

Thursday, 22nd September, 1932

THE

LEGISLATIVE ASSEMBLY DEBATES

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FOURTH SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY, 1932



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Legislative Assembly.

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Deputy President :

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RAI BAHADUR D. DUTT.

Marshal :

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

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LEGISLATIVE ASSEMBLY.

Thursday, 22nd September, 1932.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

QUESTIONS AND ANSWERS.

The Honourable Sir Frank Noyce : Sir, I would again ask your permission to reply to the questions put to the Honourable the Leader of the House.

REFUSAL BY MADRAS GOVERNMENT TO FURNISH FIGURES TO THE ACCOUNTS OFFICER ATTACHED TO THE ORISSA COMMITTEE.

579. ***Mr. B. N. Misra** : Will Government be pleased to state :

- (a) if they are aware that the Madras Government did not at first furnish figures to Mr. Balvali, the Accounts Officer attached to the Orissa Committee, and that Mr. Balvali had to stay in Madras without work for a number of days on that account ; and
- (b) the number of days Mr. Balvali toured round the District of Ganjam and Vizagapatam to compile and verify the information ?

The Honourable Sir Frank Noyce (on behalf of The Honourable Sir C. P. Ramaswami Aiyar) : (a) I am not aware of any refusal or omission by the Madras Government to furnish figures. There was a slight misunderstanding touching procedure, but this was subsequently cleared up.

(b) I have no information.

Mr. B. Das : Is it not a fact, Sir, that Mr. Balvali had to wait for nearly a month in Madras and the Madras Government did not furnish him with any information until the Finance Member from Delhi telegraphed to the Finance Member in Madras to supply the information which was wanted, and then the Government of Madras gave Mr. Balvalli the information within three or four days ?

The Honourable Sir Frank Noyce : The Honourable Member will, I am sure, not expect me to furnish detailed information in reply to that question, but I understand that the delay was only a question of a few days.

Mr. B. Das : Was it not partly due to the reticence of the Madras Government to supply the necessary information as that may lead to the parting away of the northern districts of the Madras Presidency to Orissa ?

The Honourable Sir Frank Noyce : I do not think so.

Mr. B. N. Misra : Will the Honourable Member kindly inquire whether as a matter of fact Mr. Balvalli had to wait in Madras and then tour through Vizagapatam and Ganjam for about ten days, as no information was given to him by the Madras Government ?

The Honourable Sir Frank Noyce : I can see no necessity for inquiries into what is now past history.

COMPARATIVE STATEMENTS OF REVENUE AND EXPENDITURE OF THE GANJAM DISTRICT.

580. ***Mr. B. N. Misra** : Will Government be pleased to lay on the table a comparative statement of Revenue and Expenditure of the Ganjam District furnished by the Government of Madras to the Simon Commission, the figures compiled by Mr. Balvali for the Orissa Boundary Committee and the figures accepted by the Attlee Sub-Committee after due verification ?

The Honourable Sir Frank Noyce (on behalf of The Honourable Sir C. P. Ramaswami Aiyar) : The Madras Government submitted no such statement to the Statutory Commission.

For a statement of the Revenue and Expenditure of the Ganjam District the Honourable Member is referred to pages 602-603 of the Memoranda submitted by the Government of India to the Indian Statutory Commission. For the Orissa Committee's figures I would refer the Honourable Member to Appendices I and II to its report. A summary of the report of the Attlee Sub-Committee is given on pages 50-51 of Volume II of the report of the Indian Statutory Commission but I have no information of any detailed verification of figures by this Committee.

Mr. B. N. Misra : Is it not a fact, Sir, that the Madras Government also claimed relief from the contribution which the Government of India were giving ?

The Honourable Sir Frank Noyce : I would suggest to the Honourable Member that he should put down a question on that subject.

BOUNDARIES OF THE PROPOSED ORIYA PROVINCE.

581. ***Mr. B. N. Misra** : (a) Will Government be pleased to state whether they are aware of (i) the proposals of the late Lord Curzon's Government to unite Oriya-speaking tracts in 1903, (ii) the representations made by the Oriyas to the Montague-Chelmsford Enquiry in 1918-19, (iii) the Resolution of the Bihar and Orissa Legislative Council regarding the union of Oriya tracts in 1922-23, and (iv) the report of the Phillip-Duff Commission in 1924 ?

(b) Will Government be pleased to state when they are going to give their final decision about the boundaries of the Oriya Province ?

(c) Will it be at any rate before the inauguration of the new reforms ?

The Honourable Sir Frank Noyce (on behalf of The Honourable Sir C. P. Ramaswami Aiyar) : (a) Yes.

(b) and (c). The whole question is under consideration and Government are unable to make any statement at present.

Mr. Gaya Prasad Singh : Are Government aware that the Bihar and Orissa Legislative Council only recently passed a Resolution unanimously recommending that all the Oriya-speaking tracts should be united into a separate province ?

The Honourable Sir Frank Noyce : I imagine, Sir, that Government have information on that point.

Mr. Gaya Prasad Singh : Are Government aware that we, the people of Bihar, are anxious to-help our brethren in Orissa to the extent that lies in our power so that all the Oriya-speaking tracts should be united into a separate province ?

The Honourable Sir Frank Noyce : I am quite content to accept the Honourable Member's assurance on that subject.

Sir Hari Singh Gour : But who will foot the Bill for the deficit which the Simon Commission estimated might amount to about 85 lakhs ?

The Honourable Sir Alan Parsons : I may assure my Honourable friend that the Government of India will certainly have to consider that question.

Mr. B. Das : May I know if the Attlee Committee recommended that Orissa will pay its way and the O'Donnel Committee showed only a deficit of 35 lakhs ?

The Honourable Sir Frank Noyce : I am much obliged to the Honourable Member for the information.

Mr. Gaya Prasad Singh : Are Government aware that the people of Orissa do not desire any subvention from the Government, and that they are willing to run their Government from their own resources ?

The Honourable Sir Frank Noyce : I am sure my Honourable colleague the Finance Member will be glad to have that information.

Mr. B. Das : I quite agree with the sentiment expressed by my Honourable friend, Mr. Gaya Prasad Singh, and I am very grateful to him.

AVERAGE ANNUAL INCOME AND EXPENDITURE OF ANGUL DISTRICT AND GANJAM AND VIZAGAPATAM AGENCIES.

582. ***Mr. B. N. Misra :** Will Government be pleased to state the average annual income and expenditure in 1927-28, 1928-29 and 1929-30 of (a) Angul district in Bihar and Orissa, (b) Ganjam Agency in Madras, and (c) Vizagapatam Agency in Madras ?

The Honourable Sir Frank Noyce (on behalf of The Honourable Sir C. P. Ramaswami Aiyar) : I am unable to supply the information asked for by the Honourable Member as I am not in possession of the figures. A statement of expenditure of the Angul district in Bihar and Orissa is given in the Bihar and Orissa Budget estimates.

ORIIYA AND NON-ORIIYA-SPEAKING POPULATION OF ANGUL.

583. ***Mr. B. N. Misra :** Will Government be pleased to state :

- (a) the total population of Sadr Sub-division in Angul,
- (b) the number of Oriya-speaking population in Angul, and
- (c) the number of Non-Oriya-speaking population in Angul ?

The Honourable Mr. H. G. Haig : (a) 140,458.

(b) 137,508 in Angul Sadr and 170,469 in the whole district.

(c) 2,950 in Angul Sadr and 52,267 in the whole district.

Mr. B. Das : Is the Honourable Member aware that Angul is at present treated as a backward tract, and the Lothian Committee recommended that it should be treated as an advanced district ?

The Honourable Mr. H. G. Haig : No, Sir ; I am not aware of that.

Mr. B. Das : Will the Honourable Member kindly accept my statement that Angul is treated as a backward tract under the administration of the Political Department, and it should now come under the complete normal administration of the Government ?

The Honourable Mr. H. G. Haig : I was not intending in any way to question the Honourable Member's statement, I was merely declaring my own ignorance.

GRIEVANCES OF INDIANS IN MADRAS COAST LIGHT SERVICE.

584. ***Mr. Muhammad Muazzam Sahib Bahadur :** Has the attention of Government been drawn to an article under the heading " Madras Coast Light Service " which appeared in the *Swarajya* of the 2nd February, 1927 ? If so, what action have Government taken to redress the grievances of the Indians during the last five years ?

The Honourable Sir Frank Noyce (on behalf of The Honourable Sir C. P. Ramaswami Aiyar) : No, Sir. The latter part of the question does not therefore arise. I may, however, mention that the direct administration of the general lights in the Madras Presidency was taken over by the Government of India only with effect from the 1st April, 1929.

PROMOTION TO THE HEAD LIGHTKEEPER'S GRADE IN THE MADRAS PRESIDENCY.

585. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Are Government aware that three Assistant Lightkeepers in the Madras Presidency, viz., Messrs. E. Walker, A. F. Cooper and W. J. Carr were promoted as Head Lightkeepers after only a couple of years service as Assistants ? Have such promotions been given to members of other communities also ?

(b) Will Government be pleased to state the length of Light House Service which ordinarily entitles an Assistant Lightkeeper to promotion as Head Lightkeeper ?

(c) Is it a fact that a few years ago the officer controlling the Coast or General Light House establishment in the Madras Presidency issued more than one circular pointing out that promotion to the Head Lightkeepers' grade would be governed by merit and efficiency quite apart from seniority ? Have these circulars been given effect to ? If not, why not ?

The Honourable Sir Frank Noyce (on behalf of The Honourable Sir C. P. Ramaswami Aiyar) : (a) Messrs. E. E. Walker and A. F. Cooper were promoted to the grade of Head Lightkeeper in the Madras Presidency after two years' service while Mr. W. J. Carr was promoted after seven years' service. Such promotions were also given to members of

other communities. I may mention that these promotions were made prior to 1907, whereas the direct administration of the General Light-houses in the Madras Presidency was taken over by the Government of India, with effect from the 1st April, 1929.

(b) No length of service has been prescribed.

(c) The circulars to which the Honourable Member refers pointed out that seniority combined with merit and efficiency would give greater claim to promotion to the Head Lightkeeper's grade. These circulars have been given effect to.

MUSLIM ASSISTANT LIGHTKEEPERS IN THE GENERAL LIGHT HOUSES OF THE MADRAS PRESIDENCY.

586. *Mr. Muhammad Muazzam Sahib Bahadur : Will Government be pleased to state how many Muslims are now working as Assistant Lightkeepers in the General Light Houses of the Madras Presidency and what is the length of Light House service rendered by each of them ?

The Honourable Sir Frank Noyce (on behalf of The Honourable Sir C. P. Ramaswami Aiyar) : There is one Muslim serving as an Assistant Lightkeeper in the General Lighthouse Department in the Madras Presidency. His total lighthouse service amounts to a little over 22 years of which about 11 years' service has been rendered in the General Light-house Department.

APPOINTMENT OF MUSLIMS IN THE GENERAL LIGHT HOUSE SERVICE IN THE MADRAS PRESIDENCY.

587. *Mr. Muhammad Muazzam Sahib Bahadur : (a) Are Government prepared to give an assurance that one Muslim at least will be permanently appointed to any existing or next vacancy in the Head Lightkeepers' grade ?

(b) Are Government prepared to consider the desirability of maintaining at least three Muslims as Assistant Lightkeepers in the General Light House service in the Madras Presidency ?

The Honourable Sir Frank Noyce (on behalf of The Honourable Sir C. P. Ramaswami Aiyar) : (a) As I have already mentioned, there is only one Muslim Assistant Lightkeeper in the Madras Presidency. As the claims of all qualified Assistant Lightkeepers have to be considered, the Government are not prepared to give such an assurance.

(b) There are in all 25 Assistant Lightkeepers in the General Light-house Service in the Madras Presidency. The Government are prepared to consider the desirability of increasing the number of Muslim Assistant Lightkeepers in the Madras Presidency, but in view of the fact that Muslims form only a little over seven per cent. of the total population of the Presidency, they are unable to guarantee the number suggested by the Honourable Member.

COMMUNAL COMPOSITION OF CERTAIN POSTAL OFFICIALS IN THE MADRAS CIRCLE.

588. *Mr. Muhammad Muazzam Sahib Bahadur : Will Government be pleased to state the total number of appointments of Inspectors of Post

Offices and Head clerks to Superintendents of Post Offices in the amalgamated cadre of the Postal Department in the Madras circle ? How many among them are Brahmmins, Non-Brahmins, Anglo-Indians, Christians and Muslims ?

The Honourable Sir Frank Noyce : 89, of whom 50 are Brahmmins, 27 Non-Brahmins, four Anglo-Indians, six Indian Christians and two Muslims.

WAITING MUSLIM CANDIDATES FOR CERTAIN POSTAL APPOINTMENTS IN THE MADRAS CIRCLE.

589. ***Mr. Muhammad Muazzam Sahib Bahadur :** Will Government be pleased to state the number of Muslim candidates in the waiting list for appointments as Inspectors of Post Offices and Head clerks to Superintendents of Post Offices in the Madras circle ?

The Honourable Sir Frank Noyce : Five.

INADEQUATE REPRESENTATION OF MUSLIMS IN THE GRADE OF INSPECTORS OF POST OFFICES IN MADRAS.

590. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Will Government be pleased to state, what action the Postmaster General, Madras, has taken to set right the communal inequality in his circle with respect to Muslims in the posts of Inspectors of Post Offices ?

(b) How many Muslim candidates have been appointed as Inspectors of Post Offices as from the waiting list of candidates ?

(c) If no action has been taken what are the reasons therefor ?

(d) Will Government be pleased to state whether this communal inequality was brought to the notice of the Director General, Posts and Telegraphs, through the annual statements of the composition of staff sent to the Directorate year after year from the circle office ? If not, why not ?

(e) What action has been taken by the Director General to remove this inequality in the Madras circle with respect to Muslims in the posts of Inspectors of Post Offices ? If no effective measures have already been taken, what action do they propose taking now ?

The Honourable Sir Frank Noyce : (a) to (d). Government do not propose to make enquiries on the subject, since as has been frequently stated in this House, promotion from a lower to a higher grade in the Department is regulated by considerations of merit and seniority. The representation of minority communities is secured by the reservation of vacancies occurring in such posts as are filled by direct recruitment, and Government are not prepared to allow communal considerations to override all others when it is only a question of making promotions.

DEPARTMENTAL NOMINATIONS FOR THE EXAMINATION OF SUPERINTENDENTS OF POST OFFICES FROM THE MADRAS PRESIDENCY.

591. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Will Government be pleased to state when the last nominations from the departmental men were made, for the examination of Superintendents of Post Offices from the Madras Presidency ?

(b) What was the total number of these nominations and how many were Muslims among the candidates so nominated ?

(c) Will Government be pleased to state how many Muslim candidates were recommended for the above nominations by the Presidency Postmaster, Madras and by the Divisional Superintendents of Post Offices in the Madras circle ? How many of them were selected by the Postmaster-General, Madras and recommended to the Director General ?

The Honourable Sir Frank Noyce : (a) In 1930.

(b) The Postmaster General, Madras, recommended to the Director General six departmental subordinates of whom none was a Muslim.

(c) One by the Presidency Postmaster, Madras, and one by a Divisional Superintendent of Post Offices. Neither of them was recommended by the Postmaster General as the one was considered not sufficiently experienced and the other was age-barred.

DEPARTMENTAL NOMINATIONS FOR THE EXAMINATION OF SUPERINTENDENTS OF POST OFFICES FROM THE MADRAS PRESIDENCY.

592. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Will Government please state when the next nomination from the departmental men for the examinations of Superintendents of Post Offices will be called for, from the Madras circle ?

(b) What measures do they propose to take to safeguard the interests of the Muslim community in the Madras circle in respect of the nomination of Muslim candidates in the future departmental examinations ?

The Honourable Sir Frank Noyce : (a) Owing to the large number of qualified officials already waiting for promotion to the grade of Superintendent of Post Offices, it is unlikely that any further nomination will be called for for some time to come.

(b) The posts in question are selection grade posts and in this connection the Honourable Member's attention is invited to part (b) of the reply given in this House on the 9th March, 1932, to Sardar Sant Singh's starred question No. 731.

COMMUNAL INEQUALITIES IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

593. ***Maulvi Badi-uz-Zaman :** With reference to the information supplied to me by Government in reply to my starred question No. 492 on the 17th September, 1931, will Government be pleased to state what measure they took to adjust communal inequalities in the Income-tax Service, Bihar and Orissa, when due to the lowering of the taxable limit recruitment of staff on a large scale was made only very recently ?

The Honourable Sir Alan Parsons : I would invite the Honourable Member's attention to the information laid on the table on the 30th March, 1932, in reply to Mr. M. Maswood Ahmad's unstarred question No. 73.

DISCHARGE OF A MUSLIM CLERK FROM THE INCOME-TAX OFFICE, PURNEA.

94. *Maulvi Badi-uz-Zaman : Will Government be pleased to state :

- (a) whether it is a fact that one Maulvi Abdul Bari who was a clerk in the Income-tax Office, Purnea, has been discharged from service on account of retrenchment ;
- (b) if so, whether there was a majority of Muslims in the department concerned ;
- (c) if the answer to part (b) above is in the negative, why are the non-Muslims, who are in a majority, not being discharged instead of the Muslims ;
- (d) whether it is a fact that side by side with retrenchment extra establishment has been entertained in the Province to deal with the increase of work ;
- (e) if the answer to part (d) above is in the affirmative, how Government reconcile the position ;
- (f) whether it is a fact that in no other Province any retrenchment of permanent staff has been made ;
- (g) if the answer to part (f) above is in the affirmative, what the reasons were for discharging experienced hands in the Province and appointing raw hands in their place ;
- (h) whether it is not a fact that by the above measure of discharging permanent hands and appointing new hands in their place there has been increase in the cost of the Income-tax Department instead of saving ;
- (i) whether Government propose to put a stop to this kind of practice ; and
- (j) whether Government contemplate examining the case of the unfortunate staff of the Income-tax Department, Bihar and Orissa, who have been discharged on account of retrenchment ?

The Honourable Sir Alan Parsons : (a) Yes.

(b) No.

(c) It is not a fact that non-Muslims have not been retrenched. Out of two gazetted officers and four ministerial officers retrenched, all but one ministerial officer were non-Muslims.

(d) The extra establishment entertained is on a temporary basis and has been employed on account of increased work due to the lowering of the minimum taxable limit.

(e) The staff selected for retrenchment was so selected on grounds of inefficiency.

(f) Yes.

(g) It is not thought desirable to reduce the permanent staff in other Provinces ; such retrenchment was found possible in the Province of Bihar and Orissa.

(h) No. No new hands have been taken in place of the permanent hands discharged.

(i) No.

(j) No.

CURTAILMENT OF POWER OF APPOINTMENT AND DISMISSAL OF THE COMMISSIONERS OF INCOME-TAX.

595. ***Maulvi Badi-uz-Zaman** : Will Government be pleased to state :

- (a) if it is a fact that the Commissioner of Income-tax in a Province is the sole authority to appoint and dismiss any gazetted and non-gazetted staff under him, subject only to the nominal control of the Local Government ;
- (b) if the answer to part (a) above is in the affirmative, whether Government propose to curtail the unlimited power of the Commissioner in the matter of appointment and dismissal ; and
- (c) what is the remedy provided in the rules for an aggrieved staff against an order of a Commissioner of Income-tax ?

The Honourable Sir Alan Parsons : (a) Yes. But the appointment of Assistant Commissioners of Income-tax and Income-tax Officers is subject to the previous approval of the Governor in Council. In the case of Assistant Commissioners the approval of the Public Service Commission is also necessary.

(b) No.

(c) Any aggrieved officer has a remedy by way of appeal to the higher authorities against the orders of the Commissioner of Income-tax.

Mr. Lalchand Navalrai : May I know who the higher authorities are, whether it is the Central Board of Revenue or any other ?

The Honourable Sir Alan Parsons : I am almost sure it is the Central Board of Revenue.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say whether the appeals have been numerous to the Central Board of Revenue ?

The Honourable Sir Alan Parsons : Will the Honourable Member give me notice of that question. There have been some appeals to them but I cannot say whether they have been numerous.

PUBLICATION OF TENDERS FOR COAL AND NAMES OF SUCCESSFUL TENDERERS IN NEWSPAPERS.

596. ***Mr. A. H. Ghuznavi** : (a) Are Government aware that in his speech in the Assembly on the 17th March, 1932, the Honourable Sir George Rainy said " We published all the tenders in the newspapers and subsequently also published the names of successful tenderers ". Will Government be pleased to state whether all tenders and names of successful tenderers for coal for Company-managed and Guaranteed State Railways, dealt with by the Chief Mining Engineer, Railway Board, as also for all Government departments, such as Army Department, Ordnance Factories, Royal Indian Marine Departments, Port Commissioners, Vizagapatam Harbour, Chittagong Harbour, etc., were published ?

(b) If not, are Government prepared to publish a list of all coal tenders without exception and the names of all successful tenderers with full details ?

Mr. P. B. Rau : (a) In his speech of the 17th March, 1932, the Honourable Sir George Rainy was dealing with the purchase of coal for State-managed Railways only.

A complete list of tenders for the supply of coal to State-managed Railways for 1932-33 was published in the *Capital and Commerce*.

It has not been the practice hitherto for Company-managed Railways and other Government Departments to publish simliar lists of the coals offered.

A list showing the names of successful tenderers, description of the coal and seams, and quality accepted from each colliery with the rate per ton for each Company-managed Railway and for the Army Department has been published in the *Indian Trade Journal* for 19th November, 1931, 31st December, 1931, 7th January, 1932, and 21st January, 1932.

(b) The question, whether lists of all tenders should be published or only lists of successful tenders, will be considered.

OPENING OF TENDERS FOR COAL DEALT WITH BY THE CHIEF MINING ENGINEER.

597. *Mr. A. H. Ghunavi : (a) Is it a fact that all tenders dealt with by the Chief Mining Engineer, except those for the State Railways, are opened *in camera* ?

(b) Are Government prepared to issue instructions that tenderers be requested to be present when tenders are opened and contents of all tenders be read out to the tenderers present ?

Mr. P. E. Rau : (a) Yes. This is in accordance with the wishes of the Railway Administrations and the Departments concerned.

(b) The suggestion will be considered, so far as the departments under the control of Government are concerned.

Dr. Ziauddin Ahmad : Is it not desirable that the purchases ought to be made by the Controller of Stores. Is it really the business of the Stores Department to purchase ?

Mr. P. E. Rau : I do not think that the Chief Controller of Stores would be prepared to undertake the purchase of coal for one thing. The second reason is, seeing that the railways purchase coal for their own requirements, all the advantages of bulk purchase exist in the present procedure where the Chief Mining Engineer advises the Railway Board in making the purchases for State Railways.

Dr. Ziauddin Ahmad : As the purchases are not made exclusively for the Railways but for other departments also, why should not the Stores Department be utilised for this purpose as it is maintained at great cost.

Mr. S. C. Sen : If one agency is employed for the purchase of coal, will not Government have a better control over the market ?

Mr. P. E. Rau : That is the reason for the present procedure, and seeing that the bulk of the coal is purchased for the railways, the purchase is made through the State Railways Coal Department.

SUCCESSFUL TENDERERS FOR COAL PURCHASED FOR CERTAIN RAILWAYS, ETC.

598. *Mr. A. H. Ghunavi : Will Government be pleased to lay on the table a list of successful tenderers for coal purchased for the year 1932-33 for the Bombay, Baroda and Central India Railway ; Assam-Bengal Railway ; Jodhpur Railway ; Rohilkund and Kumaon Railway ; Bengal and North Western Railway ; Madras and Southern Mahratta Railway ; South

Indian Railway ; Marine Department ; Army Headquarters ; Port Commissioners of Calcutta ; Vizagapatam Harbour, and Port Trust, Chittagong, giving (a) names of parties, (b) descriptions of coal, (c) seams, (d) quantities and (e) rates ?

Mr. P. B. Rau : The Honourable Member is referred to the issues of the *Indian Trade Journal*, dated 19th November, 1931, 31st December, 1931, 7th January, 1932, and 21st January, 1932, containing the information regarding Company-managed Railways. The Chief Mining Engineer of the Railway Board does not purchase coal for the Jodhpur Railway, Vizagapatam Harbour, Port Commissioners of Calcutta or the Port Trust, Chittagong, though on occasions he has given advice on tenders when requested. Information regarding the Army Department and the Royal Indian Marine is being collected and on receipt will be laid on the table.

Dr. Ziauddin Ahmad : Is it not a fact that the Chief Mining Engineer has got three different functions as the supervisor of mines, manager of Government mines and the purchaser of coal for the railways and for all Departments of Government ?

Mr. P. B. Rau : The Chief Mining Engineer is not the supervisor of mines.

Dr. Ziauddin Ahmad : I thought the principal function of the Chief Mining Engineer was to advise Government in all questions relating to mines.

The Honourable Sir Frank Noyce : The Government of India have a Chief Inspector of Mines for that purpose.

Dr. Ziauddin Ahmad : Is it not duplication of work in these days of retrenchment ? Why should not one post be abolished ?

Mr. P. B. Rau : The Inspector of Mines does not deal only with State railway collieries. His duties are with regard to safety in mines, and the interests of labour employed in mines, whether private or State-owned. The Chief Mining Engineer controls only State-owned collieries.

Dr. Ziauddin Ahmad : Will the Honourable Member state what are the duties of the Chief Mining Engineer and lay a copy of his duties in a printed form on the table of the House.

Mr. P. B. Rau : There is no printed form stating his duties but I may inform the Honourable Member that his business is to manage the collieries owned by the State railways, and purchase coal from the market. Incidentally he is at present President of the Coal Grading Board under the Soft Coal Cess Committee.

Dr. Ziauddin Ahmad : And also to purchase coal on behalf of Government Departments ?

Mr. P. B. Rau : For certain of the departments who ask for advice.

TENDERS FOR SUPPLY OF COAL FOR THE PORT COMMISSIONERS, CALCUTTA.

599. ***Mr. A. H. Ghuznavi :** Will Government lay on the table the list of coal tenders for the supply of coal from June to 31st December, 1932, for the Port Commissioners, Calcutta, shewing the grades of each coal tendered and the list of the tenders accepted ?

Mr. P. B. Rau : I place on the table a statement showing the information called for.

A statement showing the tenders received by the Commissioners for the Port of Calcutta for the supply of coal during 1932 and the tenders accepted by the Commissioners.

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LEGISLATIVE ASSEMBLY.

[22ND SEPTEMBER 1932.]

Name.	Rate.			Grade.	Delivery.			Quantity accepted.
	A. Bunker coal 1st class 13,500 tons.	B. Locomotives, engine house and Workshop coal and 2nd class bunker coal—24,500 tons.	C. Hard Coke for Workshop 200 tons.		A. After 1st April 1932.	B. After 1st April 1932.	C. After 1st June 1932.	
1. The Pure Kajora Coal Co., Ltd.	Rs.	Rs.	Rs.	..	Do.	..	..	Accepted C., 260 tons.
2. Messrs. Burn & Co. (Managing Agents, Indian Iron and Steel Co., Ltd.)	..	(24,500 tons.) per ton.	..	..	Do.	..	..	..
3. Messrs. Fulchand & Sons, (Proprietors Khas Jambad Colliery).	..	(10,500) 3-0-0	(200 tons) per ton.	Do.	Do.	..	..	..
4. The Ceonka Coal Co.	..	(7,000) 2-14-0	..	Not graded	Do.	..	..	..
5. The Apear Collieries	..	(24,500) 3-2-0	..	A. Selected	Do.	..	..	..
6. The South Kajora Colliery Co., Ltd.	..	(12,000) 3-8-0	..	B. Grade I.	Do.	..	..	..
7. Messrs. Shaw Wallace, Co.	..	(13,500) 4-6-0	(200)	Not graded	Do.	..	..	..
8. The Bengal Iron Co., Ltd.	..	(24,500) 3-8-0	10-0-0	A. Selected	Do.	..	..	..
9. Messrs. Roy, Dutt & Co.	..	(12,000) 3-8-0	(200)	B. Grade I.	Do.	..	..	..
10. Messrs. Seth Tharechand Ghanshyamdas.	..	(12,000) 3-0-0	..	C. Selected.	Do.	..	..	..
				Selected grade Do.	Do.	..	..	Accepted B, 3,000 tons.
				Grade I	Do.	..	..	..

11. Messrs. Mackinnon Mackenzie & Co.	..	..	..	(200)	10-0-0	..	..	..	Do.	..
12 The Upper Kajors Colliery ..	..	..	(15,000)	3-6-0	..	Selected	..	..	Do.	..
13. Messrs. Turnbull Bros., Ltd.	(13,500)	3-8-0	(24,000)	3-8-0	..	..	Do.	..	Do.	..
14. Harnookdas Balkisundas ..	..	..	(24,500)	3-4-0	..	Grade I	..	..	Do.	..
15. Messrs. Macneill & Co.	(13,500)	4-12-0	(24,500)	4-12-0	Diahergarh	..	..	..	Do.	..
	Diahergarh	4-8-0	(24,500)	4-8-0	Ponaiti	..	..	..	Do.	..
	Ponaiti	4-8-0	(24,500)	4-8-0	No. 17	..	..	..	Do.	..
	No. 17	3-14-0	(24,500)	3-14-0	No. 14	..	..	..	Do.	..
	No. 14.	..	(24,000)	3-4-0	..	..	..	..	Do.	..
16. Baanarjee Santan ..	..	..	(13,500)	3-2-0	..	..	..	..	Do.	..
17. Messrs. B. N. Mondal & Co.	(13,500)	3-2-0	(12,000)	3-2-0	..	A. Selected	..	..	Do.	..
18. Messrs. Martin & Co.	(13,500)	3-4-0	(24,500)	3-0-0	..	B. Not graded.	..	..	Do.	..
19. Messrs. N. H. Ojha & Co.	..	..	(24,000)	3-8-0	..	A. Selected and	..	..	Do.	..
20. Messrs. Nandwani & Co.	..	..	(24,000)	3-0-0	..	B. Grade I.	..	..	Do.	..
21. Messrs. Turner Morrison & Co.	(13,500)	4-8-0	(24,500)	4-8-0	..	Selected	..	..	Do.	..
22. Messrs. K. C. Pal Chowdhury & Bros.	..	..	(24,500)	3-10-0	(200	Selected	..	..	Do.	..
23. The Real Kajors Colliery ..	(5,000)	3-2-0	(12,000)	3-4-0	11-0-0)	..	..	..	Do.	..
24. Messrs. Villiers, Ltd.	(9,500)	3-2-0	(6,500)	3-2-0	tons).	Grade I	..	..	Do.	..
	Dharbhanga	3-2-0	(18,000)	3-2-0	..	Grade I	..	..	Do.	..
	Toposi,	3-2-0	(24,500)	4-0-0	..	..	..	..	Do.	..
	Singaran.	4-0-0	(24,500)	4-0-0	..	..	..	..	Do.	..
25. Messrs. Chandaannul Indra-kumar.	(13,500)	2-14-0	(24,500)	2-14-0	..	Selected grade	..	..	Do.	..
	Kajors.	..	(24,500)	2-14-0	..	Grade I.	..	..	Do.	..

Accepted B.
3,000 tons.

Name.	Rate.			Grade.	Delivery.			Quantity accepted.
	A. Bunker coal 1st class 13,500 tons.	B. Locomotives, engine house and Workshop coal and 2nd class bunker coal—24,500 tons.	C. Hard Coke for Workshop 200 tons.		A. After 1st April 1932.	B. After 1st April 1932.	C. After 1st June 1932.	
25. Messrs. Chandanmull Indira- bhumar.—contd.	Rs. (13,500) 2-14-0 (13,500) 2-10-0 (12,000) 4-4-0	Rs. Kajora (24,500) 2-10-0 Nimcha (24,500) 2-8-0 (6,000) 4-4-0	Nimcha Bonala ..	Grade I Do. Selected Do. ..	Do. .. Do. Do. ..	.. .. .. .. ..	.. .. .. .. ..	.. .. .. .. ..
26. The Pure Dabhergarh Colliery Co.	..	(24,500) 3-6-0	..	Do.	Do.	..	..	Accepted B. 3,000 tons.
27. The Sitalpore Coal-Co.	..	(24,500) 2-10-0	(200) 7-0-0	Grade I Selected and Grade I.	Do.	..	..	Accepted A. 13,500 tons B. 3,000.
28. The Khas Jharia Colliery Co.	..	(13,500) 4-4-0	..	..	..	..	..	..
29. Mr. H. K. Nag	..	..	..	..	..	..	..	..
30. Messrs. Balmer Lawrie & Co.	(13,500) 4- $\frac{1}{2}$	Joyrandanga (24,500) 2-12-0	(200) 9-0-0	A. Selected B. Not graded.	Do.	..	..	..
31. Messrs. K. B. Seal & Sons	(13,500) 4- $\frac{1}{2}$ (13,500) 4-0-0	Mosharbahal (24,500) 2-6-0	..	C. Not graded. A. Selected B. Grade III.	Do.	..	..	..
32. The South Jambad Coal Co., Ltd.	..	(24,500) 3-6-0	..	Grade I	Do.	..	..	Accepted 5,000 tons.
33. Messrs. Jardine Skinner & Co.	(13,500) 4-0-0	(24,500) 4-8-0 (24,000) 4-0-0	(300) 9-0-0	A. Grade I B. Selected and Grade I. C. Foundry Barrene.	Do. Do.	.. ..	.. ..	.. ..
34. The Industry Colliery Co. ..	..	..	..	Ungraded	Do.	..	..	..
35. Gumbhin's Pure Airhead Colliery Co.	(13,500) 3-12-0	(24,500) 2-6-0	..	Selected	Do.	..	..	..

36. The South Savala Colliery Co. ..	..	(24,500)	2-14-0	..	..	Ungraded Selected	..	..	..	Do.	..	Accepted B. 8,000 tons.
37. Messrs. Amritlal Ojha & Co., Ltd. ..	..	(24,500)	3-6-0	..	..	Grade I	..	..	..	Do.	..	..
38. Guzdar Kajora Colliery Co., Ltd. ..	..	(24,500)	3-6-0	..	..	Grade I	..	..	..	Do.	..	..
39. The North Adjal Coal Co., Ltd. ..	(6,500)	(1,200)	3-2-0	Charanpur (200)	9-0-0	A. Selected	..	Do.	..	Do.	..	..
40. Mr. R. P. Shaha ..	(13,500)	(1,200)	3-6-0	Jambad ..	..	B. Grade I.	..	..	..	Do.	..	..
41. Mr. Devji Trikanji ..	(12,000)	(24,500)	3-6-0	..	..	C. Selected.	..	..	..	Do.	..	..
42. The Sidhi Colliery Co. ..	(13,500)	Simlabahal	4-0-0	(1) Simlabahal (200)	10-0-0	B. Grade I.	..	Do.	..	Do.	..	..
43. Messrs. H. V. Lowe & Co. ..	(13,500)	New Simidih (24,500)	3-8-0	(2) New Simidih	..	Selected	..	Do.	..	Do.	..	Accepted B. (3) 4,500 tons.
44. Messrs. Banerjee & Co. ..	(13,500)	Kuardi (24,000)	3-6-0	(3) Kuardi ..	..	A. Selected and Selected.	..	..	..	Do.	..	..
45. Mr. C. P. Cornish ..	(13,500)	Sultanpur (21,500)	2-12-0	(4) Sultanpur	..	B. Grade I.	..	..	..	Do.	..	..
46. The National Coal Co. Ltd. ..	(13,500)	Lakurka (24,500)	2-12-0	(5) Lakurka.	..	C. Selected.	..	..	..	Do.	..	..
47. Karanchoand Thapar & Bros. ..	(13,300)	(24,500)	2-12-0	(200)	8-0-0	A. Selected	..	Do.	..	Do.	..	..
48. Messrs. B. Mukerjee & Co. ..	(13,500)	(24,500)	3-0-0	(200)	10-8-0	B. Grade I and Selected.	..	..	..	Do.	..	..
49. Messrs. Andrew Yule & Co. ..	(13,500)	(24,500)	4-8-0	Sibpore Pretoria.	..	C. Selected.	..	..	..	Do.	..	..
50. Ghoseick Coal Co. ..	(12,000)	(12,000)	3-2-0	Viceroy. Nandi. Adjal Valley. 3-2-0	..	Grade I	..	..	..	Do.	..	..
				Sibpore. Pretoria. Bank Simula.	..	Selected	..	..	..	Do.	..	..
					..	No. I Grade	..	..	..	Do.	..	..
					..	Selected and No. I.	..	..	..	Do.	..	..
					..	Grade I	..	Do.	..	Do.	..	..

ACCEPTANCE OF TENDERS OF THE UNIVERSAL TRADING COMPANY FOR JAMBAD COAL.

600. ***Mr. A. H. Ghuznavi** : (a) Was Mr. S. C. Ghosh of the Universal Trading Company the President of the Indian Mining Federation ? Is he a Port Commissioner of Calcutta, and a colleague of the Chief Mining Engineer in the Coal Grading Board and the Soft Coke Cess Committee ?

(b) What was the reason that influenced the decision of Government to accept tenders for Jambad coal of the Universal Trading Company in preference to lower offers for Jambad and Kajora coal ?

(c) Is it a fact that Kenda coal was a condemned quality during the late Mr. Church's time, but that Kenda coal of Mr. M. N. Mukherjee was purchased in 1931-32 and 1932-33 at higher rates when cheaper rates for Kenda coal or similar grade of coal were available ? If so, why ? Is it not a fact that the price of Kenda coal is Rs. 2 to Rs. 2-4-0 per ton and Mr. Mukherjee was paid at the rate of Rs. 3-8-0 ? If so, why was the taxpayer made to pay a higher rate for the coal of the *ex*-Chairman, Indian Mining Federation ?

(d) Are Government prepared to have the seam of this Kenda coal inspected by the Chief Inspector of Mines and ascertain whether it is not the same as the Kenda seam of Balmer Lawrie and Company ? Is not Mr. M. N. Mukherjee's Khas Kenda coal banded in several places and are Government aware that they have shales and stones unlike the real Kenda coal ?

(e) Are Government prepared to have samples taken by the Chief Inspector of Mines from the whole section of this seam, have them analysed and state whether this coal can be rightly graded under No. 1 quality according to which its rate was fixed and money paid for Railway and Port Commissioner purchases ?

(f) Did this colliery fail to deliver coal under contract to the Port Commissioners in previous years, and, if so, why was its name not removed from the list ?

Mr. P. B. Rau : (a) I have had the information given by the Honourable Member checked, and understand it is correct. I should add that in his capacity of a Commissioner for the Port of Calcutta and Member of the Coal Grading Board, Mr. Ghosh represents the Bengal National Chamber of Commerce. As a Member of the Soft Coke Cess Committee he is one of the seven members representing the Indian Mining Federation.

(b) The policy of Government with regard to purchases and the principles on which the selection of different varieties of coal is made was explained fully to the House by the Honourable Member for Railways in reply to a question put by Mr. A. Das at the beginning of this Session. The application of these principles was illustrated by reasons for a certain number of particular purchases. Having explained the position at such length Government do not propose to reply individually to the various questions asked by my Honourable friend as to the reasons for selecting one coal in preference to another. This applies to his questions Nos. 604, 611, 651, 654, 655 in this list as also to Nos. 742, 743 (a), 744, 745 (a), 746 (a), 747, 748, 750 to 753 and 759 in the next list.

(c) The answer to the first part of this question is in the negative.

(d) and (e). It is not one of the functions of the Chief Inspector of Mines to sample and analyse coal or act as a revising authority in respect of the Coal Grading Board's grading. As previously pointed out, coal purchases of railways are not made on Grading Board classifications. I am informed that all so-called Kenda seams are interspersed with shale bands.

(f) Government have no information as the Port Commissioners invite their own tenders, make their own final acceptances and give orders for their own supplies.

Dr. Ziauddin Ahmad : As regards (c), I did not follow the reply given. Is it not a fact that the price of tender coal was Rs. 2 and Rs. 2-4-0 per ton but Mr. Mukherjee was paid at the rate of Rs. 3-8-0 ?

Mr. P. R. Rau : Well, Sir, I have already explained that Government are not prepared to reply to the various detailed questions as to the reasons for selecting one grade of coal in preference to another ?

Dr. Ziauddin Ahmad : Do I then understand that Government do not wish to reply to this particular part of the question ?

QUANTITIES OF COAL CANCELLED FROM ANNUAL CONTRACTS IN EACH RAILWAY .

601. ***Mr. A. H. Ghuznavi :** Will Government please lay on the table a statement shewing the quantities of coal that have been cancelled from annual contracts in each Railway from 1924-25 to 1931-32 in exercise of the discretion of cancelling ten per cent. of each contract under the clause of the tender or contract form, and also lay a statement shewing the firm whose contracted quantities were not cancelled by ten per cent. by the Chief Mining Engineer ?

Mr. P. R. Rau : The only information readily available is with regard to the cancellations in respect of State-managed railways from 1927-28 onwards. A statement containing this information is placed on the table.

Statement.

1927-28.—Only the following contracts were reduced by 10 per cent. :—

	Tons.
Apear & Co.'s Charanpore	2,400
Shaw Wallace & Co.'s Huntutodih	2,400
M. K. Khanna & Co.'s Kharkharee	4,800

1928-29.—Contracts were not reduced.

1929-30.—Contracts were not reduced.

1930-31.—Only the following contracts were reduced :—

	Tons.
Macneill & Co.'s Deshergur	2,400
Andrew Yule & Co.'s	5,500
Andrew Yule & Co.'s	5,500
Andrew Yule & Co.'s Murulidih	3,400
K. B. Seal & Sons' Kalithan Gurgaon	1,100
K. B. Seal & Sons' Kalithan Suratar	1,100
Chasnalla Coal Co.'s Chasnalla	4,800
Sir M. B. Dadabhoys' Ballarpur & Co.	4,400

1931-32.—All contracts for State-managed Railways, as published in the Indian Trade Journal, were reduced by 10 per cent. with the exception of those for the

Eastern Bengal Railway for which Railway the following contracts only were reduced by 10 per cent. :—

	Tons.
Andrew Yule & Co.'s. Seebur|Poniati	2,500
Martin & Co.'s Poriapur	1,200
Martin & Co.'s. Smala	5,000

PURCHASE OF COAL AT HIGHER RATES FOR THE RAILWAYS.

602. *Mr. A. H. Ghuznavi : (a) Will Government state the reasons why arrear coals against contracts for 1925 were taken in 1927 from Messrs. A. C. Banerjee and Company from Nichitpur and Pure and Khas Kajora Company, Limited's Kajora Collieries at Rs. 4-8-0 and Rs. 5 per ton ? Are Government aware that the prevailing price of this kind of coal was Rs. 2-4-0 and Rs. 3 per ton respectively from 1927 to 1932 ?

(b) What quantity of Nichitpur coal was taken by the East Indian Railway from 1927 to 1931 and at what rates ?

(c) Was not Sowardih and Fularibad arrear coal purchased by the East Indian Railway from Messrs. Villiers, Limited, in 1927 at Rs. 9-8-0 per ton ? Are Government aware that the market price of that coal was Rs. 4 per ton ?

Mr. P. R. Rau : The information asked for by the Honourable Member is being obtained and will, when received, be laid on the table.

CLASSIFICATION OF JAMBAD COAL.

603. *Mr. A. H. Ghuznavi : Is it a fact that in the Coal Grading Book, all coals from Jambad Collieries are graded under Grade 1 ? If so, will Government state how and why Messrs. Amritalal Ojha and Company's Jambad coal of the same seam (No. 271 in Coal Grading Board List) has been placed under selected grade ? If it has been correctly classified, will Government state why the other Jambad coals have not been raised to this class ?

Mr. P. R. Rau : The grading of any particular coal is determined in accordance with the rules of the Coal Grading Board who must have had adequate reasons for their decision in the cases mentioned by the Honourable Member. It is obvious that the quality of the seam need not be uniform even in adjacent collieries.

PURCHASE OF COAL AT HIGHER RATES FOR THE RAILWAYS.

†604. *Mr. A. H. Ghuznavi : Will Government state why old 10 seam coal (now called 11 and 12 seams) from Mr. Kumud Bihari Bose's (North Burrakar Coal Company), Lodhna Nos. 11 and 12 coal has been accepted at the high price of Rs. 3-8-0 per ton in preference to purely 12 seam coal offered by Mr. J. P. Linton and the Collector of 24 Parganahs (S. B. Raha and Sons' Godhar colliery) ?

†605. *

†For answer to this question, see answer to question No. 600.

†This question was withdrawn by the questioner.

INDIAN MINING FEDERATION SUPPORT TO RAILWAY BOARD'S COAL PURCHASE METHOD.

606. ***Mr. A. H. Ghuznavi** : Are Government aware that Messrs. Ghosh, Mukherjee, Ojha and Bose referred to in the preceding questions are the four persons who were instrumental in sending the telegram in the name of the Indian Mining Federation, which the Honourable Sir George Rainy read out to the House on the 17th March, 1932, in support of the Railway Board's or Mr. Whitworth's coal purchase method ?

Mr. P. E. Rau : From the statement circulated to Members by the Committee of the Indian Mining Federation it will be observed that the telegram sent by the Indian Mining Federation was unanimously approved of at a meeting in which nine out of 13 Members of the Committee of the Federation were present and that the Committee adhere to it after further careful consideration.

CHECKING OF SUPERIOR AND INFERIOR QUALITIES IN COAL MIXTURES.

607. ***Mr. A. H. Ghuznavi** : When Government accept a mixture of different seams, do Government fix the proportions in which they are to be mixed up ? Is there any effective means of checking the exact proportions of superior and inferior qualities in a mixture ?

Mr. P. E. Rau : Unless otherwise specified in the contract or the tender, the mixture is supposed to be in equal proportions.

Checking the supplies from different seams is possible by inspection of the underground working and surface inspection and keeping a note of the loadings from separate seams. Railways can, moreover, cease purchasing from collieries where there is a risk of the contract not being adhered to and this must act as a deterrent.

OUTPUTS OF COAL FROM DIFFERENT SEAMS.

608. ***Mr. A. H. Ghuznavi** : (a) Will Government state whether coals of seams 11, 12 and 13 of Mr. B. K. Roy's Gonshadih Colliery and Seth Tarachand Ghanshyamdas's Jerampore Colliery have been separately graded and what are the outputs from each seam ?

(b) Are these 11 seam coals being sold as 12 and 13 seam coals at the high rate of Rs. 3-4-0 per ton ?

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

Gonsadih 13 seam is in Selected Grade—output 1,500 tons per month but capable of doing 2|3,000 tons per month.

11 and 12 seams are in Grade I—output 2,000 tons per month but capable of doing 2,500|3,000 tons per month.

Jeyrampore, 13 seam is in Grade I—output 1,000 tons per month but capable of doing 2|3,000 tons per month.

11 and 12 seams combined are in Grade II—output 1,500 tons per month but capable of doing 3,500 tons per month.

(b) I understand this is not the case as regards purchases made by the Chief Mining Engineer.

Dr. Ziauddin Ahmad : If it is the Chief Mining Engineer who really grades this coal, does he do it for private collieries as well, and is he allowed to have private practice ?

Mr. P. B. Rau : No, Sir. I do not understand what is meant by "private practice".

Dr. Ziauddin Ahmad : What I mean is that private owners may pay him for the examination and inspection of his coal and for grading it.

Mr. P. B. Rau : Any private colliery is under the rules of the Coal Grading Board entitled to send a sample of the coal to the Board for the purpose of being graded.

Mr. S. C. Sen : Is it not a fact that when a private owner wants to have his coal graded, he has to pay a fee, which formerly was Rs. 200 and is now Rs. 175, and that on the representation of the colliery owner the Chief Mining Engineer or the Grading Board make arrangements for the selection and examination of coal from the colliery and then grade it ?

Mr. P. B. Rau : I am not aware of these details, but I have no doubt that my Honourable friend is correct.

Dr. Ziauddin Ahmad : To whom does this go—to the Chief Mining Engineer or the Government ?

Mr. P. B. Rau : To the Coal Grading Board.

GRADING OF COAL.

609. ***Mr. A. H. Ghuznavi :** (a) Will Government state why Messrs. Roy, Dutt and Company's Kajora coal is placed under the Selected Grade when almost all other Kajora coals are under grade I ?

(b) Did the Dacca Municipality send a sample of their coal to the Alipore Test House for analysis and did it not fail to satisfy the tests for Selected Grade ? Did Messrs. Roy, Dutt and Company approach the authorities of the Test House for a favourable report ? Will Government please place on the table the letter of the Superintendent of the Alipore Test House to the Chairman of the Dacca Municipality in this connection ?

Mr. P. B. Rau : (a) The grading of the coals is made according to the rules of the Coal Grading Board.

(b) I am informed that a sample of coal was received from the Dacca Municipality to be tested for calorific value only and a test certificate on this point was issued. No opinion regarding the grading of coal was asked for. As regards the second part of the question, I understand no such application was received. Government are not prepared to publish correspondence passing between the Superintendent and clients of the Test House.

GRADING OF COAL.

610. ***Mr. A. H. Ghuznavi :** (a) Is it a fact that Messrs. N. H. Ojha and Company's Khas Sitalpore coal (Jambad) has been placed under

Selected Grade ? If so, are Government prepared to have samples taken by the Chief Inspector of Mines and tested to see if it has been correctly graded ?

(b) Will Government state whether the coal of Messrs. Linton Brothers' Angarpathra Colliery, belonging to Messrs. Triguniat Brothers was graded under Selected Grade in the Grading Board List after its transfer to the former ?

Mr. P. R. Rau : (a) The answer to the first part of the question is in the affirmative. As I have already explained, it is not the function of the Chief Inspector of Mines to act as a revising authority over the grading done by the Indian Coal Grading Board.

(b) The grading given to this coal in 1926 still holds good.

PURCHASE OF COAL AT HIGHER RATES.

†611. ***Mr. A. H. Ghuznavi :** Will Government state the reasons why Messrs. Williamson Magor Co.'s Angarpathra Coal of No. 14 Seam of No. 1 grade was accepted at Rs. 4 per ton in preference to that of Messrs. Triguniat Brothers' Angarpathra Coal of Selected Grade which was offered at Rs. 3-10-0 per ton ?

SUBMISSION OF TENDERS FOR COAL.

612. ***Mr. A. H. Ghuznavi :** (a) Are Government aware that Mr. Whitworth recognised (1) K. K. Mukherjee, (2) N. R. Ojha, (3) N. H. Ojha, and (4) Rai A. C. Banerjee Bahadur as agents or managing agents of other collieries although they are not recognised as such by the Chief Inspector of Mines under the Indian Mines Act, and accepted tenders put through them as such Agents or Managing Agents, and that tenders offered direct by these collieries concerned are not accepted unless they go through these agents ?

(b) If not, are Government prepared to institute an inquiry ?

Mr. P. R. Rau : I understand that the Chief Mining Engineer accepts tenders only from the proprietors or the recognised Managing Agents of firms. Agents under the Mines Act are responsible for working and safety of the Mines and do not necessarily have anything to do with the selling of coal.

ACCEPTANCE OF TENDERS FOR COAL.

613. ***Mr. A. H. Ghuznavi :** (a) Is Mr. A. L. Ojha recognised as agent by the Chief Inspector of Mines under the Indian Mines Act for the Collieries from which coals have been purchased by the Chief Mining Engineer taking Messrs. A. L. Ojha and Company for Agents ?

(b) If not, will Government state how tenders offered by him as the Agent of Messrs. A. L. Ojha and Company for the Army Department, and the State and other Railways were accepted ?

Mr. P. R. Rau : (a) As I have already stated, the Agent of a colliery as recognised by the Indian Mines Act is not necessarily the Managing Agent or Selling Agent.

†For answer to this question, see answer to question No. 630.

(b) Tenders were accepted from Messrs. A. L. Ohja and Company only in respect of coal from collieries for which they were the recognised selling agents.

TENDER FORMS FOR COAL.

614. *Mr. A. H. Ghuznavi : Have Government considered the advisability of providing two more columns in the tender form, contiguous to the seam column, one to shew the grading of the coal tendered and the other for the number shewn in the Coal Grading list for the purpose of verification ?

Mr. P. R. Rau : Government do not consider this necessary. For reasons that have already been explained at length by the Honourable the Railway Member, coal for Railways and Government Departments are not purchased on the Coal Grading Board Classification.

ANALYTICAL RESULTS OF GRADED COALS.

615. *Mr. A. H. Ghuznavi : (a) Have Government considered the desirability of tabulating the tenders starting serially with the lowest rate at the top under each classification similarly as published by the Indian Coal Grading Board ?

(b) Are Government prepared to publish the analytical results of all graded coals in the Grading Board list ?

Mr. P. R. Rau : (a) As the Coal Grading Board Classification is not the basis of purchase, Government do not consider that there will be any useful purpose served by this procedure.

(b) Analytical results of coals graded are supplied by the Coal Grading Board, on request, to those owners or Managing Agents whose coals have been graded.

COAL FOR CONSUMPTION BY RAILWAYS.

616. *Mr. A. H. Ghuznavi : (a) Are Government prepared to make it a rule that no ungraded coal should be accepted for Railway consumption ?

(b) Are Government aware that coals of the Central Provinces Mines are not graded and that Mr. Whitworth does not accept analytical results in the Memoirs of Geological Survey ?

Mr. P. R. Rau : (a) No. Grading is intended primarily for export.

(b) The Indian Coal Grading Board Act applies only to British India. These Collieries in the Central Provinces which are in British India may on application to the Coal Grading Board and payment of the prescribed fee have their coals graded.

The Department of the Chief Mining Engineer has an up-to-date complete list of analysis of all coals worked both in and out of British India so that there is no necessity for consulting other analytical reports.

Dr. Ziauddin Ahmad : What are the duties and constitution of the Coal Grading Board ?

Mr. P. R. Rau : I would refer the Honourable Member to the Coal Grading Board Act.

Dr. Ziauddin Ahmad : There is a charge of six pies per ton ; how is this money spent ?

Mr. P. R. Rau : Does that arise out of this question ?

Dr. Ziauddin Ahmad : It is mentioned in paragraph 2 of the question No. 611 I think ? I thought it was mentioned in paragraph 2 very definitely ?

Mr. P. R. Rau : I am now answering question No. 616.

COST OF RAISING COAL OF RAILWAY COLLIERIES.

617. ***Mr. A. H. Ghuznavi :** (a) To enable the public to compare the costs with those of other collieries, will Government give detailed figures, instead of in abstract form, for cost of raising coal of Railway collieries, showing separately cost of raising steam and of raising slack coal put into wagons at each Railway colliery siding ?

(b) Will Government also shew the rates each contractor is paid for raising steam and slack coal respectively for the several collieries giving the respective outputs of the collieries concerned ?

Mr. P. R. Rau : (a) The information available is published annually in the supplement to the Pink Book for Collieries and from this year will be given in the Appropriation Accounts which have been prepared in accordance with the wishes expressed by the Public Accounts Committee and in a form approved by them.

(b) I lay a statement on the table showing the rates generally paid in each colliery.

The rates for raising both steam and slack coal are given below :

Giridih from Re. 1-1-0 to Re. 1-8-0 per ton.

Jt. Bokaro Re. 1-3-0 per ton for quarries.

Kargali Re. 1-3-0 per ton for quarries.

Re. 1-9-0 per ton for Pits.

Re. 1-15-0 per ton for incline.

Argada from Re. 1-3-0 to Re. 1-6-0 per ton for quarries.

Bhurkunda Re. 1-14-0 per ton for inclines.

Swang Re. 1-3-0 per ton for quarries.

Re. 1-7-0 per ton for incline.

COST OF RAISING COAL FROM THE GIRIDIH COLLIERY.

618. ***Mr. A. H. Ghuznavi :** (a) Is not the cost of raising coal from the Giridih Colliery Rs. 5 and to this another annas 12 is debited against the operating department of the East Indian Railway as cost of raising at the end of every year ?

(b) If so, why, and do Government propose to stop its raising till the market price exceeds Rs. 5-12-0 or coal is scarce ?

Mr. P. R. Rau : (a) I understand that the present cost is estimated at Rs. 5 but that the statement that annas 12 is debited against the Operating Department of the East Indian Railway is not correct.

(b) Does not arise.

†619. •

†620. •

MR. WHITWORTH'S LETTER TO THE RANGOON CORPORATION RE COAL OFFERED BY MR. AMRITLAL OJHA.

621. *Mr. A. H. Ghuznavi : (a) Has the attention of Government been drawn to the report of the Rangoon Corporation's coal contract for 1932 published in the *Rangoon Times* and to the proceedings of the coal contract meetings of the Rangoon Corporation, particularly to Mr. Ba Pa's remarks that Mr. Whitworth gave a letter to the Corporation, uncalled for, regarding the coals offered by Mr. Amritlal Ojha and that Mr. Amritlal Ojha was changing samples of coal for trial ?

(b) Will Government be pleased to state the reasons why Mr. Whitworth gave such a letter to Mr. Ojha ?

Mr. P. R. Rau : (a) No.

(b) I have been able with some difficulty to trace the letter referred to by the Honourable Member. I understand it was written by Mr. Whitworth to Mr. Quamby of Messrs. Balmer Lawrie and Company, the Managing Agents of the New Beerbhoom Coal Company, Ltd., in response to the request by the latter for his opinion on the Barrakur Low Volatile Coals.

OWNERS OF CERTAIN COLLIERY CONCERNS.

622. *Mr. A. H. Ghuznavi : (a) Will Government ascertain from the Chief Inspector of Mines and state who are the recorded owners of :

- (1) Khas Jheria Colliery Company,
- (2) Messrs. Kusunda and Nayadi Collieries Company, and
- (3) Industry Coal Company ?

(b) Will Government state who secured contracts for these collieries and if any State Railway colliery-raising contractor was connected with them ?

Mr. P. R. Rau : (a) All the information available with regard to the owners of collieries is contained in the list of coal mines worked under the Indian Mines Act in British India which is published annually by the Chief Inspector of Mines.

(b) The contracts were secured by the Colliery Companies who tendered the coals. Government have no information as regards the share holders of these Collieries.

†This question was withdrawn by the questioner.

STATEMENT *RE* MONTHLY ALLOTMENT OF COAL CONTRACTORS AND THE QUANTITY OF CONTRACTS, ETC.

623. *Mr. A. H. Ghuznavi : Will Government lay on the table a statement shewing the monthly allotment from April to June, 1932, as under ?

Coal Contractors ..	The quantity of the monthly Contracts.	Programme of despatches given by the Chief Mining Engineer to each Contractor monthly for April, May and June.
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Mr. P. R. Rau : Government regret they are unable to comply with this request as the compilation of the statement asked for will involve undue labour and time.

It may be stated that despatching instructions are issued by the Railways in accordance with their requirements, *vide* Clause 5 of the Form of Tender for the supply of coal to State Railways. The Chief Mining Engineer only forwards these instructions to collieries.

ACCEPTANCE OF COAL IN ADVANCE OF THE CONTRACTED PERIOD.

624. *Mr. A. H. Ghuznavi : (a) Is it a fact that arrears of supplies were cancelled and ten per cent. of the contracted quantities were not being taken delivery of by the Railways ? Will Government state whether coal in advance of the contracted period was taken from (1) Mr. S. C. Ghosh, (2) Mr. K. K. Mukherjee and (3) Mr. N. H. Ojha ? If so, why ?

(b) Will Government be pleased to lay on the table a list of those who applied for advance supplies and who were granted this privilege in the 1932-33 contracts ?

Mr. P. R. Rau : (a) and (b). Apart from the operating of the ten per cent. optional clause in State Railways, contracts for the year 1931-32, Government are not aware of any cancellation of arrears of supplies.

The following firms applied for advance deliveries :

- (a) The Universal Trading Company Jambad Colliery.
- (b) The North Adjai Coal Company Jambad Colliery.
- (c) Poniati Collieries Limited.
- (d) North Barakar Coal Company.
- (e) K. K. Mukherjee Bowla Colliery.
- (f) Amritlal Ojha and Company.
- (g) South Kajora.

The advance deliveries were taken from firms (a), (d) and (g) mentioned above to the extent of 550 tons, 710 tons and 348 tons respectively, because depots who use these classes of coal ran short of stocks.

CHECK OVER DELIVERY OF CORRECT QUALITY OF COAL CONTRACTED FOR.

625. *Mr. A. H. Ghuznavi : (a) Is the Assistant Coal Superintendent always personally present to look after all loadings at each colliery ?

(b) If not, what steps are taken to prevent the collieries contracting for mixtures of superior coals from passing off mixtures of inferior coals for superior ones ?

(c) Can Government vouch for the contracted quality of the mixtures having been supplied ? If not, what steps do Government propose to take to ensure delivery of the correct quality of coal contracted for ?

Mr. P. R. Rau : (a) No.

(b) and (c). Though it is not possible for Assistant Coal Superintendents to inspect daily all loadings at each colliery, a colliery is visited as frequently as necessary. The number of inspections depends on the standard of loading maintained at each colliery. If a particular colliery is detected later in these frauds, the remedy is not to buy from that colliery again and this is one of the reasons why the lowest tenders are not always accepted.

LOADING OF BOTTOM SEAM COAL OF SELECTED GRADE FOR RAILWAYS.

626. *Mr. A. H. Ghuznavi : Are Government aware that in certain collieries at Raneegunj both top and bottom seam coals are raised by one and the same pit or by pits situated as Ao Bo Co on the same siding where wagons can easily be hand-shunted to load half with top seam coal and the other half with the bottom seam coal ? If so, will Government please state what check, if any, the Assistant Coal Superintendent has to ensure only the bottom seam coal of selected grade being loaded for Railway and shipment coal ?

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

(b) In addition to the inspection of the Assistant Coal Superintendent, Government must rely on the honesty and reliability of the suppliers supplemented by the fear of losing future contracts, if detected.

FUNCTIONS OF THE FUEL INSPECTOR AND THE FUEL DISTRIBUTOR, ETC.

627. *Mr. A. H. Ghuznavi : (a) Are the Chief Operating Superintendents of Railways also locomotive and/or combustion engineers ?

(b) What are the functions of the Fuel Inspector and the Fuel Distributor ?

Mr. P. R. Rau : (a) Not necessarily.

(b) The names are self-explanatory.

SAVING EFFECTED BY CHANGE IN THE SYSTEM OF COAL PURCHASE.

628. *Mr. A. H. Ghuznavi : Will Government state what savings have been effected in the State Railways by abolishing the previous system of coal purchase by the Locomotive Superintendent of each Railway and substituting instead the present method of receiving and disposing coal tenders and of elaborate superintendence by the Chief Mining Engineer, Coal

Superintendent, Assistant Coal Superintendent, Operating Superintendent, Fuel Distributor and Fuel Inspector ; and how does the cost of establishment compare ?

Mr. P. R. Rau : It is not possible to work out the exact savings but the advantages of bulk purchase are obvious.

ACCEPTANCE OF TENDERS FOR COAL BY THE NORTH BURRAKUR COAL COMPANY, LIMITED.

629. ***Mr. A. H. Ghuznavi :** (a) Are Government aware that in the publication of the Indian Coal Grading Board 1932, on page 35, it is stated in the remarks column :

“ 14 Seam workings of the North Burrakur Coal Company, Limited, are closed. ” ?

Are Government prepared to ascertain from the Chief Inspector of Mines and state if the workings of this Seam have been resumed and, if so, since when and, if not, how does Mr. Kumud Bihary Bose, Managing Agent of the North Burrakur Company, Limited, fulfil his contract for supplying 14 Seam coal ?

(b) If so, will Government state why with the knowledge that this Seam had been closed they accepted tenders for supply of coal from this 14 Seam ?

Mr. P. R. Rau : (a) The working of 14 Seam at North Burrakur Coal Company were only temporarily closed. 14 Seam coal is being delivered against contract.

(b) This part of the question, therefore, does not arise.

CONTRACT FOR THE SUPPLY OF COAL BY THE PANIATI MINE.

630. ***Mr. A. H. Ghuznavi :** (a) Is it not stated in the State Railways' coal tender form that “ no weathered coal will be accepted ” ?

(b) Is not Mr. Nag's Paniati Mine the abandoned colliery of Messrs. Apar and Company ? If so, will Government state whether “ Weathered and water-marked coal ” of Paniati Mine has been contracted for—the contracted quantity being 18,000 tons for the State Railways and 16,000 tons for the Commissioners of the Port of Calcutta, the quantities contracted for and on behalf of the other Railways being unknown ? If so, how and why ?

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

(b) Some coal of this Colliery is superficially stained. This staining is very common in the Paniati Seam and may be seen at Collieries other than Mr. Nag's in the Paniati Area where deep coal is not worked. Where the water marking is found throughout the body of the coal it is not loaded for Railways and Government Departments.

FREIGHTS EARNED BY STATE RAILWAYS ON COAL.

631. ***Mr. A. H. Ghuznavi :** (a) Will Government please lay on the table a comparative statement shewing the freights earned by the respective

State Railways on coal for four months since the realization of the surcharge freight and those earned on the corresponding months of the previous year ?

(b) Will Government state if traffic in coal for distant places has dwindled down to almost nil with the realisation of the surcharge freight ?

Mr. P. R. Rau : I have asked the Agents, Bengal Nagpur and East Indian Railways, for figures showing the total tonnage of coal carried for the public and the earnings therefrom, by zones, during the months of February to June, 1932, as compared with the figures for the corresponding period of the previous year and will place a statement containing the information, when received, on the table of the House.

INCOME OF STATE RAILWAYS FROM FARES.

632. ***Mr. A. H. Ghuznavi :** Will Government please lay on the table a comparative statement shewing the income, class by class, of the respective State Railways from Railway fares for four months since the rates of fares have been increased, and that of the corresponding period of the previous year ?

Mr. P. R. Rau : On the Eastern Bengal Railway only third class passenger fares were enhanced from 1st October, 1931, for distances over 150 miles. The earnings from this class for distances over 150 miles, for the months of October, 1931, to January, 1932, were Rs. 15,67,468 against Rs. 18,63,635 for the corresponding period of the previous year.

I have asked the Agents, East Indian, Great Indian Peninsula, and North Western Railways, for the figures required by the Honourable Member and will lay them on the table when they are received. There has been no change recently in the fares on the Burma Railways.

EDUCATIONAL QUALIFICATIONS, PAY, ETC., OF MUNSHI GAYA PERSHAD, ASSISTANT DISTRICT INSPECTOR OF SCHOOLS, AJMER-MERWARA.

633. ***Khan Bahadur Haji Wajihuddin :** (a) Will Government please enquire and state (i) the educational qualifications, (ii) present pay and (iii) grade of pay of Munshi Gaya Pershad, Assistant District Inspector of Schools, Ajmer-Merwara ?

(b) To what extent is it true that the said Munshi Gaya Pershad has no knowledge of English ? If it is not a fact, will Government please state what examination in English the said Munshi has passed ?

(c) Is it a fact that the said Munshi has not passed any examination in Sanskrit or Persian ?

(d) Is it a fact that the said Munshi is entrusted with the work of inspecting the vernacular schools in the Merwara circle ?

(e) Is it a fact that in the Merwara circle there are several vernacular schools, in which English is taught as an optional subject ?

(f) If what are stated at parts (b), (d) and (e) above are facts, will Government please state how the said Munshi can manage to inspect the English classes in the schools referred to in part (e) above ?

Mr. G. S. Bajpai : (a), (b) and (c). This officer has not passed any examination in English, Persian or Sanskrit, but he is a trained certificated

teacher with an excellent record of service both as a teacher and as an inspecting officer. His present pay is Rs. 200 in the grade of Rs. 150—10—200.

(d) Yes.

(c) and (f). There are only two schools in the Merwara circle in which English is taught as an optional subject. These schools are regularly inspected by the District Inspector of Schools who is an M.A. and Licentiate in Teaching. He carries out the inspection of the English classes of these schools. They are also visited by the Superintendent of Education, Ajmer-Merwara.

Mr. Gaya Prasad Singh : Is it not a fact that this gentleman is standing in the way of a Muhammadan employee in the Education Department of Ajmer-Merwara who is instigating all these questions which are asked both in this Session, as well as in the last Session ?

Mr. G. S. Bajpai : I have no information on the point.

Dr. Ziauddin Ahmad : What examination has he passed ?

Mr. G. S. Bajpai : I have already stated that he passed no examination either in English, or Persian or Sanskrit.

Dr. Ziauddin Ahmad : And still he is managing his work.

ALLEGATIONS AGAINST MUNSHI GAYA PERSHAD, ASSISTANT DISTRICT INSPECTOR OF SCHOOLS, AJMER-MERWARA.

634. *Khan Bahadur Haji Wajihuddin : (a) Is it a fact that an enquiry was held, by the order of the Superintendent of Education, Delhi and Ajmer-Merwara, into the complaints of one Pundit Mohan Lal Sharma against Munshi Gaya Pershad, an educational inspecting officer of Ajmer-Merwara ? If so, what were the allegations against the said Munshi Gaya Pershad ?

(b) Who were the officers that made the enquiry into the complaints referred to in part (a) above ?

(c) Is it a fact that one of the enquiring officers referred to in part (b) above was an officer of the Educational Department, who was, like the said Munshi Gaya Pershad, debarred from inspecting and visiting any girls' schools in Ajmer-Merwara on the complaints of lady teachers ? If so, what was the name and designation of that enquiring officer ?

(d) Is it a fact that the enquiring officers threatened the complainant Pundit Mohan Lal during the enquiry ?

(e) Is it a fact that the witnesses on behalf of the complainant were intimidated by the enquiring officers ?

(f) Is it a fact that the enquiring officers refused to summon several witnesses whom the said complainant wanted to produce ?

(g) Is it a fact that the enquiring officers disallowed relevant questions of the complainant on the subject of the said Munshi Gaya Pershad's travelling under a false name by motor lorry ?

(*) Is it a fact that the depositions of the witnesses were recorded in pencil during the enquiry ?

(i) Is it a fact that the depositions of the witnesses in the enquiry were not read over to them and were not signed by them ?

(j) Is it a fact that the findings and report of the said enquiring officers were not made known to the complainant Pundit Mohan Lal Sharma ?

Mr. G. S. Bajpai : (a) Yes. The allegation against Munshi Gaya Pershad was that he attempted to violate the sanctity of the complainant's *zenana*.

(b) The Extra Assistant Commissioner, Ajmer-Merwara, and the Assistant Superintendent of Education, Ajmer-Merwara.

(c) The reply to the first part of the question is in the negative. The second part does not arise.

(d), (e), (f) and (g). The reply is in the negative.

(h) Yes ; but the evidence was soon after typed and signed by the inquiring officers, who certified it to be correct.

(i) The reply to the first part is in the negative and to the second in the affirmative.

(j) No.

Mr. Gaya Prasad Singh : Is not, Sir, an Honourable Member of the House in honour bound not to make a serious allegation against an officer of the Government, unless he is prepared to substantiate it by indisputable proof ?

Mr. G. S. Bajpai : That question is not addressed to me as I made no allegations.

Mr. Gaya Prasad Singh : The Honourable Member knows to whom this question is addressed.

ADVERTISEMENT FOR THE POST OF HEAD MASTER, GOVERNMENT HIGH SCHOOL, AJMER.

635. *Khan Bahadur Haji Wajihuddin : Will Government please enquire and state whether it is a fact that after the retirement of Mr. H. M. C. Harris, applications for the post of the Head Master, Government High School, Ajmer, were called in by advertisement ? If not, why not ?

Mr. G. S. Bajpai : The reply is in the affirmative. Applications were not invited because suitably qualified candidates were available on the existing cadre of the Education Department, Ajmer-Merwara.

RELATIONS OF RAI SAHIB PANDIT P. B. JOSHI, HEAD MASTER, GOVERNMENT HIGH SCHOOL, AJMER, EMPLOYED IN THE SAME SCHOOL.

636. *Khan Bahadur Haji Wajihuddin : Will Government please enquire and state whether it is a fact that the younger brother of Pundit P. B. Joshi and several other relations of the said Pundit Joshi were working as Assistant Masters in the Government High School, Ajmer, when the said Pundit Joshi was appointed as Head Master of the said High School ? If so, why were so many persons related to one another working in one and the same institution ?

Mr. G. S. Bajpai : The only relation of Rai Sahib Pandit P. B. Joshi employed as a teacher in the Government High School, Ajmer, when he was appointed Head Master, was his younger brother, Mr. N. K. Joshi. The latter part of the question does not arise.

ABSENCE OF MEDICAL AND OTHER FACILITIES FOR THE SECRETARIAT STAFF ALLOTTED SUMMER HILL QUARTERS.

637. ***Mr. Lalchand Navalrai** (on behalf of Sardar Sant Singh) :
(a) Are Government aware of the feeling that several members of the Secretariat Staff who have been allotted quarters at Summer Hill are not keen on occupying them for want of medical, educational and other facilities ?

(b) Is it a fact that about fourteen of the allottees for 1932 surrendered their claims or did not reside in the quarters allotted on account of what is stated in part (a) above ?

The Honourable Sir Frank Noyce : (a) Some clerks may hold such views, but other clerks have shown readiness to occupy the quarters.

(b) The reply is in the negative.

Mr. Lalchand Navalrai : Will the Honourable Member please state whether the timings of the special train that is running between Summer Hill and Simla have been changed to suit the convenience of the Members ?

The Honourable Sir Frank Noyce : I have already answered that question on two occasions in this House.

Mr. Lalchand Navalrai : I should like to know if Government are prepared to change the timings of the train to suit the convenience of Members, because they are now asked to occupy those quarters.

The Honourable Sir Frank Noyce : No, Sir. I have already answered the question at some length in this House and stated that the timings of the train are arranged to suit the convenience of clerks working in the Army Headquarters who are in the majority at Summer Hill and that every facility is afforded by the heads of Civil Departments to allow their clerks to take advantage of that train. They are allowed to attend office at 9.45 A.M. and to leave 4 P.M.

Dr. Ziauddin Ahmad : Will the Honourable Member safeguard the interests of the clerks of the Civil Departments and ask the Government to allow them to travel without payment in the same way as the clerks of the Army Headquarters do.

The Honourable Sir Frank Noyce : I have no reason to believe that the interests of the clerks in the Civil Departments are not safeguarded. If the Honourable Member will bring to my notice any instance in which the clerks in the Civil Departments are not being allowed to avail themselves of the facility, I shall be happy to refer the matter to the department concerned.

Dr. Ziauddin Ahmad : I was told on the floor of this House by the Army Secretary that the clerks in the Army Headquarters are allowed to travel free, while the clerks in the Civil Departments have to pay.

The Honourable Sir Frank Noyce : I am sorry ; I thought the Honourable Member was referring to the timings of the train and not to the question of charge. I shall be glad to look into the matter.

TRANSFER OF PRISONERS CONVICTED OF TERRORIST CRIMES TO THE ANDAMANS.

638. ***Mr. Muhammad Azhar Ali :** With reference to the discussions in the Bengal Legislative Council about the transfer of prisoners convicted of terrorist crimes to the Andamans and Government's decision thereon, will Government be pleased to state :

- (a) whether this House will have an opportunity to discuss the policy with regard to the transfer of such prisoners ; and
- (b) whether the term " convicted terrorist " as used by the Secretary of State in his announcement in the British Parliament, includes all convicted congressmen or only Bengal " convicted terrorists " ?

The Honourable Mr. H. G. Haig : (a) I have already answered a number of questions on the subject and I hope I have made the policy of Government clear.

(b) A congressman is not synonymous with a terrorist. The prisoners who are being transferred to the Andamans are those who have been convicted in connection with terrorist crime.

REPRESENTATION OF MUSLIMS IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

639. ***Mr. M. Maswood Ahmad :** (a) Is it a fact that three appointments of Inspector-Accountant have been made by the Commissioner of Income-tax, Bihar and Orissa, without any advertisement ?

(b) Is it a fact that out of these three posts none has been given to a Muslim ?

(c) If the answer of part (b) be in the affirmative, will Government be pleased to state the reasons why the claim of the Muslims has been overlooked ?

(d) Is it a fact that out of these three appointments, two have been given to two Bengalees and one to a Biharee Hindu ?

(e) Will Government be pleased to state whether all the three candidates had any special qualifications ?

(f) If the answer to part (e) be in the affirmative, will Government be pleased to state what special qualifications the candidates had ?

(g) Are Government aware that there was already inadequate representation of the minority communities in general and of the Muslim community in particular in the Income-tax Department, Bihar and Orissa ?

The Honourable Sir Alan Parsons : (a) No. The vacancies for Inspector-Accountants were advertised in December, 1931, and out of the applicants, 11 appointments were made in January, 1932, and one further selection was made in July, 1932, out of 11 persons appointed in January, 1932, two were discharged on 31st March, 1932, but were re-employed in July, 1932, along with one new candidate.

(b) Yes, if the Honourable Member is referring to the one appointment, or two re-appointments in July.

(c) Out of 12 temporary Inspector-Accountants appointed, three posts were given to the minority communities.

(d) Yes.

(e) and (f). As stated in reply to part (a) of the question the three appointments made in July, 1932, were part of the total appointments of 12 temporary Inspector-Accountants. Two of the three candidates had honours degrees and the third was a graduate belonging to the ministerial establishment of the province, who had specially distinguished himself in his work.

(g) Out of 126 posts, 29 are held by minority communities, 22 being held by Muslims.

Mr. Gaya Prasad Singh : Are Government aware that the Muslims form only about nine per cent. of the population in the province of Bihar and Orissa ?

Mr. M. Maswood Ahmad : We are about 12 per cent.

Mr. Gaya Prasad Singh : Not yet ; when Orissa has been separated, you may be.

Mr. M. Maswood Ahmad : Then we will be about 14 per cent.

The Honourable Sir Alan Parsons : I have not quite as much information about the population of Bihar and Orissa as my Honourable friend has.

Mr. M. Maswood Ahmad : The Honourable Member, in reply to part (a) of my question, has said 'No', will he kindly say in what papers advertisements were made and on what dates ?

The Honourable Sir Alan Parsons : I am afraid the Honourable Member must give me notice of that question.

Mr. M. Maswood Ahmad : The notice has already been given in part (a) of my question.

The Honourable Sir Alan Parsons : I think my Honourable friend could not hear my answer properly. In effect, my answer is this : there was an advertisement for 11 appointments in January and all the selections that were made from applicants who applied in view of that advertisement.

Mr. M. Maswood Ahmad : My supplementary question is still unanswered

Mr. Gaya Prasad Singh : Will Government also care to find out, if they so desire, the percentage of the income-tax paid by the Hindus and the Muhammadans in Bihar and Orissa ?

The Honourable Sir Alan Parsons : No, Sir. I am glad to say that we do not keep income-tax returns on a communal basis.

REPRESENTATION OF MUSLIMS IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

640. *Mr. M. Maswood Ahmad : (a) Will Government be pleased to lay on the table a statement showing :

- (i) the total number of Income-tax officers ;
- (ii) the total number of Inspector Accountants ;
- (iii) the total number of Muslim Income-tax officers ; and
- (iv) the total number of Muslim Inspector Accountants ;

in the Income-tax Department, Bihar and Orissa ?

(b) Do Government propose to issue special instructions to all the Heads of Departments subordinate to them to follow strictly the Government circular regarding representation of Muslims and other minority communities in their respective departments in the matter of appointments ?

The Honourable Sir Alan Parsons : (a) A statement is laid on the table.

(b) No. The Heads of Departments are required to follow the general orders laid down by Government. These orders prescribe that 1/3rd of the vacancies should be reserved for minority communities that are inadequately represented otherwise, but no percentage has been fixed for any particular minority community.

Income-tax Department, Bihar and Orissa.

Total Number of Income-tax Officers. (i)	Total No. of Inspector- Accountants. (ii)		Total No. of Muslim Income-tax Officers. (iii)	Total No. of Muslim In- spector-Accountants. (iv)	
	Permanent.	Temporary.		Permanent.	Temporary.
16 (Including 3 Assistant Income-tax Officers.)	11	12	2	2	2

SHIFTING OF KALPATHY-PALGHAT POST OFFICE, SOUTH MALABAR.

641. *Mr. K. P. Thampan : (a) Will Government be pleased to state why the Kalpathy-Palghat Post Office in South Malabar was shifted from the locality where it had remained for the last 32 years to another place ?

(b) Is it a fact that the public protested against its shifting and a deputation of respectable citizens waited on the Post Master General at Ooty requesting him not to do so ?

(c) Will Government please state whether during the 32 years of its existence in the locality the department had received any petition from any one regarding the unsuitability of its location ?

(d) Will Government please state whether the Assistant Post Master General who was specially deputed to inspect the place, was of opinion that the old place was the best and so took a letter of consent from a landlord to put up a type building specially for the office? If so, why were his recommendations over-ruled and the idea of erecting the building given up? Will Government be pleased to lay on the table a copy of the Assistant Post Master General's report?

(e) How long was the post office kept in the building now abandoned? Will Government please state whether any officer of the department had condemned it at any time; whether the landlord has failed to carry out the annual repairs or any alteration that was suggested to him and whether he demanded a higher rent?

(f) Will Government please state whether the department thought that the rent was too much? If so, was the landlord asked to accept a lower rate? Were efforts made to find other quarters in the same locality; if so, what and who were the persons approached?

(g) What is the net saving per month now effected by this shifting? What will be the expense to open an Extra Departmental Sub-Office at the site as is decided? If, on the whole, it would be a loss to the department what is the justification for this change?

(h) Are Government aware that the new post office is situated in the heart of the Brahmin *agraharam* which is practically inaccessible to the depressed classes and that no post master belonging to the Christian, Mohammedan or the Depressed Classes community can live in the building now selected for the office and by so doing Government have tied their hands in the choice of post masters for this office?

(i) Do Government propose to direct the Post Master General at Madras or any senior officer to make a fresh enquiry and remove the office back to the old locality?

Mr. T. Ryan : (a) to (i). Government have no information on the subject. The matter is entirely within the competence of the Postmaster General, Madras, to whom a copy of the question is being sent.

REMOVAL OF HIS OFFICE BY THE SUPERINTENDENT OF POST OFFICES, NILGIRIS, TO A BUILDING OWNED BY HIM.

642. ***Mr. K. P. Thampan :** Will Government be pleased to state :

- (a) whether it is a fact that the Superintendent of Post Office, Nilgiris, constructed a new building for himself and removed his office to it without obtaining the previous orders of the Post Master General;
- (b) what rent he actually charged at first; whether it was more than the rate sanctioned for better accommodation;
- (c) subsequently when enquiry was made about it, whether the Municipal and P. W. D. authorities fixed a lower rate; and
- (d) if the answer to part (c) is in the affirmative, what disciplinary action was taken against the Superintendent for this sort of profiteering at the expense of the department; if no action

has been already taken, whether Government propose to make an inquiry into this discreditable transaction and take effective steps to avoid repetition of such cases ?

Mr. T. Ryan : (a) Yes.

(b) The rent charged was Rs. 115 per mensem which is the same as was previously charged for other accommodation whose suitability was questioned.

(c) Yes, different rentals were suggested but finally the Municipality assessed the rent at Rs. 150 per mensem if the building were taken on a monthly arrangement and at Rs. 115 per mensem if taken on a long lease.

(d) The case is under correspondence with the Postmaster General.

Mr. K. P. Thampan : With regard to part (c), may I know why the Government thought it necessary to make an inquiry about the rent charged by him ? Was it done *suo motu* by Government ?

Mr. T. Ryan : My information is and I think I am right in saying that some doubt arose as to whether the rent proposed was correct and a reference was made to the Chairman of the Municipality. The case, I may say, is still under further investigation as I am not yet satisfied with the circumstances connected with it.

Mr. K. P. Thampan : Will Government be pleased to tell the House the results of the investigation when it is over ?

Mr. T. Ryan : Yes, Sir.

ABSENCE OF RETIRING ROOMS AT THE MADRAS CENTRAL STATION.

643. ***Mr. K. P. Thampan :** Will Government be pleased to state :

(a) whether they are aware that there are no retiring rooms at the Madras Central Station at present and consequently, passengers, especially those going to the West Coast, from Calcutta and by the Grand Trunk Express are put to great inconvenience ; and

(b) if so, whether Government propose to give immediate instructions to the Madras and Southern Mahratta Railway authorities to provide two or three retiring rooms in the first storey of the Central Station by making slight alterations in the present building ?

Mr. P. R. Rau : (a) No, Sir ; Government were not aware of this till receipt of the Honourable Member's question.

(b) I am bringing the Honourable Member's suggestion to the notice of the Agent, Madras and Southern Mahratta Railway, for such action as he may consider necessary.

Mr. K. P. Thampan : Is not the Honourable Member aware that the West Coast Mail leaves Madras just a few minutes before the Grand Trunk Express is timed to arrive there ? Will Government therefore be pleased to direct that the West Coast Mail might be timed to leave a little late, so that passengers going by the Grand Trunk Express could avail themselves of the West Coast Mail of

the same day to go to their places without having to wait one full day at Madras ?

Mr. P. R. Rau : This fact was brought to my notice the other day by another Honourable Member from Malabar and I am writing to the South Indian Railway about it.

AUCTION OF FRUITS STALLS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

644. ***Mr. K. P. Thampan :** Will Government be pleased to state :

- (a) whether it is a fact that the Madras and Southern Mahratta Railway has recently introduced the system of auctioning out fruit stalls on their railway stations ;
- (b) whether the State Railways have expressly refrained from calling for tenders for fruit stalls as the system is likely to detract from efficiency of service to the public ;
- (c) whether the Madras Railway User's Federation, in their memorandum, presented to the Financial Commissioner when he visited Madras, urged for the abolition of that system as the quality of stuff sold considerably deteriorated thereby ;
- (d) whether the Hubli Local Advisory Committee recommended the discontinuance of that system ;
- (e) whether on the Madras and Southern Mahratta Railway this system of auctioning out fruit stalls was once in vogue but was subsequently given up as being detrimental to public interests ; and
- (f) whether Government propose to direct the Madras and Southern Mahratta Railway to discontinue this system ?

Mr. P. R. Rau : (a) Government have no information of any recent change in the giving out of contracts for the sale of fruit at stations on the Madras and Southern Mahratta Railway.

(b) Government are not aware as to what precisely is the practice at present on State-managed Railways, as these are matters within the discretion of Agents.

(c) Yes, except that no reference was made in the memorandum to deterioration in the quality of the fruit sold.

(d) I have not been able to trace in the proceedings of the Hubli Advisory Committee any reference to the system of auctioning fruit stall, but at their meeting on the 13th July, 1932, the Committee were informed in regard to the question of food stalls and tea shops that no auction had been held but tenders had been called for in the case of contracts for the sale of tea and sweetmeats.

(e) Government have no information on the point, but I am prepared to accept the Honourable Member's statement.

(f) Government do not propose to interfere in the matter which is one for the Railway Administration to consider, and can suitably be

raised at a meeting of the Railway's Advisory Committee by any member of such Committee.

Mr. K. P. Thampan : Will the Honourable Member be pleased to send a copy of this question and answer to the Agent, Madras and Southern Mahratta Railway ?

Mr. P. B. Rau : Certainly, Sir.

Mr. B. Das : Will the Honourable Member kindly bear in mind this question and certain other questions asked previously on the floor of this House and see that the Railway Companies do not indulge in profiteering and that the fruit and tea stalls are used for the benefit of travelling public ?

Mr. P. B. Rau : I doubt, Sir, if any railway in India can be said to be profiteering now.

Mr. B. Das : Is it not a fact that certain railways are realising large licensing fees on foodstuffs that are sold in the railway stations ?

Mr. P. B. Rau : I am not aware of the exact facts on different railways, as I have already stated.

Mr. B. Das : Did I not call the attention of the Honourable Member on another day in a supplementary question and the Honourable Member promised me to look into it ?

Mr. P. B. Rau : I shall have to look up the proceedings of that day.

ALLEGED KICKING OFF OF A MILK POT BY AN ANGLO-INDIAN TRAFFIC INSPECTOR ON A STATION PLATFORM.

645. ***Mr. K. P. Thampan :** (a) Has the attention of Government been drawn to an article entitled "Milk pot kicked on station platform" at page 191 of the *Indian Railway Magazine* in its issue for July, 1932 ?

(b) Is it a fact that whereas the Station Master has been transferred as the result of the enquiry, the Anglo-Indian Traffic Inspector who actually kicked the pot has been let off scot-free ?

(c) Is it a fact that the Contractor wanted to proceed against the Traffic Inspector in a court of law but the District Traffic Superintendent of Bezwada refused permission for it ? If so, why ?

Mr. P. B. Rau : I have called for information and will lay a reply on the table in due course.

MERCANTILE COUPON TICKETS ON RAILWAYS.

646. ***Mr. K. P. Thampan :** (a) With regard to the issue of mercantile coupon tickets will Government be pleased to state :

(i) how long the system was in force since its introduction ;

(ii) why it was discontinued ;

(iii) how many books of 1st and 2nd class were sold on each of the railways during the last three months before its discontinuance ;

(iv) when it was reintroduced ;

(v) what the cost of the coupon books was before and what it is now ;

(vi) how many books were sold during the last three months on each of the railways since its reintroduction ?

(b) Are Government aware that both the South Indian Chamber of Commerce and the Madras Railway User's Federation urged the reduction of the cost thereof and the provision of interchangeability with all railways in their memorandum presented to the Financial Commissioner on the occasion of his recent Madras visit ?

(c) Are Government prepared to direct that the cost of mercantile coupon tickets be reduced for the 2nd class and they be made interchangeable with all railways ?

Mr. P. E. Rau : (a) (i) The system was introduced on the Madras and Southern Mahratta Railway in 1923 and on certain other principal Railways during 1926 and 1927. It was discontinued in 1931 on the Bengal Nagpur, Bombay, Baroda and Central India, East Indian, Great Indian Peninsula, Jodhpur and Nizam's State Railways.

(ii) The system was discontinued on account of certain abuses that had arisen, and because the Railways concerned were of opinion that the grant of this concession did not bring them any additional traffic.

(iii) The information is not readily available.

(iv) So far as information is available, it would appear that it was only on the South Indian Railway that the system was discontinued on the 1st June, 1931, and re-introduced on the 1st August, 1931.

(v) The cost of coupon books has varied from time to time on the different Railways. On the majority of the Railways issuing these books, the cost till about a year or two ago was Rs. 234-6-0 for a first class book and Rs. 117-3-0 for a second class book.

The cost now is as follows :

Railway.	First Class.			Second Class.		
	Rs.	A.	P.	Rs.	A.	P.
Bengal and North Western ..	205	0	0	105	0	0
Eastern Bengal ..	156	4	0	100	0	0
Madras and Southern Mahratta	300	0	0	160	0	0
Mysore ..	280	0	0	140	0	0
North Western ..	234	6	0	117	3	0
South Indian ..	280	0	0	140	0	0

On the Eastern Bengal Railway each book covers 2,000 miles of travel and on other Railways 3,000 miles.

(vi) The Agent, South Indian Railway has been asked to give the information required. It will be laid on the table of the House when it is received.

(b) The memorandum from the South Indian Chamber of Commerce did contain a reference to this, but not the memorandum from the Madras Railway Users Federation.

(c) The fixing of the price for these tickets is a matter for each Railway Administration to determine, and Government are not prepared to interfere. Interchangeability of tickets purchased on these coupons between all Railways is only practicable when the basis of charge is uniform. This is not the case at present.

REDUCTION OF THE NUMBER OF SALOONS FOR RAILWAY OFFICIALS.

647. *Mr. K. P. Thampan : (a) Has the attention of Government been drawn to an article entitled "Saloons and retrenchment" at page 180 of the *Indian Railway Magazine* in its issue for July, 1932 ?

(b) Is it a fact that Assistant Engineers on the Madras and Southern Mahratta Railway are allowed the use of saloons ?

(c) With reference to the recommendations of the Retrenchment Committee that the number of officers entitled to saloons should be reduced, will Government be pleased to lay on the table a statement showing what retrenchment has been effected in this matter on each of the railways ?

Mr. P. E. Rau : (a) and (b). Yes.

(c) The main recommendation of the Railway Retrenchment Sub-Committee was that no additions to the present stock of saloons should be made and replacements should be carefully considered. This recommendation has been accepted by Government. The subsidiary recommendations regarding pooling and reduction of use of special carriages by officers has been brought to the notice of railways.

RETRENCHMENT EFFECTED IN THE RAILWAY RATES COMMITTEE AND THE CENTRAL PUBLICITY BUREAU.

648. *Mr. K. P. Thampan : (a) Will Government be pleased to state whether any and, if so, to what extent effect has been given to the recommendations of the Retrenchment Committee in respect of (i) the Railway Rates Committee and (ii) the Central Publicity Bureau ?

(b) What was the monthly expenditure on each of these departments in July, 1931 and July, 1932 ?

(c) How many cases were referred to the Rates Advisory Committee in 1931 and how many have been heard and how many have been decided ?

(d) If any cases have been decided will Government be pleased to state the results of the cases ?

(e) Why was the office of the Committee removed from Calcutta and to what place was it removed ?

(f) Was any notice given to the public of such removal ?

(g) Do Government propose to abolish it altogether or reconstitute it and, if so, in what manner ?

Mr. P. E. Rau : (a) I would refer the Honourable Member to the Statement circulated to Honourable Members on the 4th November, 1931, and to further statement circulated with the Railway Budget papers in February, 1932, showing the conclusions to which the Government of India had come on the report of the Railway Retrenchment Sub-Committee, and the action taken or proposed to be taken on these recommendations.

(b) Figures of expenditure as recorded in the books for any one month will not give as correct an appreciation of the position as figures for the whole year, and, in any case, figures for July, 1932, are not yet available. The actual expenditure during 1931-32 on the Railway Rates Advisory Committee was Rs. 1,31,460 and on the Central Publicity Bureau Rs. 3,49,451. The budget estimate for 1932-33 for the Railway Rates Advisory Committee is Rs. 50,000 and for the Central Publicity Bureau Rs. 2,71,000. These estimates are not likely to be exceeded.

(c) and (d). One, which was withdrawn by the complainant, after the first hearing of the case. I may add that the services of the Committee were placed at the disposal of the Commerce Department for a period of about one month in connection with a complaint regarding the fares charged by certain steamer companies in Bengal, and that the sittings of the Committee were suspended temporarily for a period of about 5½ months when both the President and the Railway Member were on leave.

(e) The office was removed from Calcutta to Vizagapatam as a measure of economy.

(f) No. Notice was not necessary, as applications for cases to be referred to the Committee are required to be addressed to the Secretary, Railway Board.

(g) Government do not propose to abolish the Committee. They have recently re-constituted it by dispensing with the permanent Railway Member and by arranging for a Railway Member to be appointed for the hearing of each case referred to the Committee in the same way as a Commercial Member is appointed for each case.

Mr. K. P. Thampan : Did I understand the Honourable Member to say that there was only one case and that it was subsequently withdrawn ?

Mr. P. R. Rau : That was in 1931. I believe in the current year there are four or five cases already referred to them.

INCOME, EXPENDITURE, ETC., OF THE "INDIAN STATE RAILWAYS MAGAZINE."

649. ***Mr. K. P. Thampan :** With reference to the *Indian State Railways Magazine*, will Government be pleased to state :

- (a) the income from subscriptions and advertisements in the last official year ;
- (b) the expenses during the said period under the head (1) paper, (2) printing, (3) postage, (4) block making, (5) clerical charges, (6) editorial charges, and (7) miscellaneous ; and
- (c) how many copies are circulated in India, how many in England and how many in other countries ?

Mr. P. R. Rau : (a) Rs. 1,35,091.

(b) (1) and (2). Rs. 63,480, the charges for printing include the cost of paper.

(3) Rs. 960.

(4) Rs. 11,428.

(5) Rs. 2,424.

(6) Rs. 3,600.

(7) Rs. 42,846.

(c) Monthly average of 5,124 in India and 750 in other countries including England.

Mr. K. P. Thampan : May I know whether it pays its own way ?

Mr. P. R. Rau : It has been claimed that it does.

OLD THIRD CLASS CARRIAGES USED AS QUARTERS FOR STATION MASTERS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

650. ***Mr. K. P. Thampan :** (a) Has the attention of Government been drawn to an article entitled "Old third class carriage is Station Master's quarters" at page 197 of the *Indian Railway Magazine* in its issue for July, 1932 ?

(b) Is it a fact that station masters are asked to live in old third class carriages at Yerramappalli, Munamuka and Kaduvankundru on the Madras and Southern Mahratta Railway ?

(c) How long have these stations been in existence ?

(d) What has been the income from each of these stations since the dates of inception ?

(e) Is it a fact that at Munamuka station a station master was murdered a few years back ?

Mr. P. R. Rau : I have called for information and will lay a reply on the table in due course.

PURCHASE OF KIRKEND COAL.

†651. ***Mr. A. H. Ghuznavi :** (a) Is it a fact that Maharaja Kashmir-bazar's Ekra (Gillanders) 12, 13 and 14 Seams, all Selected Grade, offered 1,44,000 tons at Rs. 3-12-0 a ton but only 42,000 tons were taken from Ekra while I. N. Chander's Kirkend coal (17,000 tons) was taken at the same rate ? Did the latter contain 12, 13 and 15 Seams of which 12 Seam was Grade I and was it open to him to supply only 12 Seam coal ?

(b) Is it also a fact that even a higher price, viz., Rs. 4, was paid for the 12,000 tons from the New Manbhumi Coal Company's Gazlitan Colliery ? Did it contain 13, 14 and 15 Seam of which 13 and 14 Seam were Grade I coal ? Is it a fact that Central Kirkend Coal Company's Central Kirkend (12, 13, 14 and 15 Seam) was favoured with an order for 24,000 tons at Rs. 4-2-8 and of this 15 Seam was Grade I ?

(c) Will Government please state the reason why Mr. Whitworth or the Board preferred to take Grade I coal when Selected Grade coal could be had at the same price and why a higher price was paid for inferior coal ?

PURCHASE OF LOYABAD COAL.

652. ***Mr. A. H. Ghuznavi :** (a) Is it a fact that 50,000 tons (12, 13, 14 and 15 Seam) of Loyabad coal of Burrakur Coal Company, Limited, were bought at Rs. 4-3-0 a ton and 12,000 tons (12, 13, 14 and 15 Seam) of Mudidihi at Rs. 4-3-0 and of these 12, 13 and 14 Seam were of Selected Grade and 15 Seam of Grade I ?

†For answer to this question, see answer to question No. 600.

(b) Have the Board any means of ascertaining what proportion of Selected Grade coal the mixture contained and, if the proportion was not fixed, were not the tenderers at liberty to supply any quantity of Grade I coal which could be had at Rs. 2-10-0 a ton ?

(c) Is it not the intention of Government that coal from different seams should be tendered for separately ? Does not the form of the tender make this clear ?

Mr. P. B. Rau : (a) Yes, but as the Honourable Member has already been informed, railways do not purchase to the Grading Board classifications.

(b) As I have already explained the checking of supplies from different seams is made by underground and surface inspections and by examination of records of the loadings from the supply from separate seams. The supply from each seam is, according to the custom of the trade, made in equal proportions unless otherwise specified in the tender or contract.

(c) In the general rules and directions for the guidance of contractors which is incorporated in the tender form, it is definitely provided that when the coal will be taken from more than one seam, the contractor must state the name and number of different seams, give an analysis of coal from each seam and show proportions of coal that will be supplied from each seam.

PURCHASE OF COAL FROM THE KUSUNDA NAYADI COAL COMPANY, LIMITED.

653. ***Mr. A. H. Ghuznavi :** Is it a fact that the coal (15,000 tons) from the Kusunda Nayadi Coal Company, Limited, which was accepted at Rs. 2-12-0 a ton was of a mixture of 10, 11, 12 Seam of which 10 Seam is Grade II while 11 and 12 Seam are Grade I ? Was it stipulated in what proportions the coals of these three Seams would be mixed up and, if not, what steps were taken to ensure that the tenderer did not supply the lower Grade although he was paid the rate of higher Grade ? Who was responsible for such transaction ?

Mr. P. B. Rau : 1. The answer to the first part of the question is in the affirmative.

2. The proportion was not stipulated in the contract, but in the absence of any stipulation, the proportions of the different varieties, as I have already explained, be taken as equal.

3. The steps to be taken to ensure that the tenderer did not supply an undue proportion of low quality coal consisted of careful inspection.

PURCHASE OF VICTORIA COLLIERY (RAMNAGAR SEAM) COAL.

†654. ***Mr. A. H. Ghuznavi :** (a) Will Government state the reason why the offer of 72,000 tons from the New Birbhum Colliery Company's Victoria Colliery (Ramnagar Seam) at Rs. 4-12-0 was accepted in full while only 20,000 tons of the Bengal Iron Company's Ramnagar Colliery were accepted out of 60,000 tons of coal of the same Ramnagar quality although it was offered at Rs. 4-4-0 per ton ?

†For answer to this question, see answer to question No. 600.

(b) Is it a fact that 36,000 tons of Karamchand's Begunia, was offered at Rs. 4-6-0 and that it yields better quality coal than Ramnagar's but only 15,000 tons were accepted, and 72,000 tons in full of inferior quality were taken at a much higher rate ?

PURCHASE OF ANGRAPATRA COAL.

†655. *Mr. A. H. Ghuznavi : (a) Is it a fact that 12,000 tons of Union Coal Company's Angrapatra Coal (14 Seam, Grade I) were purchased at Rs. 4 and although Angrapatra Colliery Company offered 36,000 tons at Rs. 2-10-0, only 12,000 tons were purchased from them ?

(b) If so, will Government please state the reason why Rs. 4 per ton was paid for the same quality of coal when it was available at Rs. 2-10-0 per ton ?

PURCHASE OF GHUSICK AND MUSLIA COAL.

656. *Mr. A. H. Ghuznavi : Is it a fact that 30,000 tons of Ghusick and Muslia, etc., coal were accepted at Rs. 3-8-0 ? Will Government state what this *etcetra* signify ? Does it include the Niga quality of the Ghusick Seam ? Is not the Niga quality far inferior to the Ghusick quality ?

Mr. P. B. Rau : The term 'etcetra' denotes the names of other collieries included, viz. :

New Samra and Radhamadhabpore.

The purchase does not include Niga quality coal.

ENFORCEMENT OF CONTRACTORS OF THE TERMS OF TENDERS FOR SUPPLY OF COAL.

657. *Mr. A. H. Ghuznavi : With reference to the *terms of the tender*, viz. :

"In the event of the Contractor's failure to deliver any coal the Contractor shall pay to the Railway a sum equal to 1 per cent. on the total contract price of the coal which he shall have so failed to deliver for every day not exceeding ten days during which such failure shall continue."

will Government please state if Mr. Whitworth has enforced this condition in the case of any defaulting contractor ?

Mr. P. B. Rau : There has been only one case brought to the notice of the Railway Board of recent years, where there has been a case of such failure. The condition could not be enforced as the Colliery had ceased working in the meantime.

ENFORCEMENT ON CONTRACTORS OF THE TERMS OF TENDERS FOR SUPPLY OF COAL.

658. *Mr. A. H. Ghuznavi : (a) With reference to the clause in the tender form for the supply of rail-borne coal, viz. :

"In the event of such failure continuing for more than ten consecutive days the Agent may, after the expiry of such period either terminate the contract by Notice in writing to the Contractor or without any Notice purchase coal to the extent of the quantity in default from any source he may select and the Contractor shall pay to the Railway the amount of any loss which may be incurred by reason of the price paid on such purchase being above the contract price and the amount of any other loss or expenses which may be occasioned by the Contractor's failure to deliver."

will Government state whether instead of enforcing this clause to penalise failures on the part of tenderers in delivering coal within the stipulated

time, arrear quantities have been taken from tenderers even years after at the original contracted rate when market prices of those coals have gone down much below that rate ? If so, why and under what rule ?

(b) Are Government aware that tenderers withhold delivery of the contracted coal in the event of the market going up and await a favourable time when the price may decline to their profit delivery of coals beyond the stipulated time even is accepted ?

Mr. P. R. Rau : (a) Arrears on contracts are taken in those cases when the arrears accrue owing to the failure on the part of the Railway to take delivery of the coal contracted for and, in exceptional cases, when the Agent is satisfied that the contractor was hindered in the supply of the coal by circumstances not within his control.

(b) No such case has come to the knowledge of Government but the possibility does exist.

CLASSIFICATION OF SAMPLES OF COAL BY THE GRADING BOARD.

659. ***Mr. A. H. Ghuznavi :** (a) Is it a fact that the original reports of the Government Test House at Alipore on the analysis of samples of coals taken from collieries for the purpose of classification by the Grading Board are not placed on the table at the meeting of the Grading Board but that the results are announced by Mr. Whitworth from chits in his possession ?

(b) Are not the Colliery Proprietors who have to deposit fees in advance for such analysis entitled to know what the original reports are, and if so, why are they denied this privilege ?

Mr. P. R. Rau : (a) No. The original report of analyses from the Government Test House are read at meetings of the Grading Board and are available to the Members of the Board.

(b) Copies of analytical reports are supplied to Colliery Proprietors whose coals have been graded when asked for.

ABSENCE OF WAITING ROOMS AT MANCHESWAR, BENGAL NAGPUR RAILWAY.

660. ***Mr. B. N. Misra :** (a) Are Government aware :

(i) that there is no waiting room for the first, second, intermediate or third class passengers at Mancheswar, Bengal Nagpur Railway ; and

(ii) that much hardship is experienced by the passengers ?

(b) If the answer to part (a) is in the affirmative, are Government prepared to advise the Bengal Nagpur Railway to remove such grievances ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to this and question No. 661 together. Government have no information as to whether there are waiting rooms at the stations referred to. But I am sending a copy of the Honourable Member's questions and of this reply to the Agent, Bengal Nagpur Railway, for such action as he may consider necessary.

ABSENCE OF INTERMEDIATE CLASS AND THIRD CLASS WAITING ROOMS AT CERTAIN IMPORTANT STATIONS ON THE BENGAL NAGPUR RAILWAY.

†661. ***Mr. B. N. Misra** : (a) Are Government aware that there are no waiting rooms either for the intermediate or third class passengers in railway stations at such big commercial places and junctions as Vizanagram and Parvatipur, Bengal Nagpur Railway, on account of which much hardship is experienced by the passengers ?

(b) If the answer to part (a) be in the negative, are Government prepared to advise the Bengal Nagpur Railway to remove such a grievance ?

REDUCTION IN THE NUMBER OF LETTER-BOX PEONS IN CUTTACK.

662. ***Mr. B. N. Misra** : (a) Are Government aware that there were three letter-box peons for Cuttack Sadar formerly and that the reduction of the number to two causes much inconvenience to the public and hardship to the peons ?

(b) If so, do Government propose to make enquiries and remove the difficulties ?

Mr. T. Ryan : (a) and (b). Government have no information on this subject, but a copy of the question is being sent to the Postmaster General, Bihar and Orissa, who is fully competent to deal with the matter.

ELECTRIC CONNECTION FOR POST OFFICES IN CUTTACK.

663. ***Mr. B. N. Misra** : (a) Are Government aware that since the installation of electricity in Cuttack Town all Government offices have got electric connections except the Post Offices located there such as Chandnichouk, Choudhuri Bazar, etc. ?

(b) Do Government propose to make enquiries and to provide all Post Offices with electric connection ?

Mr. T. Ryan : (a) Government have no information on this point.

(b) The matter is within the competence of the Postmaster General, Bihar and Orissa Circle, to whom a copy of the question, is being sent.

ELECTION OF A MEMBER TO THE STANDING COMMITTEE ON ROADS.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I have to inform Honourable Members that as a result of the election held yesterday Kunwar Raghurib Singh has been elected as a member to the Standing Committee on Roads.

RESOLUTION RE CONSTITUTION OF A BOARD FOR THE PURCHASE OF COAL AND LOOKING AFTER THE STATE RAILWAY COLLIERIES.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Further
12 Noon. consideration of Mr. Ghuznavi's Resolution.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhamad Rural) : Sir, I move my amendment which runs thus :

“ That for the original Resolution the following be substituted :

‘ This Assembly recommends to the Governor General in Council that a Committee consisting of official and non-official members of this House with a non-official majority be appointed for the purpose of devising suitable ways for the better working and management of the State Railway Collieries with a view to running them on commercial lines, without prejudice to the present Government policy of the purchase of coal for Railway purposes from the open market ’.”

The Honourable Mr. Ghuznavi, in his Resolution, raises two distinct issues ; he wants a Board for the purpose of making all purchases of coal and, secondly, for looking after the management of the State collieries. In my amendment, I confine myself to the latter portion only, that is, about the better management of the State-managed collieries ; and my reason for not referring to the earlier part is simply this : Mr. Ghuznavi, in his last budget speech, made very specific and distinct charges against the authorities who deal with the purchase of coal for Indian Railways. It was not a mere stray remark in the course of a budget speech ; as a matter of fact, the whole speech was devoted to that end and he persisted in those charges in the subsequent debates on the cut motions under budget heads and also by various Resolutions and questions in this House. So far as I understood him, his purpose was to show by referring to various cases that the lowest tender is not accepted by the Government, thus causing great loss to the public exchequer. I was surprised at the attitude of the Government from the very beginning. Sir George Rainy raised some technical objections and seemed as if he wanted to hush up the whole matter. It was said that the Honourable Mr. Ghuznavi was seeking shelter under the privilege of the House in making those allegations in the Assembly. Mr. Ghuznavi very boldly accepted that challenge saying that he knew the consequences of making such grave allegations and that he was making those charges with the full responsibility of his position and would be glad to face it and he would not claim any privilege, if challenged in a court of law. The only course open, as far as I could understand, for the Government was to accept that challenge ; and I know that they have their explanation, in certain ways. They should explain to the House—or as a matter of fact to the public,—what are the reasons why they do not accept the lowest tender. In such an article, highly standardised like the coal, where one can say what particular quality of coal they are purchasing, why could they not say that for these specific reasons they could not accept the lowest tender always ; they should explain the reason why the Government had to take recourse to a policy involving highest expenditure to the treasury. But my reason for not referring to that question is this ; the coal trade in India is now a very strong organised trade. There is the Indian Mining Federation representing Indian colliery proprietors and there is also the Indian Mining Association, for the European owners. We have been informed from those recognised bodies that they are satisfied with the present policy of coal

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purchase and the communication that we received from the Indian Mining Federation has been supported also by the European Mining Association. I say this, of course, subject to correction from Mr. Morgan or any other member of the European Group who are acquainted with it, whether the European Group of coal-owners of the Indian Mining Association also approve of the resolution of the Indian Federation that they have not very much to criticise against the present policy of purchase of coal. If that is so, I, as a layman, do not think that unless there is some agitation or dissatisfaction amongst the colliery owners who are vitally concerned in this affair, this House will be well advised to go into that inquiry at all. Of course it has been said by my friend, Mr. Ghuznavi, that this 'Mining Federation' represents only about 100 coal-owners out of 795; but my answer to him is this; at least they represent 100, but Mr. Ghuznavi can speak only for the three companies of which he is a Director; they may not be in a moribund condition as Mr. Sen puts it; but in any way we do not find that he is in a better position to speak for all these 700 people without any specific authorisation from them.

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh : Muhammadan Rural) : I shall read out at a later stage the telegrams which I have received.

Mr. S. C. Mitra : So far as I have been able to ascertain the views of the coal-owners in Bengal, I find that, more or less, they were satisfied with the present policy; and, as a matter of fact, from inquiry from other gentlemen as well I can say here—even my Deputy Leader, Sir Cowasji Jehangir told me once, while giving large orders, while he was a Member of the Government of Bombay, for the Sukkur Barrage, he found from direct evidence and from inquiries that there was nothing wrong or shady with the grading or ordering of coal from different companies by Mr. Whitworth. Of course Sir Cowasji is here and, if there is an opportunity, I think, he will speak with greater authority.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Which year was that ?

Mr. S. C. Mitra : Up till about the year 1930, as I understand from Sir Cowasji Jehangir himself. As I said, these are the reasons why I do not like to press for any inquiry as regards the first part of Mr. Ghuznavi's Resolution, that is, the policy of the purchase of coal. But, as regards the second part, the management of the State collieries, I am on stronger ground. Unlike Mr. Ghuznavi I do not make any allegations against any person; but, as a matter of fact, I find that State collieries are not managed perhaps in a very economical way as it appears from their cost of production. The question was taken up several years before in the Public Accounts Committee; my Honourable friend, Mr. Neogy, raised the question and the Honourable Mr. P. R. Rau replied—I am referring to the Accounts of 1927-28 at page 317: he says :

“ We hope to have our departmental collieries on a cost accounting basis this year, but it will not meet Mr. Neogy's point as regards other collieries as we cannot impose upon company-managed railways our system of accounts; once we start a real commercial system of accounting in our railway collieries, other railways will probably follow suit; but till we set our own house in order we cannot really compel others to do so.”

That was the reason why, year after year, the Public Accounts Committee was pressing that point of view to find out the actual cost per ton in the State-managed collieries and compare them with the rate that prevailed in the market. I know that the accounts might be ready by this time, but it has not been placed before the Public Accounts Committee or the Assembly before this time; but there are other reasons why I raise this issue; there are specific allegations in Mr. Ghuznavi's speech and his questions which I shall develop later on. But one point I would like to know is this. How is it that for all these years there was no public tender called for from all these State collieries and why the same firm was given the contract in a large number of cases? I find that my friend, Mr. Ghuznavi, gave a few short notice questions but unfortunately Government did not see their way to answer them. I will read some of them:

"1. Will Government lay on the table a statement showing year by year what quantities of coals were raised from each of these collieries since their purchase, and giving the cost of raising?"

2. Did Government ever call for public tenders for raising contracts, and if so, when?"

3. Will Government state the names of persons or firms to whom raising contracts had been given since the collieries were purchased, stating the rates at which they were paid and mentioning the period for which the contracts were given?"

It has been said that ever since the purchase of the State collieries, no tender was called for raising contracts. Taking the Government purchase on an average of 20 lakhs tons a year and assuming that coal is purchased at the rate of Rs. 1-8-0 per ton, is it not amazing that public tenders are not called for raising contracts when the whole business involves an expenditure of nearly 30 lakhs per year? Then, Sir, there is a further allegation that this year alone they have asked for public tender from only one colliery, and that is the Argada colliery, and, by so inviting the public tender, they have got a rate of Re. 0-13-0, while, for the very same colliery, the rate used to be Rs. 1-6-0 per ton in previous years. If that is a fact,—of course, I speak subject to correction,—then certainly there is very good ground that this whole matter should be thoroughly inquired into. I understand from some of Mr. Ghuznavi's questions that the rate which was charged for raising in State-owned collieries varied from Re. 1-12-0 to Rs. 2 all these years continuously for the last 12 years in all contracts with Mr. A. L. Ojha, and also that these raising contracts are confined only to Cutchee contractors and that nobody else outside their community ever got a contract. All these facts can be found in the various questions raised by my friend, Mr. Ghuznavi. I found particularly to-day even Government did not answer about 20 to 30 questions put by my friend, Mr. Ghuznavi, and that raises a presumption that there is something wrong somewhere, and the whole question requires a thorough investigation.

Now, Sir, speaking on this Resolution, I submit that the present policy of the Government in purchasing coal from the Indian collieries is a sound policy. Government were driven to have their own collieries during the war, because, as a measure of insurance, they found it was necessary that in times of emergency, they should depend upon their own collieries, and also it is likely that there might be big combines amongst the colliery owners, and that they might dictate their own

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rates, in order to save themselves from these combines. Government decided to have recourse to own collieries themselves, but that is no reason why these collieries should not be worked economically. I am afraid, Sir, my time is up.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member has got a minute more.

Mr. S. C. Mitra : Thank you, Sir. It has been represented by the Indian collieries that from the financial point of view the Jarangdih colliery of Bombay, Baroda and Central India Railway and Madras and Southern Mahratta Railway seems to be a complete failure in actual working. In 1930-31, the latest year for which figures are available, the average working cost in this mine was Rs. 5.6 per ton, and while the capital expended till 31st March, 1931, was over Rs. 64 lakhs, the output was well within a lakh of tons. In Religara, though Rs. 19 lakhs was spent up to 31st March, 1931, and Rs. 44 lakhs was spent on two mines in Talchar up to the same date, none of these collieries contributed a single ton of coal for consumption of the railways. There are very good reasons that some of these collieries might be given up, and, as regards the others, they should be worked economically. For these reasons, I move this amendment for an inquiry.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I rise to support the amendment moved by my friend, Mr. S. C. Mitra. Being an old Member of this House and also happening as I do to be an Engineer and also to know the various shortcomings of my professions and the temptation that my profession is liable to be faced with, whether in Government service or private service, and knowing also, as I do, certain scandals in the collieries and in the coal purchase system that happened prior to my becoming a Member of this House, I very much welcome the present inquiry. In every discussion on the floor of this House I like that there should be decorum and that there should not be unnecessary accusation, and I am grateful to my friend, Mr. Ghuznavi, for one reason. He has arrested the attention of the House to a state of things that existed before 1923, and my friend, Mr. Mitra, in quoting certain chapters from the report of the Public Accounts Committee has only just added to that suspicion and the purpose of this House will be served if my friend on the Treasury Benches accepts this inquiry. I agree with Mr. Mitra that Government had to have recourse to State collieries as they did not want to pay high prices that private owners charged them during and after the war, but whether these collieries can be worked on a commercial basis at present or not is a point on which the Government have not come to a definite decision, nor can we, on this side, come to a decision unless there is a mixed committee of officials and non-officials to inquire into the administration of State-owned collieries and to see whether those collieries should be kept as a reserve to meet the competition of the markets and to meet extraordinary demands in time of war that might arise in future. My friend, Mr. Mitra, raised certain issues about raising contracts in the State collieries. I have no definite knowledge in the matter, but I would be glad to know from the Government their views on the matter, and, if the Committee

is appointed, it can go into that aspect of the question and see whether any jobbery exists at present.

As for the coal contracts, I have the evidence on one side, the expression of opinion of my friend, Mr. Ghuznavi, and then I have the views of my friend, Mr. Sen, whose opinion I always respect. We have heard a section of opinion saying that the present system of coal contract is good, while another section is complaining that things are not as they should be. But when there are parties asking for contracts and favours there may be jobbery and I would ask the Government to inquire not through this Committee but departmentally whether those scandals that existed at the time of the Munitions Board exist to-day, whether there is any chance of jobbery and whether there is any chance of wastage of public funds. If high Government officials like the Financial Commissioner and the Honourable Member for Railways will go into it, I should be satisfied. I recollect the speech which my Honourable friend, Sir George Rainy, made on the floor of this House on another occasion, but I wish only to make one observation. 1920-21 is not far away. It is only ten years. Although the observation was made that Mr. Ghuznavi had brought out skeletons from the cupboard and placed them before the House, I would like to point out that the situation which existed in 1920-21 may exist to-day and the public is very suspicious. When I came first in this House in 1924, I remember various questions being asked on the floor of this House about the scandal known as the Church scandal on the East Indian Railway. I do not like my friend, Mr. P. R. Rau, or my friend, the Honourable Sir Frank Noyce, who deputises for the Railway Member or Sir Alan Parsons to brush aside the criticisms as incidents of the past. What we aim at is that such scandals should not be repeated again. With these observations I support wholeheartedly the amendment moved by my friend, Mr. S. C. Mitra.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhamadan Rural) : I attended a course of lectures on the art of making debates and the lecturer pointed out that when you have to meet a very strong argument, you must always say that it is irrelevant. Last time when we were discussing the question of railways I pointed out that the railways were a losing concern and my argument was brushed aside by the Government Member in charge by saying that it was irrelevant. I am afraid the same argument may be used to-day and that all the criticisms that we bring forward may be disposed of as irrelevant, instead of replying to them.

I may point out that I do not belong either directly or indirectly, explicitly or implicitly, to any coal concern. The only interest I have is that I am a member of the Governing Body of the School of Mines. That is the only interest I have in the coal mining industry.

Mr. B. Das : Is the Chief Mining Engineer your colleague ?

Dr. Ziauddin Ahmad : I do not know. I was not introduced to him. My Honourable friend Mr. S. C. Sen may be a fortunate person in belonging to a group known as the pact group and my Honourable friend on the other side may possibly be unfortunate in not belonging to the pact group. I belong to no group. I stand here as a representative of

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the tax-payers to safeguard the interests of the public. My friend Mr. Sen pointed out that the charges levied against Mr. Whitworth were not proved. We are not here a committee of inquiry to prove or disprove charges. We are not sitting here as a court to collect evidence and find out whether a particular person is or is not guilty. We are here simply to discuss the principles and to discuss the administration.

My attention was first drawn to this question by reading the report of the Public Accounts Committee and they pointed out that the balance sheet of the collieries owned by the railways were never published. I repeatedly drew the attention of the House on every occasion when I had a chance to speak on the railway problem and asked the Railway Member 'for goodness' sake tell us whether the State collieries are a paying concern or not and for goodness' sake present us with a balance sheet so that we may be able to decide whether it is to our advantage to maintain these State collieries'. In reply to a question, Sir George Rainy said last time, if I remember right, that the balance sheet was seen by some business men. I hope that the Honourable Member for the Railways may lay the balance sheet shown to business men on the table and distribute it to every Member of the Assembly and if such a balance sheet is not circulated, then we will be forced to draw the inference which this fortnightly journal called *Business* has drawn. It says (page 4) :

"The cost of coal per ton is estimated to be Rs. 4-13-0. The same quality of coal which is produced by the State collieries can be had in the market at Rs. 2 or Rs. 2-4-0 a ton, showing a loss of Rs. 52 lakhs 50 thousand. That is about half a crore of rupees."

This paper further points out that even if it is considered prudent to work these State collieries, on no account should the tax-payer be saddled with the loss of about half a crore every year.

Here are the charges publicly levelled by one Honourable Member and those charges are reproduced in this paper which says under an article called "Contract without Tender" :

"What makes the Chief Mining Engineer deviate from the general rule in the case of these contracts is a mystery which it should be the earnest endeavour of every tax-payer in India to solve. Because, after all, any loss that the Railways may incur in this respect ultimately falls on the shoulders of the already over-burdened tax-payers."

It ends by saying :

"An inquiry into these allegations is urgently required and we hope, considering the importance of the subject, the Railway Board will lose no time in instituting an urgent and shifting inquiry into them."

As I said, I am not here to bring any charge against any individual. I am here to-day to discuss and criticise the administration and not an individual, and I say that the time has now come when we should look carefully into this administrative business and try to find out a workable plan. Here is one gentleman who is responsible for the inspection of the mines. He has got a great hand in grading the coal, and he is really the administrator of the State collieries so far as coal is concerned, and he also purchases coals for the railways and other departments, and in addition to this, he is also allowed to charge fees !

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I think it has already been pointed out that Mr. Whitworth is not responsible for the inspection of any mines other than railway collieries. There is a Chief Inspector of Mines for that purpose.

Dr. Ziauddin Ahmad : I understand that he does not inspect all the mines but the mines connected with the railways ?

The Honourable Sir Frank Noyce : These are only a very small proportion of the total number.

Dr. Ziauddin Ahmad : Sir, as far as this coal business is concerned, the Chief Mining Engineer is practically all in all. He is *Kuza, Kuza-gar wa Gile Kuza*. That is, he is the glass, he is the maker of the glass, and he is himself all the materials necessary for making the glass. Sir, this concentration of power in one man in my opinion is very undesirable and we should try to reform our system of organization. In the first place, I would rather consider very carefully whether the railways should administer the mines at all. If we decide that the State should continue to run the administration of mines, then, in my opinion, those mines ought to be transferred to the Department of Industries. Now the Railway Board cannot claim to administer the mines only on the ground that they require coal for running their locomotives. They might as well take charge of all the forests in India on the ground that they want some sleepers for the railways. They may purchase what coal they like, but the administration of those things is not really a proper concern of the railways, and, if they decide to have the administration in their own hands, then they should set up separate managing board. But, to my mind, it is very desirable that the administration of the State mines, if these are to be run as State mines, ought to be under the administration of the Department of Industries. My own strong opinion, however, is that in this matter the State ought not to run any collieries at all. They ought to be left to private concerns which should offer their tenders to the Government, and Government should go into the open market and purchase these coals from any colliery which may be willing to offer them the best possible terms.

Mr. N. M. Joshi (Nominated Non-Official) : Why ?

Dr. Ziauddin Ahmad : My friend, Mr. Joshi, asks, " why " ? My answer is that under present administration the Government cannot even tell us and have not told us whether the collieries, which they are administering, are or are not a paying concern.

Mr. N. M. Joshi : We are here for the purpose of seeing whether that is so or not ?

Dr. Ziauddin Ahmad : The Honourable gentleman may give his that if they are to be administered at all by the Government, which I doubt very much, as in my opinion the State ought not to compete with private enterprise, they should be administered by separate board under the Department of Industries.

Some Honourable Members : Why ?

Dr. Ziauddin Ahmad : The Honourable gentleman may give his reasons. I personally believe that the State ought not to maintain

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colliery of their own, but if it be decided to have State-owned collieries, then they ought to be run not by the Railway Board but by the Department of Industries who should administer under proper supervision by a separate board so that a balance sheet may always be shown and this ought not to be mixed up with other expenditure. Then the third point concerns the purchase of coal. This is really a very delicate item, and I would never trust any one individual, however important and however wise that man may be, to give tender himself. I would always have these tenders considered by a Board consisting of three persons, all officials, and I would never associate any non-officials for the selection of tenders; and these three persons should be the (1) the Director of Stores—because, he is a very responsible officer, (2) then the Chief Commissioner of Railways, and (3) I would like to have an officer from the Finance Department so that he may keep every one of them on the right path and in the right direction. After all it is the Finance Department which is in reality most concerned; of course I would not like to have the Honourable the Finance Member himself, but any of his Secretaries can represent him. Tenders should be advertised, properly scrutinized and afterwards selected by a Board about which no suspicion may exist. I am afraid, if the system is continued as at present, and no changes are made, then the public confidence about the coal business, which is already shaken, will disappear altogether. Sir, this journal called *Business* and certain papers in my hand implicate a large number of men, by insinuation, in these purchases. Of course I do not like to subscribe to such accusations, but certainly from the figures given to us I think a case has been made out for an inquiry. Even this morning when I put a question to the Honourable Member of the Railway Board about the purchase of coal, I said—and I think he admitted this also—that the Government paid Rs. 3-8-0 per ton for coal, the market value of which was Rs. 2 and Rs. 2-4-0, there was no satisfactory reply. Now I have not got the total quantity of coal which was produced in this manner, otherwise I would have calculated the loss which we the poor tax-payers have sustained in one undertaking alone. Therefore I would like to point out very explicitly once more that we are not here to bring charges against any officials connected with the railways. We are only considering the administrative machinery which really is supervising the whole business, and I strongly believe, Sir, that the machinery is defective, and that it is for the Government to make inquiries and to improve that machinery. They ought to provide a separate machinery for the administration of their own mines, which, in my opinion, should be under the Department of Industries or under special board, but there should be a strong supervision over these mines and there should also be better arrangements for the purchase of coal for the railways or other Departments; and as regards the inspection of coal, that should not be the business of those persons who either control the mines or purchase the coal. An entirely third agency ought to be utilised for the grading of coal and also for the inspection of mines. The Chief Inspector of Mines is already doing this work. These three authorities ought to be quite distinct from one another, and it is not desirable to combine all these businesses into one, as, by doing that, you create a situation which no human being in this world can face

and do justice to it. In fact the office of Chief Mining Engineer should be abolished. Sir....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member's time is up.

Mr. P. E. Rau (Financial Commissioner, Railways) : Sir, it was with feelings of great disappointment and pain (*Voices* : "Louder, please")—it was with feelings of great disappointment and pain that I listened to my Honourable friend's speech in moving this Resolution. I had expected that he would give us something more substantial than the accusations that he made in this Assembly last March—accusations which have been described by my Honourable friend, Mr. Sen, as wild, vague and wandering ; especially, after making our flesh creep by saying that he had carefully investigated the problem after he had gone back to Bengal and was going to make startling disclosures in this House, I was very surprised that the only disclosures he made were telegrams or letters from people whose names he would not disclose. Now, Sir....

Dr. Ziauddin Ahmad : May I point out that he may read the paper called *Business*, and that all the accusations are there ?

Mr. P. E. Rau : Sir, I have read that paper many times. Now, Sir, I would just like to mention to this House that Mr. Whitworth has been holding the office of Chief Mining Engineer since 1921, and so far as I know, this is the first occasion on which anything has been said about his conduct. He has been the ex-officio President of the Coal Grading Board and President of the Soft Coke Committee and I would remind the House that in 1925 and in 1929, when the respective Acts were under the consideration of the House, it had sufficient confidence in the Chief Mining Engineer to make him ex-officio President of these two bodies. I have in my possession resolutions passed by both these bodies at a special meeting convened in the absence of the official President recording an appreciation of his work and the practical benefit resulting to the coal trade in general and soft coke industry in particular. The Indian Mining Federation and I believe the Indian Mining Association, which are the representative Associations of the trade, have not taken any part in these allegations as yet.

Dr. Ziauddin Ahmad : May I point out, Sir, that the Federation represents only 12 per cent. of the mining interests.

Mr. A. H. Ghuznavi : It represents only 5 per cent.

Mr. P. E. Rau : I think it is open to the other members of the Coal Grading Board to join the Federation and thereby get the control of that body rather than accuse it from outside. The Indian Mining Federation sent a telegram in February last dissociating themselves entirely from the accusations made against Mr. Whitworth and they have only recently reiterated it in a circular which they have sent round to all the Members of the Assembly. I am quite sure that in making these accusations Mr. Ghuznavi has no personal animosity against Mr. Whitworth but he is merely doing what he conceives to be his public duty.

Mr. A. H. Ghuznavi : Thank you.

Mr. P. B. Rau : But I certainly think that he has been led away by his informants. For instance, he told the House the other day that Mr. Whitworth is receiving Rs. 40,000 a year as commission on the purchase and inspection of coal. This is entirely unfounded. I pointed out at the time that all these fees were credited to the railway revenues. If the Honourable Member is misinformed about such an important point as this, is it not possible that he is misinformed about all the other allegations that he has made? Government, Sir, are as much interested as anybody in this House in maintaining the highest standard of integrity among public servants and are always prepared to investigate any definite charges, but I am sure the House will recognise that it is impossible to base any investigation on anonymous allegations. Both the Chief Commissioner of Railways and I are quite accessible to any Member of this House and if definite facts are placed before us by persons who are prepared to substantiate them in a Court of law if necessary, certainly action will be taken. But mere accusations of corruption and favouritism against a particular officer or his office seem to me, Sir, not a matter which can be taken serious notice of. My Honourable friend Mr. S. C. Mitra said that these accusations which have been made have not been repudiated. I would refer him to Sir George Rainy's speech last March, in which he definitely said that he repudiated the allegations made against Mr. Whitworth. I would ask the House to consider whether it is in the interests of the integrity of the public servants of India as a body that accusations should be made against them on the floor of the House where they have not the opportunity of defending themselves. I hope the House will agree with me that this is not a forum in which questions of individual conduct should be debated.

Dr. Ziauddin Ahmad : I rise on a point of personal explanation, Sir. We have never demanded an inquiry in any individual case. What we want is an inquiry into the system of administration.

Mr. P. B. Rau : An inquiry might not have been demanded, but allegations have been made against Mr. Whitworth in a place where he is not present to defend himself. I would respectfully remind this House of the practice of the British House of Commons where the conduct of the public servants, so far as I know, is never made the subject of bitter personal attacks like this.

Passing away from Mr. Whitworth, I was very much interested in the statement made by my Honourable friend about the loss of 50 lakhs a year that the railways were suffering on account of mal-administration. Here, again, I am afraid it is impossible for me to follow him. He told the House that out of these 50 lakhs, 16 lakhs were on the purchase of coal, roughly at the rate of Re. 1 per ton. Now, our average price paid was Rs. 4 per ton. I do not know if he claims that we could have got it at the average rate of Rs. 3 per ton. Then, with regard to the State collieries he told us that we could save 32 lakhs. The amount of our production from State collieries this year is 11½ lakhs of tons. That means he expects to save nearly Rs. 3 per ton. Our average cost including interest and other things is less than Rs. 4 per ton. Does my Honourable friend seriously believe that we can get coal from our coal mines at a rupee or thereabouts? Then, again, with regard to the question of coal raising, I understood him to say that we could save about Re. 1-4-0 to 1-8-0 per ton. I understand from the Chief Mining Engineer that our coal raising rate is ordinarily between Re. 1-1-0 and

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Re. 1-9-0 per ton and I really cannot understand how it is possible to save a rupee or more on that ? It has been stated that tenders were called for from Argada Colliery which is owned by the Bengal Nagpur Railway. I am afraid my Honourable friend paid me an undeserved or premature compliment for that. I had no hand in asking for tenders to be called. But it is not a question of the tenders that are offered. We do not know whether 18 annas is considered a reasonable tender, but I can tell the House that the question of calling for tenders for coal contracts in State Railway collieries will be considered as soon as possible when the present contracts expire.

Now, Sir, as regards the Board that my Honourable friend contemplated. In the first place, I should like to point out to the House that it would be a serious mistake if the Government of India or this House relieves the Railway Board of the responsibilities for the management of the railways.

Now, as regards the Board, that has been suggested by my Honourable friend, Mr. Ghuznavi, the Chief Inspector of Mines has, so far as I know, various other functions to perform. His functions are to ensure that collieries are worked in accordance with the Mines Act and his duties pertain to the supervision of measures for the safety of mines and the welfare of labour employed therein. He is not in touch with the coal trade or railway requirements. As regards the Loco. Superintendent, the Railway Board has the advantage of the advice of the Director of Mechanical Engineering, who himself has been a Loco. Superintendent and his knowledge and experience are always at their disposal. He is responsible for designing the locomotives and he ought to be in a position to give them advice as regards the quality of coal required for railways. Finally, the third member suggested for the Board is a gentleman with experience in the commercial side of colliery work but not actually in the coal trade. I doubt whether it is possible to procure such a person. I asked my Honourable friend Mr. Morgan the other day to suggest to me such a person but he did not find it so easy to give me a name. It is quite easy to have people interested in the coal trade without any knowledge of colliery work but it is more difficult to have a man with inside knowledge of colliery work not interested in the trade. The other suggestions made by my Honourable friend are with regard to the opening of tenders. In this particular case, I would say that the Railway Board are quite willing to have this transferred to Delhi, but it is a question of the convenience of the coal trade. So far as I can see from the detailed description of the procedure of opening the tenders given by my Honourable friend Mr. Sen, it does not seem possible that there should be any serious room for fraud. But if the representative associations of the coal trade desire that we should have this transferred to Delhi, we can quite easily arrange for it. As regards the question of security deposit, the actual position in this matter is that there has been only one case of failure up to this time and no case has been made out for changing this system of five per cent. deposit. The former practice was not to have 12 per cent. as my Honourable friend said, but one-twelfth which is quite a different matter. This was altered into 5 per cent. at the request of the coal trade. Now, Sir, from our point of view we ought not to do anything that will favour the richer against the poorer colliery and which will tend to restriction of competition or locking of capital which would probably result in the raising of the prices against us which again is not desirable.

[Mr. P. R. Rau.]

I turn now to the amendment of my Honourable friend, Mr. Mitra, about the State Railway collieries. Now, as regards the question of commercial management, if railways were run on commercial lines, that is to earn the maximum amount of profit for railways, the immediate result would be that all private collieries would have to reduce their prices. Some of them will have to close down. The State Railway collieries can at once produce as much coal as is required for railways. It is in the interest of private collieries in India primarily, and ultimately of course with the idea that we ought not to see them all closed down, that we have for the present reduced the output so considerably. But the House must recognise that so long as we own those collieries, interest on capital has to be paid, the minimum royalty has to be paid and staff maintained to keep the colliery from flooding and to look after the plant. Even if we close down the collieries a certain amount of expenditure will be involved unnecessarily.

It has also been pointed out that we have not placed the balance sheets of these collieries on the table. I know my Honourable friend, Dr. Ziauddin Ahmad, is a great student of railway affairs, but his speech made me wonder whether he ever read the pink books placed before the House every year.

Dr. Ziauddin Ahmad : Yes, I do read them, and very regularly.

Mr. P. R. Rau : The balance sheets containing the profit and loss accounts for the collieries have for the last three years been contained in the pink books. I know that the Public Accounts Committee have suggested a special form in which these accounts have to be placed before this House. My Honourable friend Sir Alan Parsons hoped to place the figures for 1931-32 before the Public Accounts Committee, but we have gone one better and we hope to place before the Committee this year balance sheets for 1930-31 with a special trading and profit and loss account and coal production account.

Now, Sir, as regards the committee of enquiry which my Honourable friend suggests.....

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : The allegation against the Railway Board is that the raising cost which was Rs. 3-4-0 compared unfavourably with the market rate of Rs. 2 to Rs. 2-4-0.

Dr. Ziauddin Ahmad : I want to be told whether it is hoped to....

Mr. P. R. Rau : If Honourable Members continue to interrupt me like this, I hope you, Sir, will allow me some more time to answer all the points raised already. I find that the cost in 1930-31 was, taking the bare cost of production, Rs. 2-9-1 in Kargali, Rs. 2-9-11 in Bokaro and Rs. 3-6-3 in Giridih. Taking the all in cost, including interest, sinking fund and all charges that the ingenuity of our Controller of Railway Accounts could consider as included in cost, the figures are I believe Rs. 3-4-8, 2-13-6 and 5-1-0 respectively.

Finally, as regards this question of committee of enquiry suggested by my Honourable friend, Mr. S. C. Mitra, I would suggest that the Public

Accounts Committee is seized of the matter and the Public Accounts Committee, as everybody knows, is composed almost entirely of non-officials of this House. It seems to me that this is one of the functions of the Public Accounts Committee, and I, for one, do not consider that there is any advantage in having a separate committee of this House to look into these matters. The other day, my Honourable friend, Mr. Joshi, in connection with the Resolution relating to Tatas pointed out that the House was asked to pass a vote of censure on the Tariff Board. I suggest that if you accept this motion of my Honourable friend Mr. Mitra, you are passing a vote of censure not only on the Railway Board, but on the Public Accounts Committee and I do not think that either of these bodies deserve this censure. Lastly I may point out that the present arrangement for examining these coal tenders is exactly what my Honourable friend, Dr. Ziauddin Ahmad, suggests. These tenders are all considered by the Chief Commissioner of Railways and the Financial Commissioner, Railways, and Mr. Whitworth is only an Adviser. He is, and will continue to be, the technical adviser of the Railway Board, but he has never been and he will not be allowed to be the final arbiter in this matter. I do not see what advantage could be gained by altering this procedure at the present time. (Cheers.)

Mr. G. Morgan (Bengal : European) : I rise to make a few remarks against the original motion and also the amendment. I cannot support either the one or the other. I am not taking up any position as regards the allegations made by my Honourable friend, Mr. Ghuznavi. I rise to put forward the views of the interests which I represent and my Honourable friend, Mr. Mitra, definitely asked me whether I will be able to put forward that view. That view is, that so far as the Indian Mining Association is concerned, they desire a continuance of the present arrangements with a short proviso, viz., on the understanding that the recommendations of the Chief Mining Engineer are approved by the Railway Board, and fulfil the requirements of the local Superintendents. I happen to know something about the scrutiny of the tenders and what my Honourable friend, Mr. Rau, has just stated is perfectly correct, and so far as my knowledge goes, which relates to last year's tender, the tenders were scrutinised by the Financial Commissioner and the Chief Commissioner, the Financial Commissioner then being my Honourable friend, Sir Alan Parsons. I can give no support to the proposal put forward by my Honourable friend Mr. Ghuznavi. We are perfectly satisfied with the present arrangement and provided the Railway Board exercises proper supervision, that is what the Indian Mining Association desires. I understand from my Honourable friend, Mr. Mitra, that the Indian Mining Federation also takes that view.

With regard to the amendment of my Honourable friend, Mr. Mitra, I am sorry I cannot support that either, not exactly for the reasons which Mr. Rau has put forward, namely, that it is a vote of censure on the Railway Board, but I think a committee of this description is absolutely unnecessary. If any specific enquiry is to be made, I would accept the suggestion made by the Financial Commissioner, namely that the Public Accounts Committee should be instructed to go into this question at once. There is only one thing which I should like to ask my Honourable friend, Mr. Rau, and that is whether the date mentioned by him with regard to the accounts was 1930-31.

Mr. P. R. Rau : Yes, Sir.

Mr. G. Morgan : Then, Sir, I am afraid I must censure the Railway Board. We are now in September 1932 and I cannot see why the commercial accounts of any concern run by Government or by anybody else, I cannot see why the final closing documents of profit and loss, and expenditure and revenue, should not be out long before September 1932. (Hear, hear.)

Mr. P. B. Rau : That is because the Public Accounts Committee will now be considering the accounts of 1930-31.

Mr. G. Morgan : Then I censure the Public Accounts Committee.

1 P.M.

Mr. J. Ramsay Scott (United Provinces : European) : The Public Accounts Committee have been promised the accounts up to 31st March, 1932, within a few days. We were told they are in print.

Mr. P. B. Rau : The Public Accounts Committee are considering the Appropriation Accounts for 1930-31 within a few days and the balance-sheets of all the Railways and collieries for 1930-31 will be placed before them.

Mr. B. Das : May I remind my Honourable friend that it has been the recognised practice of the Public Accounts Committee to expect a balance-sheet for the subsequent year, 1931-32, along with it,—not the audited balance-sheet but the provisional balance-sheet ?

Mr. P. B. Rau : No, Sir. What I understood the Public Accounts Committee required was a narrative report by the Railway Board like a report by the Directors to the Shareholders.

Mr. G. Morgan : I am afraid we are getting into a general discussion. I asked one question of my Honourable friend which he answered and I am sorry interruptions have come from all sides.

I have very little more to say, Sir, except that I should like Government to give us a definite assurance that the accounts of 1931-32 will be placed at once before the Public Accounts Committee and that they will be asked to give a statement to the House by a certain date. I cannot name the date because my Honourable friend Mr. Rau has to place these accounts before the Committee, but it is a year since specimen accounts were handed to the Railway Board to show how commercial concerns run their collieries in Bihar and Orissa and in Bengal. So far as my knowledge of accounts goes, it should certainly not take more than a year to make up the profit and loss accounts. I do not think it is at all necessary that these particular accounts, so far as the information required by the House is concerned, must necessarily await the entire Railway administration papers. I think they might easily be published by themselves separately as a commercial concern and published within six months of the closing of the books. I should like to ask Government that they will definitely give an assurance that an enquiry will be held by the Public Accounts Committee as soon as possible and a report will be given to this House certainly not later than the January Session in Delhi.

Mr. N. M. Joshi : Sir, I have not studied like my Honourable friend, Dr. Ziauddin Ahmad, the science of debate, but when I hear a debate on these industrial and economic questions, I become tempted to take part in the discussion. After reading the Resolution as well as the amendment and following the discussion that has taken place, an impression is left in our minds that this discussion has taken place in the interest of private trade and not in the public interests. It seems to me that there

is a quarrel between those who had the contracts for coal and those who had not the contracts for coal. Sir, if we read the Resolution, my Honourable friend, the Mover, wants the Railway collieries to be run on commercial lines ; if we read the amendment my Honourable friend Mr. Mitra wants also the Railway collieries to be run on commercial lines. Sir, there is also a sting in the tail of his amendment. He says they should be run on commercial lines but without prejudice to the present Government policy of the purchase of coal for railway purposes from the open market. That is, you must run your collieries on commercial lines but see that you purchase coal from private companies also. Sir, in the first place I do not understand at all why the Indian Railways, specially the State Railways, should purchase any coal from any outside concerns. Our Railways own collieries and these collieries are quite capable of producing all the coal that our Railways want. If our collieries are capable of producing all the coal that we want, I do not know why the Railway Board should go in for the purchase of coal and give this House the trouble of hearing a quarrel between one set of contractors and another set of contractors.

Dr. Ziauddin Ahmad : Do they produce all the coal ?

Mr. N. M. Joshi : They can ; but, Sir, my own quarrel with the Railway Board is that the Railway Board, when they can produce their own coal, go in for purchase of private coal and put the tax-payers of this country to a loss. It is quite possible that the present cost of raising coal in the State collieries is higher because they do not produce the whole coal. If our collieries are worked to the fullest capacity their raising cost will go down ; but unfortunately pressure is brought to bear upon the Railway Board from all sides here that Government should purchase private coal. That is at the root of the whole trouble. Sir, I feel that coal is a key product, it is a product necessary for all industries. Coal-mining is a key industry and it is an industry which should be in the hands of the State itself. Many countries in the world have come to the conclusion that the coal industry being a key industry must be controlled by Government.

Mr. S. C. Mitra : Very few have adopted it yet.

Mr. N. M. Joshi : Yes, because very few Parliaments do not possess the kind of members I see before me. Most of the Parliaments are controlled by members who hold the views of my Honourable friends opposite. Sir, in England they appointed a commission to investigate the conditions of labour in the coal-mining industry, presided over by the present Lord Chancellor of England, Lord Sankey. And Lord Sankey's commission by a majority including the capitalists came to the conclusion that the coal industry in Great Britain must be nationalised in the interests of the miners engaged in the industry and in the interest of the whole country. If that is so, it is a fortunate circumstance that in our country we already own some of our mines. Unfortunately there are Members here who put pressure upon Government in order that Government should shut down the mines that they already own and make the raising cost higher. Sir, I am quite willing to admit that if the State is to own the collieries and other industries, these industries must be properly managed ; but at the same time I am not one of those people who will put a wrong interpretation on the words " commercial management ". A commercial management is management which is in the interests of the country as a whole. What is commerce ? A good kind

[Mr. N. M. Joshi.]

of commerce is that commerce which serves the whole community and is useful for the community and not useful only for a particular class of people. Commercial management is therefore management which is in the interest of the country and not in the interest of a particular class of people. I am prepared to admit that our railways, collieries and other State industries should be properly managed and properly controlled and we must insist on these industries rendering proper accounts. I am also prepared to go still further and say that if the Legislature agrees, these industries should be managed by representative boards. At the same time I make it quite clear that these boards must not be controlled by people who are considered to be experts in commerce, trade and industry. These industries belong to the whole country and therefore they must be managed by representatives of the whole country and not by one set of people who pose as experts in industrial matters. If you want to manage your mining industry there must be representatives of the miners also. 150,000 people are engaged in coal-mining. How are they going to be represented on these boards? If you want to manage your industry properly I am quite prepared to consider any proposals for the management of the industries by representative boards including representatives of all interests.

An Honourable Member : Would you like to go on that board?

Mr. N. M. Joshi : That is a different question. As far as this Resolution and amendment is concerned, I really cannot approve of either. If Mr. Mitra had not included the last part of the amendment I might have voted for his amendment. One word about what has fallen from the Railway Commissioner. I do not agree with the dictum which he has laid down that the conduct of public servants should not be discussed in the legislature. I am quite prepared to admit that when we discuss the conduct of public servants we should remember that they are not present in the legislature to give a reply. We should also remember that there is always a restriction upon the freedom of public servants to express themselves in public; but remembering both these things, the conduct of public servants is open to be discussed by this Legislature as much as.....

Mr. P. E. Rau : I think I did not say that the conduct of public servants should not be open to discussion in the legislature; if I said that I am sorry; I did not mean it. I only said that this House should follow the example of the British House of Commons in this respect.

Mr. N. M. Joshi : I am very glad that the Honourable the Financial Commissioner for Railways has admitted that it is open to this House to discuss the conduct of individual public servants....

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : He does not say that.

Mr. N. M. Joshi : I am quite prepared to give him this assurance that this House will always give consideration to the fact when we discuss the conduct of public servants that they are not here to speak for themselves and also the fact that it is not open to these public servants to defend themselves in public.

The Assembly then adjourned for Lunch till Twenty-Five Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Twenty-Five Minutes Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

The Honourable Sir Alan Parsons (Finance Member) : Sir, the Honourable the Railway Member, who has been unavoidably detained on other business, has asked me to make his apologies to the House for not being here to reply to this debate, and he has asked me,—I am afraid I am an imperfect substitute,—to take his place for him. It is perhaps not entirely unsuitable that I should reply to this debate, for in a different capacity I have had a very great deal to do both with the Railway Collieries and with the placing of coal contracts. I do not propose to go into the details of the various contracts, which have been quite sufficiently dealt with by my Honourable friend, Mr. Rau, and I propose to confine myself almost entirely to general observations and to attempting, so far as I am able to do so, to meet the points raised by Members on the opposite side.

I propose to say very little about what, I think, most Members of the House have considered as the unpleasant part of this debate. Very serious allegations have been made against the Coal Department of the Railways and some of its officers, allegations which, if there were evidence to support them, would, I suggest, have better been made in a Court of law than on the floor of this House. I have only to say first that those allegations are entirely repudiated by Government, and that Government have complete confidence in the fair-mindedness, capacity and integrity of Mr. Whitworth, a confidence which, I am convinced, is shared by practically the whole of the coal trade in Calcutta. (Applause.)

Secondly, I would advert for a moment to what Mr. Joshi said about the discussion of the conduct of public servants in this House. I in no way quarrel with what he said. I do not think there is really any difference between him and Mr. Rau. It is obviously within the rights of this House to discuss any public question, and the conduct of a public servant *may* be a question of such public interest that it must be raised in this Assembly. But I would say that in making specific allegations against any public servant, very great restraint should be shown, that those allegations should not be made unless they can be supported by evidence, not merely anonymous evidence, but evidence giving the names of the people who are prepared to appear to support it, and even in that case it is generally better that some other course should be taken. I believe that is in accordance with the practice in the House of Commons, and I believe that it is only on one or two very serious and very rare occasions that the conduct of public servants has been called in question in the House of Commons. But I would put it to the House that it is not desirable either for its own reputation or from the point of view of future procedure that that action should often be taken, and that when taken, it should only be on the clearest possible grounds. I propose with these remarks to leave that side of the subject.

I think it may perhaps not weary the House if I explain exactly what the policy of Railways has been with regard to coal contracts and with regard to the ownership of their own collieries and if I tell them very briefly what happened with regard to the coal contracts which were placed this year. It so happened that I myself dealt with them, with another

[Sir Alan Parsons.]

officer of the Railway Board and with the advice of Mr. Whitworth. As Mr. Sen very correctly explained, the first step, after tenders have been opened and examined, is that the Chief Mining Engineer as the expert adviser on qualities of coal goes into the tenders with the Loco. Superintendent or similar officer of each railway. Certainly the Railway Board can come to no decision on whether any particular tender should be accepted, whatever the price the coal may be offered at, until it knows the views of its own expert as to the quality of the coal and the views of the particular Loco. Superintendent whether it is a suitable quality of coal for the particular service for which it is to be used. For different qualities of coal are used in different types of locomotives and for different services such as a mail service, a slow passenger service, a goods service and so forth. When the Loco. Superintendents of the Railways have reached an agreement with the Chief Mining Engineer then a complete statement is put up to the Railway Board showing what the Railways wish to take for their particular services and what the Chief Mining Engineer thinks they should take. That statement comes up before the Railway Board. Now, what happened when that statement came up to me last January? Our general position then was that we anticipated we should want roughly 3 million two hundred thousand tons of coal. We had first of all to decide how much of that we should take from our own collieries and how much we should buy from the market. In previous years we had been taking rather over 50 per cent. from the market and rather under 50 per cent. from our own collieries. We came this year to the conclusion that it was not on the whole to the advantage of railways in the long run if the coal trade was in an unhealthy position, and that we did not want to see numerous collieries, many of them second class collieries, owned, I believe, mostly by Indians, go out of business because they got none of our orders. We therefore determined that we would take a considerably larger proportion of our total requirements from the market and a considerably smaller proportion from the State-managed collieries, with the result that though our total requirements had been considerably reduced from the previous year we gave the market about 250 thousand more tons than before and we reduced our own raisings by something in the neighbourhood of 400,000 tons. That was the first decision. We saw that the coal trade was in the doldrums and we did not consider it desirable from the point of view of Indian Railways to leave it in that unhealthy condition and we therefore decided not to cut down what we were taking from the market, though our own requirements owing to the fall in traffic had decreased, but to give them rather more than the previous year and to cut down our own raisings. Incidentally the result of that action must obviously be to raise the cost of the coal we took from our own collieries, because our overhead charges have to be spread over a smaller quantity. Having decided that we would take rather over 2 million 100 thousand tons from the market, how were we to distribute that amount among the various tenderers? Now the prices offered to us throughout were in my opinion very favourable to railways, that is to say, I doubt whether they left much margin of profit to most of the collieries. Perhaps my friend Mr. Morgan will be able to tell me whether I am right there. There was a group of collieries whose tenders were considerably below the rates at which most of the collieries in Calcutta had tendered. Now we could not act purely on the price factor, because it was by no means the only factor to be considered. If we had done that, and had taken a very large quantity from

this one group, we should have been stultifying our own policy of attempting to keep the trade as a whole going. If as a consequence other collieries did not get any order, it would have led to exactly those results which we wished to avoid and to attain which we had decided to reduce what we were going to take from our own collieries. The difference in price was not in my opinion sufficiently material to overcome the advantages of our policy and I maintain that what we did with regard to the distribution of those tenders was absolutely right. I trust that in similar circumstances in future the same policy will be followed by the Railway Board and will receive the support of this House.

Mr. S. C. Mitra : Are the lowest tenderers on the approved list of contractors ?

The Honourable Sir Alan Parsons : I am not quite sure what my Honourable friend means. All the tenders received come before the Railway Board with the prices, so that we can compare the prices as between one tenderer and another. I am not quite sure whether there is such a thing as an approved list of tenderers.

That explains what the Railway Board did on this occasion. I now turn to some of the proposals for an alteration in the procedure. I think my friend Dr. Ziauddin Ahmad, who has not yet returned, suggested that there should be some different organisation to decide on the tenders. Actually this is done by the Railway Board and later by the Honourable the Railway Member, and a financial representative of the Government of India, namely, the Financial Commissioner for Railways is invariably present, but without any outside personnel. My Honourable friend Dr. Ziauddin Ahmad suggested that we should have an officer from the Indian Stores Department ; but as far as I am aware the Indian Stores Department purchase no coal at all. They have got nobody I believe who knows anything about coal and I do submit that it is much better that you should have experts in coal to deal with these purchases of coal for railways than, for example, experts in purchasing blankets.

That is all I need say to the House about coal purchases. I should like to turn now to our colliery policy, and first of all to congratulate my friend Mr. Das on a much longer memory than is possessed by most politicians and a good many officials. He pointed out very clearly why railways had to purchase these collieries. Except for one colliery owned by the East Indian Railway Company, I think I am right in saying that railways in this country possessed no collieries till after the war, and during it ; immediately after the war, as Mr. Das pointed out very pertinently, the prices of coal went heavily against the railways. In fact they were squeezed by the market, and in self-defence they had to purchase their own collieries in order to bring down the price. This was the real reason for the State-managed railways taking on this business at all ; and the collieries are in my opinion held by the State-managed and Company-managed railways far more as an insurance against the market going against them than as a purely commercial proposition. I will illustrate that by our practice. In some of our collieries are mines, in which shafts have to be sunk and some of them are really little more than quarries. Obviously it is easier to increase the output from a quarry than it is from a mine, so that the ordinary policy of the Railway Board has been, when the prices in the market are favourable to raise their coal chiefly from the

[Sir Alan Parsons.]

mines and only to a smaller extent from the quarries, leaving the quarries as a reserve from which the output can rapidly be increased if the market either combines, or for other reasons goes, against them. Again I will put it to the House that that is a reasonable policy, though it is a policy which means that you must not expect necessarily the same economic return from your collieries, since coal from the mines generally costs more than from the quarries, because the latter are cheaper to work. Subject to that, Sir, I am entirely in agreement with all the proposals which have been made for getting commercial accounts of our colliery working ; and though I cannot give my Honourable friend, Mr. Morgan, the assurance for which he asked,—I have not yet had time to consult my Railway Colleague—I will give him some kind of assurance. My own experience of the Public Accounts Committee has been very limited, in fact I am very largely in the hands of some of my Honourable friends opposite (Cheers) ; but I understand that in some Departments recently, in order that the Public Accounts Committee can get a better survey of what is being done, they do receive commercial accounts for the year succeeding the year with which they are actually dealing. I will consult my Honourable Colleague and the Financial Commissioner of Railways and I will undertake to have the point looked into by the Public Accounts Committee whether we cannot adopt a similar procedure with regard to these colliery accounts, that is to say whether we cannot obtain colliery accounts for the succeeding year—even if finally audited accounts are not available, because Government audit processes are slow processes,—at any rate, sufficiently accurate accounts to give us the information which we shall require in order to deal with them.

Mr. B. Das : That will satisfy us.

The Honourable Sir Alan Parsons : That I think, Sir, is all I have to say on the detailed points raised by Honourable Members opposite. I would put it to my Honourable friend, Mr. Mitra, that, as suggested by the Financial Commissioner of Railways, the Public Accounts Committee is the proper body of non-officials to deal with the matters raised by his amendment, because it is exactly for the purpose of looking into such questions as whether, State-railway collieries are worked properly, whether they are properly managed, whether their results are satisfactory and so on that the Public Accounts Committee is constituted. I personally—I am a very new member of that Committee (*Mr. B. Das :* “ But you are a very able Chairman ”)—I am much obliged to the Honourable Member for that undeserved compliment—as Chairman of the Committee I should not like to see some outside body appointed to take over duties which I think properly appertain to that Committee. (Loud Applause.)

Mr. A. H. Ghuznavi : Sir, at the very outset I will assure this House that in bringing this state of affairs in the collieries to the notice of this Honourable House, I have no axe to grind of my own. (*Mr. K. Ahmed :* “ Hear, hear.”) I am not financially interested in, nor am I concerned in the internal management of, any colliery. Sir, I only considered it my duty to raise my voice against the wanton waste of public money, and I laid bare facts to show how enormous savings could be effected by adopting other methods. Sir, that I have the backing of a large number of colliery

AFTER THE STATE RAILWAY COLLIERIES.

owners will be shown conclusively when I read out to the House the numerous telegrams sent to me :

“ According to Blue Book published by Inspector of Mines number of collieries is 795 out of which Federation may claim to represent hundred or so only whereas 700 colliery owners are not represented by it. Consequently you are representing seven times more than what is represented by Federation.” (Hear, hear.)

This is from Mr. Karnani,—a firm which has as many collieries, if I am not mistaken, as seventeen in number :

“ Mining Federation composed of few colliery owners not representing even-one-fourth per cent. Mines Office List. Stop. Vehemently oppose purchase policy by Whitworth.”

This is from S. Mukerjee, Colliery Proprietor, Shastitola Road, Kidderpore. It also says :

“ Let Government call tenders be convinced what loss sustained in raising contracts only through Mining Engineer.”

“ Resolutions of Mr. Ghuznavi are very reasonable. I as a colliery proprietor and some of my friends who are also proprietors have full sympathy with them. Interested persons only will oppose the Resolutions. They are only few in numbers. Government will kindly accept Mr. Ghuznavi's Resolutions.”

This is from Mr. J. P. Lalla, Colliery Proprietor, Katrasgarh :

“ I support your action in Assembly regarding coal purchase which will help the public.”

This is from Jang Bahadur Singh, Colliery Proprietor, Katrasgarh :

“ I support your action in Assembly regarding coal purchase and State Railway managed collieries.”

This is from Mr. J. P. Lalla, Colliery Proprietor, Nawagarh :

“ We support your motion in Assembly regarding coal purchase for Loco.”

This is from Moti Singh and Brothers, Colliery Proprietors, Katrasgarh :

“ I support your motion in Assembly regarding coal purchase which will help Government and public.”

This is from B. B. Lalla, Proprietor, Selected Peepratand Colliery :

“ I wholeheartedly support your motion in Assembly regarding coal purchase.”

This is from Jiwanlal, Colliery Proprietor, Katrasgarh :

“ I support your action in Assembly regarding coal purchase which will be good for public and Government.”

This is from Harinarain Singh, Colliery Proprietor, Katrasgarh.

“ Public tenders never called before for raising contractors of railway or States-owned collieries except recent tender for Argadah Bengal-Nagpur Railway Colliery which received lowest tender thirteen annas against one rupee six annas present rate, so one can easily make out profit made by parties concerned if tenders are called similarly for Giridih Bokharo Swang Kedla Kargali Bhurkunda Tilchar Jahgrakhand, B. B. and C. I. Railway Koreah Colliery ; if present and tendered rates are placed before Assembly, probably Government will be convinced what they were losing through Whitworth. Purchase prices of railway collieries never disclosed, all State-guaranteed railway colliery raising control, management is under Whitworth. Raising contractors are N. H. Ojha, Amritlal Ojha, Ladha Singh Ratna, Mepha Singh, Rambilas Chaprasee, K. Worrab, partners of Khas Jharia Coal Co.”

[Mr. A. H. Ghuznavi.]

This is from P. C. Banerjea, Colliery Proprietor, member, Indian Mining Federation, and member of the Bengal National Chamber of Commerce :

" I fully approve Mr. Ghuznavi's Resolutions. Some interested persons have been canvassing against the Resolutions. Federation does not represent whole coal trade. It represents even less than 20 per cent. Resolutions are very fair and should be supported by Government and all members as it will effect economy. Probodh Chandra Banerjee, Member, Indian Federation and Bengal National Chamber of Commerce."

Another telegram runs thus :

" Coal purchase for Loco. unjustified. Proprietor North Sinidih Colliery."

Sir, I have got a large number of telegrams which I have no time to read to the House. But I should like to make them over to you. The names are given. (*An Honourable Member* : " Read out the names.") I will give out the names.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair would like to ask the Honourable Member what point he is replying to when he is reading all these telegrams ?

Mr. A. H. Ghuznavi : Sir, I am replying to the point that the Federation is agreeable to the present system and I want to show to this House that the Federation only represents 5 per cent. of the collieries and the members who have sent these telegrams represent 95 per cent of them. There is a telegram from Mr. Probodh Chandra Banerjee, Member, Indian Federation and Bengal National Chamber of Commerce. This is from the Proprietor, New Sinidih Coal Co., Ltd. This is from Chandanmull Indrakumar. This is from Lakurka Coal Company, Limited. This is from H. V. Low.

Sir, the Mining Federation has issued this circular. Now, what is this circular ? Four members were present in that important meeting and the fifth gentleman came afterwards and these five big guns are the favourites of Mr. Whitworth. There were other members of the Mining Federation who had no knowledge of this meeting and the telegrams that have been read out go to show that even no notice was sent to them that such an important meeting was going to be held. The notice was given long after the meeting had been held.

Sir, my Honourable friend, Mr. S. C. Sen, said that I was a Director of moribund coal companies. I sent a telegram to the Managing Agents to find out what was their turnover and what amount Mr. Whitworth had taken from them. This is the telegram that I have received :

" Bhalgora, B. B. and C. I. order 40,000 ; B. N. W. Railway 50,000 ; R. K. Railway 13,000 for 1932-33 ; Lahore Electric Supply 12,000 one year and other public orders Lakurka State Railway order 18,000 tons and public orders besides Bunker and Shipment Kuardi Port Commissioners order, Arrear State Railway Order and other public orders. Besides Bunker and Shipment Rangoon shipment Bhalgora Simla Bahal Lakurka Kuardi 48,000 one year. H. V. Low and Co., Ltd., Managing Agents."

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : I rise on a point of personal explanation,

8 P.M.

Sir, I simply went on the reports made in the *Capital* as regards the Company of the Honourable Member and the value of the shares mentioned therein.

Mr. A. H. Ghuznavi : I will read, that also for your benefit, if time permits. Sir, before I read from the *Capital* in order to meet the point of my friend, I will read the most important extract from the Rangoon Municipal Corporation which I forgot to read the other day. It is in the official proceedings :

“ There was a great deal said about the question of high volatile and low volatile coals. The Indian Coal Grading Board definitely graded coal from certain collieries and certain seams as high volatile selected grade, 1st grade and so on. Coal from other collieries and seams were listed as low volatile coal. Deshergur coal was listed as a high volatile coal and Victoria Coal as a low volatile coal. They were (*that is, the Corporation*) subsequently asked to accept the statement made by the President of the Indian Coal Grading Board describing Victoria Coal as the High volatile, Low volatile series. Since an official of the Indian Coal Grading Board had made such a statement he would in future place no reliance in any certificates issued by the Indian Coal Grading Board. The contractors might have sent a different sample in perfectly good faith but the fact remained that one coal had been tendered for and another coal had been submitted for examination.”

Sir, the point that I had been raising was that there had been every year a very large number of fictitious tenders. A very large number of fictitious tenders will be found on page 52 of the *Commerce* dated January 16, 1932. I wish to quote a few

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member has no time to read any more. His time is already up and I will ask him to conclude his remarks in a couple of minutes.

Mr. A. H. Ghuznavi : I am thankful to my Honourable friend, the Financial Commissioner, I am also thankful to my Honourable friend, the Finance Member, and I am also thankful to the Chief Commissioner of Railways. As the Financial Commissioner, Railways, has given an assurance that the Public Accounts Committee will be given an opportunity to make a complete enquiry into the matter of the railway collieries, I do not want to press my Resolution. I hope, Sir, that a special meeting of the Public Accounts Committee will be held for the purpose at an early date and that the public will be given an opportunity to produce any evidence that they may think proper. In view of his statement, I would request my Honourable friend, Mr. Mitra, not to press his amendment, but to withdraw the same and, thereafter, I shall also withdraw my Resolution.

Mr. S. C. Mitra : I beg leave to withdraw the amendment. I fully agree with the views of the Financial Commissioner that the Public Accounts Committee, being a statutory elected body of this House, can discharge this function properly. I think my purpose is served and I therefore ask leave of the House to withdraw my amendment.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That leave be granted to Mr. Mitra to withdraw his amendment.”

The motion was adopted.

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

Mr. A. H. Ghuznavi : I beg leave to withdraw my Resolution.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That leave be granted to Mr. Ghuznavi to withdraw his Resolution.”

The motion was adopted.

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

RESOLUTION RE INCLUSION OF FLOGGING AND FORFEITURE OF PROPERTY IN THE CRIMINAL LAW FOR CRIMES AGAINST WOMEN.

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhammadan Rural) : Sir, I beg to move :

“ That this Assembly recommends to the Governor General in Council that the criminal law be revised so as to include flogging in the list of punishments prescribed for the crime of abduction and similar other crimes against women, and forfeiture of property in cases of repetition by old offenders.”

Sir, abduction and similar other crimes against women is a subject which has been engrossing our attention for the last few years. The existing law is utterly inadequate to cope with the crime which has been increasing year by year, month by month and day by day. Each and every newspaper, daily, weekly, bi-weekly or monthly bristles with such accounts. I shall take up the case of Bengal, first, because that province has become almost uninhabitable for poor people owing to abnormal frequency of these crimes. I quote from a newspaper cutting which is based on a statement laid on the table of the Bengal Council by the Home Member some days ago. The total number of cases of abduction in the province which was approximately 830 in 1926 had gradually risen to 898, 976, 1057, 991 and 931 approximately in 1927, 1928, 1929, 1930 and 1931 respectively. Sir, at the outset, I should make it clear that it is not the Hindu girls alone who are the sufferers in these cases, but that Muhammadan girls also equally suffer, and even more in some cases. In support of my contention, I quote from the same statement again :

“ Of these the number of cases in which the victims were Hindu women varied between 400 and 450 during the same period. The number of cases in which the assailants were Muhammadans and the victims Hindu women varied between 125 and 150. The number of cases in which the assailants were Hindus and victims Muhammadan women were 6, 3, 9, 8, 6 and 7, respectively during the period.”

The only difference is that in the case of Muhammadan girls the assailants are almost invariably Muhammadans, whereas in the case of Hindu girls, the assailants are both Hindus and Muhammadans. The statement goes on :

“ The number of cases in which the assailants were Muhammadans and the victims were Muhammadans varied between 500 and 575.”

So, Sir, this is a matter in which both Hindus and Muhammadans should join hands and should make a combined effort to eradicate this evil from this country. With the increased number of cases, it will be found that the heinous character of the crimes has also increased considerably. I have collected a number of cases which I should like to read out to the House. But as my time is limited, I shall read out only a portion. This is a case of abduction of a Hindu girl :

“ The wife of Kanai Nusker while weeping at the back of her house after night-fall due to an altercation with her husband was gagged by a Muhammadan woman of notorious character, wife of one Bebo Butcher of the locality and was forcibly taken to the latter's house close by. At this house she was concealed for six days, gagged and secured by means of a rope and was guarded constantly by two youths, Bebo's son and nephew with daggers in hand. Here for all these six days she was criminally assaulted by five ruffians, Bebo butcher, his son, his brother-in-law, his nephew and another man living in the same house.”

The reference is to the *Patrika*, dated 6th June, 1931.

I hope Honourable Members will please notice the heinous character of the offence. The father, the son and the nephew running after and actually enjoying the person of the same woman. Now, I come to a case of

abduction of a Muhammadan girl named Goljan Bibi who was forcibly ravished by several ruffians in one and the same night :

"One Friday evening her husband had gone to the Jessore *hat*, and she was going to cook food with rice and a burning lamp in hand. Keeping these on the verandah, she got down on the court-yard, when she was seized by some people who gagged her mouth by a 'gamcha' and carried her away to a distant place. There she was ravished by three people whom she recognised. She was almost exhausted by the outrages, she wanted to drink water, and was supplied with muddy water (*because that was the only water available there*). She was brought to and kept confined in a room of one Kanu, brother of accused Mahure. In this room Jadu and Mahure also ravished her. She was again forcibly ravished by Mahure in the room in the very same night when Jadu pressed her down. Then Kanu came; she fell on his feet and implored him to save her from the hands of the ruffians and to take her to her husband's house. She followed in good faith to go to her husband's house. But Kanu took her to a field underneath a mango tree and forcibly fell her down and ravished her. She was exhausted and could not move...."

Patrika, dated 27th August, 1931.

There is another case of a young girl in which Government servants were also directly connected with the crime and some of them figured as accused. This is the case of a respectable Hindu girl—Pratibha Bala Dam—aged 13 years. She was rescued after two months and a half :

"She took about three hours and a half to relate the pathetic story and disclosed how she was removed from place to place and was brutally treated by the goondas." I will read out only the last portion of her deposition. "While she was detained in the house of a Muhammadan Noaz by name, she related that Abdul Mannan Chaudhury, Chairman, South Sylhet Local Board, visited her on two occasions at night and criminally assaulted her against her will even when she was laid up with fever. During her illness, one Muhammadan doctor, represented to be Government Sub-Assistant Surgeon of Kalaura, was called on for her treatment, who, she said, also molested her." Then she was rescued by some villagers on the local board road near Kalaura. (*Patrika*, 7th July, 1931.) All the accused in this case were acquitted because the trying Court held that the identification was not satisfactory and the evidence was not sufficient. But, Sir, the widow mother of this girl preferred a petition to the Sub-Divisional Magistrate against the identification farce, and these were her grounds. I take this from the Bengali paper *Sanjivani* which is the only Bengali paper that is supplied to the political prisoners in Bengal and so it must be taken to be a reliable paper : The identification was arranged at a time when the girl had not yet fully recovered from high fever. She was asked to stand facing the sun. The culprits were mixed up with a very large number of persons, one with 29 and the others with 35,—and I believe that is against law and practice. The accused were allowed to clip their beard and dress themselves in a fashion entirely different from their usual dress. They were also allowed to wear artificial moles on their face. The Assistant Surgeon drew the attention of the Deputy Magistrate to this, but to no effect, as the Deputy Magistrate is alleged to be an intimate friend of the accused's pleader. While under the strain and fatigue within the unusual surroundings of the jail, the girl, almost fainting, wanted to see the face of any relative, her prayer was refused, and the identification was cut short abruptly.

Here is another shocking outrage, I refer to the famous Charubala case in Chittagong. Before reading out the extract I shall try to give the history of this case in a few words. The accused in this case were two police constables who were on duty there and they got scent of a beautiful

[Pandit Satyendra Nath Sen.]

girl within their jurisdiction. One night they both made their appearance and asked the husband to remove the veil from his wife's face on pain of violence. The poor fellow had no other alternative but to obey them. The veil was removed and one of the constables flashed a torchlight on her face. They were satisfied and they made their choice then and there, and then went away. This was the preamble to the actual commission of the crime. On a subsequent night the two constables made their appearance again, and now let the girl tell her own story because, I believe, the version of the victim herself will be more effective than volumes of speech by any outsider. Charubala, the unfortunate girl aged 19 years, in the course of her deposition said (*Patrika*, the 15th June, 1932.) :

“ In the month of Pous last she was sleeping with her husband and her son aged one year in her hut. Somebody knocked at the door, they were asked to open the door. Somebody flashed a torchlight through the opening of the “ jhap ”. She lighted a lamp and stood in a corner. Her husband opened the door and stood with a bamboo bolt in his hand. One constable entered the hut and asked her husband to go out. He refused. A constable snatched the bamboo bolt from his hand. As her husband was not going out a police constable threatened to kick down her boy. Another constable dragged her husband from the hut. The constable who entered the room had a torchlight and a gun with him. Both the constables took her husband away. She came at the door and saw her husband being taken by these ‘ sepahis ’. One of the constables then returned towards the hut. She attempted to shut the ‘ jhap ’ door but there was no time. The constable entered the room and she stood at a corner veiled. That man come to her and seized her by the arms, kissed her forcibly and squeezed her breast. She struggled to get away from him. He gagged her and asked her to keep quiet....”

An Honourable Member : Is it necessary to read all that ?

Pandit Satyendra Nath Sen : I will not read more. As a matter of fact there is a big gap in the newspaper report itself. And what was the punishment in this case ? It was three years for one accused and two years for another. The newspapers shouted for an enhancement of punishment, but to no effect. Sir, I think such miscarriage of justice will shake the foundations of British rule because Indians can tolerate every other kind of oppression but they cannot tolerate outrages upon their women.

I will read only one other case. I should like to point out here that in some cases when the accused persons are rich and influential, they are shielded by the courts. I have already referred to the Pratibha Bala case in which all the accused were let off on the ground of insufficient evidence, and here is another case in which the accused is a Magistrate of Sibsagar in Assam. Three out of five jurors found him guilty of committing offence of rape, abduction, abetment and so on ; yet he was recommended for an acquittal by Mr. Lethbridge, Sessions Judge of Assam. And on what ground ? On the ground of insufficient evidence, because, he says in his judgment that there was no reliable evidence. The version is that the accused :

“ after threatening her with a gun and saying that he was a *hakim* and would put her in jail, forcibly ravished her against her wishes.”

It was alleged that all this time his servant held the door outside, and therefore what evidence can there be except the version of the girl herself ? These things are seldom perpetrated in the presence of witnesses.

Sir, all these cases are from Bengal. But there is no reason to suppose that these crimes are confined to Bengal only. I have collected a dozen of

such cases from other provinces which occurred in the course of six or seven days early this month. I shall only refer to these cases and shall not read any extracts. This is the abduction of a Muslim girl from Dera Baba Nanak ; no arrest has yet been made. This is another case of kidnapping a Hindu woman by a British soldier in Cawnpore when the woman was on her way to the Ganges. Then there is another case from Ranchi where accepting the unanimous verdict of the assessors the Judicial Commissioner of Ranchi sentenced three local Christians to transportation for life for criminally assaulting a young European lady doctor of the English Mission Hospital. So you can see incidentally that British courts know how to inflict a deterrent punishment in these cases if there are sufficient grounds for it, namely, that the victim is a European lady, whereas, in the case of Charubala, the punishment was only three years and two years.

Here is a case from Amritsar. Gurdwara Singh, a school teacher and Nanak Singh have been sentenced to undergo two years and nine months, respectively, by the Additional District Magistrate for the offence of abducting a young woman who had come there on a pilgrimage. There are also other cases, from Akyab, from Nagpur, from Bombay, from Silchar and many other places. Sir, from all these cases it will be seen that the crimes are of the worst type that can be conceived and the number of these cases is increasing from day to day. The punishment that is awarded is nothing compared to the incalculable humiliation to which these girls are subjected, because abduction, rape and other crimes against women are no less than deaths for Indian women. It is a sort of living death, because the girl is, rightly or wrongly, excommunicated from society not only for this generation but for some generations to come along with some of her relatives.

From statistics supplied to us we come to know that all these cases do not come before the courts. These are statistics prepared by the *Sanjibani* and they give the figures for the years 1926 to 1931. I shall quote only the figures for last year : the total number of cases for 1931 is 935. Of these only 390 came before the police and 334 before the courts or a total of 724 ; and the number of cases punished was 119 or about 12 per cent. ; 90 per cent. of the cases are let off, and what is the reason for this ? The reason is mainly twofold : as I have already stated, one is want of sufficient evidence, and the second I should say is the prohibitive price of British justice of which we hear so much, because these helpless women cannot afford to purchase that luxury from courts which often goes to the highest bidder, specially if the accused persons are rich and influential. In all these cases also where punishment is inflicted it is found to be inadequate, because the judiciary is composed of such persons who cannot fully realise the full value of chastity to which we Indians attach so much importance.....

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : There are jurors and Sessions Judges.

Pandit Satyendra Nath Sen : They all belong to the same type. I would invite the attention of Government that in almost all these cases the punishment is not at all deterrent because in some cases it is found that the accused persons commit the same crime within the period during which they are enlarged on bail. The Giribala abduction case in Jessore and the Jashoda abduction case in Chittagong are instances in point. In

[Pandit Satyendra Nath Sen.]

this connection I cannot but quote a few lines from the late Right Honourable Sir Ameer Ali's Memoirs which were published some time ago in a Hyderabad paper called *Islamic Culture* :

“ A form of crime which happily was not then (that is, in 1895) common in India had become frequent in the unruly district of Rajshahi. Bands of hooligans, I regret to say, not all of them young, took to what is called in the annals of crime ‘gang rape’. This required stern repression. Sessions Judges trying the cases were wont to inflict sentences varying from four to ten years’ imprisonment, which had very little effect in stopping the outrages. Gangs continued to break into the houses, mostly mere huts, of inoffensive peasants, and carry off the married and unmarried women, and after outraging them returned the poor half-dead creatures to their own doors. I applied to Government to pass a short Act legalising capital sentences in such cases as was done in Melbourne, where outrages by the ‘larrikins’ were thus ruthlessly stopped. But the Indian Government had not the courage of the Australian, and I received a polite refusal. My colleague and I then took the matter into our own hands. The sentences came before the Criminal Bench (of the High Court) for revision, and often the Legal Remembrancer appeared for the Crown on the ground of inadequacy of sentence. Our procedure was to issue notices to the accused to show cause why their sentences should not be enhanced. They almost invariably appeared by counsel or pleader and after a full and patient hearing on the accused’s behalf, if we upheld the sentence, we enhanced it to ‘transportation for life’ to the Andaman Islands. In a few months we had the satisfaction of hearing that these brutalities had ceased.”

This is how an illustrious member of the Muhammadan community felt for these unfortunate women....

Mr. K. Ahmed : That was too old : people are more educated now.

Pandit Saytendra Nath Sen : But there are other people who think in the same way even to-day. The punishment for these crimes in ancient India was flogging in some cases, amputation of limbs in other cases and death or forfeiture of property in extreme cases. But India is not a civilised country and it was more uncivilised than it is to-day. But I should say that death was the punishment for some of these crimes in the most civilised country in the world, I mean England ; and it is still the punishment for these crimes in some of the states in the United States of America. India is a country of *Satis*. We all know how Rajput ladies, only some centuries ago, did not hesitate to sacrifice their lives and burn themselves to preserve their honour. In our Shastras it has been stated that the place where women are honoured and respected is like unto Heaven and the place where they are not honoured and not respected is like unto Hell. Even the British Shastras say the same. There is already a Whipping Act ; but that Act applies only to sections 375 and 377 and also in the case of juvenile offenders. But there are other sections ; and there are grown up offenders too. I hope the Act should extend to those sections, on the simple ground that abduction in India is almost equivalent to rape, because Indian women are always averse to giving publicity to that thing : abduction should be regarded as implying rape in 99 out of 100 cases, because if a man abducts a young woman, why should he abduct her except for that purpose ? Otherwise abduction has no meaning. I hope therefore that the Government will give effect to the recommendations contained in my Resolution at least in the spirit if not in the letter. With these remarks I move my Resolution.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Resolution moved :

“ That this Assembly recommends to the Governor General in Council that the criminal law be revised so as to include flogging in the list of punishments prescribed for the crime of abduction and similar other crimes against women, and forfeiture of property in cases of repetition by old offenders.”

Captain Sher Muhammad Khan Gakhar (Nominated Non-Official) : Sir, I had no idea to take part in this debate as I thought my friend, the Honourable the Mover will quote in this debate, also Mannu and the Shastras and it will be a signal to Muhammadans to keep quiet. But as the trend of his arguments shows that he is not proposing a purely communal measure, I say a few words on this motion Sir, I oppose this motion. The Honourable the Mover has probably forgotten that we are living in 1932, liberty and independence are the cry of the day. But might I remind him that whenever there is a question of uplifting or betterment of the condition of young girls like the raising of the marriage age and so forth, he begins to quote scriptures and even rebels against his own leader, Sir Hari Singh Gour.

Pandit Satyendra Nath Sen : Not a leader in religious matters.

Captain Sher Muhammad Khan Gakhar : Sir, I should not be misunderstood when I oppose this motion. I am in favour of giving severe sentences to culprits of this type, but what I object to is the barbarous custom of flogging, because in this age we should not encourage it.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Unless in the case of political offenders.

Captain Sher Muhammad Khan Gakhar : After all, this is only a civil offence. (Laughter.) It is better to improve the society than to terrorise it. If we are totally to stop these offences, flogging will not help at all, but we should provide that an arm or a leg or any other limb should be cut off (Laughter) as in old Afghanistan. But I may point out to the House that in some parts of the Punjab, people do not care for whipping. If, therefore, flogging is substituted for imprisonment, they may be encouraged to commit these offences. With these few words, Sir, I oppose the motion.

Mr. Bhuput Sing (Bihar and Orissa : Landholders) : Sir, I beg to accord my hearty and sincere support to the Resolution so ably moved by my Honourable friend, Pandit Satyendra Nath Sen. Sir, abduction of women and similar crimes against women, particularly in Bengal, have been alarmingly increasing of late. One has only to pour over the daily Calcutta press in order to have a rough idea of the enormous extent which such crimes are multiplying. The reply which Mr. Reid, Chief Secretary to the Government of Bengal, gave to Mr. Kishori Mohan Chaudhuri's question in the Bengal Council only last month, reveals the actual figures of abduction cases, district by district, in the province of Bengal, from 1926 to 1931. In all conscience, Sir, the figures are quite staggering. Year by year, month by month, day by day, the public press of Calcutta has been crying itself hoarse over this painful situation. Public leaders have equally decried this distressing matter on public platforms ever and anon. But up till now with very little tangible result. The existing Statute-law on the subject is not quite stringent enough and cannot adequately cope with the alarming situation which has grown in Bengal.

[Mr. Bhuput Singh]

Despite Executive circulars the usual lukewarmness and apathy of the police in the matter continue as before. People on the country-side are firmly of opinion that in offences against women the offenders get indirect support of police underlings. There is a League for the protection of abducted women under the patronage of eminent leaders of society in Calcutta, but in its activities in the districts it gets very little support in the rescue and protection of abducted women from the district Executives. The consequence of this state of things is that offences against women are multiplying rapidly. The minds of all thinking people in society are being exercised over this dismal situation and the problem which the situation has created has become evidently too much both for the administration and the society. The apathy and indifference of the executive are telling upon the minds of the younger generation, males and females alike, and are weaning their sympathy from the Government. I only emphasise here that not a little of the discontent that prevails among youngmen and women of Bengal at the present moment is to be attributed to this gloomy outlook of things in the society. If the evil is the unfortunate lot of Bengal to-day, it may be the unfortunate lot of the Punjab to-morrow, and that of Bombay and Madras the day after. Abduction of women and crimes against women may be raging to-day in Bengal, but the other provinces are not altogether immune from them at the present moment. What the Honourable the Mover proposes in his Resolution is quite a reasonable one. This House should support him in his demands and the Government in accepting his Resolution would only show their sincerity in the matter, because, but for deterrent nature in the punishment, offences against women will hardly be on the wane anywhere. As the Honourable the Mover wants that the change in the law should be made in the general penal laws of the country, applicable alike to all the provinces, he has come before this House with this Resolution for its sympathy and support.

Mr. Nabakumar Sing Dudhoria (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, I rise to support the Resolution of the Honourable the Mover. Crimes against women have assumed an appalling state of things in the province which I have the honour to represent. The returns which the Honourable Mr. Reid furnished to the Bengal Council of crimes against women show that the ordinary law of the land has failed to cope with this class of crimes, which is daily on the increase. Many cases are not reported to the police for fear of social disgrace. In many cases the police fail to find out and arrest the accused. In many the offenders are not punished owing to lack of sufficient evidence, the reasons for such lack of evidence often being terrorisation of the witnesses by the accused or their fellow-ruffians and lack of zeal on the part of the police. In spite of the ordinary law and procedure, the police have hitherto failed to put an effective stop to, or even check offences against women. Still, Mr. Reid declared in the Bengal Council that Government did not intend any special legislation for combating this growing evil. But whatever Government may or may not think proper in the matter, all communities, irrespective of their creed, ought to combine to put a stop to all brutalities against women wherever they may occur. Unremitting efforts are needed both in the Legislature and outside it to check the growing evil. Diabolical crimes against women are not confined to any province in particular at the present moment. They may be quite rife in Bengal and less so in

the Punjab and Bombay. But, Sir, the crimes are there all the same. Wise are those legislators who can forestall things and bring about the legislation betimes to check such a social evil.

It was suggested, as has already been pointed out by no less a person than the late Rt. Honourable Sayed Ameer Ali, that gang-rapè or indiscriminate outrages on women, should be punished with death, as he found, while as a judge of the Calcutta High Court, that our Magistrates and Judges did not pass sufficiently deterrent sentences in diabolical crimes against women.

In some of the British colonies the existing law is that any assault or attempted assault on white women by the natives is punished with death. The Honourable the Mover's proposal is that crimes against women should provide for the corporal punishment of flogging and not the greater and irrevocable punishment of death. Thus his proposal is altogether reasonable and quite moderate. But as he means to amend the Penal Code he has come up with his Resolution before this House, and I believe, he would not have brought this Resolution in the Central Legislature had he been assured that the Bengal Government had felt the situation in the matter as keenly as the people themselves. I only hope that the Government of India will study aright the situation timely and must not make it a provincial question.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : Sir, I could never believe that a member of the Nationalist Party could provide a tip to the Government, and that, at a time when they are going to introduce and enact Ordinance legislation. What my friend proposes to do by the Resolution which he has tabled to-day is this: He recommends that flogging may be introduced in the list of punishments in the case of first offenders when they are convicted of abduction, and in the case of a repetition of these offences, he proposes to impose forfeiture of property. So far as the latter part of his recommendation is concerned, Government have already copied it in the case of unlawful associations. Now, this matter, which we are discussing, also relates to unlawful associations, because an abducted girl and the offender form an unlawful association. (Laughter.) But so far as forfeiture of property is concerned, Government have, as I have said, already taken the clue. And I would not be surprised if they take up the other tip also as regards flogging in the case of political offenders.

Mr. K. C. Neogy : That is in operation. What about the lathi charges ?

Mr. Muhammad Muazzam Sahib Bahadur : So far as the law administered in this country is concerned, it is neither Hindu law nor Muhammadan law. We are following the rules more or less of the English law on most of these offences except in the case of adultery which according to the law of advanced countries is not an offence at all. It gives rise to a civil action for damages. (Laughter.) My friends may laugh, but it represents the state of an advanced society. Mr. President, you will concede that a man who has not received the least education would not care for his life in a matter where he suspects that his wife is carrying on unlawful negotiations with an outsider. The moment the suspicion enters his mind, he goes and kills her or the man. Give him a little education and he will not do it. He would think twice before doing it. As a result of the

[Mr. Muhammad Muazzam Sahib Bahadur.]

imparting of English education, I think our views on these matters are undergoing a radical change. Not that we have come up to the English or the American standard yet, but I think the day is not far off when we shall have to delete that section about adultery altogether. There are indications on every side that we will be reaching that point very shortly. (Laughter.) I lay very great stress on this point in spite of the laughter of my friends.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I do not think the Honourable Member is serious about that argument.

Mr. Muhammad Muazzam Sahib Bahadur : On the other hand, Sir, I am really serious. If my Honourable friend will not concede this point that during the last 30 or 40 years our ideas and our conceptions of matrimonial life have undergone a radical change, then I think my Honourable friend has very little experience of matrimonial affairs. I really think there was a time when Mussalmans believed that once their women broke through the *Gosha* system, no woman could be safe; but is that what we find to-day? Don't we find a number of our sisters going about and yet keeping their chastity safe? Is not that so? Has not society undergone a radical change? I do not think any distinction could be drawn between Hindu and Mussalman girls ravished in Bengal. There was for my Honourable friend, Pandit Sen, no occasion to make a distinction.

Pandit Satyendra Nath Sen : I only cited a few cases.

Mr. Muhammad Muazzam Sahib Bahadur : He could have cited those cases without mentioning the nationality to which they respectively belonged. I don't think that strengthens his argument. There is no such thing as Mussalman opposition or Hindu opposition. Human nature is the same all the world over. Then my friend takes a view which is very partial to the fair sex. I put to the House the case of a lady, a little bit advanced in age, who solicits and gets into her trap a young man who has not got sufficient experience of the world and the two cohabit. Is the lady to go scot free? That is a serious question I put to the House. This aspect of the question has not been considered in the case of offences relating to abduction and kidnapping.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Is the lady you are referring to single or married?

Mr. Muhammad Muazzam Sahib Bahadur : She is a widow, Sir. (Laughter.) I now leave that aspect of the question and turn to another aspect of Indian life which, according to my friend, is a paramount question in society, namely, the safeguarding of the chastity of women. Unfortunately, Sir, the unanimous opinion of the First Law Commissioners was that what is known as adultery in the law of crimes in India should not find a place in the Indian Statute-book. They were acting on the analogy of people of the advanced European countries and America, but the second Law Commissioners who sat to draft the Indian Penal Code, thought that in response to educated public opinion which had gathered some strength by then, there was some necessity of having on the Statute-book a section of the type that we find in the Penal Code to-day. That law stands. From the way in which my friend prefaced his remarks, I thought that the existing law was not enough to cope with such offences.

That is what he said. I have taken down his words, but at the end he wound up by saying that the punishment awarded was not satisfactory, that the judiciary was composed of people who practically attached no importance to the chastity of the fair sex.

Pandit Satyendra Nath Sen : That is an additional ground.

Mr. Muhammad Muazzam Sahib Bahadur : With regard to that, I say it is left to the discretion of every sane magistrate to deal with a case as his judgment dictates. It must be assumed that the magistracy and the judiciary have some brains and that in cases like these it is very probable that the magistrates will inflict fairly heavy sentences and likewise in cases where the age of the girl is much below the age of the man, a very severe sentence may be meted out. But in other cases I really think that most of us, if not all of us, if we look back upon our lives (Hear, hear)—I mean most of us—there may be exceptions (Laughter)—my Pandit friend may be an exception, or my Honourable friend, Mr. Gaya Prasad Singh, may be an exception, but most of us.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair has listened to the debate as far as it has gone, and wishes to impress upon Honourable Members that the issue which they are debating is whether a severer punishment should be provided in the penal laws of the country for proved cases of abduction and rape. The Chair trusts that Honourable Members will please restrict themselves to that issue in discussing the Resolution. (Applause.)

Mr. Muhammad Muazzam Sahib Bahadur : Sir, I shall do so. I thought that I had borne that in mind, but if I have made a mistake, I really apologise. I shall restrict myself to the issue of the infliction of the punishment of whipping which my friend recommends for offences of this type. With regard to that, what I would like to say is that a huge mass of opinion in this country is opposed to the infliction of this punishment even in cases where the law prescribes it, and that being so, one really cannot understand the attitude of my Honourable friend, Mr. Sen, when he recommends the punishment of whipping as an additional punishment to those already provided in the Statute-book. As a matter of fact, in these offences, Sir, the punishment prescribed is even transportation for life in some of these cases and in other cases there is a substantive sentence of imprisonment with or without fine as the magistrate likes. But in answer to my Honourable friend's remarks at the end of his speech, I would say that, if in any province in India offences of this type are on an abnormal increase, it behoves the Local Government of that province to issue instructions to the judiciary to inflict a far severer punishment than what they have been doing. I suppose that will serve his object, namely, that the magistrates ought to take a serious view of these offences. Sir, I wanted to say more, but in view of your ruling I have confined myself to the immediate issue, and with these words I oppose my Honourable friend's Resolution.

Mr. C. W. Gwynne (Government of India : Nominated Official) :

4 P.M.

Sir, those of us who have heard the Honourable the Mover's infrequent contributions to the debates of this House are well-acquainted with his wide knowledge, his erudition and, I might add, after to-day's debate, his knowledge of salacious stories reported in some of our newspapers. We have also learnt to appreciate his capacity for research—extensive but in this instance not very accurate for he seems to

[Mr. C. W. Gwynne.]

have entirely misunderstood the principles of the law in British India. But before I deal with the issue before the House, I should like to make it perfectly plain that we, on this side of the House, warmly endorse the views which have been expressed in various quarters of the House in condemnation of brutal crimes against women. (Loud Applause.) Sir, no words can be too strong to denounce this particularly detestable type of offence, and from what we have heard, that seems to be the general view, a view indeed that one would expect of all Honourable Members of this House. (Hear, hear.) But the question before us is not the value or otherwise of whipping as a punishment for such offences. The question is whether the circumstances are such or whether circumstances have so changed that some extension of the offences for which the punishment of whipping may be imposed are now in practice necessary. That is the sole issue before the House.

I think it necessary to state, Sir, what the general law on the subject is in view of the very grave misconceptions that are obvious from some of the speeches, which we have heard and particularly from the speech of the Mover of the motion. He quoted instances of offences for which deterrent punishments could be imposed and in regard to which he suggested that the punishment of whipping would constitute a highly suitable additional punishment. The majority of the cases he cited are cases of rape. Sir, perhaps my Honourable friend is not aware that rape is already punishable with whipping. Section 4 of the Whipping Act provides that :

“Whoever abets, commits or attempts to commit rape as defined in section 375, etc., shall be punished with whipping in lieu of or, in addition to, any other punishment to which he may for such offence be liable under the Code.”

Now, section 5 goes on to describe the cases where juvenile offenders may be punished with whipping instead of any other punishment, namely, for any offence punishable under the Indian Penal Code, except the offences specified in Chapter VI, that is, offences against the State, section 153-A—promoting enmity between classes, and section 505, making statements conducive to public mischief : and in clause (b) of the same section it provides that that punishment may be inflicted in other cases also, that is to say where any person under sixteen commits any of these offences against women—and such offences by persons under 16 are by no means uncommon—in those cases too the punishment of whipping may be inflicted. Further, section 6 makes the special provision that a Local Government may provide for this penalty in any wild tract or frontier tract. In Burma, we have rather special provisions. In 1927 the Burma Legislative Council passed a Bill to amend the law relating to the punishment of whipping in Burma the general effect of which is to extend the punishment to a number of other cases which include cases of kidnapping and abduction, procuration, selling minor girls for purposes of prostitution, slavery and similar offences. This Act was passed in Burma in 1927, because of the abnormal increase of crime in that province and it was thought by the Government of Burma that the special circumstances then existing justified legislation of that kind. Such, Sir, is the law on the subject. Whipping is, to recapitulate, a permissible punishment for rape in lieu of and in addition to other punishments throughout British India. It is a permissible punishment in certain cases

for persons under sixteen years of age throughout British India, in lieu of any other punishment. It is a permissible punishment in Burma for the offences of rape, abduction, kidnapping and similar offences. Such, then, Sir, is the law. The Honourable the Mover described the law as thoroughly inadequate, and he relied on what he described as an abnormal increase in this type of crime in his own province of Bengal.

In 1926 and 1927, my Honourable friend, Mr. Neogy, gave notice of a somewhat similar Resolution. It was not moved. My Honourable friend, Mr. Dudhoria, gave notice a few months ago of such a Resolution, but until to-day has had no chance of expressing his views. On those occasions it was not possible for Government to state their views on the subject, but in 1930, the matter was raised in the Council of State in the form of an interpellation by the Honourable Mr. Surpat Singh who drew attention to what he described as the increase in the crime of abduction of women, particularly in Bengal, the United Provinces and Sind and asked whether Government contemplated legislation to speed up trials and administer exemplary punishment. The reply given by the Government was that they were satisfied that the existing law was adequate. That is the position of Government to-day. They consider that the existing law as regards the subject-matter of this Resolution is adequate and that no change is required.

Sir, the Honourable the Mover has relied on statistics, but the information before us which is taken from the reports of criminal justice administration and which give us accurate figures of the number of cases instituted and so on do not indicate any increase in this form of crime. For the period of the last five or six years they show little total variation. There may be here and there some increase which is more than counter-balanced by the decrease elsewhere. Certainly they do not in any way justify the very lurid picture which the Honourable the Mover has painted. Moreover, in the answer given in the Council of State to Mr. Surpat Singh's question, the view was expressed, and it was based on information obtained from correspondence with the Governments of Bombay and the Punjab, that kidnapping and abduction in those provinces do not invariably or indeed often represent crimes of brutality. Those cases are rather due to different causes and the Punjab and Sind attribute them chiefly to the dearth of women in those provinces, women being taken from there to other provinces or other places often with the tacit consent of their parents for the purposes of marriage. Thus, I submit, Sir, that it is clear that on the facts and evidence available Government would not be justified in agreeing to any general extension by amending legislation of the punishment of whipping for offences of abduction, kidnapping and similar offences. They must, therefore, oppose this Resolution on its merits.

The Honourable the Mover has said very little on the subject of forfeiture and I do not propose to say very much either. If he wants to know all about it, he can find it in the excellent commentary on the Indian Penal Code by the Leader of his Party which gives a full account of the history and significance of this form of punishment, a very ancient form of punishment. But by Act of 1921 (Act XVI of 1921) the penalty of forfeiture was to all practical purposes abolished by the Indian Legislature. I may say in this connection that forfeiture has nothing to do with the power of confiscation of property which is provided for in section 517 of the Code of Criminal Procedure. This section

[Mr. C. W. Gwynne.]

generally empowers the Court "to make such order as it thinks fit for the disposal of any property or document produced before it, or in its custody, or regarding which any offence appears to have been committed, or which has been used for the commission of any offence." Forfeiture has nothing to do with such cases. The question really in issue is whether forfeiture in the correct sense of the term would be a suitable punishment in certain cases of kidnapping, abduction and similar cases. On whom would the penalty of forfeiture fall? It would fall really on the heirs and successors of the offender. The act of the accused person in such cases is entirely his own act arising out of his own bad conduct.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Please remember this argument a little later !

Mr. C. W. Gwynne : His behaviour will probably be disapproved and discouraged by his heirs and relatives and in the circumstances it is considered a hardship to deprive the family of their right of inheritance. In practice, before the law was changed in 1921, it was found that in the great majority of cases in which the penalty of forfeiture was resorted to it was, in fact, remitted under section 401. It was also thought at the time that the penalty itself in the case of Hindus would owing to the joint family system prove inoperative. For that reason, I submit, that this Resolution should be opposed. Sir, we appreciate the objects of the Mover, who has been influenced by public spirit in bringing it forward, but the remedies that he proposes, we consider, are not necessary and therefore we must oppose the Resolution.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, I must congratulate my Honourable friend, Mr. Gwynne, for making such an excellent speech in reply to the arguments of the Honourable the Mover. It will be remembered by some of the Honourable Members who are here since 1923 that when the Code of Criminal Procedure was being revised, our friend, Mr. Venkatapatiraju, who is the father of our present Member, Mr. Sitaramaraju, had brought many amendments to the proposed legislation.

[At this stage Mr. President (The Honourable Sir Ibrahim Rahimtoola) vacated the Chair which was taken by Sir Hari Singh Gour.]

At that time, Mr. Chairman, you were also there and you will remember that the punishment of whipping was abolished in the case of Europeans. Mr. Venkatapatiraju had brought an amendment to the same effect, so that it may be done away with in the case of Indians also. He had argued this point at great length. He thought that an invidious distinction between an Indian and a European in the case of this punishment was not desirable. He laid great emphasis on this point, because only a few days before in the previous chapter the Assembly had abolished this punishment in the case of Europeans and it was thought derogatory that this punishment should continue in the case of Indians. I remember this case very well, because I was the man who opposed the amendment for abolishing the punishment of flogging. I opposed it because at that time my argument was that protection should be given to young girls of tender age on whom rape might be committed by grown up people to whom no other punishment can appeal except a corporal punishment. That was my argument in 1923. Mr. Venkatapatiraju, accepted my argument and withdrew his amendment and the punishment of flogging still remains in the Statute-book.

I supported the amendment at that time and I think all the Honourable Members of this House will agree when I say that punishment of flogging should be inflicted only in those cases when rape is combined with cruelty. That is, if rape is committed on a girl of tender age, then certainly flogging is the only proper punishment. I know, Sir, that an instruction had been issued by the High Court to all the District and Sessions Judges that this should be the practice after 1923 and this direction stands to-day. We find that invariably in such cases the punishment of flogging is given.

Mr. S. G. Jog (Berar Representative) : Because it is provided in the Act.

Mr. Muhammad Yamin Khan : My Honourable friend is mixing up the case of rape and abduction. He has brought forward the question of abduction which is a totally different thing from rape, also rape of a heinous character. If a rape of heinous character is committed, then the punishment of flogging is necessary or some corporal punishment is necessary. Supposing you send a labourer to jail for two or three years, he gets better food in the jail and after undergoing the period of imprisonment he goes back to his village. Certainly that would be no punishment to him at all. In such a case the punishment of whipping is the only proper punishment. But my Honourable friend has used a wide expression so as to cover all kinds of cases, abduction, kidnapping and rape and so on. He wants to cover the case of a woman who goes with her lover and lives with him and afterwards she says she has been cheated. My Honourable friend wants to bring such cases under the law of abduction. That is an absolutely different thing from rape. You cannot punish a man for such an offence with whipping. Whipping can not be a punishment in such a case. I agree with my Honourable friend, Mr. Muazzam Sahib, that these offences will after some time be taken away from the Statute-book. If a woman leaves her house, of her own free will, and if she is a grown up woman, some pretext or other will be found for her leaving the house, these offences should not be made punishable, if at all, these offences should be punished with some little punishment. My Honourable friend wants that in the case of abduction, the offence should be punishable with flogging. I see already that the punishment which is provided for in these cases under the Indian Penal Code is far too excessive and in many cases, a sentence which is not desirable has been given. If the Judge who is trying such cases is of the mentality of my Honourable friend, the Mover of this Resolution, then I pity the accused who figures before such a Judge. There are some offences which are against the State, there are some which are against society. These offences which are prompted by natural instincts and which are prompted by feeling from the other side, I say these offences have some kind of redeeming feature. You cannot go and lay down the highest model for the entire society. You want to cut off the head of a man who has committed such a slight offence of this nature. There are abductions which are on different reasons. There may be a case of a guardian or a husband not treating the ward or the wife properly and if for this purpose a woman deserts her house and goes and lives with her lover or her paramour, you cannot make the offence punishable with whipping. Does my Honourable friend want in this case, though it falls under the category of abduction, that it should be punishable with whipping and forfeiture of property ? Certainly not. Nobody will ever support such a proposition except in theory. What do we see in practice ? We see daily so many cases being defended in courts.

[Mr. Muhammad Yamin Khan.]

From the practical experience gained in every day life, my Honourable friend must come to the conclusion that the proposition put forward by him is one which can never be accepted by lawyers. I have already brought to the notice of the House that the Assembly was in favour of entirely abolishing the punishment of flogging in 1923, but only retained it for the purpose of inflicting this punishment only in cases where cruelty was combined with rape. This punishment is confined only to these cases and so far we can give our support. Beyond that, we are not prepared to go. The punishment which my Honourable friend is proposing may have been suitable a hundred years ago, but it is not suitable in the present state of society.

***Mr. S. G. Jog :** I am surprised to find that the Resolution which is of a very serious nature, affecting as it does every individual, every household and every parent, has been taken in such a light-hearted manner by my Honourable friend, Mr. Muazzam Sahib. He also tried to give the question a sort of communal turn by saying that the Mover of the Resolution had something else in mind. Far from any such motives, the Resolution is worded in a general way and it concerns every community, all alike. It does not affect one particular community only. It has been worded in a general way. I should like to remind this House that the Indian Penal Code was enacted with only six forms of punishment and, excepting those punishments, all other forms were excluded. Later on, it was found that it was necessary to keep the punishment of flogging for certain offences. In 1864, a Whipping Act was passed, and it introduced the sentence of flogging in certain crimes. Howsoever a cry might have been raised against it, there are a number of sentimental arguments advanced against flogging, the punishment of flogging has remained in India and it has remained in England in some cases or other. In spite of all our attempts and in spite of all our civilised notions, we have not been able entirely to dispense with the sentence of flogging. In some cases, where any member of a society wants to disgrace a girl or a woman or in any other way, the punishment that is given, under the present law, to my mind, is not sufficient. As expressed by my Honourable friend, simply sending an offender to jail for a few months, instead of serving as a punishment, adds to his comforts and, if mere imprisonment is given in such cases, the offender continues his nefarious act of disgracing the parents or the other people of the society.

Mr. Muhammad Yamin Khan : Is this offence committed with the idea of disgracing anybody ?

Mr. S. G. Jog : Does my Honourable friend suggest that these offences are committed with the idea of gracing anybody or any society ? If there is no disgrace in it, what else is there in it ? It is always done with the idea of disgracing the family from which the woman is abducted. The present punishment that is meted out to him, under the present law, instead of acting as a deterrent, simply adds to his comfort and, after the expiry of the term of imprisonment, probably he will be encouraged to repeat the same offence.

I am surprised to find that the whole motive of the Resolution has been misunderstood by the House including my lawyer friends. What he means to say is that under the Whipping Act, there are certain offences

**Speech not revised by the Honourable Member.*

against society of a marital nature in which the punishment of whipping can be given in addition to imprisonment ; for instance, rape and offences under section 377 which are called unnatural offences. It does not necessarily mean that whipping must be awarded in addition to the other punishment. It only enables the Magistrate to award whipping in addition to imprisonment. The trend of the Resolution is that my friend, the Mover, has got a suspicion that these crimes are on the increase. It may not have taken that aggravated form, as said by the occupant of the Treasury Benches, as to justify effecting a change in the law. But I will remind him of the old proverb that prevention is better than cure. Are they going to wait till a number of girls, whether of the Hindu community or the Muslim or any other community, are kidnapped, abducted, disgraced or violated, and then they will come forward with some Bill to amend the law ? Is that the policy of law ? Is there not such a thing as to be fore-armed ? We must have a previous provision so that it may work as a deterrent for intending offenders. That is the sole object of the Resolution moved by my Honourable friend. It does not necessarily mean that, because these cases are included in the Whipping Act or because the Whipping Act may be extended to meet such cases, therefore whipping will be awarded in every case. The Magistrate will have sufficient discretion and he will discriminate and distinguish between cases and cases. If there is an ordinary case in which he finds the woman to have been a willing party, he will not award that punishment, but there are other cases like rape which are of a very heinous nature where it will be necessary to inflict a deterrent punishment and, in the interest of society, whipping should be awarded. Sir, you know that the ideas of civilisation are progressing in India, and people want more freedom of action. Lots of schoolgirls are going to schools and colleges, freely moving about in the streets. They want some freedom and some safeguard. They want some protection, and if they think that they are likely to be abducted or kidnapped by dangerous elements in society, is it not, in the interests of civilisation and of society, whether Hindu or Muslim, is it not, in the interests of the advancement of education, that there should be such a precautionary and protective measure ? If you will look at the Resolution from this point of view and from this angle of vision, you will find that there is nothing wrong in the Resolution, and, I submit, that Government should take up the suggestion and try to give these enabling powers to the Magistrate. As I said, it is not in every case that they will exercise this power ; they will exercise their discretion, but, so long as they are not armed with that power, nothing can be done and these dregs of the society will go on increasing from day to day and indulge in these heinous crimes. You need not look at the Resolution from any orthodox point of view. There is no orthodoxy in it or any question of the Shastras. It is a measure for the protection of society and, as such, I heartily support the Resolution.

Several Honourable Members : The question may now be put.

Mr. Chairman (Sir Hari Singh Gour) : The question is :

“ That the question may now be put.”

The motion was adopted.

Pandit Satyendra Nath Sen : Sir, I have listened to the speeches delivered by my non-official friends as well as to the speech delivered by Mr. Gwynne on behalf of Government. I am sorry that my Honourable friend, Mr. Muazzam Sahib, wanted to give a communal colour to this question. As a personal explanation, I will simply say, that I only read out the reports in the newspapers as they appeared there and I quoted cases of Hindu girls as well as cases of Muslim girls. As to the offence being of a civil nature, I as a layman fail to understand it altogether because in spite of the civil nature of the crime there is no gainsaying the fact that it is after all a criminal offence. As a matter of fact the value of chastity cannot be assessed at any particular price from the Indian point of view. The woman has been robbed of her highest treasure and what price can you offer her for it? Mr. Gwynne said that there has been no increase in the last few years of these crimes, but I beg to submit that the average for the last few years is much above the average for the previous years; and perhaps the number has reached the maximum limit. He has also delivered a pious lecture on forfeiture of property and I only hope that Government will take up the same attitude on all occasions. My Honourable friend, Mr. Yamin Khan, has said that flogging is a very severe sentence. I quite admit that, but does he mean to say that these offences are not severe? If these offences are severe, some severe punishment should be inflicted.

Mr. Muhammad Yamin Khan : I said it is not severe in some cases, while in some cases it may be very severe.

Pandit Satyendra Nath Sen : My friend said that this subject could have been discussed a hundred years ago, but it is not a proper subject for discussion to-day. But, Sir, I beg to submit that the persons who commit these crimes are no better than brutes and it is only proper that they should be treated as brutes, and flogging I think is the only punishment which will suit them. In recommending this punishment I do not say that flogging should always be inflicted and that it should be inflicted to the highest degree. Some five or six lashes will do in some cases while in some cases more will be required; and it will serve as a deterrent on persons who are in the habit of committing such offences. I have cited some cases in which the accused persons repeated the crime during the period of bail. So it is clear that in many cases the punishment is not at all deterrent. My Honourable friend, Mr. Yamin Khan, said that there may be cases of abduction in which the woman is a consenting party. I certainly do not mean to include those cases within my Resolution.

[At this stage Mr. President (The Honourable Sir Ibrahim Rahimtoola) resumed the Chair.]

However, in moving this Resolution, I had a two-fold grievance in my mind. One point was that the punishment is not deterrent in all the cases, and in other cases although the punishment prescribed is enough, the punishments awarded are in most cases inadequate. For example, in the case to which I referred, I mean the Charubala abduction case, the punishment was only three years.....

Mr. Muhammad Yamin Khan : Is three years not sufficient ?

Pandit Satyandra Nath Sen : I think that that case must have been treated as a case of ordinary theft, not even as a case of robbery or dacoity although the woman was robbed of her highest treasure. However, I hope that the Government of India should issue instructions to Local Governments to inflict deterrent punishments in these cases so that the evil may be eradicated from the country before long. With these words I beg to recommend my Resolution.

Mr. President : The question is :

“ That this Assembly recommends to the Governor General in Council that the criminal law be revised so as to include flogging in the list of punishments prescribed for the crime of abduction and similar other crimes against women, and forfeiture of property in cases of repetition by old offenders.”

The motion was negatived.

RESOLUTION *RE* SOUTH INDIAN INFANTRY BATTALIONS.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I beg to move :

“ That this Assembly recommends to the Governor General in Council that the South Indian Infantry Battalions be again raised in the Madras and Bombay Presidencies.”

I need not go into the history of the origin of the Madras Army and that of the Bombay Army. Those armies have now given place to the Indian Army and exploration in ancient history may not be very profitable. The Madras Army as well as the Bombay Army were very humble in origin ; but as the power of the East India Company grew in strength they had also to expand their army and the struggle for supremacy in the Carnatic that was carried on with the Mahrattas, Hyder and Tippe obliged the Madras Government to increase their army to a very great extent. At one time the strength of the Madras Army was very big : two battalions of artillery, one European and one Native, three battalions of foot artillery of four companies each with four companies of lascars attached ; three regiments of light cavalry, two corps of pioneers : 52 battalions of native infantry ; three local battalions : that was at one time the composition of the Madras Army. It is also noted in history that in the early days of the Madras Army the enlisted men of Madras fought very well on the side of the British and they were so much attached that in the siege of Arcot when food ran short the sepoys remained content with the *conji* and gave the rice to the British troops. The services of the Madras Army not only within India but even in foreign countries are very noteworthy. I quote from the work entitled “ Armies of India ”. In 1762, an expedition composed of Madras troops took part in the war with Spain by capturing Manila. In 1795, an expedition from India captured Ceylon from the Dutch and French, the native troops being from Madras.....

Mr. B. N. Misra (Orissa Division : Non-Muhammadan) : May I bring to notice that there is no quorum ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The attention of the Chair has been drawn that there is no quorum present. (After the bell had been rung, the number of Members was counted.) As there is no quorum, the House will adjourn to 11 o'clock to-morrow.

The Assembly then adjourned till Eleven of the Clock on Friday, the 23rd September, 1932.