket is a violation of the public peace; and at the same moment you ask us to believe that the railway system should be treated as a commercial concern which seems to my mind to be a contradiction in terms.

Now, the old Act, in section 112, has provided a punishment for travelling without a ticket. The passengers without a ticket may be punished with a fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have had to travel. If a person is found to travel without a ticket, he has to pay all the penalties which are prescribed in the Railway Act. In addition to that, he has also to pay a fine of Rs. 100. Clause 3 of the proposed Bill modifies section 112, and in future a traveller without a ticket shall be punished with imprisonment which may extend to two months or with fine which may extend to Rs. 100 in addition to the amount of the single fare for any distance he may have travelled. Now, you have left it to the option of the magistrate whether a fine of Rs. 100 should be imposed or whether he should undergo an imprisonment of two months. I think that is not a business proposition. A business concern will never ask that you should send a person who has violated any rule of business to the jail. He should like to have the money. A person may be sent to jail for non-payment of the dues, but he should not be sent to jail as an alternative to payment by the magistrate. According to the old Act, you can recover Rs. 100; but, under the new clause, he may pay either Rs. 100 or he may be sent to jail for two months. The second point, which to my mind is really against any principle of justice, is this. According to section 112 of the present Act, the words are "If a person with intent to defraud a railway administration.....". It really meant that the burden of proof that there was a defraud must be on the prosecuting authority, but, in the proposed amendment, which is now before the House, the burden of proof is not on the prosecuting authority, but on the accused. The proposed amendment is "Unless he satisfies the Court that he had no intention to defraud the railway administration". That is, the burden of proof of defraud will not be now on the railway administration, but it will be on the accused. Now, I appeal to all the persons who are lawyers in this House and also to the Honourable the Mover himself, who is a distinguished lawyer, whether he would allow a thing of this kind, namely, that the burden of proof should not be on the prosecuting authority, but on the person who is being prosecuted under this Act. I understand that the trying magistrate is to be appointed by the Railway Administration.

**The Honourable Sir Muhammad Zafrullah Khan :** Where does the Honourable Member get that from ?

**Dr. Ziauddin Ahmad :** "If a person is liable to pay extra charges ..... an application should be made to any magistrate by any railway servant". Now, the magistrates.....

**The Honourable Sir Muhammad Zafrullah Khan :** Will you kindly withdraw the allegation that you have made which is not based on any facts whatsoever.

**Dr. Ziauddin Ahmad :** Then, how are the magistrates appointed ?

**The Honourable Sir Muhammad Zafrullah Khan :** By Government.

**Dr. Ziauddin Ahmad :** On the recommendation of the Divisional Superintendents.

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

**Dr. Ziauddin Ahmad :** I understood that the railway magistrates are appointed on the recommendation of the Divisional Superintendents. If that is not a fact, then I withdraw my remarks.

**The Honourable Sir Muhammad Zafrullah Khan :** That is not a fact.

**Dr. Ziauddin Ahmad :** I had the impression on the ground that several persons approached me to recommend their appointments as Railway Magistrates to Divisional Superintendents. I withdraw the point.

Now, Sir, the next point to which I would like to draw the attention of the House is the proposed amendment to section 131 of the Railway Act. The amended clause will read as follows :

“ If a person commits any offence mentioned in section 112, etc., he may be arrested without warrant or other written authority by any railway servant or police officer, or by any other person whom such officer may call to his aid.”

He may be a railway coolie or any other person. It is suggested to introduce a new principle that a person who is to be sent to the jail for two months can be arrested without warrant or other written authority by any railway servant or by any person who is appointed by the railway servant in this behalf.

The next point to which I would like to refer is clause 5 of the Bill which runs thus :

“ or if a person fails or refuses to pay any excess charge or other sum demanded under Section 113 and there are reasonable grounds for believing that except by his arrest he cannot be placed before a magistrate without undue delay, trouble or expense.”

Mark the word “ trouble ”. Who is going to judge this “ trouble ” ? The railway authorities themselves. Whenever any case comes up, they will say that it will probably involve a good deal of trouble if it is delayed. Therefore, the man will have to undergo his trial immediately under this new clause.

Sir, this Bill requires a good deal of consideration both in principle and in detail. I have no doubt that the question will be scrutinised by the Select Committee, but the question of principle is still there, and we should not be in a great hurry to pass such a measure on the eve of the institution of the Railway Authority. After a few months, the railways will be taken away from us. They will be a business concern, and it is rather unfair for the Government to come to us and ask us to pass a measure of this kind which no commercial concern will ever dream of demanding.



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The next point which I would like to emphasise is that we have now a great competition between road and rail. If you introduce such stringent measures which no country has ever dreamt of before, then many persons would be tempted to travel by road and will avoid to travel by rail. There will be a good deal of propaganda in the country. People will say that if you violate any of these things you may be sent to jail. This in itself will induce a very large number of persons to give up travelling by rail and they will take to travel by road. Therefore, this principle which is underlying the Bill is one which requires very serious consideration especially at a moment when we are going to wash off our hands and cease to have any connection with railways in the near future. I move my motion of circulation, firstly, on the ground that we have not yet considered all the methods by means of which ticketless travel could be checked. We have not considered the ways and means of stopping this evil of ticketless travel, but all at once the Government have brought forward this measure where a ticketless traveller may be sent to jail and not pay the fine of Rs. 100, and the burden of proof is put on the ticketless traveller and not on the prosecuting authority. This is quite unjustifiable, especially at a time when we are to hand over our power to the new Railway Authority. With these words, I request that this measure should be considered by the public and we should devise methods by means of which we can avoid this evil of ticketless travel more effectively. Better system of checking tickets will be more effective than stringent provision of punishment.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill further to amend the Indian Railways Act, 1890, for certain purposes, be circulated for the purpose of eliciting opinion thereon by 31st December, 1936.”

The debate will now proceed both on the original motion and on the motion moved just now.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, it may seem a little ungracious on my part to speak against this Bill at this early stage, when the Honourable the Commerce Member has extended to me the courtesy of including my name in the list of the members of his Select Committee, but I am bound to oppose this Bill lock, stock, and barrel. I do not think that we can permit any legislation along the lines proposed by the Honourable the Commerce Member, unless he can ensure to the country at large an efficient, honest, and courteous railway service. Unless this condition is fulfilled, it will be impossible for any representatives of the people, sitting in this House, to give countenance to any Bill of the sort that is before us today. It is possible that the Government may say that the people also should be honest. I agree. But when you have a service which is under your discipline and which is recruited under certain conditions, I think it is but fair to expect a higher standard of honesty and integrity, of courtesy and efficiency from the members of that service than from the members of the public generally. Therefore, long before Government think of making the whole world honest, they should see to it that at least their servants are honest. Moreover, persons in authority are expected to set the standard, not in fine dressing and loud speaking, but in integrity,

honesty, benevolence, and other human virtues. The whole system of recruiting for the railway service is evidently wrong ; otherwise so many objections would not be raised against that service. I have been a persistent traveller since my childhood. I have also been in the habit of corresponding with the railway authorities since before I knew how to write a letter correctly. Though I have been very anxious to follow all the rules laid down by the Railways, having been a careful student of railway time tables, I am sorry to say that I have constantly got into trouble with railway officials ; and my experience on that score is sad indeed.

I will begin with a simple question. Have the Government thought of making any law to prevent over-crowding in railways ? When a bus is over-crowded, there is prosecution. When a railway compartment is over-crowded, so far as I know, there has been no prosecution. All that the railway says is : " Why do so many people come to travel by these particular trains ? Why should so many people go and bathe in a particular river on a particular occasion ? " The Railways do not take into consideration their own duty of making sure that trains are not over-crowded, and that railway companies and railway officials are promptly punished if there is any over-crowding. As this Bill has been before the House for some time, and as I have done a good bit of travelling in this interval, I thought I might consult some railway officials also on this subject. One day, Sir, while travelling, I found a travelling ticket-examiner coming into my compartment. He was in a black coat with a bright red tie. The black coat rather frightened me, lest he should be a follower of Mussolini ; but the red tie encouraged me, and I thought he might be a brother communist ! So, I took him into my confidence and asked him what he thought of this precious Bill that was before the Legislature. He said that he thought that the principle of the Bill was wrong ; that he had been a travelling ticket examiner for a long time ; and that he never found persons, who were really *bona fide* travellers, travelling without tickets. Persons who did really travel without tickets were, he informed me, persons from whom you could get nothing whether you put them into jail or whether you fined them. Unfortunately as this talk was progressing, somebody in the compartment recognised me, as a member of this House. This news got about and the travelling ticket examiner got frightened and stopped at once, saying he would seek another opportunity of seeing me, which he never did.

Now, Sir, who are the persons who travel without tickets ?

**An Honourable Member** : First class passengers !

**Mr. Sri Prakasa** : I will come to that particular class a little later on, when I fear gentlemen opposite will begin to jump ! Ordinarily those who travel without tickets are poor beggars, mendicants and others, who secrete themselves under the seats or in the latrines, and get along as far as possible. You now intend to get hold of them and put them into prison. If you do so, you are only increasing the burden on the general taxpayer, because the taxpayer will have to shoulder the burden of feeding these good men in jail for long periods of time, and while the railways will stand to gain nothing, the general finances of the country are bound to suffer.

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Then, Sir, there is another class of passengers that sometimes finds himself without ticket. He is the person who arrives at the railway station at the last moment and rushes into a compartment. The Honourable Member opposite will say that he has inserted a clause in his Bill to the effect that a certificate could be obtained from somebody or other to the effect that the man is a *bona fide* passenger and that he should not be harassed. Once the Honourable Member for Railways said that he also sometimes patronized the third class. Not in the spirit of patronage, but really in the spirit of public duty, if he would divest himself of the sort of clothes that he usually wears and make himself look like an ordinary third class passenger, and travel on a *mela* day particularly when there is a heavy rush, he will see that he will not be able to get at anybody who would give him a certificate. It may even be that instead of a certificate he might almost get a kick, as so many unfortunate third class passengers do from guards and others who regard themselves as rulers of the line. So that that clause means nothing.

Once I related to the House an experience of my own on this subject. I may confess to the House that I am a nervous man and I go on examining my ticket myself every five minutes when I am travelling, to see that it is safe and intact. I have great admiration for the man who really travels without a ticket (Laughter), because it requires gumption and courage of a very high order to do so. But once it did happen, as I told the House some time back, that I found myself without a ticket, because I arrived at the last moment and rushed into a compartment. There were a certain number of friends who had, unfortunately for myself and more unfortunately for the Law Member who is so angry at ovations for politicians, come to see me off; and I told them to inform the guard that I was in this predicament. At 1 o'clock at night, I was shaken up and asked for my ticket. I explained to the ticket examiner the situation. The train was rushing along, and I asked him to wait till the next station where I promised to take him to the guard. He said the guard had no authority on the subject; and he immediately charged me double fare plus a penalty of Rs. 3 for non-booking. It was a crowded compartment. I was anxious to avoid a scene; and I paid the money. Now, the Honourable the Commerce Member instead of expressing regret for what had happened, only said that I was wrongly charged the penalty; but that the double charge, in his opinion, was all right, despite my having been perfectly *bonâ fide*; and if I had only written to the railway authorities I would have got back some portion of the money. The fact is that I did write to the railway authorities, and got back, after a good deal of trouble, the extra charge as well as the penalty. But I did feel rather funny in that compartment. Luckily nobody recognised me, because you always feel rather small when people recognise you in such a predicament; but you do not mind so much if all onlookers are strangers when you are made a fool of. It would have done nobody any good to catch hold of me and put me into prison at that time.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member can resume his speech after Lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

MEMBER SWORN.

Khan Bahadur Sir Abdul Hamid, Kt., C.I.E., O.B.E., M.L.A. (Nominated Non-Official).

THE INDIAN RAILWAYS (AMENDMENT) BILL—*contd.*

**Mr. Sri Prakasa :** Sir, when we adjourned for lunch, I was trying to enlighten the House from an experience of my own ; and I said that I yielded to the bullying of the travelling ticket examiner, because I was feeling rather funny in a crowded compartment. He refused to accept my word that I was a perfectly *bona fide* passenger, and that if he would only wait till the train stopped at the next station, I could bring the guard as witness to prove that due information was given to him about my predicament and the circumstances in which I happened to be a ticketless traveller. In this connection, I should like to draw the attention of the sponsors of this measure to the very simple fact that it is almost impossible for an ordinary passenger to be able to get a certificate of the type the Commerce Member is thinking of introducing. Already we have a system of certificates ; and the invariable experience of persons is that they cannot get one. You will hear other Honourable Members telling you how they have themselves tried to get certificates whenever they have had to travel in a lower or higher class owing to overcrowding ; and that nobody listened to them. My Honourable friend, Choudhri Raghbir Narayan Singh, was just telling me of an incident which I have his authority to narrate to the House. On one occasion he had a second class ticket ; and as the second class compartments were overcrowded, he travelled intermediate and asked the guard to give him a certificate. The guard did give him some sort of a paper which he thought was a certificate and which he carelessly failed to examine immediately for himself, thinking that the guard must have given him a proper paper. At the end of the journey, when he pulled out that paper he found that it was a blank sheet with some figures written on it !

You will probably be hearing my friend, Babu Kailash Behari Lal, who only the other day had a very bad experience. He had his little daughter travelling with him, less than three years of age. The travelling ticket examiner insisted that the girl was more than three years. Well, there was the usual interchange of polite language ; and there was the threat of an examination by a medical board by the time the train got to Delhi ; but nothing really happened. I have had a similar experience with my own children, when they were very small. They have now grown beyond the ticketless stage, and I have to take tickets for them now ; but I have had my trouble with the railway when they were below three. So among the many things that I carry in my attache case when I travel, I also carry a piece of paper giving the exact birth dates of my children, so that I could show that to any one who troubles me on the way. Once I had the opportunity of showing it and saying that if they would only wait, I could get the necessary horoscope also.

My friend opposite wants to prosecute all these little children and send them to jail for being ticketless. I do not exactly understand how a child of 3 will be able to explain to the Court and to the satisfaction of the Court, that he or she is less than three years of age. I quite under-

[Mr. Sri Prakasa.]

stand the anxiety of the Honourable Member that the prosecutor's task should be made very easy. I understand that he has been a public prosecutor himself and that he made quite a fortune in prosecuting conspiracy cases; and I do not wonder that he desires that a system should now be introduced by which instead of his having to prove that the men in the dock are guilty, the men in the dock should prove that they are innocent, so that the lawyer will have his fee and will undergo no trouble. The magistrates in our country are always obliging to the prosecution, as we know to our cost; and the men will be sent to jail without any difficulty. I could regale the House with many illustrations. It is a pity that the House has a very strong bourgeois mentality, with the result that Members do not like to admit publicly their own experiences. But I am made of sterner stuff: I do not mind telling what I have myself undergone or what my friends have undergone in the course of their experiences as travellers on Indian Railways. The idea behind the Bill is that realising the legitimate fare is not sufficient to deter passengers from travelling without tickets or attempting to travel without tickets: even penalties are not enough; and my friend thinks that if men are only put into jail, things will be all right. Now, as one who has been a chronic prisoner himself, I can say that jails for good characters—and I may say, as an aside, that I am supposed to bear a fairly good character—are uncomfortable; but jails for genuinely bad characters are very good places. They are able to get round the jail officials quite easily: they are suddenly turned from ordinary prisoners into C. N. W.'s—if that means anything to gentlemen opposite who must have sent many persons to jail. The mystic letters mean 'convict night watchmen': then a little palm oiling puts them into the position of C. O.'s—which means 'convict overseers'; and they then jump into what we know in our province as regular 'pakkas', C. W.'s or 'convict warders'. The worse your character in the outside world, the better you are in jail; and so I think many of my friends, mendicants, beggars and others, whom a capitalist society as represented by this Government, looks down upon with scorn, will welcome a six months' free food, clothing, housing, free everything in jail.

I will tell you a story, Sir. There was a Pathan who was put into prison. The Pathan was very nervous in the beginning; but when the night came and two little lanterns were hung up in two corners of the long barrack, and blankets and other things were supplied to him, he said: "Oh, I had thought jails were terrible places". Then a friend of mine asked him: "What did you think they were like and what sort of treatment did you come prepared for?" He replied: "I thought they would tie up my hands and feet and swing me from the roof; and, instead of doing that, they gave me a more comfortable place than I ever had." So, Sir, these poor mendicants, beggars, and others who now hide themselves under seats to ward off the travelling ticket examiners, will have a pleasant six months in His Majesty's jails for which, not Sir Muhammad Zafrullah Khan, but we shall have to pay as taxpayers. If that satisfies my friend, he is quite welcome to his satisfaction; but it does not satisfy me, Sir, because I have to pay a fair amount of tax....

**Captain Sardar Sher Muhammad Khan** (Nominated Non-Official):  
He pays the tax too.

**Mr. Sri Prakasa :** You may take that amount of tax as so much less of salary ; it makes no difference. No Government servant pays taxes. That amount is to be regarded as so much less of salary. Then they make so much on travelling allowances on which no taxes are levied. In fact they really make up for most of the taxes they pay....

**Captain Sardar Sher Muhammad Khan :** They pay supertax too.

**Mr. Sri Prakasa :** Well, on that I shall say something when the Finance Bill comes up.

I have described two classes of ticketless travellers, one the poor man whom you intend to put into jail and who can never give you money ;—but who instead, will cost you a good bit for his upkeep in jail. You stand to gain nothing. The other class of passenger is the *bona fide* passenger ;—and my Honourable friend himself may be one of them when he is out of service. Then he will probably realise that he made a mistake in introducing a Bill like this, because he himself would be a victim of that. This class consists of those who cannot buy tickets for one reason or another ; and who have to go by a particular train ; who cannot reach the guard ; and whom the guard does not hear even if he is able to reach him. Such a man will be in an awful predicament. He will be dragged out anywhere, mid-journey, placed before a Magistrate ; and he will have to prove that he is innocent. Ten to one, the Magistrate is not going to believe the man ; and he will be punished. That will not redound either to the credit of the railway administration or of the Government....

**The Honourable Sir Muhammad Zafrullah Khan :** Why not pay up?

**Mr. Sri Prakasa :** Pay up what ?

**The Honourable Sir Muhammad Zafrullah Khan :** The fare and the penalty.

**Mr. Sri Prakasa :** Why the penalty ? Any way, I am coming to that.

Now, we should adopt the simple system which exists in almost all the civilized countries of the world. I do not pretend to know many civilized countries, but I certainly know many of the countries of Europe. There you can always change your ticket from a lower class to a higher class without any difficulty, and without any extra payment as penalty, etc. The Conductor comes up to you, and you tell him that the third class being crowded, you are travelling in the second class. He at once makes out a ticket and gives it to you. Or you say that you could not buy a ticket in time and that you boarded the train as you were in a hurry ; and there again the Conductor makes out a ticket and gives it to you. I will tell the House an instance of my own. As you know, they are very strict about the arrival of students by a particular time at night at the Cambridge University ; the students must be in their rooms by a certain hour. After a bar dinner in London, I rushed along to the railway station. The train was about to leave for Cambridge and that was the last train. I was running along, and I explained my position to the man at the gate telling him that I must go by that very train. There was absolutely no difficulty ; he just made out a ticket for me, and actually helped me to get into that train and so I was able to get back to the university in time. Why cannot this Government, which

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pretends to be so efficient and which has such an inflated idea of its own greatness, make some provision of this nature, so that it may not be possible for any one to travel without a ticket ; and if in certain circumstances some people have so to travel the railway authorities may make it possible for them to travel without harassment, and pay just the legitimate fare and no fines or penalties as if they were criminals. Here the railway officials themselves do not know what their rights and duties are. Some one tells you that he has no orders to make out a ticket ; another tells you that you should see Mr. So and So, and a third man tells you that you should go to such and such an office until it is time for the train to start off.

Sir, I had a very bad experience when I was leaving Delhi after the last Session of the Assembly. Nobody seemed to know the rule about changing a ticket from an inter class to a second class. One man said : ' Go to Mr. So and So ' ; another said : ' Mr. Sarma or some one else will do what you want ' ; and it was with the greatest difficulty that I could bring them to reason and get them to make out the tickets I wanted. I could do that because I myself am a very close student of the railway rules ; and so I was able to point out to them what they had to do, and what charges they were to make. But everybody does not know, and is not expected to know, the rules. The poor third class passenger, the unsophisticated villager is not expected to have studied about 10 or 12 pages of the rules contained in the six-anna guide of the East Indian Railway ! What is he to do ? Has he no right to get proper advice, proper guidance and proper treatment at the hands of the railway officials ? Has he no right to hope that the railway official will do the right thing, make the right charge, and not cheat him in any way ? Can the Honourable the Commerce Member honestly state, with all his wealth of information, that railway officials are paragons of virtue, courtesy and efficiency ? I do not think it is possible for him to say that ; and when he dare not say that, how can he forge instruments to penalise the public for a fault for which the railway official is really to blame ? Sir, since we adjourned for lunch, my attention has been called to the fact that in the Railway Act, there is a section about overcrowding. The section says that a railway has to pay a certain amount of fine if it violates the rule about overcrowding. I ask my Honourable friend how many times has a railway company paid fines under section 93 of the Indian Railways Act ?

**An Honourable Member :** Who will pay whom ?

**Mr. Sri Prakasa :** The Act says that the Railway Company has to pay the Government. Anyway, as my Honourable friend is out for revenue, and not for blood, let me assure him that he can make quite a lot of money if he will have C. I. D. men about, to catch hold of the railway administration every time a compartment is overcrowded. My friend will find that hundreds of compartments are overcrowded every day on the Indian Railways, and he will have Rs. 20 for each overcrowded compartment ; that will help him to make Rs. 20,000 or more a day if he will only look in the proper quarters for revenue.

**An Honourable Member :** That is transferring money from one pocket into another.

**Mr. Sri Prakasa :** The Railway can realise the money from its officials guilty of having permitted overcrowding. Now, Sir, what are my proposals ? As the House knows, I am a very reasonable man, and I always give practical suggestions whenever I am tackling a problem. How can you obviate this evil of ticketless travelling, if it is an evil ? You can have better railway stations. It is no use having open railway stations, as most of our railway stations are, and then complaining against people sneaking in. You should have a barred and bolted railway station. You should see that no one can come in or go out without a ticket ; and your railway officials must not allow themselves to be bullied by persons with hats and coats on and who pretend to have peculiar rights as high officers of Government. There are rules about platform tickets for instance. I ask if a Governor General or a Governor takes a platform ticket when he goes to a station. Do Honourable Members of the Executive Council take platform tickets when they go there ? Perhaps many of them do, because, after all, they have to shed many of their bad manners when they become Members of Council. But I ask the District Magistrates circling behind them, whether they take platform tickets when they go to the station in their districts. Do they not walk up hectoring and bullying the ticket collector at the gate, who is frightened out of his wits and allows them to go in ? Let us take an example. I have heard of an Inspector General of Prisons whose habit was to travel without a ticket. Such people always send their luggage in advance. They are surrounded by their subordinate officials when they go to the railway platform to board a train. It is taken for granted that they must have purchased tickets. They arrive just in time and get in. Who will dare to ask for tickets from such persons ? And when they get off at their destination, there are other subordinate officials who come and receive them. So they pass in and out without tickets. At last this character of my story was caught.

**An Honourable Member :** How ?

**Mr. Sri Prakasa :** I do not know how he happened to be caught ; somebody, I believe, had the gumption to go and demand a ticket. He did what almost all the gentlemen opposite do—and I have dealt with a large number of that variety. He put the fault on his poor assistant for his own crimes and misdemeanours. “ Oh, it is that fellow’s mistake. He did not buy the ticket.” And this man was murdered for no fault.

**An Honourable Member :** Murdered ?

**Mr. Sri Prakasa :** I think a little bit of exaggerated language is permissible on such occasions. (Laughter.) What I propose is that first class passengers should be carefully examined. Among them you will find many a ticketless traveller. While the third class ticketless traveller is a brave individual as he faces risk with open eyes for he is almost sure to be caught because he knows that even at the midnight hour he will be asked to show his tickets ; the ticketless first class passenger is really a coward for he knows very well that nobody will wake him at night, and demand his ticket. So I suggest that if Government are really in earnest they should make a law that as the clock strikes the midnight hour all first class passengers, all persons lying or



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rolling about on first class berths, are examined. I assure my Honourable friend that he would make a lot of money if he could only do this.

Well, Sir, I have dealt with all the three classes of ticketless travellers. First is that of the genuinely poor ; the second is the *bona fide* passenger who has the capacity to pay, who has the will to pay, but who, for some reason or other, is not able to get a ticket in time ; and there is the third class of *mala fide* ticketless passenger who, if caught, should not only be sent to prison for six months but may well be hanged, namely, the first class ticketless passenger by night. Now, Sir, I am informed the railway is a commercial department of Government. If that is true, let it behave like honest commercial men. Is there any special law on the Statute-book which makes it incumbent on persons dealing with commercial men and commercial companies, to pay up their dues in time on pain of fine and imprisonment ? Is there any law by which we are bound to pay our grocers, stationers, and various other folk with whom we deal in life on pain of such penalties ? If they go and complain to you, they are informed by you that they should go to the ordinary Courts of law. There is no special law made under which their customers are bound to pay up their dues in time. Then why this exception in the case of railways ? Is not the ordinary law of the land quite enough ? On principle I am against overcrowding the Statute-book ; and if the Honourable Member will only consult me, if he will condescend to do that, because he is a big lawyer and I am only a briefless one—I could point out to him numerous sections of the Indian Penal Code under which he can take action. On the spur of the moment, the comprehensive section on cheating occurs to me. Cannot he go and avail himself of that all-inclusive section ? You see there the definition of cheating at its best. The marvellous brain of Macaulay has given a wonderful definition of cheating in his Penal Code. All railway offences can be made to come under that. You can easily prosecute the man under that section. If my Honourable friend would only have the patience, I could find out other sections of the Penal Code which could help him in this matter. So, instead of burdening the Statute-book, instead of complicating his own work, instead of confusing the minds of the general public, he can notify that action will be taken under the Indian Penal Code. It is surprising how lawyers, whether on this side or on that side, are anxious to complicate the law. They are so fond of law that they think that they are solving the problem of unemployment by complicating the law and creating larger and larger numbers of that unfortunate and useless class of people called lawyers.

**An Honourable Member :** Useless ?

**Mr. Sri Prakasa :** Absolutely useless and even harmful, like the present system of Government of which they are a product and a part. So it is no use complicating matters further, for the ordinary law of the land seems to me quite sufficient for this purpose.

**Pandit Lakshmi Kanta Maitra :** If you are found travelling without a ticket, who will defend you ?

**Mr. Sri Prakasa :** I will defend myself. I try my best to avoid going to a lawyer, whether it is a political case or any other. I am very nervous of lawyers. Now, Sir, the Honourable Member will probably

say : How are we to make both ends meet ? It is not by bullying men and women passengers that you can make both ends meet. I have so far dealt with only how men are treated. You would be surprised if I were to relate stories of how women are treated, or have been treated, specially at Allahabad during the last few years when there was a famous Railway Magistrate functioning there. I am glad that he has resigned, and he has resigned on very good grounds. He was the super-ticketless passenger. So pleased was the railway administration with the way this man worked, that they gave him a free pass to travel all over the line, not only in his jurisdiction, mind, but all over the line. This man became the favourite of Government because he was particularly adept at extorting money from ticketless passengers. Many stories have come to me of how women have been stripped so that he might get hold of money from parts of the body which are not generally exposed. And this Magistrate has now resigned because owing to some questions of mine, the Honourable Member opposite forfeited his pass and reduced his free travelling to only his circle. He got so angry at this that he resigned, and so far as I can recollect at the moment, he has also been writing to the public press telling the world of his own exploits in the matter ; how he found money secreted in the private parts of women ; and how he was able to compensate the railway for the ticketlessness of such passengers. Well, it may be a very fine thing for a magistrate to do ; but it is certainly revolting to the good feeling of ordinary human beings. The women may have been dishonest, I do not say that all women in the world are honest. If they deliberately travelled without tickets, these women, I admit, were certainly dishonest ; but is this the way in which Government wants to proceed in such matters ?

**Pandit Lakshmi Kanta Maitra :** Was he an honorary magistrate ?

**Mr. Sri Prakasa :** Yes, he was an honorary magistrate ; but he  
 3 P.M. has since resigned because he was very angry that his services in the cause of rooting out ticketlessness were thrown to the four winds, and Government deprived him of a free pass to travel all over the line. I had a visit from another railway magistrate ; and he told me : " Well, you see we are not now given free passes which we used to get before ". He was a railway magistrate in the district of Moradabad ; and some of his relatives lived in Benares. He told me he used to have a free pass up to Lucknow ; and from Lucknow he used to buy a ticket to Benares. He wanted to travel free all the distance ; and he asked me if I could help in the matter, being a member of this Assembly. I said : " I fear, you have come to the wrong man. You had better pay your fare for your tickets from Moradabad to Benares, instead of taking advantage of your position as a railway magistrate and travel three-fourths of the distance free." This is the type of magistrate you have, whoever may be the appointing authority. I do not know whether Dr. Ziauddin is correct or Sir Muhammad Zafrullah is correct, but this is the type of magistrate who comes into power : and this is the way a magistrate's position is abused.

So Sir, instead of having this vicious system of doing things, I propose that you should overhaul the whole machinery ; and if you start at the top you will be able to save sufficient money for improvements at the bottom. You have got a number of useless officers in the

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railways. I am very sorry to find that my friend Sir Henry Gidney is not in his seat today. He could tell you stories of these high officers who do nothing and draw large salaries; and who have got large numbers of saloons for free travelling. Not even the Prime Minister of England has a saloon to travel in. Very often you see him travelling in a third class carriage. Here every small railway Engineer must have a saloon; every D. T. S. must have a saloon; and sometimes a whole special train is run for some bigwig. If you apply the axe at such places instead of applying the axe at the poor beggar, you will be able to earn a real good name as well as have sufficient money to carry on the work. If the Honourable Member would only seek my assistance—I am sure he will not; if he would only come to me, I could point out to him a thousand and one ways by which he could improve matters.

Secondly, I say: have better railway stations and be strict. Do not allow even an Emperor to enter a railway station unless he is armed with a proper ticket. That will be setting a good example. If high Government servants are allowed to hector their way inside a railway platform, then you should not trouble other folk if they imitate them. Imitating of men in authority is a common weakness of ordinary human nature. You know, Sir, that everybody starts doing what a man in authority does. If the queen limps, then all the court ladies begin to limp, thinking that that is the proper thing to do. Matters may go even further. Once a Spanish King got operated for fistula. All members of his court underwent that serious operation, thinking that to be the right thing to do, even when they had no trace of that dangerous malady in them. When the District Magistrate behaves in a certain way, other people, who are his satellites, also think that that is the proper thing to do; and they also behave in the same way. The vicious circle goes round and round, and you do not know where you stand. Have a strict rule. Here is a passage from which alone men must enter the platform. Here is another passage from which alone men can go out. There is a stile and there is a man. Whoever the incomer or outgoer may be, he has to show his ticket; and then you will have no trouble at all. If you feel that that is not possible, then properly fortify all railway stations.

If you think, however, that that will cost a mint of money and you dare not embark on such an expensive undertaking, then I ask you to make a virtue of necessity and take shelter under the mantle of charity. Charity is a great Christian virtue; and whether Christians practise it or not, many Indian commercial concerns have a regular rule that a certain percentage of their income goes for charity. After all, all the temples, *maths*, mosques, *maktabs*, *pathshalas* and other religious and semi-religious institutions you see around, whether you like them or not, are all maintained by charities given by commercial men out of their profits. Almost every commercial man worth his name has a fixed voluntary tax; from one upto ten per cent. of his income goes for charity. If this is a commercial department of Government, let its charity to the world be so many ticketless passengers per year. Let that be its contribution to the great spiritual fund of human charity, which alone, I am solemnly assured, maintains the moral equilibrium of this otherwise wicked world. I do not know whether that appeals to

persons opposite. Their ironical smiles almost make me feel that their idea of charity is all money coming to them and nothing going out to anyone else. That is certainly not my idea of charity, and not the idea of charity of persons who inhabit this land in a non-official capacity. Now, the very fact that this commercial department of Government is seeking the assistance of the Legislature, shows that it is really not a commercial department. It is a 16-anna political department of Government. Among the many characteristics of this Government, the one great characteristic is to describe the same thing by different names, as suits it best, on different occasions. When the fiscal side of the railways is being discussed, they say that it is a commercial department and must be made to pay its way. When we complain of harassment by the C. I. D. on the railways, they say : " Well, section so and so of a particular Act permits this harassment of men clad in Khadi, having a Gandhi cap on their heads ! ".

Today on the table has been placed an answer to an old question of mine as to whether certain railway advertisements in certain U. P. papers were withheld at the instance of the U. P. Government. The answer says they were so withheld. Such is the commercial department of Government ! Papers widely circulating in the U. P., through whom alone large numbers of people could be reached, who would thus know and should be told the latest changes in the time table and the latest rules relating to the railways, are deprived of advertisements simply because the U. P. Government says that they are not desirable papers from its standpoint. Whenever any question is asked of local importance, all the Members opposite, from the Law Member down to the Home Member, say that it is a matter for the provincial Government ; that it is not the concern primarily of the Governor General in Council, whatever the word ' primarily ' may mean. Railways, which are no department of the U. P. Government, are bullied into submission by the Local Government about a simple matter like advertisements, and the Member sitting opposite—the Honourable Member of India's Executive Council in charge of Railways—is evidently helpless in the matter and submits to this impertinent dictation of a provincial Government. Is the Railway really a commercial department of Government ? I do not find anything that distinguishes a commercial concern, distinguishing this department, namely, the Indian Railways. No commercial man or concern will spend so much money on outward show as this department does, making its administration top-heavy. No commercial man or concern will refuse to give charity, as this Department refuses to give. No commercial man or concern will seek the assistance of a special penal law in order to enforce his dues, as this Department is seeking to do. They will depend upon the ordinary law which this Department refuses to do. This is not a commercial department of the Government ; it is out and out a political department ; and as such, instead of being a health-giving and life-giving department, instead of enhancing the prosperity and increasing the amenities of the people, it is crippling the life of the nation and suffocating us all.

Sir, I have already taken more time than I had originally intended or what was proper for me to do ; but I hope I have said enough to convince all sides of the House that this is a nefarious measure : it is an undesirable measure and that it must be killed before it has time to

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grow. Before I close, I wish only to make one appeal. It is this. Whenever we are legislating, let us not forget that we are legislating for India and the Indian people ; and let us not leave out of consideration the traditions and the temperaments, the ideals and the aspirations, the needs and the requirements, the social conditions and the economic distress of the Indian people as such. Let us not sit here as foreigners legislating for persons with whom we have nothing to do ; persons who are not our own kith and kin, persons from whom we have only to extract money and do nothing in return. Let us legislate for men and women who are our own brothers and sisters. Let us not forget that today we may have contempt for the humble in the land who tries to do a little journey on a railway without paying his fare, for tomorrow it may be that our own brother and our own sister may be in a similar plight, and may be forced to resort to methods which we disapprove of from comfortable seats of pelf and power. If you will only remember that we must do unto others as we wish that others should do unto us, much of the trouble would be avoided. If we do not leave out of our ken the poverty and ignorance, the apathy and helplessness of our people ; if we seek honestly to help them to stand upon their feet and to learn better ways ; then this is not the sort of legislation that is going to help.

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

I am one of those who are convinced from sad and bitter experience that there is a great lack of civic sense in our country ; and that if only ordinary citizens, men and women alike, knew their ordinary civic rights and duties, India would be a much better land to live in ; and we should all be more accommodating to each other and more happy in our relations with each other. Railways, I think, are the great instruments through which proper civic education can be carried on, if only we have the will to do so. Even the busiest of men have plenty of time inside the railway compartments to read what is written there ; and if railways would put on the walls of the railway compartments simple lessons in civic virtues, teach persons how to carry their umbrellas and sticks ; tell them how to accommodate fellow passengers ; exhort them to help each other to sit comfortably ;—if they take upon themselves the great duty of adult education, they would be doing far more good to themselves and to the general public than this legislation or a thousand other penal laws of this sort can ever do.

**Mr. V. V. Giri** (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, I rise to support the motion for circulation, but I oppose the motion for a Select Committee. Unless the Honourable Member in charge of Commerce and Railways proves to this House that all remedial measures have been taken to prevent the ticketless traveller running about the trains, he is out of court here. I submit that all remedial measures have not been persistently put into practice. If they had been undertaken, they would have prevented many a ticketless traveller and would have enhanced the revenues of the Government so far as the railway revenues are concerned. My submission is that the Government of India should have created a public opinion in the country, in the villages, against this ticketless travelling. They have not done so. They should have

used the village panchayats, the village munsifs and the village officers to educate the people of the villages against the evil of ticketless travelling. They should have gone a step further and appealed to bodies like the Congress and other public bodies to educate public opinion against the ticketless travelling. They have not done so. On the other hand, there are other remedies such as insisting on everybody that would come to a railway platform to buy a platform ticket. There are other measures that can be taken. As we see from our experience, tickets are sold just 10 or 15 minutes before a train arrives. Certainly if tickets are sold an hour before the coming of a train, many a ticketless traveller would not be found in the trains, because some of the travellers come to the station just at the time when the train arrives and this could be prevented. Not only that, I am one of those who desire that the railway revenues should be increased for the reason that I often demand on the floor of the House that the conditions of the railway workers should be improved. Therefore, if sufficient steps are taken otherwise than by merely asking for these penalties and measures of a very drastic character, certainly railway revenues would improve and this amending Bill would not be necessary. So far as I am concerned, I can assure the Honourable Member from the point of view of railway workers that we, who belong to the All-India Railwaymen's Federation, are prepared to do propaganda amongst the railway workers and tell them that stringent measures and punishments will be levied against them if they do not know how to behave themselves towards passengers or if they do not do and perform their duty in collecting tickets properly. It may be that in certain special areas ticketless travelling is more prevalent. I have been informed of that by some of the railway authorities. Those special areas should be marked out and stringent measures should be taken to have a greater check over the passengers, whether they bought tickets or not. The present measure demands very drastic remedies. It intends to put the onus on the alleged offender or the accused to prove his innocence. All canons of jurisprudence tell us that a prisoner should be presumed to be innocent till the guilt is proved, but here it is the reverse. Unless the railway administration wants to rule the country by Ordinances and Regulations, this is against all canons of criminal jurisprudence, and an amendment of this character cannot be tolerated. On the other hand, it seeks to give power to officials, such as ticket collectors, even to arrest a person. It is not at all a desirable proposition to give such wide powers to the railway officials, when all these could be avoided by the remedial measures that I have put forward on the floor of the House now. The opinions so far received are weighty and some of the officials of the Government have stated it is a dangerous thing to put the onus on the alleged offender to prove his innocence. I would only like to refer to one or two of the opinions that are before us. At page 29 of Volume I of the Opinions, the Advocate-General of Madras has stated as follows :

“ I am afraid the present Bill is too drastic and may result in punishing innocent persons. A passenger might lose his ticket by inadvertence or mislay it. It might not be possible for him to affirmatively establish the purchase of the ticket; and though it might be open to the Railway Company to demand excess fare from him, it would not be in the interests of justice to visit him with imprisonment. Or again take the case of a person who happens to come to the station just when the train is about to steam off and who rushes into the carriage without having purchased a ticket. To cast the onus of proof on the passenger in the cases above referred to might practically be tantamount to a denial of defence to him.”

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On page 28, there is another weighty opinion of the District Magistrate of Vizagapatam, a big Political Magistrate, who sent me to jail. He says as follows, it is very interesting :

" I strongly disagree with the proposal to place upon the passenger the burden of proving that he had no intention of defrauding the railway administration. The sale of tickets on Indian railways is so inefficient and dilatory that a passenger has frequently the choice between entering the train without ticket and missing the train. There are also other circumstances in which a passenger may travel without ticket and yet has no intention to defraud. It will be impossible for passengers in the ordinary course to prove the absence of intention ; the provisions in this section will result in findings that persons who had no intention of defrauding had such intention."

Thus, Sir, I feel that the present Bill is absolutely unnecessary, that the powers that already vest in the law are quite enough to meet the situation, that the remedial measures I suggest, if persistently practised by the railway administration, would prevent to a great extent the ticketless travelling. On the other hand, by having a Bill of this drastic character, railways will become very unpopular and most probably many of the third class passengers would resort to buses rather than go to trains. My feeling is that, instead of gaining, the railway administration is bound to lose by the introduction of this measure. Sir, I support the motion for circulation.

**Mr. P. S. Rau** (Central Provinces : Nominated Official) : Mr. President, the amending Bill before the House deals primarily with ticketless passengers. Sir, I think I am right in saying that in no other civilized country in the world is the evil of such magnitude as it is in India. What greater proof of this can there be than that the ticketless passenger has cost the Central Revenues something like 50 lakhs of rupees per year. The evil has tended of recent years to increase and that in spite of the efforts made by the railway authorities to check it and bring it under control. Tickets are checked both in stations and on trains, but it is felt that any increase in expenditure in this direction will not be commensurate with the results that are likely to be obtained. The two principal sections which deal with ticketless passengers are section 112 and section 113. Section 112 deals with persons who with intent to defraud the railway administration travel without tickets. It places the onus of proving the passenger's fraudulent intention on the railway officials. Honourable Members will readily agree that that is not fair. Sir, how can the railway officials prove that any particular passenger who is travelling has done so with intent to defraud the railway administration. If anything, it should be for the passenger to prove that he was acting *bona fide* when he entered the railway compartment or was travelling without a ticket. The punishment provided by the present section 112 is a fine of Rs. 100 in addition to a single fare for the distance actually travelled. That this proved ineffective need surprise no one who has any experience of administering this section of the Act. For the people who travel without tickets are generally very poor people. It is therefore proposed to make this offence punishable with imprisonment up to two months in addition to the payment of the fare ; the alternative of fine will of course remain. The procedure under section 113 is equally unsatisfactory. It is both expensive to Government and dilatory. Most cases of ticketless passengers are dealt with under this section 113, as section 112 throws the onus of



proving dishonesty on railway officials. Under section 113 the ticketless passenger has to pay a small penalty in addition to the fare. A very large majority of ticketless passengers are sadhus, diseased and infirm people hoping to die in holy places, beggars, thieves and pick-pockets who intend to make money in fares and pilgrim centres and so forth. Most of them are usually penniless and they are handed over to the police with a view to being placed before a Magistrate. As Sub-Divisional Magistrate I had to deal with a large number of such cases and in a large majority of them, they have to be discharged as these people usually possess no realisable assets. This procedure involves Government in considerable expenses with no commensurate gain. It is this defect in the law which Government wish to remedy and it is proposed to give power to railway officials to arrest such passengers who are unable to pay the penalty incurred and if there are reasonable grounds for believing that they cannot be placed before a Magistrate without undue delay, trouble or expense. One Honourable Member has tried to draw a red herring across the track by diverting attention to the case of an Honorary Magistrate in Allahabad. Because an Honorary Magistrate somewhere misbehaved does it follow that dishonesty should be condoned and ticketlessness applauded? The same Honourable Member launched a general attack against the railway policy of Government, which did not strike me as particularly relevant. The issue before the House is not whether railways should undertake general adult education or give homilies to passengers on civic virtues, such as how to hold an umbrella or a stick but whether ticketless travel should be stopped. Sir, everyone who has had anything to do with the administration of these sections of the Railways Act and concerned with ticketless passengers will welcome this measure as an effective solution and everyone who has the interest of the taxpayer at heart will vote with the Government. I, therefore, support the motion for reference to Select Committee. (Applause.)

**Mr. G. Morgan** (Bengal : European) : Sir, I rise to oppose the amendment moved by my Honourable friend, Dr. Ziauddin Ahmad, and to support the motion moved by the Honourable the Commerce Member. It does not mean that I support the Bill as laid before the House. I support the motion that the Bill be referred to a Select Committee in order that all the arguments that have been adduced on the floor of the House this afternoon may be thoroughly thrashed out. My Honourable friend, Dr. Ziauddin Ahmad,—I do not know what he expects to get by circulation. We have already received opinions which seem to cover all the grounds for and against this measure, and I do not see how anybody else or any other body can possibly give any opinion that is not embodied in these two volumes.

**An Honourable Member** : Question.

**Mr. G. Morgan** : There is no use of questioning, because all the arguments brought forward by my Honourable friends are embodied in these lists, and, I, therefore, support the motion of the Honourable Member in charge that this Bill should be referred to a Select Committee.

There are some objectionable features about which, if the Select Committee sits, I shall be very glad to give my opinion; there is little or no object in giving any opinion on the clauses of the Bill here. But the whole thing about the Bill is what are its objects?—I should like to read



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what the object of this Bill is. This, Sir, is an extract from the memorandum that was given to the Central Advisory Council for Railways :

" Review of the position indicates the desirability of amending the following sections of the Act :

Section 68, to permit the removal from a railway carriage of a person without a proper ticket ; section 112, to provide for a more deterrent punishment for a person found without a proper ticket and to place upon him the onus of showing that he had no intention to defraud ; section 113, to make it clear that a magistrate dealing with a case in which a passenger refuses to pay the excess charge and fare due has no authority to enter into the merits of the matter and to provide for a more deterrent punishment in such cases."

etc.

The question for the Select Committee to decide is whether the punishment provided for in the Bill as a deterrent punishment is the proper one or not. We all have our opinion about that and shall be very glad to state it in Select Committee. With regard to the onus to prove intention to defraud:—There are a great many against the onus being on the ticketless traveller and a great many in favour of it. I should just like to read, if I may, Sir, what the High Court of Calcutta, in its appellate jurisdiction, have to say on this particular matter. They say on page 46 of Opinions received :

" They see no objection to the provision that the passenger should be called upon to satisfy the court that he had no intention to defraud, rather than that the railway authorities should have in each case to prove intent to defraud, which is always a difficult matter for the prosecution to establish."

And I think everybody in this House must be definitely of opinion that it is the most difficult thing on earth to prove that a man without a ticket had intention to defraud.

The question of imprisonment will raise a great deal of discussion in Select Committee. But will the Bill, whatever form it takes, do what it evidently is the desire of Government that it should do, which is to bring in more money to the railways ? The question is, will these ticketless travellers who are said to lose to the railways 50 lakhs of rupees a year, buy tickets and travel ? They seem to be mostly beggars and sadhus, mendicants and people like that. If they find that they cannot get through a barrier or jump on from the off side of a train or bribe a subordinate officer with a pice or something of that description, they can get along without paying anything. If they travel at all the railways are not going to get anything more.

Another thing is that, leaving aside that class of ticketless travel, it is quite possible,—and the Honourable Member himself has said that harassment must be guarded against,—it is quite possible and more than possible that there will be considerable harassment in the administration of a Bill of this description, and you may drive *bona-fide* travellers from the railways to that fearful competitor called "the road" which position we are now busy in legislating against. My Honourable friend, Mr. Sri Prakasa, covered such a wide ground that I had almost forgotten what the Bill was about. His stories were interesting and a great deal of them, I am perfectly aware, correct. But I want my Honourable friend to remember that he cannot make people honest by legislation. There is no legislation in the world which can make people honest, and all we can hope is that there will be some honest people among

the lot and the administration of the Bill will somehow rather be fairly good ; you cannot expect it to be good in every respect.

On the question of circulation, my Honourable friend, Mr. Giri, has supported it. But it seems to me that we will simply waste a lot of time and will come back to exactly the same position as we are in today, with no new advice from anybody, and my Honourable friend, the Commerce Member, will put the same Bill on the table after all the opinions have been received. I, therefore, support the motion for sending it to Select Committee, and then we can thresh out all the details there. Whether the Bill will be so altered as to necessitate re-circulation is impossible to say at present. Sir, I oppose the motion for circulation, and support the original motion for a Select Committee.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, I am not in favour of this Bill being sent to Select Committee ; I will ask the House to reject it and nip it in the bud rather than accept the principle of the Bill. Before I deal with the merits, I should like to say a few words with regard to the remarks of the last speaker. Mr. Morgan says that he opposes the circulation motion because much of the available opinion of the public is already before us. That is not so. It is only the official reports that we have got. Provincial Governments were asked to give certain opinions on this Bill. Of course, the respective Provincial Governments asked for the opinions of some of the non-official associations which have been incorporated in the reports but that does not mean that the public opinion or the full opinion or careful opinion or considered opinion has by this time been made available. Therefore, I do not think that Dr. Ziauddin was wrong in making the suggestion, when he found that public opinion has not yet been secured. But in my own opinion we should not agree to this Bill going to the Select Committee. It is being said that if it goes to the Select Committee certain amendments will be made and that will soften the Bill. But it is not so. I object to the very principle of the Bill which is to make it more drastic, in other words, to have more onerous legislation for the purpose of stopping this ticketless travelling. But I submit that the remedy is wrong and, therefore, we should not accept the principle of sending it to Select Committee. The only necessary amendment required is not to accept these two provisions that are being sought to be enacted. The only proper remedy for the railway to follow is to keep their own house in order rather than ask us to send people to jail and fill up the jails by at least 25 lakhs of people every year. In short, my objections to this Bill are these : first is that it is too drastic. On this point I think there can be no two opinions. Under the present law the ticketless traveller has to pay a penalty : if it is proved that he has travelled without a ticket in a fraudulent and dishonest manner, then only he can be punished with a fine which has been provided for. But under the present Bill—and that is why I call it drastic—a man who travels without a ticket will be presumed to have travelled dishonestly and fraudulently. Is that right ? There are many men who travel without a ticket and they have various explanations for doing so. But to condemn a man then and there and then ask him to go before a Court to clear himself. Another amendment is this : any railway man, even if he is drawing 15 or 20 rupees, if he finds that a man is without a ticket, can hold up that man. It is giving a handle to such persons to indiscriminately

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sending to Court travellers on the pretext of intent to defraud. I say that is very drastic. I do not think that there is such a drastic provision in any country. You are giving these small subordinates, drawing a few rupees, power to arrest without warrant. Do you think it is just? They have already been abusing it—and we have had already instances of it. To make a law throwing the burden actually upon the man who is without a ticket is absolutely unwarranted. The present section 112 says :

If a person with intent to defraud the railway administration enters in contravention of section 68 any carriage on a railway, that is to say, without a ticket, he shall be punished with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance."

Now, what is going to be done? If a higher punishment merely had been proposed, it would have been different. But to say that you must presume that he has travelled fraudulently and then punish him in the way you have proposed is not right. The present amendment asked for is this :

"For section 112 of the said Act the following section shall be substituted, namely :

' 112. (1) If a person enters in contravention of section 68 any carriage on a railway, he shall, unless he satisfies the Court that he had no intention to defraud the railway administration, be punished with imprisonment which may extend to two months, or with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance he may have travelled '."

Now, Sir, the basic law says always that a man should not be presumed to be guilty unless you bring the guilt home to him. I cannot understand why merely because the railways say that here is a decrease in their income on account of these ticketless travellers, they should now have a law providing that such men should be arrested there and then, no matter who they may be : They will be at the mercy of these people arresting them. It is not the magistrate who is going to decide.

I was very sorry to see the Honourable Mr. Morgan saying that there was no harm in putting the burden on the accused by leaning on the side of the opinion of the Calcutta High Court. But he forgot to read the other High Courts opinions which we find at page 39 . . . . .

**Mr. G. Morgan :** On a point of personal explanation, I did not forget at all. I had no object in quoting an opinion which was against what I was suggesting.

**Mr. Lalchand Navalrai :** The Bombay High Court say :

"But they think it undesirable to enact a presumption sought to be created in clause 3 [proposed clause 112 (1)] which in their opinion is too drastic."

Are we going to be a party to this too drastic provision for sending it to the Select Committee? I submit that every attempt should be made to put it clear to the House that this is a Bill which will be a precedent for many unprecedented acts and laws. Therefore we should try to see that this Bill does not go to the Select Committee; for if you once admit the principle, the Select Committee may, by a majority or some other means, soften the Bill to a little extent; but the rigour of it cannot be taken away by the Select Committee.

The next thing is that it is too harmful to the *bonâ fide* travellers. No one will deny that it is not all fraudulent people who travel by train and only fraudulent people are ticketless.

Then, there are several cases of *bonâ fide* travellers who, if they have got no tickets, pay for the tickets and also the penalty, but if, for any conscientious reasons, these passengers refuse to give the tickets, then these passengers are not now arrested, but the Honourable Member in charge of the Bill wants them to be arrested. What do they do at present? The names of the passengers are taken down, a complaint is lodged before the Magistrate, the whole thing is sifted in the Court, and if the Magistrate decides that the passenger has to pay a penalty, the money is paid. Why should you make a general law that these passengers should be arrested on the spot? Why should you make ticketless travel a cognisable offence? Sir, I will give you an instance of the harassment that is going on nowadays, and you will see that if you give more power into the hands of the smaller railway people, you will be passing a legislation which will prove extremely harmful to the public at large. Sir, recently a party of respectable people were travelling by second class and were proceeding to a place for picnic. They purchased second class return tickets. When they reached the station where they wanted to halt, they gave half tickets to the man at the gate and passed out. On the return when they were asked to produce their tickets, three of them saw that they had misplaced their tickets, and when they pointed out that they had misplaced their tickets, the railway official concerned asked them to pay a penalty. Then they said: "we had travelled in a party, we purchased tickets from this station to which we have now returned. It will be very easy for you to find out from your books and registers whether we had really purchased our tickets or not, and also from the station to which we had been and where we gave halves of our tickets. Please make inquiries and you will see that we had bought our tickets". But the railway subordinate said: "No, you must pay the penalty then and there, you must have tickets on your person; if you have misplaced your tickets, then you are yourself responsible." Then, what happened? They were threatened with prosecution. Fortunately it was discovered that some of their companions had those tickets with them and had passed out of the gate; those tickets which were regarded as misplaced were really with some of the members of the party. Then these three people came back to the station staff and explained that the tickets were found; yet they were not satisfied, and these three people were put up before a Magistrate! What will happen if the proposed legislation is passed? At once this *bonâ fide* ticketless traveller may be arrested and brought up before a Magistrate. So, such things do happen even now. But after this legislation is passed, these officials will be armed with much more power to harass passengers. The railway subordinate will then say: "I am the Judge, I feel that you have travelled fraudulently, and I will arrest you and put you up before a Magistrate". Of course, I know those who desire to enact this legislation feel in their mind of minds that they are making the Act too drastic and too harmful.

Then, my third point is that the remedy you propose to apply is not the right remedy,—the remedy to make the law harsher for bringing in more revenue to the railways, is not the right remedy. On that point, I submit that the people who travel without ticket are mostly beggars or

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people who are not able to purchase tickets because of their poverty. Now, if you arrest such people, will you be able to get more revenue to the railways? I say you will not be able to get more revenue. On the contrary, the present practice is,—and I have seen it in many places,—when these poor ticketless travellers are put up before Magistrates, the Magistrates feeling pity on these poor people ask the members of the bar and others present in the Court to subscribe among themselves and pay up the fare and the penalty. Now, will such methods bring in more revenue to the railways or the arrests of needy people will? I submit, Sir, these ticketless travellers, who are poor people, cannot pay for their tickets, and will be more ready to go to jail than to pay up the fare and penalty even if they could. The result will be that the jails will be full up in a short time and there will be no room for other prisoners to be lodged in them. Of course, the Railway Department does not care if the Home Department pays for the upkeep of these prisoners.....

**The Honourable Sir Muhammad Zafrullah Khan** : You might leave that to be settled between the Home Department and the Railway Department.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadian Urban) : We have got to pay.

**The Honourable Sir Muhammad Zafrullah Khan** : They go to jail in default of payment of fines, and Government have to pay.

**Mr. S. Satyamurti** : We are paying, and not you.

**The Honourable Sir Muhammad Zafrullah Khan** : " We " should equally include you and us.

**Mr. Lalchand Navalrai** : I at least thought that with the tender mercies that the Honourable Member in charge has for the poor, he would admit that this Bill is too drastic and that it would not bring in additional revenue to the railways. However, it is a matter entirely left to him. My Honourable friend will admit that these people who are now caught for ticketless travelling are really poor and cannot afford to pay. I am sure there must be many other countries also where ticketless travel is common, and India cannot be the only country, and the extent of loss that is estimated is rebutted by my friend, Dr. Ziauddin Ahmad, when he pointed out that the number of persons who travel without tickets does not come to even half per cent. Therefore, what will happen if this Bill is passed? You will not be able to recover any money from these poor people, because they are not in a position to pay; on the contrary, the Government will have to lodge these poor people in jails and feed them. On that point Sir, I would like to quote the opinion.....

(It being Four of the Clock.)

**Mr. President** (The Honourable Sir Abdur Rahim) : Order, order. Mr. Satyamurti.

#### MOTION FOR ADJOURNMENT.

##### NEW RULES FOR RECRUITMENT TO THE INDIAN CIVIL SERVICE.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadian Urban) : Mr. President, I rise to move that the House do now adjourn. The specific matter of urgent public importance, which I want to raise on this motion,

is the attitude and action of the Government of India in respect of the new rules for recruitment to the Indian Civil Service in London and in India. Sir, I raise this motion, not as a partisan or as any individual motion. I seek to raise by this motion, the question of India for Indians, and I seek not to cloud the issue by any other matter. I want to give a most categorical assurance, Mr. President, to every Honourable Member of this House that I am not raising directly or indirectly the question of communal representation in the public services of this country. That is neither here nor there ; it is a matter to which this country has to reconcile itself, until the communities themselves agree to do without it. I, therefore, hope that that red herring will not be drawn across the line. The point I want to raise is this. In the Government of India Act, 1919, now under sentence of death, there is a provision, section 97 of the Act, which lays down categorically that appointments to the Indian Civil Service shall be made solely and only on the ground of merit as testified to by examiners in open competitive examination. There is no ambiguity at all about it, and my Honourable friend, the Home Member, and many other distinguished members of that service are here, because they have passed one of the stiffest examinations in the world. And they want now to leave as their successors men who dare not compete with our sons in their own country, in an examination conducted in their own language, and in subjects prescribed by their own examiners. I want to put it to every Indian sitting in this House, whether on that side of the House, or on this side, including the Honourable the Law Member and the Honourable the Railways Member, this question. Your son, his son, and anybody else's son or brother may go to England, defeat the Englishman in the examination, come out first, but he shall not be selected, because his skin is brown or black, but a Tom, Dick or Harry, who cannot hold his own with the sons of my country, will be selected because, forsooth, they must have so many Europeans whether they are qualified for this post by examination or not. That raises a fundamental question. I can understand the Government turning round and saying, " We have conquered this country by the sword. You are not able to drive us out today. Therefore, we propose to have some spoils of war and give them to our sons ". That, I can understand, but the civil service have claimed, and so far, in my opinion, rightly, that they are here, because of their superior efficiency, and that this country needs the services of an efficient civil service. Very good. Apart from the racial argument involved in that, granting that you want efficient men, how are you to secure that efficiency by appointing to these places, men who admittedly cannot compete successfully with Indians, in common open examination and want to be nominated ?

Now, Sir, the communiqué is very significant. I want to raise one general point, if I may ; Government may answer it, or may not answer it. They have a funny habit of publishing important communiqués a few days after this House rises, finishing its Session, and passing final orders thereon, before we meet again. That probably is the reason why myself and my Honourable friends have to apologise to you and the House for the large number of adjournment motions. If, normally, they discharge their functions from time to time, we will deal with them, while we are in Session, but this was published on the 27th April, and this is the first time we meet after that. The communiqué explaining that says, " Experience has shown that the system has been defective in two respects. Too few vacancies have been available for competition at the Delhi examination ".

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Who complained of that ? Our boys are willing to go to London, spend their money, compete with you in your own soil, pass your examination and defeat you. And you shed crocodile tears that the Delhi examination is not large enough for vacancies in this country ! And then they say, " It has not been possible to obtain from the London examination the required number of European recruits ". I want to know what is meant by that phrase, " required number ". I agree that 50-50 per cent. was prescribed in the belief that the sons of England will be able to compete with us, and get at least this fifty per cent. seats. But these gentlemen who have lost the art of government seem also to have lost the art of passing competitive examinations. You will notice from the figures given in a recent issue of the *Manchester Guardian* that in 1925 there were 71 Europeans and 62 Indians—that is, for the London Examination—in 1926 it was 93 Europeans and 90 Indians. Then the Europeans went on increasing for some time, but the Indians went on much more rapidly increasing, and naturally in 1933 there were 99 Europeans and 229 Indians, in 1934, 85 Europeans and 262 Indians, and in 1935, 83 Europeans and 251 Indians. Fair field and no favour. We go and beat you, and you turn round and say, " Because you are cleverer than we, we shall appoint men who are dullards in our homes and who cannot compete at the open examination ". I may be told that they are Honours Graduates of certain universities. Granted that, but if my men are not only Honours Graduates, but also beat them at an examination, *ex hypothesi* they are better, and why do you then recruit these people ?

Then they take advantage of the new Government of India Act, section 244. I want to tell those of my Honourable friends who say to us constantly that this Act means a new heaven and a new earth, and that we should work this Act for all it is worth, lest we should lose the benefits thereof—I want to tell them that the first fruit of passing an Act of this kind is that they can do what they cannot do, under the Act of 1919. Section 244 gives this power to the Secretary of State.

But the narrow issue I want to raise on this question particularly is what is the part which the Government of India had played in this matter. Were they consulted about it ? Did they protest against it ? Did they agree with this ? If they agreed, what are their reasons ? I cannot, I dare not pierce through the Cabinet secrets of the Viceroy's Executive Council, but I think that the House would very much like to know what the Law Member and the Commerce Member,—both of them Indians, and I sincerely hope, patriotic Indians,—thought of these nefarious attempts to deprive Indians of their hard-earned rights of filling fifty per cent. of a service in their own country, not as a favour but as a result of passing a highly difficult competitive examination. The next point I want to make is this. You may go round and round, and I know there are difficulties in examinations. They do not always yield satisfactory results, but the experience of all civilised countries has shown, and I would ask my Honourable friends to read this book, *Civil Service in the Modern State*, by Leonard de White, who, giving the conditions of recruitment to the civil service and others in all countries, European countries and in Japan, comes to the conclusion that " universal agreement is in favour of open competitive examination as the safest mode of recruitment ". If you are going to dispense with it in England, may I know the reason why



you want to keep up this number, in spite of the fact that they do not come up to the standard? Moreover, I should like to know why, if the Government thought this was a proper system, they did not consult this Honourable House and get their opinion on this matter. We are told frequently that we are non-co-operating, that they are dying for co-operation, that they only want to know our opinions, and that they will oblige us in all matters which commend themselves to them. I should like to know why the Government did not consult this House on this matter and convey our opinion to the Secretary of State. I want to tell the Government that, if they acquiesce in this and if this goes on your standards will go down. There will be a new caste system in the Indian Civil Service—(An Honourable Member: “There is already one.”)—yes, Indian *versus* European, there will be a new caste system, namely, the nominated element, and the element which comes in by competition and examination. And do you think it will tend to the solidarity or efficiency of the service that you should have a class of superior men who rather think of themselves as superiors because they have gone through a stiff competitive examination, as against those who have come in by the backdoor of nomination? But why is this 50 per cent. sacrosanct? I agree, they have recommended that and they have accepted it, but surely in a country like India, as our Leader explained some time ago, there is no such thing as Indianisation of services. The service belongs to us, and we pay, and if Indians can get in through the open door of competition, why should they not? But, Sir, the reason is given by two men, who, though no longer with us, have a great deal to do with us. Lord Willingdon, although he has left our shores, has not left us yet; and he goes to London and tells the admiring boys who are to be recruited for the Indian Civil Service, “I can say with some knowledge of India that this service will go on for a great many years, because the Indian people want you to stay”. May I know who are these Indian people? I should like to know why Government did not consult this House, and find out what the Indian people want. Another gentleman who occupied the Home Member’s place, Sir James Crerar, was still more explicit. In a very expansive mood he said, “Of course the Government of India Act is there but in every country the civil service dominates the execution of policy and also the laying down of policy and I know that the Indian Civil Service will have a great deal to do with the laying down of policy”. Therefore, they are anxious that, whatever the form of this Government of India Act may be—it is bad enough in all conscience,—even the little transference of power shall be made nugatory by these gentlemen. They are not to carry out the policy of popular ministers, but to seek to impose their policy upon them. That is why they want to keep this European element. I submit that this is an attempt to force down on India a number of less competent Englishmen as against more competent Indians, and it ought to be resented by every self-respecting Indian in this House. I am not raising the question from any communal point of view at all. We have our own difficulties. We shall have to accept the system in India, so long as we do not agree to give it up; but I beg of my friends not to walk into *this* parlour. In the All-India Examination in London, there is no communal barrier. All Indians go there, Hindus, Mussalmans and Christians, have gone there, and have distinguished themselves.

There is another aspect of this communiqué, I want to say a word on. Till now, Indians can go to London and sit for the examination, straight-



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away, but, hereafter, an Indian can sit for the examination—they make an exception of one or two years, on account of the transitory provisions—only after spending two years in a British University. That is to say, the privilege which our sons and brothers enjoy today of walking straight up to London and sitting for the examination is taken away, and, they have got to spend two years in a British University. They not only want to recruit Europeans who do not compete successfully in the examination, but they also want to make it difficult for the few Indians who may come, by insisting on this qualification. For these two reasons, I think this communiqué ought not to be supported by this House, and I am bringing it up as a friendly motion. I want the Government to support it. If it was an honest Government, a responsible Government, and an Indian Government and not the Secretary of State's foot-stool, they ought to get up and support this motion. I was agreeably surprised this morning by the Honourable the Home Member saying "I do not object". I want him to complete the good work by getting up and accepting this motion, because that is the only way to prove that he represents a genuine, honest and honourable Government of India. This communiqué raises the question of Indian *versus* non-Indian, of merit *versus* nepotism, of qualifications *versus* race. There is no need for it, and it will have disastrous consequences, not the least of which will be that Great Britain which boasted that she sends her best till now to govern this country is now compelled to send her the second best (*An Honourable Member* : "Not even the second best."). I give her the benefit of the doubt.

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

**Mr. S. Satyamurti** : I will finish with one or two sentences. I hope all sections of this House will help us to pass this motion, and strengthen the feeling which exists among all Indian parties and communities that, on this question of India *versus* non-India, we are all united. This morning we mourned the death of Sir Fazl-i-Hussain. As one who knowing something about him from his most intimate associates, I can say that in this matter of Indian *versus* non-Indian, Sir Fazl-i-Hussain was the tallest of us all. Let us all honour his memory by supporting this motion. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

"That the House do now adjourn."

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhamadan Rural) : The motion of adjournment moved by my Honourable friend, Mr. Satyamurti, this afternoon, no doubt, gives him the coveted first position in the long list of motions of adjournment tabled this Session. But if we go carefully through the subject matter of the motion, we will find that it is much ado over nothing. Sir, the circular of the Secretary of State which is sought to be condemned by this motion is before me, as it is before my honourable friend, and on going carefully through the circular I find that there is nothing objectionable in it. I shall explain just now how it is not objectionable. The only important change which it seems to introduce is that the deficiency in the recruitment of European candidates for the I. C. S. should be remedied, or supplemented, by means of a selection through a properly constituted

selection board. (*An Honourable Member* : "Jobbery.") I do not think that competition is a very proper method for selecting persons for the services.

**Mr. S. Satyamurti** : Nor election. You only want nominations ?

**Sir Muhammad Yakub** : You can in every case get an equally qualified man by nomination. (Interruptions.) I cannot be bullied in this way. You know that I do not care for these interruptions and I cannot be disturbed at all.

Now, Sir, the question that the number of Europeans and Indians in the I. C. S. should be 50-50 was decided ten years ago and my friend, Mr. Satyamurti, cannot condemn the Government for that decision today by moving a motion of adjournment.

**Mr. S. Satyamurti** : Why not ?

**Sir Muhammad Yakub** : Because it is not a matter of recent occurrence. That decision was arrived at ten years ago. Sir, even if we go into the merits of the case, what do we find. If we examine the large number of applications which are made every day in our Courts for the transfer of cases, we find that in almost all applications, in cases relating to communal riots, and of religious character the parties, whether they are Hindus or Mussalmans, want that their case should be tried by an European officer. (*Cries of "Shame"*.) Of course we ought to be ashamed of it, but facts are facts, and they cannot be denied. Whether it is a case of a mosque or a burial ground, in 99 per cent. of the cases, the parties want their case to be tried by an European officer. This is a matter for shame and we must hang our heads down but it cannot be helped. As long as religious feelings are so high in this country, as long as there are communal riots, as long as there is Shahidgunj and Ajodhia, so long we must have a sufficiently large number of European officers in the cadre of the I. C. S. (*Cries of "Shame."*)

Not only that but even in the case of police investigations, the parties always say that we must have a European officer to investigate their case because the Sub-Inspector is a Hindu and the Inspector is a Mussalman, the one is siding with the Hindus and the other with the Muhammadans. It is a great shame that it is so, but the facts are there and must be faced. Every year, on the occasion of the Id-uz-Zuha, cases of sacrifice are brought before the Courts and every time applications are made that they should not be tried by a Mussalman or by a Hindu, therefore, we must have a sufficiently large number of European officers in the cadre of the I. C. S. (*Mr. D. K. Lahiri Chaudhury* : "Do you think that is the only remedy ?") Of course, that is the only remedy. The other remedy would be that we, who belong to the minorities in India, should go bag and baggage out of this country and leave you alone to bathe on the banks of the Ganges.

Now, the question is that if we cannot get an equal number of European officers to fill the vacancies in the I. C. S., how is this deficiency to be made up ? The method of selection is not new or a novelty in this country. We have already got the Public Service Commission and we see that a very large number of candidates for important and responsible posts is recruited through selection which is made by the Public Service Commission and no objection has ever been raised that the candidates who are selected by the Public Service Commission are in any way inferior

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to the candidates who pass through a competitive examination. On the other hand, there is a big volume of opinion in this country, and the majority of Mussalmans in India, I can say from the floor of this House, are of opinion that the machinery of open competitive examinations for selecting candidates for responsible public services is not very efficient and very desirable, and the results have shown that the candidates who were selected by the Public Service Commission have not in any way proved to be inferior. Even in the case of the I. C. S. candidates we see that the minority candidates—the Mussalmans, the Sikhs and the Parsis—if their number is not sufficient through the competitive examination, they are, even today, selected by the Public Service Commission. That is a selection and I make bold to say that the young men who were selected by the Selection Board have not proved themselves an inch inferior to those who passed the open competitive examination. Sir, what is a competitive examination? What does it show? Of course, it shows that a young man is a very good book crammer, that he has got some knowledge of mathematics and a certain knowledge of history. I must say that all this knowledge in the case of certain branches of public services is of the least importance. We know that many Indians who were in the services of the country before this wretched system of competitive examination was introduced in India were much superior in intellect, in their capacity for administrative work and in every other way to some of the officers who are now recruited through the competitive examination. Here is my friend, Mr. Shaukat Ali, if we had recruitment through competitive examination in those days, how could he get his post? (*Moulana Shaukat Ali*: "I would have passed the examination.") We all know that he proved himself an efficient opium officer. If the system of selection has proved efficient in India, if the system of selection by a competent Board has proved successful in the case of Indian recruits to the I. C. S. in this country, I do not think how you can object to the adoption of the same system in the case of European candidates in England. Again, Sir, my friend, Mr. Satyamurti, objected to our students not being eligible to appear for the I. C. S. examination in London. Well, Sir, I should like to remind him that it was the Congress which at first complained about the Civil Service Examination being held only in London and not in India. It was the Congress which was crying for years and years that we should have simultaneous civil service examination in this country because they said that our country was poor and could not afford to send her sons to England. They also said that when our youths stay unprotected in England, they sometimes go astray. Many objections were raised by the Congress to the Indians going to England for appearing in the Public Services Examinations. The Congress advocated that the Indians should be made to appear for the Civil Services Examination in their own country. Now, Sir, when this request is acceded to and when the Government have adopted the same course which the Congress advocated 20 years ago, here comes my friend, the great champion of the Congress cause, and he condemns the Congress Resolution and he condemns the old stalwart leaders of the Congress and says: "We want our boys to go to England". What a pity! What a paradox! He also complained why people are compelled to stay in England for two years. Now, if we want to send our sons to England, it is because they should get into the English life; they must broaden

their vision. They should polish their manners. If they are not allowed to stay there even for two years, what will they learn? What is the use of sending them to England at all? Give them sufficient time to stay there and to imbibe what is best in the English education, in the English universities and in the English life. We do not want them to come back as they went. In the language of a Persian poet :

“ Khare isa agar be Mecca rawad

Chun biayad hinoz khar bashad.”

If you want an Indian boy to come back as uncultured, as rough, as full of prejudices as he was before he left the country, then what is the use of spending money and sending him to England?

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

**Sir Muhammad Yakub** : With these words, I oppose the motion.

**Sir Muhammad Yamin Khan** (Agra Division : Muhammadan Rural) : Sir, I do not think that there is any necessity to create any heat on a question like this. There is absolutely no reason to lose one's temper and there is no necessity for any excitement. Here we have to see whether India stands to gain by this settlement or whether she is going to lose thereby. If India loses by this settlement, then it is up to every Indian Member in this House to support the motion of my Honourable friend, Mr. Satyamurti. If, on the other hand, India has gained by this settlement, then every patriotic Indian should oppose this motion for adjournment. It is only from this aspect that we have to look into the settlement arrived at. As my Honourable friends are aware, up till 1920, there was no ratio fixed for Indians to get into the Indian Civil Service. Practically this office was reserved for the English people except the few Indians who could afford to go to England and sit for the competitive examination held in London. The result was that very few Indians used to go to England to sit for the competitive examination. The number of Indians in the Indian Civil Service was therefore very poor. This question was raised and the Assembly which had come into being in 1921 began to exert its influence on the Government that the arrangement for holding the examination only in England was not desirable and on account of pressure of public opinion and on account of pressure from the Legislature, the Government entered into a new settlement. A Committee was appointed which drafted a report that fifty per cent. Indians should be recruited. How can you possibly have fifty per cent. Indians if you only hold the examination in London? So there must be a device by means of which we should have the desirable effect, that is of having fifty per cent. Indians. Therefore, a settlement was arrived at, by which there was to be a competitive examination in London in which Indians and Englishmen could both compete and if any Indians did not get through to fulfil their proper quota of fifty per cent., then an examination was to be held in Delhi in order to give facility to Indian boys who are brilliant but cannot afford to go to London to sit for the competitive examination, to come in in the Delhi competitive examination. It was only in order to provide facilities for middle class Indian boys who could not afford to go to England that the Delhi examination was instituted. Up to the present time the system in vogue is this. After the competitive examination in England, whatever quota

[Sir Muhammad Yamin Khan.]

remained for Indians to fulfill the fifty per cent. basis was recruited through the competitive examination in Delhi. This gave a loophole for those Indian boys who did not succeed in the Delhi examination to go to London and try their chance. For the Delhi examination, the age limit for the Indian boys is that they should not have attained more than 23 years on 1st January, while for the London examination, it was 24 years on 1st August. This was a great handicap for the Indian boys sitting at the Delhi competitive examination. Most of the boys who do not succeed in the Delhi examination or who have just exceeded their age limit for the Delhi examination had to go to London to compete for the examination there. This acted as a great disadvantage to many Indian boys competing in the Delhi examination, because those who could afford to go to London had a chance till they were 24 years of age, while those boys who could not afford to go to England had no opportunity to compete for the examination beyond 23 years of age. It was thought that for the sake of uniformity, the age limit should be fixed at 24 both for the London examination and for the Delhi examination. Now the same facilities are intended to be given to Indian boys and English boys up to 24 years of age. By the settlement already arrived at, you have got the fifty per cent. quota for Indians by examination in Delhi. Therefore we must stick to the promise we gave at that time. But we are not bound by that promise for ever. As you find Indian boys are coming in larger numbers and that they are quite efficient, then that settlement could be revised. But as long as that settlement stands you have to abide by it. Now that settlement gives you fifty per cent. and it is for you to devise ways and means of getting it, either through competitive examination in Delhi as well as in London or largely through competitive examination in Delhi and in less number through the London examination. The balance of fifty per cent. quota is left for English boys and you must leave it to the authorities in England to make up this quota in whatever way they like. You must leave it to their choice to select either by competitive examination or by nomination. As long as the boy selected is quite efficient and able to discharge his duties as an administrator, it does not matter by what door he comes, either by competitive examination or by nomination. I want to be quite frank about this. I do not think that mere examination makes a man an efficient administrator. Here we do not want clerks, we do not want university professors, we want administrators. The people who are selected for this Indian Civil Service have to administer districts. I do not care whether they pass any competitive examination or not. I only want them to be tactful and be able to handle situations properly in the district. I am wholeheartedly for the principle that proper ratio should be fixed for the nomination, for it is very seldom you get suitable candidates through competitive examinations. (Laughter.) I have seen that a man who comes by competitive examination is not able to handle difficult situations in the districts and he is least fit person to be entrusted with administrative duties. I think on account of this position India is benefiting and everything will be lost if the compromise that was entered into in 1925 be done away with. If my Honourable friends want that the examination in London should be open to Indians as well as to Englishmen, the necessary corollary will be that the examination in Delhi will be open to Englishmen as well as to Indians which we do not

want. Therefore you cannot have a " Heads, I win, tails, you lose " policy. India is gaining by this arrangement rather than losing anything. So I oppose this motion.

**Sardar Sant Singh** (West Punjab : Sikh) : Sir, when I heard the two Knights from Moradabad and Meerut, advancing the argument that competitive examination only produces persons who know how to speak and do not know how to administer the country, I was looking at the products of the competitive examination on the front benches,—the Honourable the Home Member, the Defence Secretary, and other Honourable I. C. S.'s sitting there. I should like to know from them how they felt then. I happen to agree with my Honourable friend, Sir Muhammad Yamin Khan, on this point that the way in which the products of this competitive examination from England have behaved towards India goes to show that they are absolutely bad administrators. If a Mussolini is to be born on the borders of India and begins to search for a pretext to come and conquer India on the ground that the Indian administration is a barbarous one, nothing can give him a better excuse than this fact that they are substituting a system of nomination for competition in their services. If the whole of the civilised countries of the world agree that the best administrators can be had by the system of competitive examination, it is left to India alone to change the system from competition to nomination. I am rather glad at this communiqué which has been issued from Whitehall. After all, England has learnt a lesson from India, and that lesson is that nominations are better than this competition. If nominations were not better, our friend, Sir Muhammad Yamin Khan, would never have been nominated to the Council of State. (Laughter.) If it were not better than competition, many of our Honourable friends on those Benches would not find seats there. If nomination is not supported by these Honourable Knights, who will support it? Nobody is going to take my son in any service; the system of nomination makes it possible for the sons of Sir Muhammad Yakub and Sir Muhammad Yamin Khan to enter into Imperial Services, and so they will prefer nomination to competition.

**Major Nawab Sir Ahmad Nawaz Khan** (Nominated Non-Official) : May I ask a question? Are the Governors and the Viceroys taken by competition or by nomination?

**Sardar Sant Singh** : The question is quite relevant. At a certain stage after passing the competitive examination the principle of selection does enter and a kind of nomination does take place. But at what stage? After the product of competition has come to a stage where his capabilities have been tested and proved. All Indian Civil Service men have not attained the position of Home Member. Of course, there is a difference in capabilities, and selection does occur. But to say that from the very beginning selection should be preferable to competitive examination is to say something which no man of decency will ever support. My Honourable friend, Mr. Satyamurti, made the mistake of his life when he appealed to this side of the House on the ground that after all it is a question between Indians and non-Indians in which we should all join. May be; but once this principle of selection is introduced in the Indian Civil Service, the door will be open to some Indians to be nominated. How can they forego their personal interests in the interests of India as a whole? That they have never done in the past and they are not going

[Sardar Sant Singh.]

to do that in the future. Therefore he need not appeal to them on that ground.

**Mr. S. Satyamurti** : I will still appeal to them. I have still sufficient faith in human nature, and particularly in Indian human nature.

**Sardar Sant Singh** : My friend, Sir Muhammad Yakub, talked very eloquently on the point that in the case of communal riots all communities without exception demand trial or investigation by a European Officer in preference to their Indian brother. Why do they do so? The reason is obvious, and that is that a European, in whatever position of life he may be, will not stoop to such degradation as the Indian would. So what he does is that he makes his Indian subordinate do that which he would not do himself, in order to keep up the superiority complex of his community. The same speech which Sir Muhammad Yakub or Sir Yamin Khan has made would not have been made by any member of the European Group, not to talk of any European. The European District Magistrate will discharge the accused on the same evidence on which he will tell the subordinate Indian magistrate to convict the man. Therefore, I will submit that this principle is so vicious and so bad that no decent man can subscribe to it.

**Some Honourable Members** : The question may now be put.

**Dr. B. D. Dalal** (Nominated Non-Official) : Mr. President, in 1924, the Lee Commission laid down that recruitment for the Indian Civil Service should be on a 50 : 50 basis, that is, 50 Britishers and 50 Indians. But during recent years this proportion has not been maintained, and the Secretary of State has found it increasingly difficult to secure the full complement of British recruits. In order to remedy the under-recruitment, the Secretary of State has proposed to appoint a certain number of British candidates for the Indian Civil Service by selection. What has deterred British recruits has been an apprehension that future political developments in India might bring their careers to a premature end.

**An Honourable Member** : Then why are you so anxious to have them ?

**Dr. B. D. Dalal** : Of course no absolute guarantee can be given against this contingency. But I am convinced that India will need the services of capable and broad-minded Englishmen, and will long continue to need them. The new conditions in India require that members of the Indian Civil Service should possess special gifts of character and adaptability besides purely intellectual attainment, and they should be men of outstanding personality. Against this it may be urged that competitive examination should be preceded by selection ; but good candidates fight shy of exposing themselves to the possibility of rejection by a selection board on other than purely intellectual grounds. This selection method is not a permanent measure. So far as I know it is adopted only as a temporary measure, and it is subject to review five years after provincial autonomy has been inaugurated. In this connection may I be allowed to strike a personal chord. I am not a member of the Indian Civil Service ; but I was appointed in England by the Secretary of State for duty in India by selection, and I say this, not as a boast, but as a fact, that I have earned approval in all posts that I have held. In the light of all these considerations I see no objection to the recruitment for the Indian Civil Service by the selection method.



**Mr. M. Asaf Ali** (Delhi : General) : Sir, I move that the question be now put.

**The Honourable Sir Henry Craik** (Home Member) : Sir, this is an intricate and somewhat complicated matter and I think it is clear from some of the speeches that have been made that certain Honourable Members do not quite understand the system under which the Indian Civil Service is recruited at present and do not quite follow the reasons that have necessitated the change. I hope in the short time at my disposal to do my best to make the position clear, but of course in a matter like this it is a handicap to be limited to fifteen minutes and I can only attempt to deal with the question in the very broadest outline.

The examination in India for the Indian Civil Service was instituted in 1922. It was instituted in response to a very general and I think very reasonable demand that Indians who could not afford to go to England for their education should be allowed to compete in their own country, and that preference should not continue to be given to those candidates whose parents are rich enough to afford to send them to England. It was intended (and this was very definitely laid down when the examination in Delhi was instituted) that it should be the principal door for Indian recruitment—and I would like the House to keep that in mind—though the London examination was not closed to Indians so as to allow those who preferred and could afford an English education to enter the service. Now, what has been the result ? As a matter of fact, owing to circumstances which I will explain, the result has been that the Delhi examination has only been a very subsidiary and not the main source of recruitment for Indians. Since 1922, 94 Indians have entered the service through Delhi, whereas the number entering through London has been 194—more than double. Thus, less than a third of the total number of Indians recruited to the Indian Civil Service since 1922 have been recruited through Delhi and two-thirds through London. It is much easier for an Indian to get in through the London examination if they can afford the cost of going to England ; and every year several hundred young Indians go to England to compete in the London examination, of whom of course only a very small proportion have the faintest hope of success ; and that involves a great waste of money and is a great source of anxiety to their parents. The figures of the average of the last five years are rather striking. They show that 190 to 200 Indians compete in Delhi for three or four vacancies ; whereas in London about 240 Indian candidates compete for fifteen vacancies. Obviously the scales are weighted very heavily in favour of the London examination. This is one and perhaps the most important matter in which the present system has failed to achieve its object.

Now, the second way in which the present system has broken down is in regard to the European recruitment. As various speakers have pointed out, it was arranged in 1924 on the recommendation of the Lee Commission that recruitment should proceed at the rate of 50-50—50 Britishers to 50 Indians ; and that scheme was designed to bring about a service composed equally of Indians and Europeans by the year 1939—and I may say that there is every prospect that that expectation will be realised—that is that three years from now the service will be composed half of Indians and half of Britishers. Now, this recommendation of the Lee Commission was accepted by the Government of the day ; it was endorsed



[Sir Henry Craik.]

by the statutory commission on India ; it was discussed at the Round Table Conference and again endorsed by His Majesty's Government. It was embodied in the White Paper and it met with the approval of the Joint Select Committee. It may be taken that that fifty-fifty recruitment is the settled policy of His Majesty's Government and it is not in the least likely to be revised till the general inquiry into the problem of recruitment that is to take place at a date not less than five years after the institution of provincial autonomy. I admit that that system may not be in all respects acceptable to all shades of opinion in this House ; but there it is ; you have got to accept it and it is not open to revision as I have said till the statutory inquiry takes place. I do not propose in those circumstances to discuss its merits. We must start with that as a settled fact. I only propose to show how the present system of recruitment has broken down and has made it impossible to give full effect to that decision.

I am not going to delve into ancient history but I will take only the results of the last five years. In the last five years, we should have recruited to the service in all 350 recruits, of whom 175 or half should have been Indians and 175 or the other half should have been Britishers. What are the actual figures ? We have succeeded in recruiting, as against the 350 that we ought to have had, only 258, that is to say, there is a total shortage of 92 recruits in five years—a very serious shortage indeed. Of these 258, only 96 are English and 162 are Indians.....

**Mr. S. Satyamurti :** What is wrong with that ?

**The Honourable Sir Henry Craik :** It is wrong in this respect that we are short of our theoretical requirements by a total number of 92 candidates : we are short of our British element, according to the standards laid down, by a total number of 79, and we are short of our Indian element by a total number of 13. That is what is wrong with it.

Now, obviously that is, as the House will admit, a very serious state of affairs. It means that we are recruiting, and have been  
 5 P.M. recruiting, for 5 or 6 years, 25 or 30 per cent. below our requirements,—I am speaking of the total requirements now,—and that means that the service as a whole is very seriously undermanned. Practically every Local Government is complaining of the shortage of recruits, they say that it makes it difficult for them to find sufficiently qualified senior officers to hold what are called superior posts. It is found that even for the Centre it is now extremely difficult to get incumbents, because the provinces are so hard up that they won't let their men go. Some of the provinces have pointed out that the shortage of British recruits makes it impossible for them to provide for either branch of the service the British element that is required. The shortage,—and I am speaking now of the shortage that already accrued, not of possible future shortages,—most clearly must be made good as soon as possible if we are to avoid a serious administrative breakdown. That is why the Secretary of State has decided that the already existing shortage is to be made good as soon as possible by means of a careful system of selection. Now, apart from the serious administrative difficulties caused by the shortage of recruits, the failure of the London examination to produce the theoretical number of British recruits has had this reaction that it has in itself caused automatically a reduction in the number of vacancies available for the Delhi examination. I will explain how this comes about. Assuming

that our theoretical requirements are 40 Britishers and 40 Indians for a year but we find that we can only recruit 15 Britishers, which is a large figure in these days, then it follows that only roughly 15 Indians are taken from the London examination. That means that only very few vacancies can be offered for the Delhi examination. As a matter of fact,—even although the 50-50 ratio has not been maintained in the last few years and in fact the actual ratio has been more like one-third to two-thirds—the number of vacancies available at the Delhi examination in one year of the five fell as low as 3, and has never exceeded 5 ; that is to say, the Delhi examination has failed completely in its primary object of being the main door to Indian recruitment and of giving Indians, except those that are of the richer class, a reasonable chance of entering the service.

Now, this last result, that is to say, the breakdown of the Delhi examination, is the reason why it has been decided, as is explained in the communiqué, to limit the number of vacancies offered for competition by Indians in the London examination. It would not, for obvious reasons, be fair to close down the London examination altogether for Indians, though of course logic might suggest that course, because the Indian examination has always been entirely closed to Europeans, but it is not proposed to do that, because it would be unfair to those who can afford and who prefer to take advantage of the educational facilities available in the United Kingdom. Therefore although the number has been limited, the door has not been closed altogether.

Now, it is often asserted that the shortage of British candidates in the last few years is due to their apprehension that they would not be able to compete in a competitive examination with the better brains from India. I do not accept that as the sole or even the main reason. An inquiry has been made quite recently by the Secretary of State and by a number of gentlemen well acquainted with conditions in India in consultation with the leading University authorities at Home, and the reasons they give as having put Britishers off the competitive examination are quite different. I need not detail them, but I will mention them very briefly, first of all the uncertainty as to the future of the service in India ; secondly, the counter attractions of other services, notably the Colonial Service, and the very much larger number of appointments offered in the Home Civil Service in recent years ; thirdly, the fact that appointments to other services are generally made and filled earlier in the year than the Indian Civil Service examination. Then there is the very natural disinclination of a boy who has probably passed a very stiff final Honours examination to sit for another severe examination shortly afterwards ; and finally, there is the fact that the results of the London examinations are not announced till very late in the year, at the end of September.

As regards the comparative merits of selection and competition, that is of course a debatable question, but I may say there is no doubt that educational opinion in England is veering steadily away from competition and towards selection as the best method of recruitment. For certain branches of the Colonial Service Selection has for some years been the sole test, notably in the Sudan Civil Service, which is certainly as competent and as well staffed as the Indian Civil Service. For many of the Indian services too selection has been the sole test, and I was amused, when the Mover of this Resolution invoked the shade of the mighty dead, notably of Sir Fazl-i-Husain to support this Resolution, as it was only this year

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that Sir Fazl-i-Husain's own son has entered the Indian Civil Service by selection, and not by competition.....

**Mr. S. Satyamurti** : It proves nothing.

**The Honourable Sir Henry Craik** : Nor does your assertion prove anything.

**Mr. S. Satyamurti** : But that is another matter.

**The Honourable Sir Henry Craik** : Every year certain number of Indians are nominated to the Indian Civil Service to redress communal inequalities. At one time after the war there was an extensive appointment of Britishers by selection, and in my experience those who were selected on that occasion, of whom many have worked immediately under me, are better than the competitioners of any years since the war.....

**Mr. S. Satyamurti** : Then you had better go Home first !

**The Honourable Sir Henry Craik** : However, I admit that that is really by the way. The reason for the shortage of European candidates is largely a matter of speculation, but the result of that shortage is clear,—not only is the service seriously undermanned, but there is also the very unfortunate result that the more Indians recruited in London the smaller is the number that can be recruited in Delhi. Now, obviously it is quite impossible to contemplate with equanimity a continuous process of further deterioration in these two respects, that is to say, a constantly progressive shortage in recruitment and a progressive diminution in the number of vacancies available for Delhi examination. The conditions required for a complete solution are, of course, that we should secure the total number of recruits of both classes required, secondly, that the proportion of European recruitment should be maintained as laid down by His Majesty's Government, thirdly, that the maintenance of the proportion of minority communities should be maintained, and lastly, that there should be recruitment by open competition in Delhi of a reasonable number of Indians. Various solutions were suggested and considered but there were pretty obvious objections to most of them, such as, for instance, of excluding Indians altogether from the London examination.

**Some Honourable Members** : The time is up.

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

**The Honourable Sir Henry Craik** : I would only take two minutes to conclude.

**Some Honourable Members** : No, that is not permissible.

**Mr. S. Satyamurti** : On a point of order, Sir. No speech shall exceed 15 minutes.—that is the rule.

**Mr. President** (The Honourable Sir Abdur Rahim) : The time limit of 15 minutes is peremptory.

**The Honourable Sir Henry Craik** : Is it completely up, Sir ?

**An Honourable Member** : He has already taken 17 minutes.

**Mr. President** (The Honourable Sir Abdur Rahim) : The time is up.

(The Honourable Sir Henry Craik then resumed his seat.)

**Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) :** I listened to the speech of the Honourable the Home Member.....

**The Honourable Sir Henry Craik :** You have only heard half of it.

**Pandit Govind Ballabh Pant :** I listened to the speech of the Honourable the Home Member with deep interest and a certain degree of curiosity in spite of the warning that had been given to us by Sir Muhammad Yamin Khan and Sir Muhammad Yakub. I know that he holds his position here by virtue of his success in the competitive examination, and I am still orthodox enough to believe that competition has some merit. So, I heard his speech with a certain degree of curiosity, as I said, mainly because I felt that the issue was so plain that nobody could ever controvert it. Therefore, I wanted to see what amount of resource and ingenuity the Honourable the Home Member could press into service in order to make out some case. I feel, Sir, that I am rather disappointed as nothing plausible even has come forward. All the same, I was struck by the revelation of wisdom which seems to have dawned on the Government of India. You, Sir, in your capacity as one of the members of the Islington Commission, are fully acquainted with the history of Services in India and the co-operation and support that the demand in this country for simultaneous examinations or for the recruitment of a larger number of Indians for superior services had received, as well as the opposition that it met with from the civil service and the bureaucracy. Knowing the stiff opposition that they had offered at every stage to the extension of the principle of simultaneous examinations, I was perplexed when I heard the Honourable the Home Member say that he was really very anxious that Delhi should be the main channel of recruitment for the superior services in India. Formerly it was argued, and I remember, you must remember it,—the evidence that was given before you by Sir William Marris, Sir John Campbell and a number of other important persons who held very honourable positions in the Indian Civil Service as to the disaster that was sure to follow if Indians were allowed to compete for the Indian Civil Service or to be recruited here for those services. So, I was rather disillusioned when I heard that now it is the wish of the Government of India that Delhi should be the main channel of recruitment.

**The Honourable Sir Henry Craik :** It was the wish of the Congress Party some years ago.

**Pandit Govind Ballabh Pant :** That channel, according to him, was meant for the children of the poor in this country. That implies that so far as the rich are concerned, those who can afford, even when Delhi was adopted as one of the centres for recruitment, it was expected and it was implicit in the arrangement that a large element of such Indians would still continue to be returned through the London channel. Sir, the argument has been put forward that 50-50 ratio of the Lee Commission should hold. I do not know what is exactly meant thereby. I remember that the Lee Commission offered passage allowances, special allowances and several other things, and it was thought that in the new dispensation in order to attract Britishers to the services here they should be given everything that could be exacted out of the toiling millions in this country. But still it seems that the wishes of those who want to dominate and carry on the exploitation of this country without any sort of restriction or

[Pandit Govind Ballabh Pant.]

restraint have not been fulfilled. May I remind the Honourable the Home Member that even when the 50-50 arrangement was made there was a provision in the Act itself that all members of the Indian Civil Service in England would be recruited by means of a competitive examination. So, what is to hold the field? The Act or the executive order? What was to be the domineering factor? In fact, what was arranged was this that subject to the provisions of the statute 50 per cent. would be allowed entry into the services here. Of course, that arrangement was never expected or intended to over-ride the express provisions of the Government of India Act, 1919. And when the British recruits cannot fulfil the condition laid down in this statute, we should not be punished on that account. When you fail to fulfil your part of the bargain the 50 per cent. arrangement falls through and it does not hold water. Who is to blame for it? You are unable to fulfil your condition, the condition laid down in the statute book and you must bear the consequences. If a man were to enter into an agreement with me, that he puts in Rs. 50 and I put in Rs. 50 and we are to carry on as partners, if the other partner is unable to fulfil his part of the agreement, am I to blame for it? Who is responsible for it? I submit that if the 50 per cent. arrangement has not been fulfilled and has broken down, then the responsibility rests on their shoulders, and there is no reason why India should suffer on account of their inability and incompetence to supply the proper kind of men for the administration of this land.

The other day I was reading the Round Table Conference Report, and this is what the Chairman of the Services Committee said :

" If you consider that it is desirable to retain a European element in the Services, at any rate for a limited time, you will probably all agree that you must get the right type of European element. It is no good unless you get them ' out of the top drawer '. Therefore you will have to consider what steps must be taken to ensure this. The principle applies not only to the European recruitment, but to the Indian recruitment too ; you want to get that ' out of the top drawer '."

Instead of the top drawer you are getting them out of the gutter drain, so we do not want them. If you want to have Europeans here then you may carry on in your own way, but why try and deceive us by saying that we are bound by an agreement when you are unable to carry out your part? The Honourable the Home Member told us that it was in the interests of India that this new arrangement had been made. I will read what his master the Secretary of State said as to why this change had been made. He said :

" In order to remedy the under-recruitment of Europeans for the Indian Civil Service which has occurred in recent years, the Secretary of State proposes to begin selecting this year a certain number of candidates for admission to the Service otherwise than by written competitive examination."

It is no good telling us that this change has been made in our interest. In fact, Mr. Churchill welcomed this innovation and congratulated the Secretary of State for this change. You are all aware that for several years Sir Samuel Hoare and other British statesmen had been bewailing the circumstance that British recruits were not available for service in this country in adequate number. Even according to the figures given by the Honourable the Home Member, we find that 50 per cent. of the total

number, that could have been recruited, is actually held by Indians. So, the change is not needed for our benefit. It is in the interest of Britishers. I will remind the Honourable the Home Member of what one of his countrymen said on an occasion like this. As Honourable Members are aware the age limit for entry into the Civil Service was reduced on several occasions with a view to keep out Indians. Once this question was being argued in the House of Commons when Lord Salisbury remarked 'What is the use of all this political hypocrisy'. I would remind the Honourable the Home Member of what Lord Salisbury said. So long as you have got the power you will continue to exact the last pie from us and as you cannot get men through the competition, you want to have the backdoor in order to enable the dunce to get in. The issue is plain enough and I put it before the House. The issue is this. These people who are being recruited are to serve in our country. They are to receive as salary the money raised by way of taxation from our people. Now, Sir, the Indians had the natural and inherent right to be recruited to this Indian service to the exclusion of every other stranger, including the Britisher. We were always told that competition was the best method and that the examination was open to all Indians. Now, it has come to this, that for service in our country, where payment is to be made out of money raised from our people, when Britishers of the required standard are not available, then in order to shut out Indians, incompetent Europeans should be recruited so that they may have....

**The Honourable Sir Henry Craik :** Why incompetent ?

**Pandit Govind Ballabh Pant :** Why incompetent, because I believe the Honourable the Home Member does not consider himself incompetent and he was recruited through competition. If he says that he is incompetent, I will revise my opinion I know he will not confess that. If nomination is the best method, why does not the United Kingdom adopt it for its own people ?

**The Honourable Sir Henry Craik :** It does.

**Pandit Govind Ballabh Pant :** I have got before me the manual. It says that recruitment to the British Civil Service is made only through competitive examination and not otherwise. It is so in Canada, Australia and in other countries in the world. I am a bit suspicious when people tell me that they give us the best of both worlds and that they keep for themselves the worst of both. I am aware of the Honourable Member's paradise—he holds that Andamans is a paradise. He may say that competition is worse than nomination but taking things generally, that is rather an opinion which would ordinarily be regarded as perverted. There is no question here of communal representation. We are not questioning the method of recruitment in this country. The simple question is this : whether Indians desire that incompetent Britishers who cannot compete with Indians in a common examination, in their own country, conducted in their own language, in the midst of alien and uninviting surroundings, should be allowed to oust Indians with whom they cannot compete in the examination. That is the issue and I hope the House will clearly understand its implications. Are we going to tell them that we are willing to have good, bad and indifferent (in this case, bad and indifferent) recruits to be foisted on this country. Let the

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Members of this House remember that this arrangement has been devised in order to keep out Indians who can successfully compete with the Britisher in the examination. Our men, however, know how to beard the lion in his own den and will continue to do so hereafter in spite of all subterfuges.

**Several Honourable Members :** The question be now put.

**Mr. President (The Honourable Sir Abdur Rahim) :** The question is that the question be now put.

The Assembly divided :

**AYES—56.**

Abdullah, Mr. H. M.  
Asaf Ali, Mr. M.  
Ayyangar, Mr. M. Ananthasayanam.  
Azhar Ali, Mr. Muhammad.  
Badrul Hasan, Maulvi.  
Bhagavan Das, Dr.  
Chaliha, Mr. Kuladhar.  
Chettiar, Mr. T. S. Avinashilingam.  
Das, Pandit Nilakantha.  
Datta, Mr. Akhil Chandra.  
Desai, Mr. Bhulabhai J.  
Deshmukh, Dr. G. V.  
Essak Sait, Mr. H. A. Sathar H.  
Gadgil, Mr. N. V.  
Ghiasuddin, Mr. M.  
Giri, Mr. V. V.  
Govind Das, Seth.  
Gupta, Mr. Ghansham Singh.  
Hans Raj, Raizada.  
Hosmani, Mr. S. K.  
Ismail Khan, Haji Chaudhury Muham-  
mad.  
Jedhe, Mr. K. M.  
Jogendra Singh, Sirdar.  
Joshi, Mr. N. M.  
Kailash Behari Lal, Babu.  
Khan Sahib, Dr.  
Khare, Dr. N. B.  
Lahiri Chaudhury, Mr. D. K.

Lalchand Navalrai, Mr.  
Maitra, Pandit Lakshmi Kanta.  
Malaviya, Pandit Krishna Kant.  
Mangal Singh, Sardar.  
Mudaliar, Mr. C. N. Muthuranga.  
Muhammad Ahmad Kazmi, Qazi.  
Murtuza Sahib Bahadur, Maulvi Syed.  
Paliwal, Pandit Sri Krishna Dutta.  
Pant, Pandit Govind Ballabh.  
Parma Nand, Bhai.  
Raghbir Narayan Singh, Choudhri.  
Raju, Mr. P. S. Kumaraswami.  
Ranga, Prof. N. G.  
Saksena, Mr. Mohan Lal.  
Sant Singh, Sardar.  
Satyamurti, Mr. S.  
Sham Lal, Mr.  
Shaukat Ali, Maulana.  
Shoodas Daga, Seth.  
Siddique Ali Khan, Khan Sahib  
Nawab.  
Singh, Mr. Ram Narayan.  
Sinha, Mr. Anugrah Narayan.  
Sinha, Mr. Satya Narayan.  
Sinha, Mr. Shri Krishna.  
Som, Mr. Suryya Kumar.  
Sri Prakasa, Mr.  
Umar Aly Shah, Mr.  
Varma, Mr. B. B.

**NOES—53.**

Abdul Hamid, Khan Bahadur Sir.  
Acott, Mr. A. S. V.  
Ahmad Nawaz Khan, Major Nawab  
Sir.  
Ahmed, Mr. K.  
Ayyar, Diwan Bahadur R. V. Krishna.  
Bajoria, Babu Baijnath.  
Bajpai, Sir Girja Shankar.  
Bhagchand Soni, Rai Bahadur Seth.  
Bhat, Mr. M. D.  
Buss, Mr. L. C.  
Chapman-Mortimer, Mr. T.  
Craik, The Honourable Sir Henry.  
Dalal, Dr. R. D.  
Das-Gupta, Mr. S. K.  
Dey, Mr. R. N.

Fazl-i-Haq Piracha, Khan Bahadur  
Shaikh.  
Ghuznavi, Sir Abdul Halim.  
Grant, Mr. C. F.  
Griffiths, Mr. P. J.  
Grigg, The Honourable Sir James.  
Hidayatallah, Sir Ghulam Hussain.  
Hudson, Sir Leslie.  
James, Mr. F. E.  
Jawahar Singh, Sardar Bahadur  
Sardar Sir.  
Khurshaid Muhammad, Khan Bahadur  
Shaikh.  
Lloyd, Mr. A. H.  
Metcalfe, Sir Aubrey.  
Milligan, Mr. J. A.

## NOES—53—contd.

Morgan, Mr. G.  
 Mudie, Mr. B. F.  
 Mukherjee, Bai Bahadur Sir Satya Charan.  
 Murid Hossain Qureshi, Khan Bahadur Nawab Makhdum.  
 Naydu, Diwan Bahadur B. V. Sri Hari Rao.  
 Noyce, The Honourable Sir Frank.  
 Rajah, Rao Bahadur M. C.  
 Rau, Mr. P. S.  
 Robertson, Mr. G. E. J.  
 Roy, Mr. S. N.  
 Sarma, Sir Srinivasa.  
 Scott, Mr. J. Ramsay.

Sen, Mr. Susil Chandra.  
 Sharma, Mr. D.  
 Sher Muhammad Khan, Captain Sardar.  
 Singh, Bai Bahadur Shyam Narayan.  
 Sircar, The Honourable Sir Nripendra.  
 Spence, Mr. G. H.  
 Thorne, Mr. J. A.  
 Tottenham, Mr. G. R. F.  
 Witherington, Mr. C. H.  
 Yakub, Sir Muhammad.  
 Yamin Khan, Sir Muhammad.  
 Zafrullah Khan, The Honourable Sir Muhammad.  
 Ziauddin Ahmad, Dr.

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question now is :

“ That the Assembly do now adjourn.”

The Assembly divided :

## AYES—56.

Abdullah, Mr. H. M.  
 Asaf Ali, Mr. M.  
 Ayyangar, Mr. M. Ananthasayanam.  
 Azhar Ali, Mr. Muhammad.  
 Badrul Hasan, Maulvi.  
 Bhagavan Das, Dr.  
 Chaliha, Mr. Kuladhar.  
 Chettiar, Mr. T. S. Avinashilingam.  
 Das, Pandit Nilakantha.  
 Datta, Mr. Akhil Chandra.  
 Desai, Mr. Bhulabhai J.  
 Deshmukh, Dr. G. V.  
 Essak Sait, Mr. H. A. Sathar H.  
 Gadgil, Mr. N. V.  
 Ghiasuddin, Mr. M.  
 Giri, Mr. V. V.  
 Govind Das, Seth.  
 Gupta, Mr. Ghansham Singh.  
 Hans Raj, Raizada.  
 Hosmani, Mr. S. K.  
 Ismail Khan, Haji Chaudhury Muhammad.  
 Jedhe, Mr. K. M.  
 Jogendra Singh, Sirdar.  
 Joshi, Mr. N. M.  
 Kailash Behari Lal, Babu.  
 Khan Sahib, Dr.  
 Khare, Dr. N. B.  
 Lahiri Chaudhury, Mr. D. K.

Lulchand Navalrai, Mr.  
 Maitra, Pandit Lakshmi Kanta.  
 Malaviya, Pandit Krishna Kant.  
 Mangal Singh, Sardar.  
 Mudaliar, Mr. C. N. Muthuranga.  
 Muhammad Ahmad Kazmi, Qazi.  
 Murtuza Sahib Bahadur, Maulvi Syed.  
 Paliwal, Pandit Sri Krishna Dutta.  
 Pant, Pandit Govind Ballabh.  
 Parma Nand, Bhai.  
 Raghbir Narayan Singh, Choudhri.  
 Raju, Mr. P. S. Kumaraswami.  
 Rauga, Prof. N. G.  
 Saksena, Mr. Mohan Lal.  
 Sant Singh, Sardar.  
 Satyamurti, Mr. S.  
 Sham Lal, Mr.  
 Shaukat Ali, Maulana.  
 Sheodass Daga, Seth.  
 Siddique Ali Khan, Khan Sahib Nawab.  
 Singh, Mr. Ram Narayan.  
 Sinha, Mr. Anugrah Narayan.  
 Sinha, Mr. Satya Narayan.  
 Sinha, Mr. Shri Krishna.  
 Som, Mr. Suryya Kumar.  
 Sri Prakasa, Mr.  
 Umar Aly Shah, Mr.  
 Varma, Mr. B. B.

## NOES—51.

Abdul Hamid, Khan Bahadur Sir.  
 Acott, Mr. A. S. V.  
 Ahmad Nawaz Khan, Major Nawab Sir.  
 Ahmed, Mr. K.  
 Ayyar, Diwan Bahadur B. V. Krishna.

Bajpai, Sir Girja Shankar.  
 Bhat, Mr. M. D.  
 Buss, Mr. L. C.  
 Chapman-Mortimer, Mr. T.  
 Craik, The Honourable Sir Henry.  
 Dalal, Dr. E. D.



## NOES—51—contd.

Das-Gupta, Mr. S. K.	Naydu, Diwan Bahadur B. V. Sri
Dey, Mr. B. N.	Hari Rao.
Fazl-i-Haq Piracha, Khan Bahadur	Noyce, The Honourable Sir Frank.
Shaikh.	Rajah, Rao Bahadur M. C.
Ghuznavi, Sir Abdul Halim.	Rau, Mr. P. S.
Grant, Mr. C. F.	Robertson, Mr. G. E. J.
Griffiths, Mr. P. J.	Roy, Mr. S. N.
Grigg, The Honourable Sir James.	Sarma, Sir Srinivasa.
Hidayatallah, Sir Ghulam Hussain.	Scott, Mr. J. Bamsay.
Hudson, Sir Leslie.	Sen, Mr. Susil Chandra.
James, Mr. F. E.	Sharma, Mr. D.
Jawahar Singh, Sardar Bahadur	Sher Muhammad Khan, Captain
Sardar Sir.	Surdar.
Khurshaid Muhammad, Khan Bahadur	Singh, Rai Bahadur Shyam Narayan.
Shaikh.	Sircar, The Honourable Sir Nripendra.
Lloyd, Mr. A. H.	Spence, Mr. G. H.
Metcalf, Sir Aubrey.	Thorne, Mr. J. A.
Milligan, Mr. J. A.	Tottenham, Mr. G. B. F.
Morgan, Mr. G.	Witherington, Mr. C. H.
Mudie, Mr. E. F.	Yakub, Sir Muhammad.
Mukherjee, Rai Bahadur Sir Satya	Yamin Khan, Sir Muhammad.
Oharan.	Zafrullah Khan, The Honourable Sir
Murid Hossain Qureshi, Khan Bahadur	Muhammad.
Nawab Makhdum.	Ziauddin Ahmad, Dr.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 1st September, 1936.