

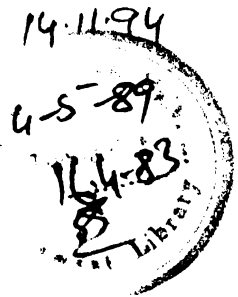
25th November 1940

**THE
LEGISLATIVE ASSEMBLY DEBATES**

Volume V, 1940

(19th November to 27th November, 1940)

**TWELFTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1940**



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LEGISLATIVE ASSEMBLY

Monday, 25th November, 1940.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

PRINCIPLES AND STANDARDS FOR PROMOTION OF RAILWAY GUARDS, GRADE II TO GRADE III.

239. *Bhai Parma Nand: (a) Will the Honourable the Railway Member please state the principles and standards laid down for the promotion of guards grade II to grade III?

(b) Is not seniority considered enough for promotion, provided an employee's record is otherwise good?

The Honourable Sir Andrew Clow: (a) These posts are filled by selection; I regret that they were inadvertently omitted from the list of such posts laid on the table on 5th November, 1940.

(b) No, but experience is taken into account as an element in selection.

Mr. Lalchand Navalrai: May I know from the Honourable Member if these promotions are given on a communal basis?

The Honourable Sir Andrew Clow: I think the Honourable Member is anticipating the next question.

Mr. Lalchand Navalrai: May I also know from the Honourable Member if there is any increase in the number of Grade III, so that there may be a flow up for them?

The Honourable Sir Andrew Clow: Some guards have recently been promoted to that grade.

Mr. Lalchand Navalrai: May I also know from the Honourable Member if it is not on a communal basis, is it a fact that certain guards are being directly recruited, and they are barring the promotion of the persons who are down below from going up?

The Honourable Sir Andrew Clow: Obviously, whenever you recruit directly, it does affect the promotion of those who would otherwise secure the posts.

Mr. Lalchand Navalrai: May I know from the Honourable Member what is the ratio of those direct recruitments?

The Honourable Sir Andrew Olow: I have not got the figures of direct recruitment here, but the maximum permissible percentage is 20.

Mr. Lalchand Navalrai: May I know from the Honourable Member. . .

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

Mr. Lalchand Navalrai: Only one more question, Sir.

Mr. President (The Honourable Sir Abdur Rahim): No, next question.

COMMUNAL CONSIDERATIONS IN THE PROMOTION OF GUARDS ON THE NORTH WESTERN RAILWAY.

240. *Bhai Parma Nand: (a) Is the Honourable the Railway Member aware that during the last Session of the Legislative Assembly, he gave an assurance that communal consideration was not the basis of promotions on Railways?

(b) Is he aware that actually promotions do take place on communal considerations?

(c) If not, how does he explain the following promotions on the North Western Railway in 1940 to guards grade III:

First list.

Seven Muslims

One Sikh

One Christian

No Hindu

Second list.

Only two Hindus and the rest other communities.

(d) If the figures given above are correct, how does he explain the undue preponderance of other communities to the almost total exclusion of the Hindus?

(e) Will the Honourable Member kindly state the criteria laid down for the guidance of selection boards for promotions? What safeguards are taken to eliminate the possibility of favouritism in selection?

The Honourable Sir Andrew Olow: (a) Yes.

(b) No.

(c) and (d). The actual communal distribution was Anglo-Indians and Domiciled Europeans two, Hindus two, Muslims ten, Sikhs two. This was not based on communal considerations, but on a list prepared in order of merit after men recommended by the Divisions had been interviewed by the Selection Board at headquarters. It so happened that Hindus secured few places at the top of the list but I understand that they are in fair numbers lower down, and should presumably fare better when further selections fall to be made.

(e) As regards the first part, I am not aware of specified criteria, but the qualifications expected of Guards in Grade III are quite well known to the officers constituting Selection Boards. As regards the second part, Selection Boards are themselves a means of eliminating such preferences.

Mr. Lalchand Navarai: May I know from the Honourable Member what is the reason that Hindus are not able to get those posts,—that they are not qualifying themselves before the Selection Boards? What is the reason? Or is it on account of certain influences going on there, or on account of what?

The Honourable Sir Andrew Olow: As I have explained, the selections were made on merit. Hindus were not excluded, two of them were selected.

Sardar Sant Singh: May I ask the Honourable Member to tell us if he can give us an assurance that the selections are actually not manipulated in the interests of one community and to the detriment of other communities? They are manipulated by the appointment of Selection Boards in such a manner that the selection of Mussalmans only can take place and not of other communities?

The Honourable Sir Andrew Olow: I have no reason whatever for believing that that is the case. I may observe that accusations are made on the other side as well sometimes.

Sardar Sant Singh: May I ask the Honourable Member to collect the statistics of the various Selection Boards that have been held, say, during the last year, and find out how many Muslims, Sikhs and Hindus have been selected?

The Honourable Sir Andrew Olow: I am not prepared to conduct those researches.

Dr. Sir Ziauddin Ahmad: May I just ask whether the allegations are just the other way round? It is the Mussalmans who complain that they are not represented in the Selection Committees:

"Ulta chor kotwal ko dante".

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is making a speech. Next question.

UNRECOMMENDED EMPLOYEES ALLOWED TO APPEAR AS RECRUITS FOR APPOINTMENT AS GUARDS ON THE NORTH WESTERN RAILWAY.

241. *Bhai Parma Nand: (a) Will the Honourable the Railway Member please state whether at the time of appointment of guards class one, grades I and II in 1940 on the North Western Railway, some persons already in service were allowed to appear as new recruits, some of whom were not even recommended by the Divisional Officers?

(b) Is it a fact that those recommended for grade I were informed by the Central Selection Board in Headquarters office that they were not to be entertained and they were asked to go back to their respective jobs?

(c) Was this also done in the case of candidates for grade II? If not, why not?

(d) Is it a fact that whenever a student fails in an examination at the Walton Training School, he is discharged, but as regards some of these candidates, the candidates who failed were given a fortnight more and were finally passed out?

(e) Will the Honourable Member please state whether good record, educational qualifications, successful working of important trains, are not considered by selection boards for promotion of guards on the North Western Railway?

The Honourable Sir Andrew Clow: (a) to (d). I have called for information and will lay a reply on the table of the House in due course.

(e) I have no reason to suppose that a candidate's record of work and his intellectual capacity are ignored in making selections.

QUOTA OF MUSLIM CANDIDATES AT THE FLYING TRAINING SCHOOLS.

242. *Shaikh Rafuiddin Ahmad Siddiquee: (a) Will the Honourable Member for Communications please state where the flying training school was first opened?

(b) Was it transferred first to Lahore and then to Ambala? If so, why?

(c) How many students were admitted in these schools, and how many are Muslims?

(d) If the quota of Muslims is not twenty-five per cent. what is the reason for the deficiency?

(e) Is it not a fact that the candidates for the Flying Elementary School, Lahore, were not expected to know flying?

The Honourable Sir Andrew Clow: The question should have been addressed to the Defence Secretary.

GOVERNMENT SCHOLARSHIPS FOR TRAINING IN FLYING.

243. *Shaikh Rafuiddin Ahmad Siddiquee: (a) Will the Honourable Member for Communications please state how many scholarships Government are awarding for *ab initio* flying in different Flying Clubs of India?

(b) How many of these scholarships were actually awarded to Muslims?

The Honourable Sir Andrew Clow: Some Provincial Governments have awarded scholarships for *ab initio* training at Flying Clubs of which I have not full particulars. The Government of India have during the past 18 months sanctioned training schemes under which *ab initio* flying training has been given to selected persons, the cost of the training being met by the Government of India either in part or wholly. From the 1st April, 1939, up to date, 90 persons have received such training, 13 being Muslims.

Mr. Lalchand Navalrai: May I know from the Honourable Member, if there also there is communal ratio being observed or communal consideration in giving these scholarships, or is it on merit?

The Honourable Sir Andrew Clow: The use of the word "also" I cannot accept, because there was not in the previous case any communal consideration.

Mr. Lalchand Navalrai: Let the word "also" go away. I ask whether it is on a communal basis.

The Honourable Sir Andrew Clow: I do not think so. 90 persons were selected on the merits. We try to include members of all communities, but actually the Honourable Member will see that the number of the Muslim community, which I observe has led the Honourable Member to this supplementary question, is rather below the percentage that we adopt when communal reservations are made.

Dr. Sir Ziauddin Ahmad: May I ask the Honourable Member whether he is aware that during the last three years we had been pressing this question from here that no scholarship was given to Mussalmans?

The Honourable Sir Andrew Clow: I am not sure which branch of learning and instruction my Honourable friend has in view, but on his previous statement in the House that no scholarship was given, I consulted the Education, Health and Lands Secretary again and he assured me that that was not the case. I suggest that the Honourable Member might table a question to the Education, Health and Lands Secretary and he might get the particulars.

SELECTION OF CANDIDATES FOR THE TECHNICAL SCHOOL CONNECTED WITH THE INDIAN AIR FORCE.

244. *Shaikh Rafiuddin Ahmad Siddiquee: (a) Will the Honourable Member for Communications please state whether Government have already selected the candidates for the Technical School connected with the Indian Air Force?

(b) Was the selection made by the Selection Committee, and, if so, who were the members?

(c) Was there any Muslim on the Selection Committee, and, if not, why not?

The Honourable Sir Andrew Clow: The question should have been addressed to the Defence Secretary.

NON-TRANSFER OF CERTAIN TELEPHONE OPERATORS IN DACCA DIVISION.

245. *Dr. Sir Ziauddin Ahmad (on behalf of Sir Abdul Halim Ghuznavi): (a) Will the Honourable Member for Communications please state whether it is a fact that certain Telephone Operators in Dacca Division have been stationed at the same station, such as, Chittagong, Dacca and Narayanganj, for periods varying from over 10 to 27 years?

(b) Is it a fact that the Telephone Operators are transferred on the basis of the longest stay at a single station on the analogy of paragraph 65 of the Indian Posts and Telegraphs Manual, Volume IV (Establishment)?

Sir Gurunath Bewoor: (a) Yes.

(b) No.

PROVISION OF TUMBLER SWITCHES FOR CONTROLLING LIGHTS IN INTERMEDIATE CLASS CARRIAGES.

246. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways be pleased to state:

(a) whether the proposal of providing tumbler switches to control lights in intermediate class carriages, as adopted by the

Local Advisory Committees of the East Indian Railway, United Provinces (Cawnpore), on the 11th September, 1939, and of the North Western Railway, (Karachi), on the 6th July, 1939, has been given effect to; if so, whether it has been given effect to over the whole of the East Indian Railway and North Western Railway or parts thereof;

- (b) whether the proposal will apply to the whole of the said Railways;
- (c) whether tumbler switches to control lights in intermediate class carriages are provided over other State and Company-managed Railways; and
- (d) whether Government propose to ask the various Railway Administrations to adopt the said proposal to provide tumbler switches to control lights in intermediate class in case they have not done so far?

The Honourable Sir Andrew Olow: The information is being collected and will be laid on the table of the House in due course.

ARRANGEMENT FOR THROUGH RAILWAY JOURNEY FROM DACCA AND SHILLONG TO CAWNPORE AND LUCKNOW.

247. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways be pleased to state:

- (a) whether arrangement has been made for through railway journey from Dacca and Shillong (Eastern Bengal Railway) to Cawnpore and Lucknow (Bengal and North Western Railway);
- (b) the number of fast passenger trains of Eastern Bengal Railway running through up to Lucknow Junction and Cawnpore (Bengal and North Western Railway); and
- (c) whether there is any arrangement for a dining car over any of such trains running through from Dacca or Shillong to Lucknow Junction or Cawnpore; if not, whether Government propose to ask the Eastern Bengal Railway, and Bengal and North Western Railway Administrations to consider the necessity of running dining cars over any through up and down trains to mitigate the sufferings of the travelling public?

The Honourable Sir Andrew Olow: (a) and (b). There is one "Up" and one "Down" through train between Lucknow and Amingaon. The journey to or from Shillong involves the crossing of the Brahmaputra by ferry between Amingaon and Pandu and a motor journey between Pandu and Shillong. There is no through train between Dacca and Lucknow or Cawnpore.

(c) The answer to both parts is in the negative.

AGE LIMIT OF CANDIDATES FOR THE POST OF STATION DIRECTOR, ALL-INDIA RADIO, RECENTLY ADVERTISED.

248. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Communications please state:

- (a) whether his attention has been drawn to the Gazette of India Supplement, dated 9th November, 1940, page 771; and

- (b) the reason for fixing the age limit of the candidates for the post of Station Director, All-India Radio, as not below 30 and preferably not over 40?

The Honourable Sir Andrew Clow: (a) Yes.

(b) These limits have been selected to ensure that the person selected is sufficiently mature to possess the judgment and discretion necessary for the discharge of the responsibilities of this post and is sufficiently resilient to adapt himself to a new type of work. They also keep in view the desirability of a suitable age distribution in the Department.

Mr. Lalchand Navalrai: Why is 40 put as the maximum age? Do they get out of their intellect by that time?

The Honourable Sir Andrew Clow: We all tend to become less adaptable as we get older.

Maulvi Muhammad Abdul Ghani: May I know whether there is any one serving in the All-India Radio of the age and qualifications mentioned in part (b).

The Honourable Sir Andrew Clow: Yes, there are.

NON-TRANSFER AND SUPERSESSION OF CERTAIN STAFF IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

249. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways be pleased to state:

- (a) the number of Sectional Officers and Superintendents who are in the Railway Clearing Accounts Office for over three years with the date of posting to their first appointment in any capacity in the Railway Clearing Accounts Office against each;
- (b) the number of persons who have been selected and who have worked in the Sub-Head's grade during the last three years and the number of such men superseded by their juniors; and
- (c) the name of the community to which the superseded persons or officers, as well as the officers or persons superseding, belong?

Mr. B. M. Stalg: (a) The number of Sectional Officers and Superintendents is five (including one officiating) and six (including two officiating) respectively. The dates of their posting to the Railway Clearing Accounts Office are:

<i>Sectional Officers.</i>	<i>Superintendents.</i>
2 in December 1925.	1 in May 1926.
1 in January 1927.	2 in January 1927.
1 in September 1927.	3 in June 1927.
1 in May 1934.	

(b) The number of persons who have been selected and who have worked as sub-heads during the last three years is 84. Of the 84 persons 28 have been superseded by their juniors.

(c) The reply to the first part of the question is:

Hindus 18.

Muslims 4.

Sikh 1.

The reply to the second part is:

Hindus 22.

Muslims 3.

Maulvi Muhammad Abdul Ghani: May I know whether in the interest of the State the posting of the officers from 1927 is desirable and whether Government proposes to transfer them to other places.

Mr. B. M. Staig: There is no proposal for transfer at the moment.

PROHIBITION OF RAILWAY EMPLOYEES TO TRAVEL ON PRIVILEGE TICKET ORDERS BY MAIL AND EXPRESS TRAINS.

250. *Lieut.-Colonel Sir Henry Gidney: (a) Will the Honourable the Railway Member please state whether it is a fact that employees of Railways travelling on Privilege Ticket Orders are not permitted to travel by mail trains and even some fast express trains?

(b) Is it a fact that other classes of passengers who are entitled to railway concessions are allowed to travel on all trains, *e.g.*, nurses, school children, military officers, etc.?

(c) Do Government propose to extend this facility, which is granted to a section of the public to their own Railway servants who in many cases are seriously inconvenienced by having to travel in passenger trains when having to cover long distances? If not, why not?

The Honourable Sir Andrew Clow: (a) Yes.

(b) Certain categories of concession ticket holders are permitted to travel by mail and express trains.

(c) No. Concessions given to the public are for the purpose of encouraging travel and thereby improving earnings. The issue of Privilege Ticket Orders at very low rates to Railway staff, most of whom are granted an adequate number of free passes, is a privilege to which conditions must apply, so that the general public may not be inconvenienced.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform this House whether or not it is a fact that the saloons of Members of the Viceroy's Council and Members of the Railway Board and senior officers of Railways are attached to mail trains and expresses and fast trains? May I know, if this concession of travelling is allowed to certain people on mail and express trains, why it is denied to others as stated in my question?

The Honourable Sir Andrew Clow: I would point out to the Honourable Member that these saloons are attached when the officers travel on official duty.

Lieut.-Colonel Sir Henry Gidney: Are not certain employees who travel on official duty denied travelling on mail and express trains?

The Honourable Sir Andrew Clow: Not when they are travelling on free privilege passes.

Mr. Lalchand Navalrai: Is it a fact that even when there is room in these trains, they are prohibited?

The Honourable Sir Andrew Clow: Obviously you cannot estimate how many passengers are sitting in a train or guess how many will get in at the intermediate stations.

Lieut.-Colonel Sir Henry Gidney: Do all railway officials, including Members of the Railway Board, always travel on duty when they use their saloons? Or, is it not a fact that they also use these saloons when they travel on pleasure?

The Honourable Sir Andrew Clow: I should like to have notice of this question.

SELECTION FOR APPOINTMENT TO SELECTION POSTS IN THE DEPARTMENTS OF THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

251. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways be pleased to state the posts, with grades, in the Transportation, Commercial, Loco., Rolling Stock Departments and Establishment offices of the East Indian Railway and the Eastern Bengal Railway, which have been classified as selection posts for the purpose of paragraph 2 VI of the Rules for the recruitment and training of non-gazetted staff on State-managed Railways, by the General Managers of the East Indian Railway, and Eastern Bengal Railway?

(b) How many selection boards were held on both these Railways for the examination of candidates for the selection posts during the years 1936, 1937, 1938, 1939, and 1940?

(c) Which of those selection boards were represented at least by one Muslim officer?

(d) How many Muslim candidates were examined by each Selection Board held in the years 1936—40 on both these Railways?

(e) How many out of them were declared suitable and given appointments or promotions?

(f) Was the paucity of Muslim candidates at those selection boards due to the absence of the recommendations of their immediate officers? If not, what stood in the way of their not coming up before those selection boards?

(g) What are the requisite qualifications which a candidate should possess to render himself eligible for the selection posts?

The Honourable Sir Andrew Clow: (a) I would refer the Honourable Member to the information laid on the table of the House on 5th November, 1940, in reply to Mr. Muhammad Azhar Ali's unstarred question No. 11 asked on 6th February, 1940.

(b) to (f). An endeavour will be made to secure these particulars for both railways for the year 1940 with a view to placing a reply on the table.

of the House in due course. I regret that it is not practicable to conduct the researches necessary to secure particulars for all the years mentioned by the Honourable Member.

(g) The qualifications considered necessary naturally vary with the posts. Normally all the candidates considered have the qualifications and selection depends on their comparative merits.

Mr. Muhammad Nauman: May I know whether the Railway Board has not been careless in this respect and they do not know what is going on?

The Honourable Sir Andrew Clow: Careless in what respect?

Mr. Muhammad Nauman: In the matter of seeing how the selection boards were formed?

The Honourable Sir Andrew Clow: I have replied to this in part (b) of my answer. We are making an endeavour to get the particulars for the year 1940, for the benefit of the Honourable Member.

Mr. Lalchand Navalrai: May I know from the Honourable Member if the minimum qualifications required of these candidates are fixed?

The Honourable Sir Andrew Clow: I do not know whether they have been laid down in any rule but they are well known to the officers who constitute the selection boards.

SELECTION FOR APPOINTMENT TO SELECTION POSTS IN THE DEPARTMENTS OF THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

252. ***Mr. H. M. Abdullah:** Is the Honourable Member for Railways aware of the fact that Anglo-Indian, domiciled European and Hindu candidates were sent up in good numbers before the Selection Boards held for the selection posts during the years 1936—40 on both the East Indian Railway and the Eastern Bengal Railway?

The Honourable Sir Andrew Clow: I am prepared to believe that members of these communities who were deserving of such recommendation were in fact recommended.

Lieut.-Colonel Sir Henry Gidney: Is it not a fact that these communities are recruited entirely on a fixed communal ratio on each railway?

The Honourable Sir Andrew Clow: This question refers to promotion to selection posts.

Mr. Muhammad Nauman: Am I to understand that the Muslims were not considered fit to be recruited in that way?

The Honourable Sir Andrew Clow: I do not think there is any reference to Muslims in the question.

SELECTION FOR APPOINTMENT TO SELECTION POSTS IN THE DEPARTMENTS OF THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

253. *Mr. H. M. Abdullah: Is the Honourable Member for Railways aware of the fact that the question of seniority was relaxed in most of the cases of non-Muslim candidates appearing before the selection boards held on the East Indian Railway and the Eastern Bengal Railway during the years 1936—40 for selection posts?

The Honourable Sir Andrew Clow: The answer is in the negative; but I should add that I am not sure what is meant by the relaxation of the question of seniority. Promotion by selection is an essentially different system to promotion by seniority, and the selection under the former system of men who do not happen to be senior involves no relaxation of any rule or principle.

Dr. Sir Ziauddin Ahmad: The whole object of the question is this. Your principles of seniority and selections are fixed in such a manner that the Muslim candidates are always left out.

The Honourable Sir Andrew Clow: The answer to that is definitely in the negative.

Dr. Sir Ziauddin Ahmad: If you will collect the facts, you will find that it is so.

The Honourable Sir Andrew Clow: The facts I gave in reply to an earlier question show that it is not the case.

NON-SUBMISSION OF NAMES OF MUSLIM CANDIDATES FOR SELECTION TO LOWER GAZETTED SERVICE FROM HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

254. *Mr. H. M. Abdullah: (a) Is the Honourable Member for Railways aware of the facts that Divisional Personnel Officer and the Executive Officers of the Transportation and Commercial Departments of the Howrah division, East Indian Railway, did not care to send up even efficient and senior Muslims before the Head Office Selection Committee appointed for the selection of candidates for the lower gazetted service in June, 1940, though they examined several Muslims in the Divisional Selection Committee in the month of May, 1940?

(b) Will the Honourable Member be pleased to state whether there was any thing against those candidates? If so, what?

The Honourable Sir Andrew Clow: (a) No. But the Railway Board are inquiring into the matter.

(b) Does not arise.

GRADUATE SUBORDINATE EMPLOYEES ON THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

255. *Shaikh Rafiuddin Ahmad Siddiquee: Will the Honourable Member for Railways be pleased to place on the table of the House comparative statements of graduate subordinate employees of all communities in temporary and permanent service between the period from 1st January, 1925,

to 1st January, 1940, on the East Indian Railway and Eastern Bengal Railway under the following heads:

- (a) number;
- (b) dates of appointments and service where first employed;
- (c) nature of service on appointments;
- (d) pay on the date of original appointments;
- (e) departmental examination passed;
- (f) different stages of promotion from the date of appointment up to 1st January, 1940, with pay and grade in each stage; and
- (g) the pay drawn in the present posts and the grades?

The Honourable Sir Andrew Olow: I regret that it is not practicable to undertake the research necessary for securing the information required by the Honourable Member.

MUSLIM GRADUATES IN ESTABLISHMENT OFFICES AND SUPERVISORY POSTS ON THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

256. *Shaikh Rafiuddin Ahmad Siddiquee: (a) Is the Honourable Member for Railways aware of the fact that the East Indian Railway and the Eastern Bengal Railway Administrations have not taken steps to increase the number of Muslim graduates in establishment offices and supervisory posts during the period from 1st January, 1925, to 1st January, 1940?

(b) If the reply to part (a) be in the affirmative, will the Honourable Member be pleased to state the number of Muslim graduates in the Establishment Offices and the supervisory posts on both these Railways between 1st January, 1925, to 1st January, 1940?

(c) Is it a fact that the Howrah Division, East Indian Railway, is conspicuous for its action in turning out Muslim graduates from the staff section of the establishment offices without any specific charges against them?

The Honourable Sir Andrew Olow: (a) No. It is in any case not the policy of administration to show a preference to graduates as such. I would add that Appendices O, P, Q and R to Mr. D'Souza's Report indicate that there has, in general, been an increase in the number of Muslims on these Railways in the categories specified in the Appendices.

(b) Does not arise.

(c) I have no reason to believe that the fact is as stated by the Honourable Member but would observe that the transfer of an official from a section is not necessarily a consequence of any default on his part.

Mr. President (The Honourable Sir Abdur Rahim): The answer to the other questions of Mr. Siddiquee will be laid on the table.

DENIAL OF FACILITIES FOR BETTERING THEIR PROSPECTS TO MUSLIM GRADUATE EMPLOYEES ON THE EAST INDIAN RAILWAY.

† **257. *Shaikh Rafiuddin Ahmad Siddiquee:** (a) Is the Honourable Member for Railways aware of the fact that on the East Indian Railway

† Answer to this question laid on the table, the questioner having exhausted his quota.

and particularly in the Howrah Division of that Railway, the request of Muslim graduate employees for permission to qualify themselves in different departmental examinations, or for training in duties pertaining to posts in higher grades, and their applications for promotions on the strength of previous orders passed in their favour are not looked into?

(b) If the reply to part (a) be in the affirmative, will the Honourable Member be pleased to state the different attempts or methods adopted by the East Indian Railway, Howrah Division Administration, during the period from 1st January, 1929, to 1st January, 1940, to better their prospects in service in the same way as they have done in the case of non-Muslims?

The Honourable Sir Andrew Olow: (a) No. But I have asked for information and a further reply will be laid on the table of the House in due course.

(b) Does not arise.

MUSLIM GRADUATES IN ESTABLISHMENT OFFICES AND SUPERVISORY POSTS ON THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

†258. ***Shaikh Rafiuddin Ahmad Siddiquee:** Will the Honourable Member for Railways be pleased to state the number of the Muslim graduates employed in the establishment offices in the following posts on the East Indian Railway and on the Eastern Bengal Railway:

- (1) Office Superintendents;
- (2) Chief Clerks;
- (3) Head clerks;
- (4) Assistant Head clerks;
- (5) First Assistants;
- (6) Sub-heads;
- (7) Group Incharge; and
- (8) Dealing clerks in the staff branches?

The Honourable Sir Andrew Olow: The information is being secured and a reply will be laid on the table of the House in due course.

INCREMENTS OF PAY OF STAFF WORKING AS TEMPORARY GUARDS IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

†259. ***Shaikh Rafiuddin Ahmad Siddiquee:** (a) Is the Honourable Member for Railways aware of the fact that the dealing clerks in the transportation section of the Establishment Office of the Divisional Superintendent, Howrah, East Indian Railway, have not so far taken any action according to Fundamental Rule 22, read with Fundamental Rule 26, in adjusting increments of the staff who have been working temporarily as guards for three and four years?

(b) If the reply to part (a) be in the negative, will the Honourable Member be pleased to lay on the table of the House the following statements about the staff who have been selected from different departments

†Answer to this question laid on the table, the questioner having exhausted his quota.

to work as guards in temporary capacities from the year 1936 to the year 1940:

- (i) pay and grades of their substantive posts;
- (ii) pay and grades against which at present absorbed as guards;
- (iii) dates when absorbed as guards; and
- (iv) increment given in the grades of guards?

The Honourable Sir Andrew Olow: (a) No.

(b) Inquiries are being made and a reply will be laid on the table of the House in due course.

STAFF WORKING AS TEMPORARY GUARDS IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

†260. ***Shaikh Rafiuddin Ahmad Siddiquee:** Will the Honourable Member for Railways be pleased to state the period for which the staff mentioned in the preceding question is required to work as guards in temporary capacities when their substantive posts have already been filled by fresh staff?

The Honourable Sir Andrew Olow: I am not altogether clear as to the meaning of the question, but am making inquiries from the administration with a view to the laying of a reply on the table at a later date.

MOTION FOR ADJOURNMENT.

CLOSING DOWN OF THE BRANCH LINE BETWEEN SHORANUR AND NILAMBUR IN THE MALABAR DISTRICT.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for the adjournment of the business of the Assembly from Mr. Essak Sait, who wants to discuss an urgent matter of public importance, namely, the action of the Railway authorities in arranging to close down the branch line between Shoranur and Nilambur (in the Malabar District) from the 5th December which will cause great hardship and inconvenience to the general public and which will be harmful to the interests of India at large from a strategic point of view.

The Honourable Sir Andrew Olow (Member for Railways and Communications): I have no objection, but I would submit for your consideration that the issue raised is substantially the same as was debated on Friday last.

Mr. President (The Honourable Sir Abdur Rahim): The issue may be of a similar character, but these are two different matters.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): I wish to pursue the matter because it is a different question altogether. Even though it is a question of the closure of a branch, still I should have to say something.

†Answer to this question laid on the table, the questioner having exhausted his quota.

Mr. President (The Honourable Sir Abdur Rahim): The motion will be taken up at 4 o'clock—unless the Government Member agrees, and there is a general desire in the House, that this motion should be taken up as soon as the business of the House is finished.

The Honourable Sir Andrew Clow: Yes, Sir, I have no objection.

Mr. President (The Honourable Sir Abdur Rahim): Very well—the motion will be taken up as soon as the business of the House is finished.

POSITION OF NOMINATED MEMBERS OF THE HOUSE.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): On a point of order, Sir, I ask your permission to make a few observations on a point of order. Standing as a Nominated Member of this House, I ask a ruling from the Chair as to whether you are in agreement with the remarks made by the Honourable the Leader of the House in which he gave a statement

Mr. President (The Honourable Sir Abdur Rahim): When did this take place? He has not spoken today as Leader of the House yet?

Lieut.-Colonel Sir Henry Gidney I refer to the remarks made by the Leader of the House regarding the exclusion of Nominated Members from the Committee to be attached to the Supply Department. I would like to know under what authority

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot raise that question now. That subject is not before this House now.

Lieut.-Colonel Sir Henry Gidney: Forgive me, Sir, but I think I have a right respectfully to ask you as the protector of the Members of this House to safeguard the interests of the Nominated Members, and I think I speak on behalf of all the Nominated Members that we should not be excluded by any one

Mr. President (The Honourable Sir Abdur Rahim): I do not know what has taken place. I do not remember it. The Honourable Member, Sir Henry Gidney, should give proper notice. When the Leader of the House made that statement, he ought to have risen there and then, and raised the question.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House): Sir, if I may be permitted to make one observation, the case is exactly the reverse of what Sir Henry Gidney represents. I said: "I could not accept any suggestion that Nominated Members are not as much Members of this House as Elected Members".

Mr. President (The Honourable Sir Abdur Rahim): That is very well established; I have said it from the Chair myself.

Lieut.-Colonel Sir Henry Gidney: But the Leader of the House excluded the Nominated Members

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

The Honourable Sir Muhammad Zafrullah Khan: I did not exclude anybody; I never said that they should be excluded; on the other hand, I insisted that they must have the right to vote.

BILLS PASSED BY THE COUNCIL OF STATE:

Secretary of the Assembly: Sir, the following Message has been received from the Council of State:

"I am directed to inform you that the Council of State at its meeting held on the 22nd November, 1940, agreed without any amendment to the following Bills, which were passed by the Legislative Assembly at its meeting held on the 8th November, 1940, namely:

- (1) A Bill further to amend the Indian Works of Defence Act, 1903;
- (2) A Bill further to amend the Indian Navy (Discipline) Act, 1934, for certain purposes;
- (3) A Bill further to amend the Indian Navy (Discipline) Act, 1934 (Second Amendment);
- (4) A Bill further to amend the Cantonments Act, 1924;
- (5) A Bill to repeal certain enactments and to amend certain other enactments;
- (6) A Bill further to amend the Indian Registration Act, 1908, for certain purposes;
- (7) A Bill further to amend the Code of Civil Procedure, 1908;
- (8) A Bill further to amend the Code of Criminal Procedure, 1898;
- (9) A Bill further to amend the Indian Companies Act, 1913;
- (10) A Bill to enable companies in British India to make donations to public funds formed, and to make investments in Government loans floated, for the purpose of assisting the prosecution of the present war;
- (11) A Bill further to amend the Reserve Bank of India Act, 1934; and
- (12) A Bill further to amend the Motor Spirit (Duties) Act, 1917."

DRAFT CONVENTION AND RECOMMENDATIONS ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour): Sir, I lay on the table a copy of the Draft Convention and Recommendations adopted by the 25th Session of the International Labour Conference, together with a statement indicating the action which the Government of India propose to take on those Conventions and Recommendations.

APPENDIX II.

Recommendation Concerning Vocational Training.

[Formal preamble has been omitted.]

Considering that the Preamble to the Constitution of the International Labour Organisation mentions the organisation of vocational and technical education among the reforms necessary for improving the conditions of labour;

Considering that the International Labour Conference has already to a certain extent dealt with this problem, particularly by adopting at its Third Session (1921) a Recommendation concerning the development of technical agricultural education and at its Twenty-third Session the Vocational Education (Building) Recommendation, 1937;

Considering that at its Nineteenth Session the Conference, by adopting the Unemployment (Young Persons) Recommendation, 1935, favoured the generalisation of measures for vocational training, and that it was as a result of a resolution adopted during that session that it was decided to include in the agenda of the Conference the question of the vocational training of workers in all its aspects;

Considering that the effective organisation of vocational training is desirable in the interests of workers and employers alike as well as those of the community as a whole;

Considering that the rapid transformation of the economic structure of, and conditions in, various countries, the constant changes in the methods of production, and the widening of the conception of vocational training as a factor in social progress and in the general culture of the workers, have in a number of countries led to a fresh examination of the whole of this question and have given rise to a general desire to reorganise vocational training on the basis of principles better adapted to present requirements;

Considering that, in these circumstances, it is particularly desirable at the present time to state the principles and methods which each Member should apply on its territory, with due regard to the special requirements of the different branches of its national economy and of the different occupations, as well as the customs and traditions of the country, and subject to further special measures that might be required in respect of vocational training for certain branches of activity such as agriculture or maritime transport;

The Conference makes the following recommendations :

PART I.—DEFINITIONS.

1. For the purpose of this Recommendation—

- (a) the expression "vocational training" means any form of training by means of which technical or trade knowledge can be acquired or developed, whether the training is given at school or at the place of work;
- (b) the expression "technical and vocational education" means theoretical and practical instructions of whatever grade, given at school for purposes of vocational training;
- (c) the expression "apprenticeship" means any system by which an employer undertakes by contract to employ a young person and to train him or have him trained systematically for a trade for a period the duration of which has been fixed in advance and in the course of which the apprentice is bound to work in the employer's service.

PART II.—GENERAL ORGANISATION.

2. (1) The work of the various official and private institutions in each country which deal with vocational training should, while ensuring free play to initiative and adaptability to the requirements of the different industries, regions and localities, be co-ordinated and developed on the basis of a general programme.

(2) This programme should be based on—

- (a) the occupational interests and cultural and moral requirements of the worker;
- (b) the labour requirements of employers;
- (c) the economic and social interests of the community.

(3) In drawing up this programme due account should also be taken of the following factors:—

- (a) the stage of development reached in general education and in vocational guidance and selection;
- (b) changes in technique and methods of organisation of work;
- (c) the structure of, and trend of development in, the labour market;
- (d) national economic policy.

(4) The co-ordination and development referred to in sub-paragraph (1) should be undertaken on a national scale with the organised collaboration of the authorities concerned with the different aspects of the problem mentioned in sub-paragraphs (2) and (3), and of the interested parties, including more particularly the occupational organisations of employers and workers.

PART III.—PREVOCATIONAL PREPARATION.

3. (1) Compulsory education, which should be entirely general in character, should provide for all children a preparation developing an idea of taste for, and esteem for, manual work, these being an indispensable part of a general education and likely to facilitate future vocational guidance.

(2) The proposed preparation should aim, in particular, at training the eye and hand of the child by means of practical work, but the importance and character of this work should be consistent with the general purposes of compulsory education. In drawing up the programme of practical work, the nature of the principal industries in the locality or district might be taken into account, but any attempt at vocational training should be avoided.

(3) This preparation, which should extend over a period of at least one year, should begin at the latest at the age of thirteen years and continue until the end of the period of compulsory education.

4. (1) In order to determine the occupational aptitudes of the child and to facilitate the selection of the future labour supply, there should be available to children who intend to enter an occupation requiring vocational training of long duration, and in particular to those who propose to become apprentices, a preliminary preparation constituting a transition from general education to vocational training.

(2) This preparation should take place after the completion of the period of compulsory education: Provided that where the laws or regulations in force in the country concerned fix the school-leaving age at not less than fourteen years, this preparation may be undertaken during the last year of compulsory education.

(3) The duration of this preparation should be determined with due regard to the occupation concerned and to the age and educational qualifications of the young person.

(4) In the curricula, for this preparation, particular importance should be attached to practical work, but such work should not be given precedence over the theoretical courses or courses in general education. Practical and theoretical instruction should be so arranged as to be mutually complementary. The preparation should, by aiming at the general development of the pupil's intellectual and manual capacities and avoiding undue specialisation, make it possible to determine for which of a group of occupations he is best suited to undergo full training. Practical and theoretical instruction should be so arranged as to secure continuity between this preliminary preparation and subsequent vocational training.

PART IV.—TECHNICAL AND VOCATIONAL EDUCATION.

5. (1) A network of schools should be established in each country, adjusted as regards number, location and curricula to the economic requirements of each region or locality and affording the workers adequate opportunities for developing their technical or trade knowledge.

(2) Measures should be adopted to ensure that, in the event of economic depression or financial difficulty, the supply of trained workers necessary to meet future requirements is not imperilled by a reduction in the facilities for technical and vocational education. For this purpose, consideration should be given particularly to the grant of subsidies to existing schools and to the provision of special courses to make good the loss of opportunities for training caused by unemployment.

(3) In countries in which a sufficient number of vocational and technical schools has not yet been established, it would be desirable that undertakings of such a size as to make such arrangements practicable should meet the cost of training a certain number of young workers determined according to the number of workers employed by the undertaking.

6. (1) Admission to technical and vocational schools should be free.

(2) Attendance at such schools should be facilitated as circumstances require, by the grant of economic assistance in such forms as free meals, provision of working clothes and implements, free transport or reduction in the cost of transport, or maintenance allowances.

7. (1) Courses should be organised in several grades, adjusted for each branch of economic activity to the training requirements of (a) journeymen and similar grades, (b) staff in intermediate grades, (c) managerial staff.

(2) The curricula for the courses in the different schools and for the different grades should be so co-ordinated as to facilitate transfer from one school to another and to enable promising pupils with the requisite knowledge to pass from a lower to a higher grade and to obtain admission to higher technical education at a university or equivalent institution.

8. The curricula for technical and vocational schools should be so drawn up as to protect the future vocational adaptability of the workers and for this purpose it is particularly desirable—

- (a) that the primary object of the courses in the earlier years should be to give the pupil a sound basis of theoretical and practical knowledge, avoiding excessive or premature specialisation; and
- (b) that care should be taken to enable the pupil to acquire a wide grasp of the theoretical principles underlying the practice of his occupation.

9. (1) In technical and vocational education of all grades, subjects of general educational value and subjects relating to social questions should be included in the curricula for full-time courses and, so far as the time available permits, for part-time courses, other than special short courses for adults.

(2) The curricula should include courses in domestic subjects, attendance at which might be either compulsory or optional for young workers according to circumstances.

10. (1) Workers of both sexes should have equal rights of admission to all technical and vocational schools, provided that women and girls are not required to engage continuously on work which on ground of health they are legally prohibited from performing, a short period on such work for the purposes of training being, however, permissible.

(2) Appropriate facilities for technical and vocational training should be provided for occupations in which women and girls are mainly employed, including domestic employments and activities.

PART V.—VOCATIONAL TRAINING BEFORE AND DURING EMPLOYMENT.

11. (1) Where the nature of the occupation, the methods of operation of the undertaking, the absence of an adequate system of apprenticeship and traditions of craftsmanship, or other local circumstances, make it impossible for young persons to secure satisfactory vocational training while in employment, such training should be given in full-time schools before they enter employment.

(2) Where young persons are given vocational training in the conditions referred to in the preceding sub-paragraph, the practical training should be given in surroundings as similar as possible to those of an actual undertaking and, where circumstances permit, should be completed by periods of practical work at the place of work.

(3) Where vocational training is given during employment, it is desirable that separate workshops specially adapted for the purpose of giving training should be set up within the undertaking wherever the size and organisation of the undertaking make such an arrangement practicable.

12. (1) Opportunities for extending their technical and trade knowledge by attending part-time supplementary courses should be provided for all workers, whether or not they had received vocational training before entering employment.

(2) These courses should, as far as possible, be held in establishments near to the place of employment or the workers' homes.

(3) The curricula for these courses should be adjusted to the special requirements of (a) apprentices; (b) young workers for whom facilities should be provided to enable them to obtain better posts; (c) adult workers who wish to acquire a technical qualification or to extend or improve their technical or trade knowledge.

(4) The time spent in attending supplementary courses by apprentices and other young workers who are under an obligation to attend such courses should be included in normal working hours.

PART VI.—MEASURES CONCERNING CO-ORDINATION AND THE SUPPLY OF INFORMATION.

13. Close collaboration should be maintained between technical and vocational schools and the industries or other branches of activity concerned, particularly by the inclusion of employers and workers in the governing bodies of the schools or in advisory bodies to the schools.

14. (1) Local or regional advisory committees should be established to ensure collaboration between the competent administrative authorities and the technical and vocational educational institutions, public employment exchanges and organisations concerned, in particular the occupational organisations of employers and workers.

(2) The duties of these committees should be to advise the competent authorities—

- (a) on the promotion and co-ordination of official and private action in regard to vocational training, guidance and selection in the locality or region;

- (b) on the drawing up of curricula and the adjustment of such curricula to changes in practical requirements;
- (c) on the conditions of work of young persons who are receiving vocational training, whether in a technical or vocational school or in an undertaking, and, more particularly, on measures for ensuring—
 - (i) that the work done by them is suitably restricted and is essentially of an educative character; and
 - (ii) that the work of pupils in technical and vocational schools is not intended for commercial profit.

15. (1) Measures should be taken to supply information to interested persons, by means of brochures, articles, talks, films, posters, visits to undertakings, exhibitions, etc., on the occupations for which young persons can obtain training corresponding with their inclinations and aptitudes, on the conditions upon which such training can be obtained and the facilities that are accorded, and on the advantages offered by each type of training in relation to the prospects of employment and a future career.

(2) The primary and secondary schools, vocational guidance offices, public employment exchanges and technical and vocational educational institutions should collaborate in furnishing such information.

PART VII.—CERTIFICATES AND EXCHANGES.

16. (1) The qualifications required in the examination on termination of technical and vocational training for any given occupation should be uniformly fixed, and the certificates issued as a result of these examinations should be recognised throughout the country.

(2) It would be desirable for the occupational organisations of employers and workers to assist the competent authorities in the control of these examinations.

(3) Persons of both sexes should have equal rights to obtain the same certificates and diplomas on completion of the same studies.

17. (1) Regional, national and international exchanges of students who have completed their training would be desirable so as to enable them to acquire wider knowledge and experience.

(2) The occupational organisations of employers and workers should, as far as possible, collaborate in organising these exchanges.

PART VIII.—TEACHING STAFF.

18. (1) Teachers responsible for theoretical courses should be recruited from among persons with a university degree or a diploma awarded after training in a technical school or teachers' training college and should possess or acquire practical knowledge of the branch of activity for which they prepare pupils.

(2) Teachers responsible for practical courses should be recruited from among persons qualified by practical experience, should have extensive experience of the subject they teach, and should be fully qualified as regards both theoretical knowledge of their subject and general culture.

(3) Teachers recruited from industry and commerce should as far as possible receive special training for the purpose of developing their teaching ability and where necessary their theoretical knowledge and general culture.

19. The following methods should be taken into consideration with a view to improve the qualifications of teachers and keeping their knowledge up-to-date:

- (a) the establishment of contacts between undertakings and the teachers responsible for giving practical training as, for instance, by the organisation of regular "refresher" periods of work;
- (b) the organisation by educational institutions of special courses which teachers may follow individually and short holiday courses for groups of teachers;
- (c) the granting, in special cases, of travelling or research scholarships or special leave with or without pay.

20. Arrangements should be made between employers and educational authorities for the appointment of persons employed in industry and commerce as part-time teachers of special subjects.

APPENDIX III.

*Draft Convention concerning the Regulation of Written Contracts of Employment of
Indigenous Workers.*

[Formal preamble has been omitted.]

Article 1.

For the purpose of this Convention—

- (a) the term "worker" means an indigenous worker, that is to say a worker belonging to or assimilated to the indigenous population of a dependent territory of a Member of the Organisation or belonging to or assimilated to the dependent indigenous population of the home territory of a Member of the Organisation;
- (b) the term "employer" includes, unless the contrary intention appears, any public authority, individual, company or association, whether non-indigenous or indigenous;
- (c) the term "regulations" means the law and/or regulations in force in the territory concerned; and
- (d) the term "contract", when used in an article following Article 3, means, unless the contrary intention appears, a contract which is required by Article 3 to be made in writing.

Article 2.

1. This Convention applies to contracts of employment by which a worker enters the service of an employer as a manual worker for remuneration in cash or in any other form whatsoever.

2. The competent authority may exclude from the application of this Convention contracts by which a worker enters the service of an indigenous employer who does not employ more than a limited number of workers prescribed by the regulations or satisfy some other criterion prescribed thereby.

3. This Convention does not apply to contracts of apprenticeship made in accordance with special provisions relating to apprenticeship contained in the regulations.

4. The competent authority may, if necessary, exclude from the application of this Convention any contract of employment under which the only or principal remuneration granted to the worker is the occupancy or use of land belonging to his employer.

Article 3.

1. When a contract to which this Convention applies—

(a) is made for a period of or exceeding six months or a number of working days equivalent to six months, or

(b) stipulates conditions of employment which differ materially from those customary in the district of employment for similar work,
the contract shall be made in writing.

2. The method by which the worker shall indicate his assent to the contract shall be prescribed by the regulations.

3. If a contract which is required by paragraph 1 of this Article to be made in writing has not been made in writing it shall not be enforceable except during the maximum period permissible for contracts not made in writing, but each of the parties shall be entitled to have it drawn up in writing at any time prior to the expiry of the period for which it was made.

4. If the omission to make the contract in writing was due to the wilful act or the negligence of the employer, the worker shall be entitled to apply to the competent authority for the cancellation of the contract and, in appropriate cases, to sue for damages.

Article 4.

1. No contract shall be deemed to be binding on the family or dependants of the worker unless it contains an express provision to that effect.

2. The employer shall be responsible for the performance of any contract made by any person acting on his behalf.

Article 5.

1. Every contract shall contain all such particulars as may be necessary in conjunction with the provisions of the regulations to define the rights and obligations of the parties.

2. The particulars to be contained in the contract shall in all cases include :

- (a) the name of the employer or group of employers and where practicable of the undertaking and of the place of employment;
- (b) the name of the worker, the place of engagement and where practicable the place of origin of the worker, and any other particulars necessary for his identification;
- (c) the nature of the employment;
- (d) the duration of the employment and the method of calculating this duration;
- (e) the rate of wages and method of calculation thereof, the manner and periodicity of payment of wages, the advances of wages, if any, and the manner of repayment of any such advances;
- (f) the conditions of repatriation; and
- (g) any special conditions of the contract.

Article 6.

1. Every contract shall be presented for attestation to a public officer, duly accredited for the purpose.

2. Before attesting any contract the public officer shall—

- (a) ascertain that the worker has freely consented to the contract and that his consent has not been obtained by coercion or undue influence or as the result of misrepresentation or mistake; and
- (b) satisfy himself that—
 - (i) the contract is in due legal form;
 - (ii) the terms of the contract are in accordance with the requirements of the regulations;
 - (iii) the worker has fully understood the terms of the contract before signing it or otherwise indicating his assent;
 - (iv) the provisions of the regulations relating to medical examination have been complied with; and
 - (v) the worker declares himself not bound by any previous engagement.

3. A contract which the public officer has refused to attest shall have no further validity.

4. A contract which has not been presented to the public officer for attestation shall not be enforceable except during the maximum period permissible for contracts not made in writing, but each of the parties shall be entitled to have it presented for attestation at any time prior to the expiry of the period for which it was made.

5. If the omission to present the contract for attestation was due to the wilful act or the negligence of the employer, the worker shall be entitled to apply to the competent authority for the cancellation of the contract and, in appropriate cases, to sue for damages.

6. Every contract shall be registered by the competent authority or a copy thereof shall be deposited with the said authority.

7. The competent authority shall by the issue to the worker of a copy of the contract, of a work-book, or of an equivalent document or token, or in such other manner as it may deem appropriate, take such measures as may be necessary to enable the worker—

- (a) to prove the existence and terms of the contract; and
- (b) to verify at any time the terms of the contract.

Article 7.

1. Every worker who enters into a contract shall be medically examined.

2. As a general rule the worker shall be medically examined and a medical certificate issued before the attestation of the contract.

3. Where it has not been possible for the worker to be medically examined before the attestation of the contract, the public officer who attests the contract shall endorse it to this effect and the worker shall be examined at the earliest possible opportunity.

4. The competent authority may exempt from the requirement of medical examination workers entering into contracts for—

- (a) employment in agricultural undertakings not employing more than a limited number of workers prescribed by the regulations;
- (b) employment in the vicinity of the workers' homes—
 - (i) in agricultural work;
 - (ii) in non-agricultural work which the competent authority is satisfied is not of a dangerous character or likely to be injurious to the health of the workers.

Article 8.

1. A non-adult person whose apparent age is less than a minimum age to be prescribed by the regulations shall not be capable of entering into a contract.

2. A non-adult person whose apparent age exceeds the minimum age but is less than a higher age to be prescribed by the regulations shall not be capable of entering into a contract except for employment in an occupation approved by the competent authority as not being injurious to the moral or physical development of non-adults.

Article 9.

The maximum period of service that may be stipulated in any contract, and the leave, if any, to be granted during the period of the contract, shall be prescribed by the regulations.

Article 10.

1. The transfer of any contract from one employer to another shall be subject to the consent of the worker and the endorsement of the transfer upon the contract by a public officer duly accredited for the purpose.

2. Before endorsing the transfer upon the contract the public officer shall—

- (a) ascertain that the worker has freely consented to the transfer and that his consent has not been obtained by coercion or undue influence or as the result of misrepresentation or mistake; and
- (b) in such cases as may be prescribed by the regulations, satisfy himself that the requirements of Article 6, paragraph 2 (b) of this Convention have been fulfilled.

Article 11.

1. A contract shall be terminated—

- (a) by the expiry of the term for which it was made; or
- (b) by the death of the worker before the expiry of the term for which it was made.

2. The termination of a contract by the death of a worker shall be without prejudice to the legal claims of his heirs or dependants.

Article 12.

1. If the employer is unable to fulfil the contract or if owing to sickness or accident the worker is unable to fulfil the contract, the contract shall be subject to termination under conditions to be prescribed by the regulations, which shall include provisions safeguarding in such cases the right of the worker to any wages earned, any deferred pay due to him, any compensation due to him in respect of accident or disease, and his right to repatriation.

2. A contract shall be subject to termination by agreement between the parties under conditions to be prescribed by the regulations, which shall include provisions—

- (a) safeguarding the worker from the loss of his right to repatriation unless the agreement for the termination of the contract otherwise provides; and

(b) requiring the competent authority to satisfy itself—

- (i) that the worker has freely consented to the agreement and that his consent has not been obtained by coercion or undue influence or as the result of misrepresentation or mistake; and
- (ii) that all monetary liabilities between the parties have been settled.

3. A contract shall be subject to termination on the application of either party in the cases and under conditions to be prescribed by the regulations, which shall include provisions prescribing—

- (a) the period of notice, if any, to be given by the party wishing to terminate the contract; and
- (b) an equitable settlement of monetary and other questions arising from such termination, including the question of repatriation.

4. The cases in which a contract shall be subject to termination in accordance with the preceding paragraph shall include cases of ill-treatment of the worker by the employer.

5. The regulations may prescribe other cases in which a contract shall be subject to termination and may provide for cases in which the termination of a contract in accordance with this Article shall be subject to the approval of the competent authority.

Article 13.

1. Every worker who is a party to a contract and who has been brought to the place of employment by the employer or by any person acting on behalf of the employer shall have the right to be repatriated at the expense of the employer to his place of origin or engagement, whichever is the nearer to the place of employment, in the following cases:

- (a) on the expiry of the period of service stipulated in the contract;
- (b) on the termination of the contract by reason of the inability of the employer to fulfil the contract;
- (c) on the termination of the contract by reason of inability of the worker to fulfil the contract owing to sickness or accident;
- (d) on the termination of the contract by agreement between the parties unless the agreement otherwise provides;
- (e) on the termination of the contract on the application of either of the parties, unless the competent authority otherwise decides.

2. Where the family of the worker has been brought to the place of employment by the employer or by any person acting on behalf of the employer, the family shall be repatriated at the expense of the employer whenever the worker is repatriated or in the event of his death.

3. The expenses of repatriation shall include—

- (a) travelling and subsistence expenses during the journey; and
- (b) subsistence expenses during the period, if any, between the date of expiry of the contract and the date of repatriation.

4. The employer shall not be liable for subsistence expenses in respect of any period during which the repatriation of the worker has been delayed—

- (a) by the worker's own choice; or
- (b) for reasons of *force majeure*, unless the employer has been able during the said period to use the services of the worker at the rate of wages stipulated in the expired contract.

5. If the employer fails to fulfil his obligations in respect of repatriation, the said obligations shall be discharged by the competent authority.

Article 14.

The competent authority may exempt the employer from liability for repatriation expenses in the following cases:

(a) when the competent authority is satisfied—

- (i) that the worker, by a declaration in writing or otherwise, has signified that he does not wish to exercise his right to repatriation; and

- (ii) that the worker has been settled at his request or with his consent at or near the place of employment;
- (b) when the competent authority is satisfied that the worker, by his own choice, has failed to exercise his right to repatriation before the expiry of a prescribed period from the date of expiry or termination of the contract;
- (c) when the contract has been terminated by the competent authority in consequence of a fault of the worker;
- (d) when the contract has been terminated otherwise than by reason of the inability of the worker to fulfil the contract owing to sickness or accident and the competent authority is satisfied—
 - (i) that in fixing the rates of wages proper allowance has been made for the payment of repatriation expenses by the worker; and
 - (ii) that suitable arrangements have been made by means of a system of deferred pay or otherwise to ensure that the worker has the funds necessary for the payment of such expenses.

Article 15.

1. The employer shall whenever possible provide transport for workers who are being repatriated.
2. The competent authority shall take all necessary measures to ensure—
 - (a) that the vehicles or vessels used for transport of workers are suitable for such transport, are in good sanitary condition and are not overcrowded;
 - (b) that when it is necessary to break the journey for the night, suitable accommodation is provided for the workers;
 - (c) that when the workers have to make long journeys on foot, the length of the daily journey is compatible with the maintenance of their health and strength; and
 - (d) that in the case of long journeys, all necessary arrangements are made for medical assistance and for the welfare of the workers.
3. When the workers have to make long journeys in groups they shall be convoyed by a responsible person.

Article 16.

1. The maximum period of service that may be stipulated in any re-engagement contract made on the expiry of a contract shall be prescribed by the regulations, but shall as a general rule be shorter than that prescribed in pursuance of Article 9 of this Convention.
2. Where the period of service to be stipulated in any re-engagement contract, together with the period already served under the expired contract, involves the separation of any worker from his family for more than eighteen months, the worker shall not begin the service stipulated in the re-engagement contract until he has had the opportunity to return home at the employer's expense: Provided that the competent authority may grant exemption from this provision whenever its application is impracticable or undesirable.
3. Except as provided in paragraphs 1 and 2 of this Article, all the provisions of the preceding articles shall apply to re-engagement contracts: Provided that the competent authority may at its discretion exempt such contracts from the provisions of Article 6, paragraphs 1 to 5, and Article 7.

Article 17.

1. The competent authority shall, where necessary, cause concise summaries of the regulations relating to contracts to be printed in the official language or languages of the territory concerned and in a language known to the workers and shall make such summaries available to the employers and workers concerned.
2. Where necessary, the employer shall be required to post such summaries in a language known to the workers in conspicuous places.

Article 18.

The regulations shall include adequate provisions for the protection of workers when a contract made in one territory relates to employment in a territory under a different administration.

Article 19.

1. When a contract made in one territory (hereinafter called the territory of origin) relates to employment in a territory under a different administration (hereinafter called the territory of employment), the provisions of this Convention shall be applied in the following manner :

- (a) the attestation of the contract required by Article 6 shall take place before a public officer of the territory of origin before the worker leaves that territory ;
- (b) the measures required by paragraph 7 of Article 6 shall be taken by the competent authority of the territory of origin ;
- (c) the medical examination required by Article 7 shall take place at latest at the place of the departure of the worker from the territory of origin ;
- (d) a non-adult person whose apparent age is less than either the minimum age prescribed by the regulations of the territory of origin or the minimum age prescribed by the regulations of the territory of employment shall not be capable of entering into a contract ;
- (e) the endorsement of a transfer on a contract by a public officer as required by Article 10 shall be made by an officer of the territory where the worker consents to the transfer ;
- (f) the period of service stipulated in the contract shall not exceed either the maximum period prescribed by the regulations of the territory of origin or the maximum period prescribed by the regulations of the territory of employment ;
- (g) the conditions under which the contract is subject to termination shall be determined by the regulations of the territory of employment ;
- (h) if the employer fails to fulfil his obligations in respect of repatriation, the said obligations shall be discharged by the competent authority of the territory of employment ;
- (i) the competent authority which may exempt the employer from liability for repatriation expenses shall be the competent authority of the territory of employment ;
- (j) the competent authorities of the territories of origin and employment shall co-operate to ensure the application of paragraph 2 of Article 15 ;
- (k) the period of service stipulated in any re-engagement contract shall not exceed either the maximum period prescribed by the regulations of the territory of origin or the maximum period prescribed by the regulations of the territory of employment.

2. When the Convention is not in force for both the territory of origin and the territory of employment, the rules set forth in the preceding paragraph shall apply subject to the following provisions :

- (a) when the Convention is not in force for the territory of employment, the public officer of the territory of origin shall not attest the contract unless he is satisfied that the worker will be entitled in the territory of employment, either in virtue of the regulations of that territory or in virtue of the terms of the contract, to the rights and protection specified in Articles 10 to 16 of the Convention ;
- (b) when the Convention is not in force for the territory of origin, the matters which sub-paragraphs (a), (b) and (c) of paragraph 1 of this Article require to be dealt with by the competent authority of the territory of origin shall be dealt with by the competent authority of the territory of employment unless the latter authority is satisfied that they have in fact been dealt with in accordance with the terms of the Convention by the competent authority of the territory of origin.

3. The competent authorities of the territories of origin and of employment shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention, and may in any such agreement derogate from the provisions of paragraph 1 of this Article in respect of contracts made in one territory party to the agreement for employment in another such territory.

Article 20.

1. This Convention does not apply to contracts entered into before the coming into force of the Convention for the territory where the question of its applicability arises.

2. The denunciation of this Convention shall not affect rights or obligations arising from contracts entered into before the denunciation took effect.

Article 21.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

Article 22.

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating—

- (a) the territories to which it undertakes to apply the provisions of the Convention without modification;
- (b) the territories to which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications;
- (c) the territories to which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c) or (d) of paragraph 1 of this Article.

Article 23.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 24.

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 25.

1. The Secretary-General of the League of Nations shall notify the Director of the International Labour Office and all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation and of all declarations communicated to him in accordance with the provisions of Article 22 of this Convention.

2. When notifying the Members of the Organisation of registration of the second ratification communicated to him, the Secretary-General shall draw the attention of the Members of the Organisation to the date upon which this Convention will come into force.

Article 26.

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 27.

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provision of Article 24 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 28.

The French and English texts of this Convention shall both be authentic.

APPENDIX IV.

Recommendation concerning the maximum length of written contracts of employment of indigenous workers.

[Formal preamble has been omitted.]

The Conference,

Having adopted the Contracts of Employment (Indigenous Workers) Convention, 1939, Article 9 of which provides that "the maximum period of service that may be stipulated in any contract, and the leave, if any, to be granted during the period of the contract, shall be prescribed by the regulations"; and

Desiring to supplement this provision by a statement of principles which appear well fitted to guide the policy of the Members concerned in fixing the maximum period of service in different cases and by suggestions regarding the maxima which might be fixed in such cases;

Recommends that each Member of the International Labour Organisation which ratifies the Contracts of Employment (Indigenous Workers) Convention, 1939, should take the following principles into consideration in fixing the maximum period of service provided for in Article 9 of the Convention:

1. The maximum period of service should always be as short as possible, and should be shorter when the workers will be separated from their families during the period of service than when they are accompanied by their families.

2. (1) The maximum period of service for employments not involving a long and expensive journey by land or sea should in no case exceed twelve months if the workers are not accompanied by their families or two years if the workers are accompanied by their families.

(2) The maximum period of service for employments involving a long and expensive journey by land or sea should in no case exceed two years if the workers are not accompanied by their families or three years if the workers are accompanied by their families.

3. Exceptions to the above maxima should be made only in the case of workers accompanied by their families and where it is intended, with the prior consent of the workers, to settle them with their families at or near the place of employment.

4. Where the period of service is twelve months or more, the worker should be granted a holiday with pay of at least one week.

APPENDIX V.

Draft Convention concerning penal sanctions for breaches of contracts of employment by indigenous workers.

[Formal preamble has been omitted.]

Article 1.

1. This Convention applies to all contracts by which a worker belonging to or assimilated to the indigenous population of a dependent territory of a Member of the Organisation, or belonging to or assimilated to the dependent indigenous population of the home territory of a Member of the Organisation, enters the service of any public authority, individual, company or association, whether non-indigenous or indigenous, for remuneration in cash or in any other form whatsoever.

2. For the purpose of this Convention the term "breach of contract" means—

- (a) any refusal or failure of the worker to commence or perform the service stipulated in the contract;
- (b) any neglect of duty or lack of diligence on the part of the worker;
- (c) the absence of the worker without permission or valid reason; and
- (d) the desertion of the worker.

Article 2.

1. All penal sanctions for any breach of contract to which this Convention applies shall be abolished progressively and as soon as possible.

2. All penal sanctions for any such breach by a non-adult person whose apparent age is less than a minimum age to be prescribed by law or regulations shall be abolished immediately.

Article 5.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which two Members of the Organisation have registered with the Secretary-General ratifications to which are appended, in accordance with Article 4 of this Convention, declarations indicating territories to which they undertake to apply the provisions of the Convention.

3. Thereafter this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 7.

1. The Secretary-General of the League of Nations shall notify the Director of the International Labour Office and all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation and of declarations communicated to him in accordance with the provisions of Article 4 of this Convention.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him which fulfils the condition stated in Article 5, paragraph 2 of this Convention, the Secretary-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 8.

At the expiration of each period of five years after the coming into force of this Convention the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 9.

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 6 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

[*Note*—Articles 3, 4, 6 and 10 are identical with Articles 21, 22, 24 and 28 of the Draft Convention concerning the regulation of written contracts of employment of indigenous workers.]

APPENDIX VI.

Recommendation concerning labour inspectorates for indigenous workers.

[Formal preamble has been omitted.]

The Conference,

Having adopted the Contracts of Employment (Indigenous Workers) Convention, 1939, and

Considering that the law or regulations relating to the employment of indigenous workers can only be satisfactorily administered by labour inspection services,

Recommends that the Members of the International Labour Organisation concerned should establish labour inspection services in any territories where such services do not already exist.

APPENDIX VII.

Recommendation concerning apprenticeship.

[Formal preamble has been omitted.]

The Conference,

Having adopted the Vocational Training Recommendation, 1939, which enumerates the principles and methods which should be applied with regard to the organisation of such training;

Considering that of the various methods of vocational training apprenticeship raises special problems, particularly because it is given in undertakings and involves contractual relations between master and apprentice;

Considering that the efficacy of apprenticeship largely depends on the satisfactory definition and observance of the conditions governing apprenticeship and, in particular, of those relating to the mutual rights and obligations of master and apprentice;

Recommends that each Member should take into consideration the following principles and rules:

1. For the purpose of the present Recommendation the expression "apprenticeship" means any system by which an employer undertakes by contract to employ a young person and to train him or have him trained systematically for a trade for a period the duration of which has been fixed in advance and in the course of which the apprentice is bound to work in the employer's service.

2. (1) Measures should be taken to make apprenticeship as effective as possible in trades in which this system of training seems necessary. These trades should be designated in each country, having regard to the degree of skill and the length of the period of practical training required.

(2) Subject to there being sufficient co-ordination to guarantee uniformity in the degree of skill required and in the methods and conditions of apprenticeship within each trade throughout the country, the measures referred to in the preceding subparagraph may be taken by laws or regulations, or by decisions of public bodies entrusted with the control of apprenticeship, or in virtue of collective agreements, or by a combination of the above methods.

3. (1) The measures referred to in the preceding paragraph should make provision in respect of—

- (a) the technical and other qualifications required of employers in order that they may make and train apprentices;
- (b) the conditions governing the entry of young persons into apprenticeship; and
- (c) the mutual rights and obligations of master and apprentice.

(2) In making such provision consideration should be given more particularly to the following principles:

- (a) An employer taking apprentices should either himself be qualified to give adequate training or be in a position to provide such training by some other person in his service with the necessary qualifications, and the undertaking in which the training is to be given should be such as will permit of the apprentice securing a proper training in the trade to be learnt.
- (b) Young persons should not be allowed to enter into apprenticeship until they have reached a fixed age, which should not be below the age at which school attendance ceases to be compulsory.
- (c) Where the minimum standard of general education required for entry into apprenticeship is higher than that normally attained at the end of the period of compulsory school attendance, this minimum standard should be fixed with due regard to the valuations in requirements of different trades.
- (d) Entry into apprenticeship should in every case be subject to a medical examination, and where the trade in view calls for special physical qualities or mental aptitudes these should be specified and tested by special tests.
- (e) Provision should be made for the registration of apprentices with appropriate bodies and, where necessary, for the control of their number.
- (f) Arrangements should be made to facilitate the transfer of an apprentice from one employer to another in cases where transfer appears necessary or desirable in order to avoid interruption of the apprenticeship or to complete the training of the apprentice or for some other reason.
- (g) The duration of apprenticeship, including that of the probationary period, should be determined in advance, any prior training undergone by the apprentice in a technical or vocational school being duly taken into account.
- (h) Provision should be made for the holding of examinations of apprentices on the expiry of the period of apprenticeship and, where necessary, in the course of apprenticeship, for determining the methods of organising such examinations, and for the issue of certificates based on the results thereof. The qualifications required in such examinations for any given trade should be uniformly fixed, and the certificates issued as a result of such examinations should be recognised throughout the country.
- (i) Supervision should be established over apprenticeship, particularly with a view to ensuring that the rules governing apprenticeship are observed, that the training given is satisfactory and that there is reasonable uniformity in the conditions of apprenticeship.
- (j) Any requirements of form to be complied with by the contract of apprenticeship and the terms to be contained or implied in it should be specified, as for instance by the drawing up of a standard contract, and the procedure for the registration of contracts with the bodies referred to under (e) above should be determined.

4. (1) Provision should be made in the contract of apprenticeship as to how any remuneration in cash or otherwise due to the apprentice should be determined and as to the scale of increase in remuneration during the course of the apprenticeship.

(2) Where there are no laws or regulations upon the subject, or the laws or regulations do not apply to apprentices, provision should also be made in the contract of apprenticeship in respect of—

- (a) the remuneration referred to in sub-paragraph (1) above during sickness; and
- (b) holidays with pay.

5. (1) It would be desirable that the parties concerned in apprenticeship and more particularly the organisations of employers and workers should collaborate with the official bodies responsible for the supervision of apprenticeship.

(2) Close collaboration should be maintained between the bodies responsible for the supervision of apprenticeship and the general and vocational education authorities, vocational guidance institutions, public employment exchanges and labour inspection authorities.

6. This recommendation does not apply to the apprenticeship of seamen.

APPENDIX VIII.

Draft Convention concerning the recruitment, placing and conditions of labour of migrants for employment.

[Formal preamble has been omitted.]

Article 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes that it will—

- (a) enact and enforce penalties for the repression of—
 - (i) misleading propaganda relating to emigration or immigration; and
 - (ii) propaganda relating to emigration or immigration which is contrary to national laws or regulations; and,
- (b) exercise supervision over advertisements, posters, pamphlets and other forms of publicity relating to employment in one territory which is offered to persons in another territory.

Article 2.

1. Each Member which ratifies this Convention undertakes to maintain, or satisfy itself, that there is maintained, and adequate service to supply information and give assistance to emigrants and in migrants.

2. This service shall be conducted—

- (a) by the public authorities; or
- (b) by one or more voluntary organisations not conducted with a view to profit, approved for the purpose by the public authorities, and subject to the supervision of the said authorities; or
- (c) partly by the public authorities and partly by one or more voluntary organisations fulfilling the conditions stated in sub-paragraph (b) of this paragraph.

Article 3.

1. Each Member which ratifies this Convention undertakes to regulate in accordance with the provisions of this Article the following operations:

(a) recruitment, that is to say—

- (i) the engagement of a person in one territory on behalf of an employer in another territory, or
- (ii) the giving of an undertaking to a person in one territory to provide him with employment in another territory,

together with the making of arrangements in connection with the operations mentioned in (i) and (ii), including the seeking for and selection of intending emigrants and the preparation for departure of the emigrants;

- (b) introduction, that is to say any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited within the meaning of sub-paragraph (a) of this paragraph; and
- (c) placing, that is to say any operations for the purpose of supplying an employer with the labour of persons who have been introduced within the meaning of sub-paragraph (b) of this paragraph.

2. The right to engage in the operations enumerated in paragraph 1 of this Article shall be restricted to—

- (a) public employment exchanges or other public bodies of the territory in which the operations take place;
- (b) public bodies of a territory other than that in which the operations take place which are authorised to operate in that territory by an agreement between the Governments concerned;
- (c) any body established in accordance with the terms of an international instrument;
- (d) the prospective employer or a person in his service acting on his behalf; and
- (e) private employment agencies, whether fee-charging or not, which are not conducted with a view to profit.

3. The right to engage in the operations enumerated in paragraph 1 of this Article shall be subject to the prior authorisation of the competent authority of the territory where the said operations are to take place in such cases and under such conditions as may be prescribed by the laws or regulations of that territory or by agreement between the country of emigration and the country of immigration.

4. The competent authorities of the territory where the operations take place shall supervise the activities of bodies and persons to whom authorisations have been issued in pursuance of the preceding paragraph.

Article 4.

1. Each Member ratifying this Convention which maintains a system of supervision over contracts of employment between an employer, or person acting on his behalf, and a migrant for employment which are concluded before the departure of the migrant undertakes to require contracts subject to such supervision to comply with the provisions of this Article.

2. The contract shall be drawn up in or translated into a language which the migrant understands.

3. The contract shall, in addition to any other terms, specify the following particulars:

- (a) the duration of the contract and if the contract is renewable the method of renewal, or in the case of a contract of indeterminate duration the procedure for the denunciation of the contract and the notice of denunciation required;
- (b) the exact date on which and place at which the migrant is required to report;
- (c) the method of meeting the travelling expenses—
 - (i) of the migrant on the outward journey;
 - (ii) of the migrant on the return journey, if such journey takes place on the expiry of the period for which the contract was concluded or before the expiry of the said period in consequence of the denunciation or termination of the contract not due to the fault of the migrant;
 - (iii) of members of the migrant's family authorised to accompany him to or join him in the country of immigration;
- (d) any deductions which the employer may make from remuneration in accordance with the laws or regulations of the country of immigration or an agreement between the country of migration and the country of immigration;

- (e) the housing conditions, if housing is to be provided or obtained by the employer;
- (f) any arrangements to ensure the maintenance of the migrant's family in the country of origin, more particularly with a view to preventing desertion of his family by the migrant.

Article 5.

Each Member which ratifies this Convention undertake to take measures to ensure that, if any migrant introduced into its territory fails, for a reason for which he is not responsible, to secure the employment for which he has been recruited, or an equivalent employment, the cost of his return and that of the members of his family, including administrative fees, transport and maintenance charges to the final destination, and charges for the transport of household belongings, does not fall upon the migrant.

Article 6.

1. Each Member which ratifies this Convention undertakes that it will apply to foreigners treatment no less favourable than that which it applies to its own nationals with respect to the following matters :

- (a) in so far as such matters are regulated by law or regulations or are subject to the control of administrative authorities—
 - (i) conditions of work and more particularly remuneration, and
 - (ii) the right to be a member of a trade union;
- (b) employment taxes, dues or contributions payable by the person employed; and
- (c) legal proceedings relating to contracts of employment.

2. The equality of treatment provided for in the preceding paragraph may be granted subject to reciprocity, which shall be deemed to exist :

- (a) as between all Members bound by this Convention; and
- (b) as between each Member bound by this Convention and any other State with which it has concluded a reciprocity agreement relating to the matter in question.

Article 7.

1. Personal effects and tools belonging to recruited migrants for employment and members of their families shall be exempt from customs duties on arrival in the country of immigration.

2. Personal effects and tools belonging to migrants for employment and members of their families shall be exempt from customs duties on the return of the said persons to their country of origin if they have retained the nationality of that country at the time of their return there.

Article 8.

This Convention does not apply to—

- (a) migration within the territory of a Member or from one territory of a Member to another territory of the same Member;
- (b) frontier workers whose place of employment is in the territory of one State and whose place of residence is in the territory of another State;
- (c) seamen;
- (d) indigenous workers as defined in Article 2 (b) of the Recruiting of Indigenous Workers Convention, 1936.

Article 18.

1. The Secretary-General of the League of Nations shall notify the Director of the International Labour Office and all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Secretary-General shall draw the attention of the Members of the Organisation to the date upon which this Convention will come into force.

Article 14.

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

[NOTE.—Articles 9, 10, 11, 13 and 15 are identical with articles 21, 23, 24, 26 and 28 of the Draft Convention concerning the regulation of written contracts of employment of indigenous workers.]

APPENDIX IX.

Recommendation concerning the recruitment, placing and conditions of labour of migrants for employment.

[Formal preamble has been omitted.]

The Conference,

Having adopted the Migration for Employment Convention, 1939, and

Desiring to supplement its provisions by a Recommendation;

Recommends as follows :

I.

1. (1) For the purpose of this Recommendation—

(a) the term "recruitment" means :

(i) the engagement of a person in one territory on behalf of an employer in another territory, or

(ii) the giving of an undertaking to a person in one territory to provide him with employment in another territory, together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of would-be emigrants and the preparation for departure of the emigrants;

(b) the term "introduction" means any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited within the meaning of (a);

(c) the term "placing" means any operations for the purpose of supplying an employer with the labour of persons who have been introduced within the meaning of (b).

-2) This Recommendation does not apply to—

(a) migration within the territory of a Member or from one territory of a Member to another territory of the same Member;

(b) frontier workers whose place of employment is in the territory of one State and whose place of residence is in the territory of another State;

(c) seamen;

(d) indigenous workers as defined in Article 2 (b) of the Recruiting of Indigenous Workers Convention, 1936.

II.

2. The services provided in each country to supply information and give assistance to migrants should have the following duties :

- (a) to supply information to migrants and their families and advise them, in their languages or dialects or at least in a language which they can understand, on matters relating to emigration, immigration, employment and living conditions in the place of destination, return to the country of origin, and generally speaking on any other question which may be of interest to them in their capacity as migrants;
- (b) to provide facilities for migrants and their families with regard to the fulfilment of administrative formalities and other steps to be taken in connection with their departure, journey, admission into the country of destination, residence there and, should the case arise, return to the country of origin.

3. There should, whenever possible, be a reasonable interval between the publication and coming into force of any modification of the conditions on which emigration or immigration or the employment of foreigners is permitted in order that these conditions may be notified in good time to persons who are preparing to emigrate.

4. Provision should be made for the display at the places of departure, transit and arrival, of the texts of the principal measures referred to in the preceding paragraph or of notices relating thereto in the languages most commonly known to the migrants.

III.

5. (1) With a view to safeguarding the interests of migrants for employment and ensuring the equilibrium of the employment market, the competent authorities of the country of emigration and the country of immigration should, when the volume of migration justifies it, require applications for the recruitment and introduction of migrants for employment to be submitted in advance for examination and endorsement.

(2) Before authorising the introduction of migrants for employment the country of immigration should ascertain whether there is not a sufficient number of capable persons already available to do the work in question.

6. (1) The conditions under which authorisations for the recruitment, introduction or placing of migrants for employment are granted and maintained in force should be determined either by national laws or regulations or by agreement between the country of emigration and the country of immigration.

(2) The persons to whom or bodies to which authorisations are granted should furnish guarantees, which might take the form of a deposit, for the payment of compensation in respect of any damage suffered by a migrant for employment through the fault of the said persons or bodies.

7. (1) Any intermediary who undertakes the recruitment, introduction or placing of migrants for employment on behalf of an employer should be required to obtain a written warrant from the employer or some other document proving that he is acting on the employer's behalf.

(2) This document should be drawn up in, or translated into, the official language of the country of emigration, and should set forth all necessary particulars concerning the employer, concerning the nature and scope of the recruitment, introduction or placing which the intermediary is to undertake, and concerning the employment offered, including the remuneration offered.

8. (1) It is desirable that in each country where migrants for employment are recruited, introduced or placed, the competent authorities should fix maximum scales for the expenditure that may be charged to the migrant or to his employer in respect of recruitment, introduction (including maintenance during the journey), placing, repatriation or any other operations connected therewith.

(2) The expenditure mentioned in the preceding sub-paragraph should not, as a rule, be borne by the migrant and in all cases any deductions from remuneration which the employer may make for this purpose should be limited by national laws or regulations or by agreement between the country of emigration and the country of immigration.

9. (1) Intending migrants for employment should, as far as possible, be examined before their departure from the country of emigration by a representative of the

country of immigration responsible for satisfying himself that they are eligible for admission into that country.

(2) If recruitment takes place on a sufficiently large scale to be considered as collective recruitment under the law or regulations of the country of emigration, an expert official of that country should be present.

(3) It is desirable that the examinations and the recruitment referred to in the preceding sub-paragraphs of this paragraph should, as far as possible, be carried out in the neighbourhood of the intending migrant's home.

10. (1) The members of the family of a migrant for employment who desire to accompany or join him should receive special facilities for this purpose, more particularly—

(a) priority over other applications for permission to leave the country of emigration and to enter and reside in the country of immigration;

(b) a simplification of the administrative formalities and a reduction in the payments required either for leaving the country of emigration or for entering and residing in the country of immigration.

(2) For the purpose of this paragraph the members of the family of a migrant for employment should be deemed to consist of his wife and minor children and of other members of his family dependent upon him.

IV.

11. Equality of treatment for nationals and foreigners, as laid down in Article 6 of the Migration for Employment Convention, 1939, should be applied as far as possible to all foreigners.

12. (1) Foreigners authorised to reside in a territory with a view to employment, and the members of their families authorised to accompany or join them, should as far as possible be admitted to employment in the same conditions as nationals.

(2) In countries in which the employment of foreigners authorised to be employed there is subject to restrictions, these restrictions should as far as possible:

(a) cease to be applied to such persons who have regularly resided in the country for a period, the length of which should not, as a rule, exceed five years; and

(b) be waived, without any condition as to length of residence, in favour of the wife and children of an age to work who have been authorised to accompany or join the migrant.

13. It is desirable that Members which have not ratified the International Labour Conventions relating to social insurance should grant to foreign employed persons and their survivors the treatment defined in the said Conventions.

14. (1) It is desirable that, in countries where the number of immigrants for employment is sufficiently large, the conditions of employment of such immigrants should be specially supervised, such supervision being undertaken according to circumstances either by a special inspection service or by labour inspectors or other officials specialising in this work.

(2) The administrative services entrusted with the supervision referred to in the preceding sub-paragraph should co-operate as far as possible with voluntary organisations for the assistance of migrants which have been approved by the authorities.

V.

15. (1) When a foreign employed person has been regularly admitted to the territory of a State the said State should, as far as possible, refrain from removing such person or the Members of family from its territory on account of his lack of means or the state of the employment market, unless an agreement to this effect has been concluded between this country and the country of origin.

(2) A State which feels obliged to remove from its territory, for the reasons indicated in the previous sub-paragraph, foreign employed persons who have been regularly admitted or members of the families of such persons should at all events—

(a) take into account the length of time the said persons have been in its territory and in no case remove persons who have been there for more than five years;

- (b) satisfy itself that the person concerned has exhausted his rights to unemployment insurance benefit;
- (c) satisfy itself that the person concerned has been given reasonable notice so as to give him time, more particularly, to dispose of his property; that suitable arrangements have been made for his transport and that of the members of his family; and that the necessary arrangements have been made to ensure that he and the members of his family are treated in a humane manner;
- (d) satisfy itself that the costs of the return of the employed person and the members of his family and of the transport of their household belongings to their final destination shall not fall on him.

16. When migrants for employment or members of their families who have retained the nationality of their State of origin return there, that country should admit such persons to the benefit of any measures in force for the granting of poor relief and unemployment relief, and for promoting the re-employment of the unemployed, by exempting them from the obligation to comply with any condition as to previous residence or employment in the country or place.

APPENDIX X.

Recommendation concerning co-operation between States relating to the recruitment, placing and conditions of labour of migrants for employment.

[Formal preamble has been omitted.]

The Conference,

Having adopted the Migration for Employment Convention, 1939, and the Migration for Employment Recommendation, 1939;

Recommends as follows :

1. Members between which the volume of migration is fairly considerable or between which collective migration takes place, should supplement the measures which they take to ensure the application of the provisions of the Migration for Employment Convention, 1939, and the Migration for Employment Recommendation, 1939, by concluding bilateral or plurilateral agreements which might usefully deal, according to circumstances, with the following questions :

- (a) the supply of information to migrants for employment and the exchange of information between the competent Government departments;
- (b) the repression of illegal and misleading propaganda;
- (c) the issue of certificates and identification papers required by migrants for employment and the recognition in the territory of each of the contracting parties of the validity of such documents and of contracts of employment issued or concluded in the territory of another party;
- (d) the methods of recruitment, introduction and placing of migrants for employment;
- (e) the methods of preventing the separation of families or the desertion of their families by migrants for employment, of facilitating the reunion of families and of securing that the migrant will carry out any legal obligations which he may have towards dependants in the country of origin;
- (f) any measures which may be necessary to enable migrants for employment to take the money they require out of the country of emigration and to transfer their savings to the country of origin, and the adoption of the most favourable exchange rate for such money and savings;
- (g) the repatriation of migrants for employment and their families and the method of covering the cost thereof;
- (h) the guarantees subject to which the nationals of one of the contracting States residing in the territory of another may be recruited for undertakings situated in non-metropolitan territories under the administration of the latter;
- (i) the settlement of pension rights of migrants for employment under old-age, invalidity and survivors' insurance scheme if the maintenance of such rights is not otherwise provided for as between the States concerned.

2. Apart from or in addition to the agreements referred to in the preceding paragraph, Members should co-operate in the practical solution of problems concerning the recruitment, placing and conditions of labour of migrants for employment, more particularly by such of the following methods as may be appropriate in the circumstances :

- (a) the drafting of standard forms of application and contract for the recruitment and introduction of migrants for employment;
- (b) the determination and revision of the quotas of nationals of one country who may be introduced into the territory of another during a year or season, and, if necessary, their distribution by sex, age and occupation;
- (c) agreement on a procedure of co-operation with a view to the recruitment and the protection of the interests of migrants for employment;
- (d) periodical meetings of a joint committee of the country of emigration and the country of immigration for the application or adaptation of proposals or measures for the recruitment, introduction, placing employment, protection, and, where the case arises, repatriation of migrants for employment and their families.

APPENDIX XI.

Draft Convention concerning the Regulation of Hours of Work and Rest Periods in Road Transport.

[Formal preamble has been omitted.]

Article 1.

1. This Convention applies to—

- (a) persons who drive in a professional capacity a road transport vehicle; and
- (b) attendants and other persons who travel with a road transport vehicle in a professional capacity connected with the vehicle, its passengers or its load.

2. For the purpose of this Convention the term "road transport vehicle" includes all vehicles, whether publicly or privately owned, propelled by mechanical power, including trams, trolley-cars and trailers drawn by mechanically-propelled vehicles, which are engaged in the transport of passengers or goods by a public highway for payment or for the purposes of the undertaking operating the vehicle.

Article 2.

The competent authority may exempt from the application of this Convention—

- (a) persons who drive or travel with private vehicles used solely for personal services;
- (b) persons who drive or travel with vehicles engaged in—
 - (i) transport by agricultural or forestry undertakings in so far as such transport is directly connected with and exclusively used for the work of the undertaking;
 - (ii) the transport of sick and injured persons by hospitals and nursing homes;
 - (iii) transport for the purposes of national defence, police services and other transport effected in the administration of public authority;
 - (iv) transport for rescue or salvage work.

Article 3.

The competent authority may exclude from the application of all or any of the provisions of this Convention owners of vehicles and members of their families who are not employed for wages, or prescribed classes of such persons, if and so long as the authority—

- (a) is satisfied that such exclusion will not—
 - (i) expose to unreasonable competition the conditions of employment of the persons to whom the provisions in question remain applicable; or
 - (ii) expose to unreasonable risk of accident the persons to whom the Convention applies or endanger public safety; or

- (b) is satisfied that in view of the conditions in the country concerned the application of the provisions in question to the persons proposed to be excluded is impracticable.

Article 4.

For the purpose of this Convention—

- (a) the term "hours of work" means the time during which the persons concerned are at the disposal of the employer or of any other person entitled to claim their services, or in the case of owners of vehicles and members of their families, the time during which they are engaged on their own account in work connected with a road transport vehicle, its passengers or its load, and includes—
- (i) time spent in work done during the running time of the vehicle;
 - (ii) time spent in subsidiary work;
 - (iii) periods of mere attendance; and
 - (iv) breaks for rest and interruptions of work, which breaks or interruptions do not exceed a duration to be prescribed by the competent authority;
- (b) the term "running time of the vehicle" means the time from the moment when the vehicle starts at the beginning of the working day until the moment when the vehicle stops at the end of the working day, excluding any time during which the running of the vehicle is interrupted for a period exceeding a duration to be prescribed by the competent authority during which period the persons who drive or travel with the vehicle are free to dispose of their time as they please or are engaged in subsidiary work;
- (c) the term "subsidiary work" means work in connection with the vehicle, its passengers or its load which is done outside the running time of the vehicle, including more particularly—
- (i) work in connection with accounts, the paying in of cash, the signing of registers, the handing in of service sheets, the checking of tickets and other similar work;
 - (ii) the taking over and garaging of the vehicle;
 - (iii) travelling from the place where a person signs on to the place where he takes over the vehicle and from the place where he leaves the vehicle to the place where he signs off;
 - (iv) work in connection with the upkeep and repair of the vehicle; and
 - (v) the loading and unloading of the vehicle;
- (d) the term "periods of mere attendance" means periods during which a person remains at his post solely in order to reply to possible calls or to resume action at the time fixed in the time-table.

Article 5.

1. The hours of work of persons to whom this Convention applies shall not exceed forty-eight in the week.

2. The competent authority may authorise higher weekly limits of hours for persons who ordinarily do a considerable amount of subsidiary work or whose work is frequently interrupted by periods of mere attendance.

Article 6.

1. The competent authority may permit weekly hours of work to be calculated as an average.

2. Where the competent authority permits weekly hours of work to be calculated as an average, it shall determine the number of weeks over which the average may be calculated and the maximum number of hours that may be worked in any week.

Article 7.

1. The hours of work of persons to whom this Convention applies shall not exceed eight in the day.

2. Where by law, custom, or agreement between the employers' and workers' organisations concerned, or where no such organisations exist between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by the sanction of the competent authority, or by agreement between such organisations or representatives, so however that in no case shall the daily limit of eight hours be exceeded in virtue of the provisions of this paragraph by more than one hour.

3. The competent authority may authorise higher daily limits—

- (a) in respect of persons whose weekly hours of work do not exceed forty-eight in any week as provided in Article 5, paragraph 1, or an average of forty-eight as provided in Article 6; and
- (b) in respect of persons who ordinarily do a considerable amount of subsidiary work or whose work is frequently interrupted by periods of mere attendance.

Article 8.

The competent authority shall prescribe the maximum number of hours which may separate the beginning and end of the working day.

Article 9.

1. The competent authority may permit time lost as a result of accidental causes to be made up within a prescribed period.

2. The competent authority may permit the limits of hours authorised by the preceding Articles to be exceeded in cases in which the provisions of this Article are applied.

Article 10.

The competent authority may permit the limits of hours authorised by the preceding Articles to be exceeded to a prescribed extent in cases in which it is satisfied that there is a shortage of indispensable skilled labour.

Article 11.

1. This Article applies in the following cases :

- (a) in case of accident, breakdown, unforeseen delay, dislocation of services, interruption of traffic, or *force majeure*;
- (b) in order to make good the unforeseen absence of a person employed upon indispensable work for whom it is impossible to find a substitute;
- (c) in case of rescue or relief work necessitated by earthquake, flood, fire, epidemic, or any other calamity or disaster;
- (d) in case of urgent and exceptional necessity for ensuring the working of services of public utility.

2. In the cases in which this Article applies—

- (a) the limits of hours authorised by the preceding Articles may be exceeded,
- (b) the period of five hours prescribed by Article 14 may be extended, and
- (c) the periods of rest prescribed by Articles 15 and 16 may be reduced,

but only in so far as may be necessary for the performance of indispensable work.

3. The employer or the owner of the vehicle shall notify the competent authority, within a period and in a manner to be prescribed by the said authority, of all time worked in virtue of this Article and of the reasons therefor.

Article 12.

1. The limits of hours authorised by the preceding articles may be exceeded, but only in so far as may be necessary for the performance of indispensable work, in order to meet exceptional requirements in respect of—

- (a) the transport by hotels of passengers and their luggage between the hotel and the station or port of arrival or departure; and
- (b) transport by funeral undertakings.

2. The competent authority shall determine the conditions subject to which the preceding paragraph applies.

Article 13.

1. The competent authority may permit the limits of hours authorised by the preceding Articles to be exceeded by the working of overtime in accordance with the provisions of this Article.

2. The competent authority may grant permission to work overtime in accordance with regulations prescribing—

- (a) the procedure by which permission shall be granted;
- (b) the minimum overtime rate of remuneration, which shall in no case be less than one and a quarter times the normal rate; and
- (c) the maximum number of hours for which permission may be granted, which shall in no case exceed—
 - (i) seventy-five hours in any year in cases in which weekly hours of work are calculated as an average over a period exceeding a week; or
 - (ii) one hundred hours in any year in cases in which the weekly limit of hours of work is applied as a strict limit applicable to each week.

3. In any country in which it is not desired to place a fixed number of hours of overtime in the year at the disposal of undertakings, the competent authority may permit the limits of hours authorised by the preceding Articles to be exceeded, subject to the condition that all time worked in virtue of this paragraph shall be paid for at not less than one and a half times the normal rate.

Article 14.

1. No driver may drive for any continuous period of more than five hours.

2. For the purpose of the preceding paragraph any two periods of time shall be deemed to be a continuous period unless separated by an interval of a duration to be prescribed by the competent authority.

3. The competent authority may exempt from the application of paragraph 1 drivers for whom adequate intervals are ensured by stops provided for in the time table or by the intermittent nature of the work.

Article 15.

1. Every person to whom this Convention applies shall be granted in every period of twenty-four hours a period of rest comprising at least twelve consecutive hours.

2. The competent authority may permit the period of rest required by paragraph 1 to be reduced in the case of certain services subject to breaks of considerable duration.

3. The competent authority may permit the period of rest to be reduced on a prescribed number of days in the week, so however that the average rest calculated over the week is not less than the minimum required by paragraph 1.

Article 16.

1. Every person to whom this Convention applies shall be granted in every period of seven days a period of rest comprising at least thirty consecutive hours of which not less than twenty-two fall within the same calendar day.

2. The competent authority may permit a number of periods of rest fulfilling the requirements of paragraph 1 to be granted in the course of a number of weeks not exceeding a prescribed maximum in lieu of one such period of rest in every period of seven days. In such case the number of periods of rest granted in the course of the number of weeks over which the said periods of rest are distributed shall be at least equal to the number of weeks and the time separating any two periods of rest shall not exceed ten days.

Article 17.

Decisions taken by the competent authority in pursuance of the provisions of this Convention enumerated below shall be taken after consultation with the employers' and workers' organisations concerned where such exist :

Article.

- 2 ;
- 3 ;
- 4 (a) and (b) ;
- 5, paragraph 2 ;
- 6 ;

- 7, paragraphs 2
and 3 ;
- 8 ;
- 9 ;

Article.

- 10 ;
- 11 ; paragraph 3 ;
- 12, paragraph 2 ;
- 13 ;
- 14, paragraphs 2
and 3 ;
- 15, paragraphs 2
and 3 ;
- 16, paragraph 2 ;
- 18.

Article 18.

1. With a view to the effective enforcement of the provisions of this Convention, the competent authority shall maintain a system of supervision by labour inspectors, the police, traffic commissioners or other appropriate administrative authorities, both in garages, depots and other premises and on the roads.

2. Every employer shall keep a record in a form approved by the competent authority of the hours of work and rest periods of the persons employed by him, and such records shall be available for inspection by the supervisory authorities under conditions laid down by the competent authority.

3. The competent authority shall prescribe a standard form of individual control book and the manner in which the book shall be issued to every person to whom this Convention is applied, and every such person shall be in possession of his book during his hours of work, and particulars of his hours of work and rest periods shall be entered in the book in a manner prescribed by the competent authority.

Article 19.

1. The operation of the provisions of this Convention may be suspended by the competent authority, but only for the periods during which such suspension is strictly indispensable, in case of necessity for meeting the requirements of national safety.

2. The International Labour Office shall be notified immediately of—

- (a) any suspension of the operation of the provisions of this Convention, together with the reasons for such suspension, and
- (b) the date from which such suspension has been terminated.

Article 20.

The annual reports upon the application of this Convention to be submitted by Members under Article 22 of the Constitution of the International Labour Organisation shall include more particularly full information concerning—

- (a) any decisions taken in virtue of Article 2 ;
- (b) any decisions taken in virtue of Article 3, together with a statement of the grounds on which the competent authority is satisfied that such decisions are justified ;
- (c) any recourse to the provisions of Article 5, paragraph 2 ;
- (d) any recourse to the provisions of Article 6 ;
- (e) any recourse to the provisions of Article 7, paragraph 2 or 3 ;
- (f) any determinations made in pursuance of Article 8 ;
- (g) the extent to which recourse has been had to the provisions of Articles 10 and 13 and any regulations made thereunder.

Article 21.

In accordance with Article 19, paragraph 11, of the Constitution of the International Labour Organisation, nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions to the workers than those provided for by this Convention.

Article 25.

1. The Secretary-General of the League of Nations shall notify the Director of the International Labour Office and all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Secretary-General shall draw the attention of the Members of the Organisation to the date upon which this Convention will come into force.

[NOTE.—Articles 22, 23, 24, 26, 27 and 28 are identical with Articles 21, 23, 24, 26, 27 and 28 of the Draft Convention concerning the regulation of written contracts of employment of indigenous workers.]

APPENDIX XII.

Recommendation concerning Individual Control Books in Road Transport.
[Formal preamble has been omitted.]

1. Each Member of the International Labour Organisation should provide for the drawing up of a standard form of individual control book to facilitate the supervision of the hours of work and rest periods of persons to whom the Hours of Work and Rest Periods (Road Transport) Convention, 1939, applies.

2. The individual control book should contain entries relating to the following points:

- (a) the time at which the working day begins and the time at which it ends;
- (b) time spent in work done during the running time of the vehicle;
- (c) time spent in subsidiary work;
- (d) periods of mere attendance;
- (e) the duration of breaks for rest and interruptions of work during which the driver or attendant is free to dispose of his time as he pleases;
- (f) periods of continuous driving time;
- (g) weekly periods of rest;
- (h) any extensions of hours of work beyond the normal limits and the circumstances in which such hours have been worked.

3. The competent authority should determine the conditions in which individual control books shall be issued.

4. (1) The driver or attendant, as the case may be, or the employer should be required to enter daily the prescribed particulars under the various entries of the individual control book.

(2) In the case of classes of transport in respect of which it would be difficult to give the particulars specified in (b), (c), (d) and (f) of paragraph 2, the particulars required to be entered might be limited to those specified in (a), (e), (g) and (h).

(3) In the case of classes of transport running to a fixed time-table, a statement of the time-table to which the driver or the attendant works might be permitted to be substituted for the detailed particulars specified in (a) to (f) of paragraph 2.

5. (1) Drivers and attendants should be required to carry their control books with them during their hours of work and to produce them on demand to the supervisory authorities.

(2) During the driver's or attendant's rest days the individual control book should be left at the garage and should be kept available for inspection by the supervisory authorities.

APPENDIX XIII.

Recommendation concerning the Regulation of Night Work in Road Transport.

[Formal preamble has been omitted.]

Whereas in certain classes of road transport for the conveyance of passengers or goods it is necessary to operate at night; and

Whereas in order to afford road transport workers the necessary protection under labour regulations and in order to ensure safety on the road, it is desirable to regulate the conditions under which transport at night is carried on;

The Conference recommends every Member of the International Labour Organisation to apply the following principles concerning the regulation of night work for travelling staff engaged in road transport:—

1. The competent authority in each country should—

(a) determine the classes of transport for which it authorises night work to be regularly worked; and

(b) define what constitutes night work.

2. When night work is organised on a rota system, the number of turns of night work worked by any worker during any rotation period should not exceed the number of turns of day work worked during the same period.

APPENDIX XIV.

Recommendation concerning the Methods of Regulating Hours of Work in Road Transport.

[Formal preamble has been omitted.]

Whereas in many countries the system of collective negotiation has proved of great value in the regulation of conditions of work;

Whereas this system is also to some extent applied as regards the regulation of hours of work in road transport and has worked well in this connection;

The Conference recommends that:

Each Member of the International Labour Organisation, in taking such measures as may be necessary to promote the effective regulation of the weekly and daily hours of persons to whom the Hours of Work and Rest Periods (Road Transport) Convention, 1939, applies, should consider the following methods:

(a) the active encouragement of voluntary joint collective machinery established by agreement between the employers' and workers' organisations concerned; or, failing this,

(b) the establishment of statutory machinery operated in consultation with such organisations.

APPENDIX XV.

Recommendation concerning Rest Periods of Professional Drivers of Private Vehicles.

[Formal preamble has been omitted.]

Whereas the Hours of Work and Rest Periods (Road Transport) Convention, 1939, authorises the competent authority in each country to exempt from the application of the Convention persons who drive private vehicles used solely for personal services;

Whereas the exercise by the competent authority of this power of exemption should not result in depriving professional drivers of private vehicles of the rest periods to

which they are no less entitled than the persons who may not be exempted from the application of the Convention; and

Whereas for reasons of road safety, it is necessary to apply provisions relating to rest periods to professional drivers of private vehicles;

The Conference

Recommends each Member of the International Labour Organisation to draw up regulations applicable to professional drivers of private vehicles used solely for personal services providing for the observance of minimum daily and weekly rest periods.

Statement.

The following statement gives particulars of the course which the Government of India propose to follow in respect of the Draft Conventions and Recommendations adopted by the Twenty-fifth Session of the International Labour Conference held at Geneva in June 1939 :—

I. (a) Recommendation concerning Vocational Training.

(b) Recommendation concerning Apprenticeship.

The Government of India are in full sympathy with the Recommendations, but it is not at present possible to give effect to them in India. They propose however to examine the whole system of technical training and apprenticeship, in consultation with Provincial Governments when some experience has been gained of the working of the scheme for the training of skilled artisans for war purposes which is now being put into effect as a result of the recommendations of the Technical Training Enquiry Committee.

II. (a) Draft Convention concerning the regulation of written contracts of employment of indigenous workers.

(b) Recommendation concerning the maximum length of written contracts of employment of indigenous workers.

(c) Draft convention concerning penal sanctions for breaches of contracts of employment of indigenous workers.

(d) Recommendation concerning labour inspectorates for indigenous workers.

No resolution will be moved on the Draft Conventions and Recommendations. The provisions of these Regulations are not applicable to India and therefore the Government of India do not propose to ratify the Draft Conventions or accept the Recommendations in question.

III. (a) Draft Convention concerning the recruitment, placing and conditions of labour of migrants for employment.

(b) Recommendation concerning the recruitment, placing and conditions of labour of migrants for employment.

(c) Recommendation concerning co-operation between states relating to the recruitment, placing and conditions of labour of migrants for employment.

No resolution will be moved on the Draft Convention and Recommendations. The Draft Convention and Recommendations impose on a country ratifying and accepting the same obligations in respect of (1) emigration from that country and (2) immigration into that country. As far as (1) above is concerned the Indian Emigration Act and the Rules framed thereunder practically cover all the requirements of the Convention and Recommendations, and the ratification of the Convention and the acceptance of the Recommendations will not be of any special advantage to India. As regards (2) though at present there is no organised, or unorganised immigration on a large scale into India, the Government of India do not consider it advisable to undertake the obligations involved in this respect. In the circumstances explained above it is not proposed to ratify the Draft Convention or accept the Recommendations in question.

- IV. (a) Draft Convention concerning the Regulation of Hours of Work and Rest Periods in Road Transport. No resolution will be moved on the Draft Convention and Recommendations.
- (b) Recommendation concerning Individual Control Books in Road Transport. The Draft Convention is applicable to—
- (c) Recommendation concerning the Regulation of Night Work in Road Transport. (a) persons who drive, in a professional capacity, a road transport vehicle; and (b) attendants and other persons who travel with a road transport vehicle in a professional capacity connected with the vehicle, its passengers or its load.
- (d) Recommendation concerning the Methods of Regulating Hours of Work in Road Transport. It provides for a 48-hour week, an 8-hour day and for not more than 5 hours continuous driving.
- (e) Recommendation concerning Rest Period of Professional Drivers of Private Vehicles. In India, the Motor Vehicles Act, 1939, provides for *employee drivers of transport vehicles only*, a 54-hour week, a 9-hour day and not more than 5 hours work without an interval of at least half an hour's rest. In the existing conditions in India the Government of India do not consider it practicable to make a further reduction in the daily and weekly working hours of drivers or to extend the scope of the Motor Vehicles Act so soon after its coming into force. They, therefore, do not propose to ratify the Draft Convention or to accept the connected Recommendations (b), (d) and (e). Recommendation (c) is independent of the Draft Convention but it has no application to present Indian conditions and would be difficult to enforce. The Government of India, therefore, do not propose to accept it either.

THE EXCESS PROFITS TAX (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I present the report of the Select Committee on the Bill to amend the Excess Profits Tax Act, 1940. In this connection may I mention that it is proposed to take this business up, if you so direct, Sir, on Wednesday. I understand that there is a general feeling that this might suitably be done on Wednesday and that no objection is likely to be taken to that course, and I would, therefore, ask, Sir, that you direct that a meeting be held on Wednesday for this purpose.

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot dispense with the Standing Order. That matter is not before the House at present, but the Honourable Member can apply when the motion will be taken up: the Chair cannot give any direction at present.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House): Sir, the request of the Finance Member was that you may be pleased to direct that there shall be a meeting of the House on Wednesday.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thought there was a meeting of the House?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Chair is sorry. Very well, there will be a meeting of the House next Wednesday. Is not there a meeting tomorrow?

The Honourable Sir Muhammad Zafrullah Khan: A meeting is not yet fixed.

Mr. President (The Honourable Sir Abdur Rahim): There will be a meeting on Wednesday, the 27th November.

THE INDIAN SALE OF GOODS (AMENDMENT) BILL.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour): Sir, I move:

"That the Bill to amend the Indian Sale of Goods Act, 1930, be taken into consideration."

Under the Indian Tariff Act there is a provision, section 10, whereby the burden of any new import or excise duties or the burden of any increase of such duties or the benefit of a decrease in these duties is passed on either to the seller or to the purchaser as the case may be, provided there is no contract to the contrary entered into beforehand. Section 10 of the Act provides that if customs or excise duties are increased and there is no provision made in the sale of contract before, that increased customs or excise duty will be paid by the purchaser, but if, on the other hand, there is a decrease after the contract has been entered into and there is no provision to the contrary, then the purchaser will get the benefit of it and the seller will get the cost of the goods less the decrease in the customs or excise duty. And it is only fair that it should be so because what the seller is selling and the purchaser is buying is the goods at a certain value and any increase or decrease cannot affect the real inherent value of the goods. Now, this provision was inserted in the Indian Tariff Act, section 10. A Judge of a High Court has held, basing his view on the preamble of that Act, that a reduction or increase in the excise duty for a sale inland in the country itself cannot come under the scope of section 10 of the Indian Tariff Act. The preamble to the Indian Tariff Act says:

"Whereas it is expedient to consolidate the law relating to customs duties on goods imported into or exported from British India by sea and to customs duties on goods imported into or exported from British India by land, it is hereby enacted as follows."

Since a sale of a commodity in the country itself by one seller to a purchaser without the goods going across the land or sea frontiers of the country cannot be considered as coming under the Indian Tariff Act, a Judge of a High Court has held that the benefit of this provision of section 10 cannot pass either to the purchaser or the seller as the case may be. The scope of the Act is limited by the preamble, so the Judge has held; and, therefore, this section does not apply. Now, it is obviously anomalous that where an excise duty has been increased the burden of it should not pass to the corresponding party just as in the case of a sale outside the country. It is, therefore, proposed that a new provision should be introduced on exactly the same lines under the Sale of Goods Act, whereby all these difficulties about the scope of the Act may be removed. Sir, I move.

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

"That the Bill to amend the Indian Sale of Goods Act, 1930, be taken into consideration."

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, may I ask a question from the Honourable Member? He has just now referred to section 10 of another Act but he has not mentioned the significance of the lines mentioned in that Act. We would like to know what they are.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The Bill is before the House. It is exactly the same provision that is sought to be inserted into the Sale of Goods Act. It is being taken from section 10 of the Indian Tariff Act and that section is hereby proposed to be repealed.

Mr. Lalchand Navalrai (Sind: Non-Muhammādan Rural): Sir, I quite appreciate that it is very equitable that when the duty is increased or decreased, allowance should be given to the seller or the purchaser as the case may be. It is also equitable, as I understand from the Honourable Member, that this amendment will not have any retrospective effect. I believe I am correct in saying that.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Yes.

Mr. Lalchand Navalrai: Then, I want to understand this point whether under the Tariff Act they have not been getting this sort of allowance if there was a change in duties. I understand that under the Tariff Act they have been getting these allowances up to this time. In that case, all that is being done is that from the Tariff Act it is going to be brought to the Sale of Goods Act. I would like to know whether it was only one decision of the High Court that on account of the preamble of the Tariff Act no benefit can be taken of the decrease or increase? I would also like to know whether such a decision has also been given by other High Courts. Then, there is another question. Have many such cases happened in connection with the excise under the Tariff Act that a change in the law has been necessitated? If there have been only one or two such cases, then this change need not be made. But if the Government are satisfied that the preamble is wrong, then I shall have no objection to the present Bill. But I would certainly like to know whether this change has been necessitated only by one or two cases or there have been many such cases where this benefit has been refused.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): On a point of order, Sir. I am not very clear about one thing and I want your ruling. If we want to transfer bodily one section of one Act to another Act, is it necessary in that case to have two different Bills, one Bill to insert a particular section in an Act and another Bill to delete a particular section from another Act, or is one Bill sufficient to cover both these things?

Mr. President (The Honourable Sir Abdur Rahim): It is not a point of order, and, therefore, The Chair cannot give a ruling.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, in the first place, the provision is invoked only when there is not a contract to

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the contrary. If the contracting parties safeguard themselves by a provision to this effect, then it does not go to a court at all. This case arises only when they do not have that safeguarding provision in the contract. There have been scores of cases where this point has not been taken and where the provision of that section has not been challenged and the parties have got the right to have their case equitably adjudicated upon by a court of law. But this point has now been taken to a High Court which has held that, following the preamble of the Indian Tariff Act, the word 'excise' there can only be interpreted to mean 'excise duty' if the article is exported out of British India or not. Therefore, it has become necessary to clear the law on this point and to provide under the Sale of Goods Act this very provision.

Mr. Lalchand Navalrai: But there is no such provision here that unless it is contrary to the contract between them.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: It is there. Clause 2 of the Bill says:

"In the event of any duty of customs or excise on any goods being imposed, increased, decreased or remitted after the making of any contract for the sale of such goods without stipulation as to the payment of duty where duty was not chargeable at the time of the making of the contract, or for the sale of such goods . . ."

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

"That the Bill to amend the Indian Sale of Goods Act, 1930, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE NEW DELHI MOSQUE BILL.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lande): Sir, I do not propose to move this motion* today.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I move:

"That the Report of the Public Accounts Committee on the accounts of 1938-39 be taken into consideration."

*"That the Bill to provide for the expenditure of certain sums of money deposited in the Court of the District Judge, Delhi, on buildings for and in connection with a mosque in New Delhi, be taken into consideration."

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

"That the Report of the Public Accounts Committee on the accounts of 1938-39 be taken into consideration."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, this is not a matter which could be treated without making speeches on it or pointing out the various defects in it

The Honourable Sir Jeremy Raisman: I have verified that it is usual in making this motion not to make a speech.

Mr. Lalchand Navalrai: Last time when the report of the Public Accounts Committee for 1937-38 was taken into consideration, I spoke on it and several other Honourable Members spoke on it.

The Honourable Sir Jeremy Raisman: But not the Mover.

Mr. Lalchand Navalrai: Sir, I wish to speak on two items. They will be found on page 1 of the Report. One is Appendix IV which contains a Memorandum on the experimental transfer of the Railway Accounts Department to the General Manager. The second item refers to the note on the Railway officers saloons and reserved carriages. Now, Sir, the transfer of the Chief Accountant's office to the control of the General Manager is a matter which has been from the very beginning considered in a manner which required investigation. It was pointed out in the very beginning that after the audit and accounts were separated, it was still necessary that the Chief Accounts Officer should remain under the control of the Financial Commissioner and the Controller of Accounts. It was pointed out in the very beginning that to give control over the head of the Chief Accounts Officer in the hands of the General Manager was wrong. That would amount to giving the scrutinising officer of accounts under the control of the very person whose offices and whose accounts are to be scrutinised. The Auditor General raised this question for the first time and he was of the opinion that it would not be right that the control should be given to the General Manager. But pressure was brought upon him and he agreed with the Government to transfer the control to the General Manager as an experimental measure in two railways. It was pointed out by the Public Accounts Committee as well as this House that such transfer of control to the General Manager would be wrong. The Government agreed that it should be tried as an experiment only. It is, however, a well-known policy of the Government that once they embark upon an experiment, they stick to it later on however rotten and unreasonable the scheme might be. That has happened in the present case also. The Government have minced matters and I shall show to the House by reading extracts from the Report to show that the control of the General Manager has really resulted in loss of efficient check of accounts. The Government no doubt have tried to prove that there is nothing wrong in the transfer of control. They even go so far as to say that this scheme should be extended to all the State-managed railways and, perhaps, to the Company-managed railways as well. The point is this. Has it been proved that the experiment has had success? Has it been proved that the objections which were originally raised were all futile? That is not so. When you give the control of accounts into

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the hands of the Controller of Railway Accounts and the Financial Commissioner as well as the General Manager, this means that such division of control would not prove successful. This would on the contrary bring clash between the General Manager and the Chief Accounts Officer. I strongly object to tinkering with this matter in this way. If we are going to give the control to the Controller of Railway Accounts and the Financial Commissioner, then the difficulty will be over. If the General Manager also is empowered to control the Chief Accounts Officer, then the result will be that the Chief Accounts Officer will not be independent. He cannot have his accounts scrutinised in a manner which would not give the impression that he is subservient to his boss, the General Manager. Such scrutiny would be wrong and partial.

Now, Sir, in the book of Introduction to Audit and Accounts, the principle is laid down of providing an Agency answerable to the Legislature. They take all expenditure and receipts according to the executive orders. Now, after the change of accounts and audit, we have the Chief Accounts Officer becoming also the Financial Adviser. This policy of putting the Chief Accounts Officer under the General Manager both financially and administratively is wrong. That would be going contrary to the fundamental principle laid down by Government. It might be said there is the Audit Department separately and that would have the upper hand and the scrutiny will be done there. No; the initial scrutiny and careful scrutiny such as is required to be done—as I will presently read from the Report—will have to be done by the Chief Accounts Officer. So far as the audit is concerned, what do we find? We find that in the audit office, it is not all the accounts that are re-examined or scrutinised or found fault with, but only a percentage, that is about ten per cent. It is no remedy to say that the audit officer is there ultimately to examine a few cases here and there and find out if there is anything wrong and this does not justify the Government subjecting the Chief Accounts Officer to the control of the General Manager. The second objection with regard to that is that the audit office has not got to do the initial examination but a post-examination. And we know how cursorily that is done. Although I do not say there is no responsibility, still there is a difference between initial examination and post-examination.

Then I say that this Chief Accounts Officer whose responsibility is there

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not repeat himself so often.

Mr. Lalchand Navalrai: I am saying that it amounts to this that you are keeping the examiner under the control of the examinee. The General Manager is the examinee

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said all that before.

Mr. Lalchand Navalrai: I am saying that the result will be that the examinee will be the boss of the examiner. Then, on page 79 of the

Report, it is said :

"In regard to the particular issue alluded to by the Committee last year, namely, the importance of ensuring that the conditions of service of the accounts staff are such that they should be free to maintain a critical, though of course impartial, attitude both in financial cases and in the exercise of internal accounts"

This is what was required,—a critical examination, and in the experimental stage it was to be inquired into as to how it could be done without prejudice or harm. Then, they say :

"Paragraph 4 of the Auditor-General's report indicates the broad lines in which he considers that action should be taken to secure this object."

With regard to this, we find in page 81 :

"The Controller of Railway Accounts as the professional agent of the Railway Board should continue to organise, train and control, at any rate professionally, the railway accounts establishment as a whole. He should be responsible for their professional efficiency and for the correctness of the accounts and accounting procedure. To secure this there should be free communication of every kind between the Controller"

Mr. President (The Honourable Sir Abdur Rahim): That book is in the hands of every Honourable Member and the Honourable Member need not read out long passages. The Honourable Member may refer to the paragraph and make any comment he likes.

Mr. Lalchand Navalrai: This passage, Sir, is important with respect to the point at issue. The second paragraph is also pertinent to the point. They say that there will also be professional control to some extent in the hands of the General Manager. It is important and I think, Sir, you will allow me to read a portion at the end.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member apparently has not read it himself. The Honourable Member may make any comment he likes, but the book being in the hands of every Member he is not entitled to read out long passages.

Mr. Lalchand Navalrai: If it can be shown that the Auditor General himself thinks the system to be bad, I think I will be allowed to read that portion.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can make any criticism he likes.

Mr. Lalchand Navalrai: The last portion of page 81 shows clearly that there is no marked change for the better in the relations between the Chief Accounts Officer and the General Manager. What they now want is that the control should remain as it is and it should extend elsewhere. That is what I object to. The purpose of crystallising the whole question is that they want the accounts knowledge to be given in that way to the General Manager. But he is busy with lots of other work, and this is not a training school for teaching the General Manager. Apart from that, on the administrative question the matter remains as before and the objection stands good. This is with regard to the establishment of the Chief Accounts Officer. It amounts to this that at present the work of the Chief Accounts Officer is being controlled by the

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Deputy General Manager and all other officers under him whereas henceforward the establishment will be under the Chief Accounts Officer. So what is the change? The change is that the Chief Accounts Officer is to be in the place of the Deputy General Manager. It makes no change at all; on the contrary it makes the thing worse.

With regard to the establishment, it is true they give him the administrative control, with regard to punishment and other matter, but the upper hand will remain with the General Manager. But these appointments of the staff are interchangeable. So that the staff might at any time be transferred or may ask for transfer to other departments of the railways and the boss will be the same. So how can they do it impartially and critically? I, therefore, say that the reasons and explanations given are a mere eye-wash, and it is necessary that the Chief Accounts Officer should be removed from all control of the General Manager.

Mr. B. M. Staig (Financial Commissioner, Railways): Sir, as the House is aware, the experiment the results of which were before the Public Accounts Committee and the correspondence concerning which is reproduced *in toto* in the volume now before us, was instituted after a recommendation by the Railway Inquiry Committee of a few years ago. It pointed out that the peculiar position of the Accounts Department *vis-a-vis* the rest of the railway which then obtained was on the whole prejudicial to the sound administration of the railway and tended to disturb the harmonious relations between the various branches of the Railway Administration; it also had possibly a tendency to weaken the General Manager's sense of responsibility for the financial side of his administration. In initiating the experiment, we had in view the emphasising of the fact that the general manager was, subject to the Railway Board, the Financial Controller of the Railway Administration. The criticism has been made that that step tended to weaken the system. The safeguard imposed to prevent any weakening was that the Chief Accounts Officer or Financial Adviser has the right, should he differ from the General Manager on any important financial issue, to refer it through the General Manager in his own language for the orders of the Railway Board. This secures to him an adequate measure of independence.

The Honourable Member also referred to dual control. He stated that the accounts staff were under the control of the General Manager but that the Controller of Railway Accounts had also some share in the control of the Chief Accounts Officer. In fact there is really no dual control at all. The professional standards required of members of the Accounts Department are the responsibility of the Controller of Railway Accounts, not of the General Manager of the Railways,

Mr. Lalchand Navalrai: Wholly and solely?

Mr. B. M. Staig: Wholly and solely: they are in charge of the Controller of Railway Accounts. The General Manager has
12 noon. nothing to do with the professional standards required of the accounting staff under him. Also the Controller of Railway Accounts' power of inspection as the technical adviser of the Railway Board in accounts matters has been completely retained; and the General Manager has no power whatever to interfere with the structure of accounts which is a matter for the orders of the Railway Board. The General Manager

is, however, responsible for the general administration of the Accounts Branch, as for all the other branches of his railway. The procedure we have followed is in general keeping with that adopted by business firms. The head of the concern has at any moment available to him the technical and financial advice of his Chief Accounting Officer, who is responsible to him and not to some authority outside. We feel that what we have done is in the best interests of the harmonious working of the administration. The matter has been considered at great length by the Public Accounts Committee, and I would ask the support of the House for the confirmation of the experiment as advocated by the Public Accounts Committee.

Dr. Sir Ziauddin Ahmad: (United Provinces Southern Divisions: Muhannadan Rural): Sir, It is customary that the debate on the Public Accounts Committee Report is initiated by a Member of the Public Accounts Committee, as they are the persons knowing the details of every item in the Report and they can give us a lead and we could follow that lead: that has been the tradition here for a long time; but I notice that not a single Member of the Committee got up today to open the debate and enlighten us as to the work they have done as our representatives there. In the absence of any such guidance, Mr. Lalchand Navalrai went his own way and I am forced to follow my own way as well.

Sir, I read with great care the two volumes supplied to us, and I notice that volume 2, the evidence volume, is really much more valuable and it gives the questions and answers on various points.

The first point to which I wish to draw attention is at page 8 of vol. 2, where the following occurs: Sir Raza Ali says:

"Two points arise out of this statement, so far as I can see. The first point is that it relates to the year 1938-39 when no rise in the cost of materials could be anticipated."

The Chairman replied:

"No, there was re-armament going on in Europe already in 1938. The prices of steel had gone up and they were still rising. The Munich crisis occurred in September, 1938."

Sir Raza Ali said: "But I thought that the prices did not rise till about the middle of 1938".

The Chairman remarked: "The prices rose in anticipation. The Tatas had been doing very well for a couple of years before the war broke out owing to the re-armament campaign in Europe."

This is the opinion of the Finance Member. May I then ask him to explain why did he insert section 6(2) (d) in the Excess Profits Tax Act in the light of the remarks he has made here and why he has not moved its deletion now?

The second point that I wish to mention is about the manufacture of engines—page 11 of the Report. Mr. Staig says:

"The activities of the workshops at Ajmer, which have hitherto been confined to the production of metre-gauge locomotives, have, however, been expanded and twenty broad-gauge locomotives of a small type are to be made there."

I welcome this statement but I would like to point out that even now we are not making full use of the workshops at Ajmer. It is quite possible to meet all the requirements of the metre gauge. Their engines can

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be manufactured in the Ajmer workshops, and I am sorry to note that even now some of these engines were ordered from abroad. If the Honourable Member will make enquiries, he will find that all our requirements, at least for the metre gauge, can be met in full here.

The next point is at page 10 of the Auditor's Report, about ballasting. The Auditor's Report says:

"Coming to the accounts of individual Railways, attention is invited to the excess of about 5½ lakhs on the North Western Railway explained as due to failure to provide for the ballasting programme . . ."

The discussions on page 12 of the Report of the Public Accounts Committee are:

Mr. Ramsay Scott : Why was there this failure to provide for the ballasting programmes?

Mr. Sanjara : It was a case of pure misapprehension on the part of the North-Western Railway. It was a mistake.

Mr. Scott : But it must have gone through several hands. Somebody ought to have noticed this.

Chairman : It is an instance of want of co-ordination.

Mr. Staig : Now that special attention has been drawn to these mistakes and that the Controller of Accounts and the Chief Accounts Officer are watching the situation, we may hope that they will not recur.

Mr. Wilson said later on:

"It was extremely difficult for railways to decide which were wholesale and which were partial renewals. Since then the matter has been cleared up and now ballast renewals are being debited to depreciation."

Two points arise out of this. The first is that the Chief Commissioner himself said that he could not decide whether a particular item should be debited to revenue or to depreciation fund: It was exceedingly difficult: Now, this is a point I have been hammering on for the last three years, because this division between the revenues and depreciation is purely artificial. You have created this difficulty for yourself by wrong accountancy, and you now find it exceedingly difficult to say under what heading this item should be put. This is not the solitary item, but there are many other examples in which it has been a problem for you to say under what head it should be put down. It is not a difficulty inherent in the problem itself, and I say that the difficulty is of your own creation. You ought to have got rid of it much earlier and followed a better method of accountancy by giving up Depreciation Reserve Fund altogether and absorbing it in the general revenues. I have said repeatedly that this method of depreciation is an absolutely wrong system, and if you follow the practice of other countries, these difficulties would disappear.

Then, the next point to which I should like to draw the attention of the House is this. My friend, Mr. Abdul Ghani, has drawn attention to it at page 14 of this Report on the question of Appropriation Accounts, —page 14, of Volume II. This is what my friend, Mr. Abdul Ghani, said:

"This practice appears to be confined to the revenue grants only, but it is suggested in view of the excesses in 1938-39, that it may be extended to the Open Line Works Grant also. I would like this to be incorporated in the report."

Chairman : The question is whether your object is to get the work completed with reasonable expedition or to conform as closely as possible to the budget appropriation. In the case of revenue heads, it may be considered to be of primary importance that the expenditure should not exceed the grant, but in the case of capital

head works and open line works, the question is whether you want to hold up the works in order to avoid the excess or whether you wish to allow them to go on with the work, although you realise that it may result in an excess. That is the practical point at issue."

Now, Sir, the point raised by my friend, Mr. Abdul Ghani, was entirely misunderstood by the representatives of the Railways. What he really wanted was that you should follow the practice adopted by the Standing Finance Committee. We know that whenever any proposal comes up, then there are several columns, and in one column we say whether a certain thing is complete by itself, how far we are committed in a particular year and how far the commitment stands in the next year and so on. If these things are well known to us, that is to say, if we know what is the total cost of the entire scheme, how much of it is to be spent this year, how much in future years, if the scheme receives sanction as a whole, and not in parts, then this difficulty would not arise. Whether you spend in March or in April, we will not raise any objection, but our objection is that you produce before us only a portion of the scheme which you have contemplated this year, and we do not know what the completed scheme would be and what would be the scheme next year. That was the objection raised by my friend, Mr. Abdul Ghani. Our point is, whenever you have any scheme of open line works or new construction, then you should place the entire scheme before us, tell us definitely how much portion of it is expected to be completed this year, and how much is reserved for next year, and if a small portion of it is left over, it does not matter. My point is that the system of taking votes

The Honourable Sir Jeremy Ralsman: I understand that the Honourable Member is entirely inaccurate. The information which he desires is furnished in the Civil Works programme which gives information precisely in the form in which he mentioned

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): The fact is, it was the suggestion of the Audit Department, and I wanted it to be noted in the Report of the Public Accounts Committee, but, unfortunately, it was not.

Dr. Sir Ziauddin Ahmad: My point is that in future they ought to follow the example of the Standing Finance Committee, and give us information in the form in which it is given there.

Then we come to the question of the amortisation fund raised by Mr. Scott. This he said ought to be debited against depreciation fund,—that is the question relating to dismantling of railway lines. It is rather an important question of accountancy. Whenever you dismantle any particular railway line, then there is definite loss of capital,—there is no doubt about it at all. How is this capital to be reduced? Certainly, if you pay it out of the depreciation fund, then the total capital is there, it is not diminished, and then you will have to put down a sum against such depreciation, because the question depreciation will depend on the question of capital: The rule is 1/60th of the capital at charge should be taken for depreciation. Therefore, it is very desirable that whenever there is any dismantling of a particular line, there ought to be a writing off of the capital and that Capital ought to be paid out of the amortisation fund. This point was raised by my friend, Mr. Ramsay Scott, and it was not pursued further. I wish he had pursued this point of amortisation fund

Mr. J. Ramsay Scott (United Provinces: European): I think the question of amortisation fund is a question of policy of the Railways. That is one of the things that we are not entitled to discuss for a long time.

Dr. Sir Ziauddin Ahmad: I thought that you were not to confine yourself in the Public Accounts Committee to arithmetical work, to see whether the totals are correct or not. You really ought to initiate discussions on every aspect of the problem, and I thought that the question of amortisation fund was one of the problems which the Public Accounts Committee could very well have dealt with. I am really sorry that my friend did not pursue this matter further. Better luck next year. Whenever we remove any railway line, it is very necessary that we should write off the capital against it, because the capital no longer exists, and to put it under depreciation is a very great misuse of the depreciation fund. There are many businessmen in this House and they will corroborate what I say. This fund is intended to keep a particular thing in perfect order. It is intended for writing off the capital. On these grounds I strongly object to this method of accountancy, and I am sure every accountant will support me. I suppose my friend, Sir Homi Mody, also will agree with me.

Now I draw the attention to over-expenditure. I wish to draw attention first to page 14 of the Auditor's Report, where the question of excess of expenditure over estimates is discussed. At page 14 he has given the number of item and the amount involved in which there was a want of estimate, that is, where the expenditure was greater than the estimate. In the year 1936-37 the amount involved was Rs. 29,80,000, it increased to Rs. 45 lakhs in the following year, and in the last year it rose to Rs. 81,75,000. On this the Auditor-General remarks:

"The percentage of expenditure held under objection on this railway has increased from 0.64 in 1937-38 to 2 in 1938-39", that is, alluding to the East Indian Railway."

We had been complaining year after year that our estimates should be correct and that the expenditure should not exceed abnormally the estimates which are framed. At page 16 of the report, we find:

"In this connection the Auditor General stated that the few frauds reported during the year were mostly due to dishonest action on the part of officials which the inspecting staff had failed to detect . . . The Committee while agreeing that such cases were bound to occur in the administration of any large commercial undertaking desired that special care should be exercised before embarking on such schemes of expansion in future."

The Committee agreed with the Auditor-General's final conclusion.

The next point that I would like to take up is the point raised by my Honourable friend, Mr. Lalchand Navalrai, that is, as regards the enhanced duties of the Accounts Officer attached to the various railways. They themselves have said that these duties are being now extended, but it is very desirable that if you extend these duties of the Account Officers you have to employ a class of men, men of calibre, persons who can keep up the reputation of the service to which they belong and which I praised so much on the occasion of the discussion on the Finance Bill. But I am sorry to say that this is not the case with the Chief Accounts Officer of the North-Western Railway. The other day my Honourable friend knew that he got a pass under wrong pretences. If the Chief Accounts Officer in the North-Western Railway misuses the pass and gets a pass under wrong pretence, then it is certainly a very serious offence. I know of about half a dozen cases where men getting Rs. 20 or 30 a month were

dismissed because of slight irregularity in the use of the P. T. O., but in a matter of this kind where it is the Chief Accounts Officer of the North-Western Railway who is concerned, it is certainly unpardonable. The other day we have seen the case of scandal at Quetta.

The Honourable Sir Jeremy Raisman: I should like to know what are the facts to which the Honourable Member is referring. He said "The Honourable Member knew". I have no knowledge whatever of the matter.

Dr. Sir Ziauddin Ahmad: You make enquiries and if you find it correct, take action. I am certain I am right.

The Honourable Sir Jeremy Raisman: I do not think the Honourable Member should refer to a matter of that kind as if the facts were established and accepted by this side of the House.

Dr. Sir Ziauddin Ahmad: If you like me to give details I can give details also. If you are prepared to make enquiries I will give you facts.

The Honourable Sir Jeremy Raisman: If the Honourable Member is making a charge that a particular officer acted in a highly irregular manner, I think the facts should first be brought to the notice of the Government before they are discussed in that allusive way in this House.

Dr. Sir Ziauddin Ahmad: I will do this as well. The other point is,—the Honourable Member also clearly knows about another Accounts Officer whom he has shoved on to the Eastern Bengal Railway. He has not the records which a Chief Accounts Officer should possess. If you are going to give enlarged powers to the Chief Accounts Officers, you have to take very great care in the selection of personnels and see how these powers are exercised; I think control from the centre on all important issues is very necessary and it is desirable that it ought to be maintained. I have given notice of a motion of adjournment of the House, so I do not want to deal with the question now as I am going to mention the facts in connection with the motion for adjournment which I hope will come for discussion tomorrow or whenever the House meets again. This requires very serious consideration and I think that any relaxation of control from the centre will lead to serious difficulties in the administration. I may safely say this because this thing has already been published, because there have been serious cases of embezzlement in the case of the North-Western Railway. I leave the question of the railways now. I do not like to go through all the departments of the Government of India, but I would like to mention one particular point, and that is about Woolley's Report. It is mentioned here that they are taking this Woolley's Report into consideration, and until I have some definite statement on the floor of the House or at some other place, I reserve my judgment about the action taken there. I take the decision of the Public Accounts Committee as it is there, for the time being. Generally I think it is very desirable that the Public Accounts Committee should lay greater details and go through the problems more thoroughly and take all aspects of the question, because by this method alone we will have an opportunity of discussing the report on the floor of the House. The tradition is that we cannot discuss any matter and every matter on the floor of the House unless it is

[Sir Ziauddin Ahmad.]

mentioned in the Public Accounts Committee's Report. Any problem on which they desire discussion on the floor of the House should be mentioned in the Report.

Maulvi Muhammad Abdul Ghani: My Honourable friend, Sir Ziauddin Ahmad, has laid a charge against the members of the Public Accounts Committee for not initiating the debate. I was just out when my Honourable friend, Mr. Lalchand Navalrai, spoke, and when I wanted to rise, my Honourable friend, Dr. Sir Ziauddin Ahmad, stood and I did not like to interrupt him. We tried our level best while sitting in the Public Accounts Committee to deal with this question of

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better speak up. Otherwise he would not be heard.

Maulvi Muhammad Abdul Ghani: As a member of the Public Accounts Committee and as a Member of this House, I am impressed that the Railway administration requires a stricter financial control because every year we are supplied with a long list of irregularities prepared by the Financial Commissioner of Railways and that report is very authenticated and I wish that the same should continue, though there is a recommendation against it. We find from the report very valuable informations as to how the various administrations are behaving and what negligence they are committing. If we look to Annexure "A" of the Appropriation Accounts of Railways in India for 1938-39, we find that it deals with the statement of unsanctioned expenditure. The amounts under this head comes up to Rs. 83,47,000. Cases of irregularities, want of estimates and excesses make up this amount. There is a long list under this head, say, Annexures A (i), A (ii) and A (iii), which clearly shows the way in which the various railway administrations deal with finances. Herein it is mentioned that estimates are not prepared, not even sanctioned, work is completed and, in some cases, it is said that on completion of the work, a report will be submitted and the expenditure will be regularised through the completion report. I fail to understand how after such a long time the expenditure will be regularised. There are cases as far back as 1936-37 and we were in 1938-39 and up to the moment no action was reported. The total amount held under objection amounts to Rs. 65,70,000. Percentage is .58 against .43 in 1937-38. Refer page 1 of the Report of the Evidence. There was a question about the abolition of saloons which are unnecessary. The number was given out as 718, out of which there is a programme for scrapping out 71 saloons, that is about ten per cent. However, a report was submitted later which forms Appendix III, on page 78 of the Public Accounts Committee Report as Appendix III. Therein it is said that some of the saloons will be scrapped after a period of five years. I cannot see, when they are not required, especially in the interest of economy, why should not they be scrapped as soon as possible and I fail to understand why a period of five years should be fixed in their case. Last year, when I was dealing with the Public Accounts Committee Report, I pointed out to you that there is a great misuse of these saloons, so much so that a band-master at Jamalpur was also supplied with a saloon and for that the Railway Administration

had to bear much expenditure. So practically speaking, these saloons are not required in as large a number as they are today. The sooner the unnecessary number of them is removed the better.

As regards the passes, I was urging in this House that the grant of free passes to railway officials and employees is a nuisance and mere wastage of public money. It is not a question of benefit only. There is a great deal of misuse. The number of passes issued every year by the administration is increasing year by year. A few years ago the number was given and it amounted to more than 8 lakhs of passes, issued for all classes of carriages, first, second, inter and third class and if you take an average of Rs. 20 a pass, it amounts to more than a crore of rupees. We are tapping every source, we are putting pressure on the travelling public to get money to make the two ends meet but we are forgetting to take care of these economies. I think the Railway Department should look into the matter and the issue of passes should be stopped as much as possible.

The question of the post of Director of the Botanical Survey was taken up. This post has been retained but I do not think that the services of the Director are required in the interests of the public, especially as all work relating to cinchona was transferred, when Burma was separated from India.

In connection with the amounts held under objection, I may point out that there is a large amount of under-charges which was detected during audit; out of which even after realisation, a sum of Rs. 29,874 was still left uncollected. That amount relates to the year under review. As I was submitting the Railways should be a little more careful in spending money.

As regards postal irregularities, the Committee has taken note that they would exercise greater control in giving contracts of treasuries. There was a case of a loss of Rs. 50,000 at Calcutta and I hope the Department of Communications will also see to the recommendations of the Committee being implemented and that no such cases recur again. It was brought to the notice of the Committee that a non-official was usually being appointed as Agent to the Governor-General in South Africa, but the present incumbent is one whose salary is non-voted. It was our privilege that the salary was voted by this House, but now it has been made into a non-voted item. I think the Government will see that in future the advantages which were given to the non-officials should not be taken away and no amount which was once votable by the Assembly should be made into a non-votable item. A non-official gentleman should always be appointed as Agent in South Africa.

There was another case of expenditure which was sanctioned for the construction of a pilgrim camp at Karachi. The money, say, Rs. 1,29,000 was sanctioned and it was to be met out of Kamran Quarantine fund. However, it came to our notice that the construction was stopped as a measure of economy on account of the war. We pressed this matter before the Public Accounts Committee for its serious consideration and we recommended that the pilgrims camp should be erected at Karachi soon. I cannot say whether it has been constructed since. This is very necessary in the interests of the poor pilgrims. Expenditure on such useful items

[Maulvi Muhammad Abdul Ghani.]

should not be curtailed as a measure of economy. I was till now under the impression that only the Military Department was responsible for wasteful expenditure, but I now find that the Railway Department has taken the lead. With these words, I resume my seat.

The Honourable Sir Andrew Olow (Member for Railways and Communications): Sir, I should like to make a few remarks about the observations which have fallen from the Honourable Member who has just resumed his seat, as he referred in the course of his speech to one or two points concerning the Railways. As regards saloons, he is of course familiar with what is entered in Appendix III to the Public Accounts Committee Report which shows that consideration has been given to this question. I gather that the Committee was on the whole satisfied that this question was receiving the attention which it deserved. I would remind the Honourable Member that we are not constructing saloons now, but largely using the stocks which possibly in the old days were a little more numerous than they need have been.

But the more important question which he raised was that we should abolish passes on the railways. I think he made that also in an earlier speech last week. We have in recent years done a good deal to reduce the passes; we made, I will not say great but quite appreciable reductions a few years ago. One of the consequences was a series of protests in this House including from an Honourable Member who is not sitting far away from my Honourable friend, Maulvi Muhammad Abdul Ghani.

Mr. Lalchand Navalrai: I differ from him.

The Honourable Sir Andrew Olow: If I were to abolish passes altogether I should spend the rest of my official life answering questions in this House. Actually, in the light of the opinions expressed in this House, we relaxed our cuts in passes to some extent, but not to a very large extent, and we also later made important reductions in the future scale for officers. But I do not think it would be reasonable to abolish passes or to encroach upon them very appreciably at present. After all, a pass is a very useful way of giving an employee something that has a profound value to him, but it does not cost us a corresponding amount. In other words, it is part of his remuneration, but a part in which normally speaking he gets, if I may put it in Irish fashion, more than we pay. These passes are greatly valued by our employees and they do form, I think, an incentive to good men to enter railway employment. They also assist our employees to take holidays, and, thereby, to keep themselves fit. As railway servants, it must also be remembered that they are subject to the inconvenience of frequent transfer, sometimes to long distance from their homes and it is surely unreasonable that they should not be given facilities for travelling to their homes. I think the system of passes is prevalent in most if not all the railways of the world and I cannot be a party to their abolition.

The Honourable Sir Jeremy Raisman: Sir, I have some sympathy with my Honourable friend, Dr. Sir Ziauddin Ahmad, for the somewhat unenthusiastic nature, if I may so term it of this debate and I agree with him in feeling that it is the duty of Members of the Public Accounts Committee who after all have sat for many days going over the points

which have been raised in the accounts, I think, it is their duty when the motion for consideration comes before this House to be present and to initiate the debate and give this House some idea of the main points which received their attention during their Session. It is a little difficult for the ordinary Member of this House to wade through the mass of material which the Committee has covered and himself extract the points of special interest. It is unfortunate, I think, that the House today did not have the advantage of the initial comments of any Member of the Committee. I would, however, point out that the accounts of the year 1938-39 are of far less interest from the point of view of the control of this House than is usual with such accounts and the reason is this. As I mentioned the other day, in the course of the year in question, the Government were compelled to embark on a campaign of retrenchment and economy. Now, one of the main functions of the Public Accounts Committee is to take the actual outturn of the figures of expenditure and to compare them with the grants which were voted by this House. Now, when in the course of the year the Government is compelled, for major reasons of policy, to request the Departments to cut down their expenditure to the minimum which is reasonably possible, then obviously it becomes inappropriate for a Committee to sit afterwards to decide the extent to which these Departments in their expenditure have conformed to the original grant which was voted by this House because an entirely overriding factor has supervened which has made any criterion of that kind inapplicable. That happened in the course of the year and it has naturally robbed the proceedings of the Committee of a great deal of the usual kind of interest which attaches to them.

The second point is this. This Committee was sitting during certain days of this summer when we, the Members of the Government, and the witnesses who appeared before them in common with the rest of the world were very much preoccupied with contemporary events and with developments which bade fair completely to eclipse any interest which could attach to the accounts of the year before last. In these circumstances, I had to ask the Committee to agree to sit only for half of the day because both myself and the officers of Government who appeared witnesses before the Committee were heavily engaged in current work in connection with the war. I am glad to say that the Committee appreciated that in the extraordinary circumstances of this year they could hardly expect to go into such detailed examination of the figures relating to the year 1938-39 and they did assist me and the witnesses to dispose of the work before us in a reasonable time. It is for that reason that the volumes relating to the proceedings of the Committee are markedly slighter this year than they are in normal years. For the same reason, I suggest that this House in the background of current events can hardly be expected to take so vivid an interest in the whole business of these accounts and of the report of the Committee. I will not endeavour to traverse the detailed points which have been mentioned by individual speakers. They are points which were gone into in fair detail during the proceedings of the Committee, and, for the reasons I have just mentioned, I do not think they claim any absorbing interest at this time. I think I observe on the part of the Members of this House some anxiety to complete the present discussions devoid as they are of the usual interest and to deal with the excess grants, which I shall now have to move.

DEMANDS FOR EXCESS GRANTS FOR 1938-39.

CENTRAL EXCISE DUTIES.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I move:

"That an excess grant of Rs. 1,14,751 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1938-39, in respect of 'Central Excise Duties'."

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

"That an excess grant of Rs. 1,14,751 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1938-39, in respect of 'Central Excise Duties'."

The motion was adopted.

LEGISLATIVE ASSEMBLY AND LEGISLATIVE ASSEMBLY DEPARTMENT.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That an excess grant of Rs. 15,872 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1938-39 in respect of 'Legislative Assembly and Legislative Assembly Department'."

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

"That an excess grant of Rs. 15,872 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1938-39 in respect of 'Legislative Assembly and Legislative Assembly Department'."

The motion was adopted.

CENSUS.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That an excess grant of Rs. 174 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1938-39 in respect of 'Census'."

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

"That an excess grant of Rs. 174 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1938-39 in respect of 'Census'."

Sardar Sant Singh (West Punjab: Sikh): Sir, as regards Census I want to seek certain information from the Honourable the Finance Member as to the revenues of the Central Government. I would like to know what part of the Census expenses is spent out of the revenues of the Central Government? Is the Census work that is going on in the Provinces paid for by the Central Government or by the Provincial Governments or by the local bodies in the Provinces, because I remember in the Punjab certain expenses have been asked to be paid by the Municipalities and the District Boards in connection with the work of the Census. I do not think it is a fair charge upon those bodies.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not discuss that. He has asked a question and the Government will give him the information.

Sardar Sant Singh: That is the information I would like to have.

The Honourable Sir Jeremy Raisman: Sir, as far as I remember, the position is as follows. It is no doubt the case that the responsibilities in connection with the Census fall on the Centre and therefore, normally, all expenditure in connection with Census will fall on the Centre. At the same time there are many services which Provincial Governments and their officers and even local bodies can render in connection with Census without actually incurring additional expenditure themselves. Now, before embarking on the present operations in connection with Census, we took the precaution of asking various Provincial Governments and certain other units concerned whether they would co-operate to the same degree as in the past and not seek from us to be remunerated except in respect of actual out-of-pocket expenses, because, unless they were prepared to do that, it is possible that the cost of conducting the census would be so great that it would not be feasible to undertake it at a time like this, and, as far as I remember, the general response of the Provincial Governments and units concerned was favourable and, therefore, the position is that they will perform certain services on our behalf which do not actually result in additional expenditure to them,—part-time use of staff which is already going about and so on, and that we shall only be involved in the additional expenditure due to additional out-of-pocket expenses.

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

“That an excess grant of Rs. 174 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1938-39 in respect of ‘Census’.”

The motion was adopted.

WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER.

The Honourable Sir Jeremy Raisman: Sir, I move:

“That an excess grant of Rs. 17,73,557 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1938-39 in respect of ‘Working Expenses—Maintenance and Supply of Locomotive Power’.”

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

“That an excess grant of Rs. 17,73,557 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1938-39 in respect of ‘Working Expenses—Maintenance and Supply of Locomotive Power’.”

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): May I ask one question? I notice that in some cases the Public Accounts Committee have expressed their view clearly that the vote of the House should be obtained. May I ask whether they have demanded the same in connection with all these demands?

The Honourable Sir Jeremy Raisman: Yes, Sir. The Committee have recommended that all these excesses should be regularized by a vote of the House.

Dr. Sir Ziauddin Ahmad: That is only formal.

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

"That an excess grant of Rs. 17,73,557 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1938-39 in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

The motion was adopted.

WORKING EXPENSES—MAINTENANCE OF CARRIAGE AND WAGON STOCK.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That an excess grant of Rs. 1,11,379 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1938-39 in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

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

"That an excess grant of Rs. 1,11,379 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1938-39 in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

The motion was adopted.

WORKING EXPENSES—MISCELLANEOUS EXPENSES.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That an excess grant of Rs. 12,94,896 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1938-39 in respect of 'Working Expenses—Miscellaneous Expenses'."

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

"That an excess grant of Rs. 12,94,896 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1938-39 in respect of 'Working Expenses—Miscellaneous Expenses'."

The motion was adopted.

WORKING EXPENSES—EXPENSES OF ELECTRICAL DEPARTMENT.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That an excess grant of Rs. 3,85,115 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1938-39, in respect of 'Working Expenses—Expenses of Electrical Department'."

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

"That an excess grant of Rs. 3,85,115 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1938-39, in respect of 'Working Expenses—Expenses of Electrical Department'."

The motion was adopted.

INTEREST CHARGES.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That an excess grant of Rs. 983 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1938-39 in respect of 'Interest Charges'."

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

"That an excess grant of Rs. 983 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1938-39 in respect of 'Interest Charges'."

The motion was adopted.

STORES AND WORKSHOP—EXPENDITURE NOT CHARGED TO REVENUE.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That an excess grant of Rs. 1,84,697 be voted by the Assembly to regularise the expenditure chargeable to Railway capital actually incurred in excess of the voted grant in the year 1938-39, in respect of 'Stores and Workshop—Expenditure not Charged to Revenue'."

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

"That an excess grant of Rs. 1,84,697 be voted by the Assembly to regularise the expenditure chargeable to Railway capital actually incurred in excess of the voted grant in the year 1938-39, in respect of 'Stores and Workshop—Expenditure not Charged to Revenue'."

The motion was adopted.

OPEN LINE WORKS.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That an excess grant of Rs. 50,98,240 be voted by the Assembly to regularise the expenditure chargeable to Railway capital actually incurred in excess of the voted grant in the year 1938-39, in respect of 'Open Line Works'."

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

"That an excess grant of Rs. 50,98,240 be voted by the Assembly to regularise the expenditure chargeable to Railway capital actually incurred in excess of the voted grant in the year 1938-39, in respect of 'Open Line Works'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): That concludes the business on the agenda. Motion for adjournment by the Honourable Member Mr. Essak Sait. (*Honourable Members:* "After lunch.") If that is the desire of the House, the motion will be taken up after the luncheon adjournment.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhif Chandra Datta) in the Chair.

MOTION FOR ADJOURNMENT.

CLOSING DOWN OF THE BRANCH LINE BETWEEN SHORANUR AND NILAMBUR IN THE MALABAR DISTRICT.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muham-
madan): Sir, I move:

“That the Assembly do now adjourn.”

The railway authorities have suddenly decided to close down a very important branch line in the Malabar district. That line runs from Shoranur to Nilambur and it is 42 miles long. It is called a branch line but the very length of it will, I hope, be an indication to the House of the importance of this line. For Honourable Members to understand the significance and the importance of the line, I think I had better briefly go into the history of the construction of this line. This line was constructed as a result of the very unfortunate incidents that occurred in Malabar in the year 1921 which later came to be known as the Malabar rebellion of 1921. When constructed it was conceived purely as a strategic line for military purposes only. It was pointed out, and it was very well known to the authorities, that this was not going to be a remunerative line at all; and in constructing the line the question of return on the capital expended did not enter into their considerations at all. The only consideration was, certain facilities that the military required. Therefore it does not lie with Government today to turn round and say that they are abolishing this because it has proved unremunerative, for it was never meant to be remunerative. When the project of constructing this line was mooted, certain alternative lines were suggested by people interested in these matters, lines which would have been very remunerative and attractive from their point of view. We suggested that the line should branch off at Tirur and should be taken to Malapuram via Manjeri and thus brought down to Calicut. If that project were accepted it would have been a very remunerative business altogether. But then the gentlemen who were responsible for this line and were anxious for it, were not, as I said before, actuated by any other consideration except that of strategy and military needs. And I will explain what these military needs were. From the experience gained in that unfortunate rebellion of 1921 Government found great and urgent necessity of having facilities for rushing troops to the heart of Ernad without having to move along the coast where a great number of bridges stood as potential danger. They wanted to have a line which would enable them to rush off troops either from the Nilgiris or from Bangalore or Madras, wherever the military station might be, and get the troops as quickly as possible into the heart of Ernad without having to move along the coast. Therefore they selected a route which passed through hilly country and through forests. That is the history and that is the object of this line. I am trying to prove that the line being what it is it could never have been expected to be a remunerative line at all.

Now, Sir, having been constructed as a purely strategic line this line entered into the life of the people of those parts. The people adjusted their conveniences according to the line that existed, so much so that today when there is this question of closing down the line, the Raja Saheb of Nilambur who represents that area in this House and I myself have

been getting sheafs of telegrams and representations protesting against this and calling attention to the great loss and inconvenience and also to the military danger that may be caused if this line is abolished.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): From the Moplahs?

Mr. H. A. Sathar H. Essak Sait: Yes, objection comes from the Moplahs also.

Maulana Zafar Ali Khan: Will not they be thrown out of employment?

Mr. H. A. Sathar H. Essak Sait: I was pointing out that the objectors included Moplahs also. I am not saying that danger is expected from the Moplahs, but thousands of them will be thrown out of employment because of the dislocation of trade caused by the abolition of this line.

Now, Sir, with regard to the strategic point that comes within the second part of the motion. In abolishing this line the authorities are not only causing great inconvenience and loss and also creating unemployment among the people, but they are also doing something which they should not do easily. That is to say, this line was meant to be a sort of insurance against future trouble in that area. This was a protection and security for the law-abiding people in that part of the country. People are afraid,—and these representations point it out,—that the removal of this line and the easy facility of moving troops whenever necessary will certainly endanger the security of that part of the country. These are my main reasons for objecting to the closing down of this branch line.

There is one more point and I have done: and that is, with regard to the shortness of notice. I am aware that my Honourable friend, when Sir Syed Raza Ali moved his motion of adjournment, apologised for the shortness of notice which he was compelled to give and also adduced reasons for it. The reasons are there and our difficulties also are there. I have here a copy of the *Madras Mail* of the 19th instant, which reached Malabar on the 20th, and in it is a notice which states that this line is to be closed for all descriptions of traffic on and from Thursday, the 5th December: that is to say, notice was given exactly of fifteen days. It has to be considered as to how these things affect the people who are interested in these matters. People have contracts: for instance, I think there are a number of merchants who have contracts to supply timber from the Nilambur forests, and God knows what other goods to distant places. They depended upon this means of conveyance being available to them, and entered into all these commitments, and, today, suddenly, my Honourable friend gets up and says that the line is to be abolished from the 5th December. What is to happen to all these contracts? Where is the time for them to adjust their difficulties? He should have given at least six months notice. That is what one of the telegrams suggests, that if my Honourable friend is not willing to keep this line, he should at least agree to keep it on for another six months, so that these commitments could be attended to. For all these reasons, I can only request because I understand the position of the Government also, that he should reconsider the position in the light of what I have been able to say and what other honourable friends may add to it—he should either

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give up the idea of closing down this line altogether because it affects about three lakhs of people and their lives and their business, or he should at least give six months notice so that those who have made commitments may be able to fulfil them.

Then I have an alternative suggestion to make, because I do not know what my Honourable friend may say—he may again bring up this question of profit or remunerativeness. If it is a question of the line being unremunerative, then I and my friends in Malabar, including the Raja Saheb of Nilambur, are willing to guarantee that if he will extend the line according to our advice from Nilambur via Malappuram and Manjeri to Calicut, then he can be assured of a very very good return on the capital outlay. For these reasons I would request him to reconsider the matter. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

“That the Assembly do now adjourn.”

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Sir, the reason which has prompted my Honourable friend to table this motion is a very different one from the reason which led me to move the motion with reference to the closing of a section of the East Indian Railway on Friday last. We have had the advantage—or shall I say the advantages and sorrows—that were our lot in the course of that debate. Having had the advantage of listening to the speech of my Honourable friend, the Railway Member, on that occasion, let me make it quite clear that so far as this House is constituted today, after the departure of the Congress Members, there is no desire, so far as I can see in any part of the House, especially this side, to hamper the war effort of the Government of India. I think there should be no doubt on that point. We are quite prepared—and I am sure that the majority of the country, if I understand the feeling of the majority correctly—is quite prepared to help the Government in all its legitimate efforts to prosecute the war. That is point number one.

Then comes the question of the Railway Board or whoever the authority may be, choosing these lines or branches in a haphazard manner and taking very early steps, without giving the people sufficient notice, to demolish them. I suggest that it is the duty of the Government of India and of my Honourable friend, the Railway Member, and the Railway Board to lay down some definite, tangible, clear principles which will apply to those lines which it is proposed should be closed down or demolished. As it is, my Honourable friend, the Railway Member, pointed out on Friday that they were demolishing a number of lines and the Chandpur-Siau-Bijnor section is included in that list. I do not think that is the right way of approaching the question or laying down the policy of the Government of India. What I would earnestly suggest to the Railway Member, if he wants to take public opinion with him, is that a careful list should be made out of those lines which it is proposed should be either closed down or demolished or dismantled, and the guiding principle should be this: the least remunerative branch or section should be the first to go: the next least remunerative section or branch should follow; and so on. Let us have a definite principle, otherwise if you tar all these railways with the same brush—if I am not using a

mixed metaphor—it will be exceedingly inconvenient to the public and not based on any principle at all. In the choice of the Government of India or of the Railway Board, whoever it may be, I find that all sorts of railways—good, bad and indifferent—those bringing profits to Government and those causing loss to Government and those that are just paying their way—they are all huddled up together without any regard to business or commercial considerations. I submit that is not the correct thing to do.

If my Honourable friend, the Railway Member, who I am sure takes the keenest interest in broad questions of principle, is prepared to meet this point, I think the next step that I would suggest to him would be that before definite action, final action, is taken, he should consult either the Railway Finance Committee or the Railway Advisory Council. I believe there is such a body as the Railway Advisory Council. The members of these committees are men from all over India, and they are men who have actual experience of the conditions of the provinces in which they live. Their advice would be of real benefit to the Government. Now, if there are any objections to either of these two bodies being consulted I would suggest for the careful consideration of my friend, the Railway Member, the setting up of an entirely new body, an *ad hoc* body, who could be consulted only on the question of dismantling or closing down of any Railway section or branch. The reason why I make this suggestion is this. Unfortunately, this war has been going on for the last 15 months. We do not know how long it will last. If it lasts quite as long as the last war lasted, then, it may be, for purposes of defence Government will have to take action on a larger scale than the action which they have already taken, and I think it will be a very short-sighted policy not to take either this House or the representatives of the public into confidence and to go ahead without endeavouring to secure on their side public opinion. If you can have your point by taking the people into your confidence, why try to secure the same object by antagonising public opinion. It is now quite clear that the Government have made out their list without the least regard to the profits which each railway section or branch brings them, because on the one side we know that on the 1st of December, 1940, will be closed the Bijnor-Chandpur-Siau section of the Railway which is positively profitable, while on the 5th of December, four days later, will be dismantled the Shoranur-Nilambur Railway, which, I believe, is running at a loss and which is situated about 900 miles away. The comparison shows that not much regard has been paid either by the Railway Board or by the Government of India to the order in which the lines should be dismantled, nor have they paid any regard to the distinction that ought to be made between a profitable business and one that is unremunerative.

Then I come to the next point, and it is this. I believe Tatas have been manufacturing rails for a long time. Are they engaged in manufacturing rails at present? Now, I know we could not expect the Government of India to anticipate what happened in Europe in April, May and June this year. All the same, the Government of India knew that the distance between the Northern and Western part of India and the Russian territory was almost nil. Our boundary practically adjoins that country. Russia has been a dark horse since the 23rd August, 1940. Nobody has put any faith, nobody has any reason to put any faith, in the *bona fides* of Russia. The situation may have altered in some

[Sir Syed Raza Ali.]

respects with reference to Russia. But may I know what precautions did the Government take to replenish their railway stocks since the war broke out on the 3rd September, 1939? Surely they ought to have done something. Unfortunately, the non-official element is not associated with the policy and the methods of the Government of India. So the latter have to take the credit or the discredit as the case may be entirely to themselves. What precautions did the Government of India take? Was it impossible to keep some stocks, not huge stocks, but some stocks in reserve, in any case? It is very important to remember that England is most anxious, and very rightly too, that her exports do not suffer, and that the workmen over there should be engaged in manufacturing and producing articles and things which could be exported from England, because that is the only way to find at least partly the cost of the war. That is the only way in which people can be kept up in a fairly sound economic position. I will not talk of exports from India now. But was it not our duty to see that at least we manufactured goods and articles for our own needs, not for purposes of export, but only for internal purposes, for instance, rails, locomotives, engines and other things? Sir, I discovered the other day while I was sitting on a Committee that now a large number of those things that were not manufactured in India before the commencement of the war are being manufactured here. In fact a rough list was given to me, and the items there were quite large in number. At least we ought to have included the manufacture of rails on a larger scale in this list. So these are the main points that I wish to put before this House, and I ask the Honourable the Railway Member

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has got one minute more.

Sir Syed Raza Ali: I ask the Honourable the Railway Member to go ahead boldly and courageously. In fact, these are critical times, and boldness and courage have always paid and they will always pay in this world. I will ask my friend to tell us if possible as to how far the Government of India are prepared to meet us with reference to the proposals that I have just made in this House.

The Honourable Sir Andrew Clow (Member for Railways and Communications): Sir, in response to a suggestion made in the previous debate, I am rising at an earlier stage. I am much obliged to my two Honourable friends who have spoken for the earnest moderation they have shown in presenting their case, and we recognise on this side that they and those for whom they speak are anxious not merely not to hamper the prosecution of the war, but to do what they can to assist in it. And this is itself a step which has been taken in the prosecution of the war

Raja T. Manavedan (Madras: Landholders): May I ask one question? Is it not a fact, Sir, that Nilambur with adjacent lands is one of the biggest timber forests in the south, and that this Railway will be very useful for the transport of large quantities of timber which will be required for war purposes?

The Honourable Sir Andrew Clow: I will come to that point a little later.

The Honourable Mr. Essak Sait raised a new point when he said that this Railway had been built in consequence of strategic considerations. I am not entirely familiar with the circumstances so many years ago, but I think he is correct in stating that they had a certain influence on the decision. At the same time, the Railway was not built with the intention that it should run at a loss. The estimates framed at that time gave the working earnings at a figure which, if we had been able to sustain it, would have made the Railway a profitable one today. Actually, we are getting less than a quarter of the earnings that were then estimated. And as regards both that and the point raised that the export by rail of timber might be a matter which would assist in the war, I think the answer is this, that any Railway of this kind, in so far as it ministers either to the special needs or to the general prosperity of the community, can be said to be an asset from the point of view of the war, and that we have to weigh the advantages we get from it against our urgent need for rails and other considerations. As regards the strategic point raised, I may say that the matter has been referred to the defence authorities, and that this step is being taken with their concurrence.

Now, I am in a position—in connection with this Railway we have maintained separate accounts,—to give more exact figures
 3 P.M. which I could not do for the small portion of the Railway we were discussing the other day. The estimate of the working gross earnings framed, I think, about the year 1927 or 1928 was Rs. 5.65 lakhs. For the last five years they have never been above Rs. 1.53 lakhs and they have shown a tendency to fall. The actual earnings in 1938-39 was Rs. 1.18 lakhs, the earnings for 1939-40 as estimated were Rs. 1.12 lakhs. The working expenses for the last year for which earnings of Rs. 1.12 lakhs are estimated, are estimated at Rs. 2.01 lakhs, which gives a saving that we can make by closing it of Rs. .89 lakhs. I have said nothing, you will notice, about interest on capital, although we are there incurring a very heavy loss, because obviously we do not cut down the loss there by closing the railway. I may say that is of the order of several lakhs. When we make allowance for the effects on the main line traffic and the small saving we will get on the main line traffic and when we make allowance for interest on what we will get on the sale of materials and matters of that kind, the total saving, that is really the loss which we can recover on this line, not the total loss—the total saving is Rs. 1.09 lakhs a year.

Now, there is another feature peculiar to this railway which did not enter into the other case, and that is that the Madras Government have given a guarantee upon it. They guaranteed to pay us the interest on capital on the net loss on working, but, unfortunately, only up to a maximum of Rs. 1.39 lakhs. I presume that when that figure was fixed it was hoped that that would cover the actual loss, but actually, of course, as I have already explained to the House, it has been a much greater figure. So that, if we look at the question solely from the purely selfish point of view of the Central Government, we are still on our figures getting a balance of Rs. 90,000 a year. But I think we have got to take a wider point of view and that the correct figure to take is the figure without

[Sir Andrew Clow.]

taking into consideration the Madras Government's guarantee which, after all, comes out of the pockets of the community, and that therefore we are losing rather over a lakh a year. My Honourable friend, Sir Raza Ali, suggested that we should go on the principle of taking the least remunerative lines first and then go steadily on with less unremunerative lines. Actually we have tried to follow two principles, first, that of remuneration, and second, that of alternative facilities open to the public who will be affected. But I am afraid it is not possible just to say, this is the line that stands highest in the list, we will begin with that, and when we have lifted all the rails we will go to the next one, and so on and so forth, because our war needs for the rails are urgent and these could not be met by taking one or two lines. We will have to take several, and acutally, as I said on Friday last, we have also under demolition. So that some received priority over, say, the Bijnor line, and are already partly or largely demolished.

Maulana Zafar Ali Khan: Will the Honourable Member announce the names today of those lines which are proposed to be dismantled beforehand?

The Honourable Sir Andrew Clow: Some, as I say, are already being dismantled. I will come to that point later. And that I am afraid must be my answer to the suggestion that we should give six months' notice. I would certainly give six months' notice if I could, I would given even longer notice, but these rails, I can assure the House, without entering on to the facts which I am not in a position to disclose, are urgently wanted.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Are the rails to be exported?

The Honourable Sir Andrew Clow: The rails are going overseas. This is an area which I cannot claim to have travelled over as I had travelled over the area discussed on Friday, so I have to take my information from maps and from those in a position to advise. But it would appear to be now very well served with roads and that I have no doubt is one of the reasons, the chief reason why our earnings have fallen so very short of the estimates. So far as the maps go, they show that every one of the seven stations on this line lies on or near a metalled road and that quite a number of bus services serve the most important places in that area—my Honourable friend will correct me if I am wrong. If any one were to compare the map of this area with its bus services, with the maps of those places with which I and other Honourable Members are familiar in India, I think one would be surprised to find how many roads there were and how well served the area was on the whole.

Then, to come finally to the suggestion about consulting the Central Advisory Council, I cannot, of course, put them in possession of all the facts, but I have asked them to meet on Friday next and they will be provided then with as much information as we can give, with a list of the railways now being dismantled or which have been decided to be dismantled and also with a list of the other railways whom dismantling we are contemplating. I think my Honourable friend, Sir Syed Raza Ali, said, on Friday that he could offer a number of alternatives. I can assure him

that we will welcome any suggestion of that kind that could be made. But I am not very sure of our ability to find many alternatives because there are, obviously, limitations, on the extent to which we can dismantle lines. When this programme is put before the Central Advisory Council, I think they will find it a little difficult to find lines of any length which could be substituted for those we have under consideration.

Sir Syed Raza Ali: May I ask my Honourable friend what is the total length of lines which it is proposed to close down or dismantle?

The Honourable Sir Andrew Olow: I cannot give the exact length we have under consideration on this particular occasion, but I can only say that it falls considerably short of the demands which we have been asked to meet.

Dr. Sir Ziauddin Ahmad: My Honourable friend, Sir Syed Raza Ali, has clearly pointed out our policy that we do not stand in the way of any effort that may be made by the Government in the prosecution of the war. But as regards this I suggest that it is very desirable that when any line is to be dismantled, he should take the Assembly into confidence. If any line is to be dismantled for economic considerations, it is desirable that it should be done by a vote of the House. It should be examined by the Standing Finance Committee, and then a vote of the House taken just before any line is dismantled for economic purposes. But if the action is to be taken on account of war condition, then I think it will not be practicable to take the vote of the House on the particular matter, but my Honourable friend has got two bodies, namely, the Central Railways Advisory Council and also the Railway Standing Finance Committee. They could be taken into confidence and they could have advised my Honourable friend about the choice of the line. For example, those lines should be dismantled first where you have got a road running parallel to the railway, so that the traffic may not come to a standstill. In this matter, those who have personal experience may give some advice to the Government as regards the choice of the lines which may be dismantled on account of more urgent reasons. As the Honourable Member has already said that he will take the Central Advisory Council for Railways into his confidence as regards the choice of the railways, then I think the objection that I had will disappear and I only want to press one point, and that is this. If any action is taken on economic grounds, then I think it is desirable to thresh the matter out very clearly in the Standing Finance Committee for Railways and then take the vote of the House before dismantling the line.

Raja T. Manavedan: Sir, I do not want to make a long speech on this motion. I have only to say a few words. I have to point out that great hardship will be caused to the people concerned. From Shoranur to Nilambur, further north, the whole country is hilly and full of forests. Of course, the roads are not enough and the people there are very poor people. On account of this railway line, since it was built several years ago, thousands and thousands of people are living there and all those people will be ruined now. Hundreds and thousands of small petty merchants have grown up there. Their business will be gone. So, the sudden closure of this line will prove a great hardship. If at least six or

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seven months notice is given, they can fall back on other methods of life. If this line is closed suddenly, all these people will be ruined and there is also the danger of poverty and starvation. I have to point out that. Of course, I cannot say it is a remunerative line. It is not remunerative. I have to point out that it is actually working at a loss. If it is delayed, that is, the dismantling of this line, for a year or six months, that would be better. I do not wish to speak more and with these words I resume my seat.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I am very glad that the Honourable Member in charge of Railways, in pursuance of a suggestion made during the course of the debate on the last motion, actually intervened in this debate at a very very early stage. On motions of this kind, there is not much to be said also. Therefore one or two speakers on one side and the Government Member on the other are sufficient to complete the debate as a matter of fact. There are one or two points to which I wish to make a reference. It was difficult for me at this distance to follow what exactly the last speaker was saying but I could gather at least one thing from his speech. It was also mentioned by Mr. Sait who moved the motion for adjournment. It was this. If this line is now going to be dismantled, it is going to be on the 5th December and a large number of persons are going to be thrown out of employment. That is one thing and it is also going to affect adversely the life of a considerable number of the population residing in the vicinity served by this line. Government have to do this as a war measure and as my Honourable friend, Sir Syed Raza Ali, said, we are not out to hamper war operations. We can understand the difficulties or the necessity of a step taken like that but I believe that if a step is taken on account of the sheer exigencies of the war, Government should also see that no unnecessary loss is caused to many people, directly as a result of the action which they have taken. That is a matter which they must consider. Is Government going to make any provision at least for those who are going to be directly thrown out of employment, if this line is dismantled? Have they thought of any plan to meet that situation? If they have not thought of any such plan, I believe, they will have to consider this point seriously, when dismantling is coming up for consideration before the meeting of the Central Advisory Council which the Honourable Member in charge of Railways has very expeditiously called on the 29th of this month. This will be one of the points on which, at least in that meeting, I will lay particular stress. I am giving notice of that point to him now. Then, there is another point which I want to bring to notice. This line is about 42 miles in length, nearly twice the length of the other line about which we spoke the other day. There will be thousands of persons thrown out of employment. That is a problem which the Government must seriously think of solving satisfactorily because those persons are not to blame for the action taken by the Government on account of war conditions. Therefore, the responsibility for making a provision for that rests on the Government. That is one point.

Then the second point is this. These lines are being exported somewhere where it is wanted for the sake of war. Their destination is not material for the purpose of the argument which I am going to raise. The Indian Railways are losing so much of their assets. Are we going to get

any compensation for the loss of these assets, because these lines are being taken somewhere to serve war purposes? Who is going to pay? How is the loss going to be credited or debited? That is a very important point and it is a point which the Standing Finance Committee for Railways is the proper body to discuss and tackle with. I will ask the Honourable Member for Railways also to be prepared with a satisfactory explanation on the other point when we meet at the meeting of the Central Advisory Council on the 29th instant. This House will, I believe, finish its work on the 27th. It would be desirable for the Honourable Member in charge of Railways to give us some idea as to the solution he may have in his mind on the two points which I have raised. As regards the question of giving notice, if the dismantling is done as a war measure, the exigencies of war cannot wait for six months. Even if it means a good deal of inconvenience, one has to go through that inconvenience. The war effort is a matter of paramount consideration but the inconvenience caused to the public on account of short notice and the serious dislocation which trade and other avocations will have to undergo on account of short notice are matters which can be properly considered if the question of compensation to those who are going to incur the losses is going to be considered by the Government. I think, from that point of view, that question of short notice is very material. These are the few points to which I wanted to invite the attention of the Honourable Member for Railways and more than that I have nothing to say.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, we are indeed very much obliged to the Honourable Member for Railways for accepting this adjournment motion and the one before this

An Honourable Member: Has he accepted it?

Mr. Muhammad Azhar Ali: I mean, the discussion of it. He did not take any objection to this adjournment motion being discussed in this House. Sir, this is our rare experience. However, we are obliged to him on this occasion. But I find that this policy which has been adopted is not at all a constructive policy but it is a most destructive policy that has ever been adopted by the Government of India, so far as my remembrance goes. Sir, to take so destructive a policy at a time when it is being said every day on the floor of this House that the war is getting closer to the Indian gates, is unfortunate. Sir, adopting such a policy and not taking up such great constructive schemes in hand which ought to save India is rather very anomalous. To say that these lines are not paying now is also anomalous. In my remembrance the lines which were paying, *c.g.*, some of the company lines, in spite of our asking the Government of India year in and year out, have not so far been acquired by the Government of India. Now, if the point is one of profitable lines, then the Government ought to have looked into the views which we were expressing on the floor of the House always that the Government ought to acquire the Bengal and North Western and the Rohilkund and Kumaon Railways. The idea of profitable lines has entered into the head of the Government of India today, although such profitable concerns which were paying very well to the companies have not been taken over by the Government of India! Our objection is that those schemes are in hand which are destructive and which are not

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constructive at all. Sir, they say that they have a scheme of demolishing several other lines. Now, I would respectfully submit that it would not only be a loss in money but it would also create much unemployment in the country. By this unemployment you think that you will gain something. My own idea is that the nemesis of the cause of this war has come to fall on the very commercial undertaking which the Government of India have—otherwise there is no other Department in the Government except the Railway Department that is so profitable and that has been paying to the Government a very handsome profit. Sir, in this case I think the prayers and the imprecations I should say of the motor drivers have indeed brought this nemesis over a commercial concern in the Government of India.

Sir, these are not matters that should be treated so very lightly, and it may be said that because it is not paying, that you are a juggler. You can produce figures any day you like. We know it very well, that if you want to show that there is a loss, you can show a loss, and if you want to show a profit, you can show a profit any day you like. Sir, I submit that it is very well for the Honourable the Railway Member today to rise and say, "well, these lines are unprofitable". But what will happen to these unprovided people? What will happen to their families? What will happen to this unemployment which will be rife from one end of India to another? Sir, have you decided, before you formulate any scheme, what you are going to do with these unemployed people? Are you going to employ them in the other Departments of the Government of India or not? Sir, that is our great concern, and I would submit that today you may decide one way or you may decide another way, but these are all destructive schemes that you are promulgating in India today. Sir, as Mr. Aney has said, today we are very short of Members who can oppose all these schemes, but please note that the country will remember it as one of the flagrant violations of your economic scheme. With these words, Sir, I resume my seat.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I will be very brief. I am glad that, after all, the eyes of the Railway Department are now open

Sir Syed Raza Ali: How do you say that?

Maulvi Muhammad Abdul Ghani: from their behaviour here, I see that they are out to practise economy in a Department which is called a business concern. The only thing before us is that the public should not be taken by surprise. Adequate time should be given to them and also to these employees over the line. I know that the actual loss, as pointed out in the Appropriation Accounts for 1938-39, on strategic lines amounted during that year to Rs. 1,82,76,415 and in that very year our liabilities over strategic lines increased by Rs. 37,42,158. Now I shall be glad that our losses on strategic lines will be diminished by a few thousand rupees as the line under discussion is said to form part thereof. There are other lines which are pointed out in the Statement on pp. 45 and 46 of the Railway Administration Report showing that they are unremunerative.

and that they are running at a loss,—as, for instance, the Bankura-Damoodar River, the Baraset-Basbhrhat Light Railway, the Jorhat Railway, the Kalighat-Falta Railway, the Kulasekarapatnam Light Railway, the Trivellore Light Railway, etc., I think that all the lines running at a loss should be brought together and placed before the House. There is no use bringing matter piecemeal. Sir, Honourable Members have suggested that the matter should only be placed before the Advisory Council and the Standing Finance Committee for Railways. I am not satisfied with that expression of opinion. The fact that we have appointed those bodies does not deprive us of our right to see things for ourselves. After they have gone through the proposals, we have every right to go through their recommendations. I think the proposals of all those lines which are to be dismantled because they are running at a loss should be brought before this House. I am thankful to the Honourable Member who has just moved the motion and given us an opportunity of expressing our views in this House in time. I am glad that the Honourable the Railway Member has also given indication that his Department is thinking of bringing a consolidated list either before this House or before certain Committees. If he brings this matter to this House through the Railway Standing Finance Committee, well and good. With these words, I support the adjournment motion.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I have not much to say on this motion. There are two reasons which have been given for dismantling this railway line and the other line on which there was discussion in the House the other day. The first reason is that they are unremunerative and the second is that the rails and the other material are required for war purposes. There is the third reason also which, I think, should have been considered by the Honourable the Railway Member, namely, the convenience of the public.

Now, considering the matter from the point of view of its unremunerative nature, may I ask why is it that these unremunerative railways were allowed to exist so far?

The Honourable Sir Andrew Olow: They were kept on for the convenience of the public.

Mr. Lalchand Navalrai: So, they were not so unremunerative and were not affecting the Government treasury so much as to scrape them. What I am submitting is this. Why don't you come forward and be frank and say that you are going to dismantle these railway lines and many more, even if they are remunerative, for the purpose of the war? Then, it would be a frank admission and then we may say: We are helpless, let them be dismantled.

The Honourable Sir Andrew Olow: It may come to that as it did in the last war when a number of remunerative lines were pulled down, but we have not got to that stage yet. And I should like to use all other alternatives before we come to that stage.

Mr. Lalchand Navalrai: Then, I would suggest another thing. The exodus of the Government of India has been curtailed to Simla and the public has also been of the opinion that the Government of India should not go up to Simla. Is the Honourable Member prepared to dismantle the Kalka-Simla Railway and use all the material for war purposes?

The Honourable Sir Andrew Clow: Unfortunately, those rails are not suitable.

Mr. Lalchand Navalrai: They will be very suitable in hilly tracts. There may be some hilly country also where these rails will be required. So, it comes to this, that wherever it touches the Government directly, they will keep that line. Anyway, what I am submitting is this. In considering any railway to be dismantled, the first and foremost consideration should be to see that the public convenience is not very much hampered. From that point of view, as I said, the Kalka-Simla Railway can be dismantled because you have got a very good road also from Kalka to Simla. Your motor cars are running beautifully and, therefore, that should be the first line to be dismantled. From all these points of view, the Government should at least satisfy the Members of the House that these questions will be considered by some Committee or they will be considered in a manner which will satisfy the public.

Maulana Zafar Ali Khan: Sir, the other day when my Honourable friend, Syed Raza Ali, said

An Honourable Member: He is Sir Syed Raza Ali.

Maulana Zafar Ali Khan: The epithet 'Syed' is much greater than 'Sir'.

Sir Syed Raza Ali: I am proud of being called Syed Raza Ali.

Maulana Zafar Ali Khan: The other day he moved his adjournment motion on the closing down of the Chandpur-Bijnor section of the East Indian Railway. That day I spoke and referred in very strong language to the irresponsible character of the Treasury Benches, especially Sir Andrew Clow. I went so far as to suggest facetiously that because Sir Andrew Clow was hampering the war effort and was not helping in its successful prosecution, he ought to be placed under arrest. And, then, of course, he made a reply, and that reply satisfied me. That reply was that he had helped in the pulling down of this line in the interests of the war and for strategic and military reasons. The logic was unanswerable and I had to accept it. Now, my friend, Mr. Abdul Sathar, has placed another motion before the House. It is a similar motion and refers to the proposal to close down a line in Malabar. We have now come to the conclusion that the remunerative character of the railway line or the convenience of the public are not at all the considerations which weigh with the Government. The only consideration with them is the successful prosecution of the war. And if for the successful prosecution of the war iron is required, as I think it is required, by the Government, then not one or two or three but any number of lines may be pulled down irrespective of the loss that the move may incur, and I think we cannot object to it. There will be no valid grounds for us to object. We have been so much accustomed to travel by railway that the very idea of our being deprived of a railway line of, say, 30 or 40 miles in length puts us on tenterhooks. We know it perfectly well that there was a time when this railway line was dubbed as the donkey of the anti-Christ—*Khar-i-Dajjal*. Why not dispense with the donkey of the anti-Christ and have done with it!

Let the whole of it be pulled down, let all the railways be dismantled and let us go back to the times when the bullock carts ruled and camels and horses trotted and men travelled on donkeys and also on foot. Let us go back to those times. So far as my views are concerned, I agree that we must have the exigencies of war always before our minds' eyes. Those who read the newspapers carefully and read them between the lines must have read with great perturbation the announcement made by the British Ambassador in America that we have come to our last financial tether. All our gold, all our securities are gone and we are on the point of asking America to give us a loan of thousands of millions dollars. We have come to that stage. Now, when we are in such a dreadful fix and the war is coming closer to us, God knows what will happen tomorrow. It may happen this way. Bulgaria is irresolute and may come under the heel of Hitler and allow the German Army to cross Bulgaria on its way to Greece.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member is going far away from the motion.

Maulana Zafar Ali Khan: The matter is closely related to the motion now before the House. Supposing that happens and the war comes to Turkey and Turkey being the Ally of Great Britain says, 'I want railway lines, I want so much of iron and steel', then if our Government dismantles many more railway lines in order to supply iron and steel to Turkey, I, as a Muslim, will decidedly say, 'go ahead'. The question before the House is not whether the line is remunerative or unremunerative, the question is not whether the people are put to any inconvenience, the question is a purely military one. As, unfortunately, the Government have lost all ideas of sanity, they will not take us into their confidence. Had they taken the non-officials into their confidence, then the Congress Benches would not have been empty. Had you trusted them, they would have been here. They promised large sums of money and valuable support if only the non-officials were taken into confidence, but the Government did not accept the offer. We are not out to hamper you in the war effort. You simply do not trust us. You do not take Mr. Jinnah into your confidence, you do not take Mr. Aney into your confidence, in fact you do not take any one of us into your confidence. We are gracious enough, we are generous enough to assure you of our own accord that we do not want to hamper you in your war activities. Is it not, therefore, up to you to trust us and appoint a Committee of at least two or three men and tell them that you propose to dismantle such and such a line. for such and such reasons? If for the sake of policy you do not want those reasons to be given out in public, let them remain secret, but at least consult our men. Our case is aptly described by the poet who says:

*"Pakre jatai hain fereshton ke likhe par na hak
Adami koi hamara dam-i-tahrir bhi tha."*

You will require me to translate the verse into English. Well here is the English version of the couplet: "We are being condemned unheard on the one-sided report of the C. I. D. Section of the heavenly host, viz., the angels. We should like to know if there was any one on the spot who held a brief for us and pleaded our cause". No, you do what you like.

Sir Syed Raza Ali: Everything is done *ex parte*.

Maulana Zafar Ali Khan: Our attitude is plain. We will not hamper you. We will not obstruct you. Your attitude ought to be a sympathetic attitude, a sane attitude, the attitude of men who do not live in the transcendental world. Come down from the transcendental heights into dimensional space and listen to what we have got to say. The time will come, when you shall listen. In fact the time has come. Only the other day the Honourable Member for Labour in the British Cabinet announced that henceforward all Indian seamen will be treated like men, and will no longer be called lascars. He also declared that 200 or 300 workmen will be invited from India to go to England to receive training and get the same scale of pay as the European workmen of similar status there.

Mr. M. S. Aney: Not the same scale of pay.

Maulana Zafar Ali Khan: But they will have the same scale of pay in the near future. I think that time is coming. Let that time approach faster. With these words, I support the motion for adjournment.

* I do hope that in view of the commitments of the people of Malabar in regard to the line under discussion at least a few months grace would be given to them. Then you can go on pulling down as many lines as you like.

Mr. B. M. Staig (Financial Commissioner, Railways): Sir, the Honourable Member for Railways has already dealt with most of the points raised in the course of the debate in the speech which he has already made. There are one or two matters in regard to which some apprehensions have been expressed with which I should like very briefly to deal. One Honourable Member referred to the possibility of serious unemployment arising. On occasions when the curtailment of our railway activities tends to throw staff out of work, we do our best to reabsorb them in other railway duties. I can assure the House that we shall do our best on this particular occasion to see that the hardship produced by the closing down of this line is reduced to the minimum. In regard to hardships over which the railways have no control, I can only say that the closing down of this line is being carried out in consultation with the Madras Government. Allusion has been made in the course of the debate to motor transport in that area and it is possible that some of the employees or persons affected may be absorbed in that industry should the removal of the railway lead to its expansion. We have taken up with the Madras Government the question of whether at the end of the war, this line should be replaced. Their reply will be considered before a decision is arrived at in this matter.

One Honourable Member enquired what were the financial arrangements in connection with the closing down of this line. We shall receive the estimated value of the materials being made over and the cost of dismantlement. These questions will take some time to settle. But the general settlement will proceed on that principle. His Majesty's Government will pay through the Supply Department.

In conclusion, I wish to say that we have examined with the greatest care the possibility of meeting these very urgent requirements without dismantling of existing lines. We have examined our own relaying programme and we shall have to make very considerable reductions in connection with it with a view to the efficient prosecution of the war. But the measures taken by way of postponement of relaying are not enough. Nor is an adequate supply of new rails likely to be obtainable. Those factories which produce rails have had their capacity very seriously strained, as can readily be appreciated, by demands thrown upon them in other connections. Therefore, Sir, taking into account all economic considerations and the grave urgency of the requirements we have arrived at the conclusion that this is the most economical and efficacious way of dealing with the demand.

Sir Syed Raza Ali: May I ask what the productive capacity of Tata's is and whether full use has been made of that capacity; and also whether there are any other firms that manufacture rails and if the best use has been made of them?

The Honourable Sir Andrew Clow: Sir, I am sorry my Honourable friend, Sir Homi Mody, is not in this House; he would have been able to answer that question much better than I can. But he assured me the other day that Tata's are working to full capacity. There is no other firm at the moment in a position to produce rails.

Mr. H. A. Sathar H. Essak Sait: Sir, very little remains for me to say in reply to the debate. I am thankful to my Honourable friend,—and I should have expressed it in the first place,—for allowing us to discuss this motion and not taking objection to it. This has served a very useful purpose, particularly the answer of my Honourable friend, Mr. Staig. We have got two very good assurances from him. The first is with regard to employing those who are sure to be thrown out of employment, and we are grateful for that assurance. The second is with regard to the re-establishment of this line after the war. Though this is not an assurance, what he has said makes us hope that something will be done, and that we can have some hope for the future. But with reference to the argument of my Honourable friend, Sir Andrew Clow, as regards this line not being sufficiently remunerative or the profits going down and that sort of thing, I can give him good suggestions as to how it can be made remunerative, but all that will be wasted because of the bigger argument and the most important argument which weighs with him and which weighs with me, *i.e.*, the needs of the war. Therefore, it is unnecessary to prove to him how this line can be made remunerative or how the income can be improved. That being the case, I do not think I will be justified in pressing this motion, and I beg leave of the House to withdraw it.

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

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 27th November, 1940.