

9th March, 1934

THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

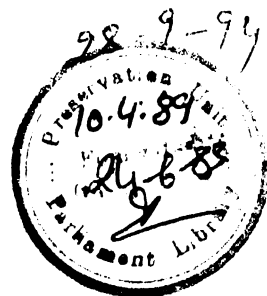
Volume II, 1934

(17th February to 10th March, 1934)

SEVENTH SESSION

OF THE

**FOURTH LEGISLATIVE ASSEMBLY,
1934**



NEW DELHI
GOVERNMENT OF INDIA PRESS
1934.

Legislative Assembly.

President:

THE HONOURABLE SIR SHANMUKHAM CHETTY, K.C.I.E.

Deputy President:

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

Panel of Chairmen:

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MR. K. C. NEOGY, M.L.A.

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

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

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MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistant of the Secretary:

RAI BAHADUR D. DUTT.

Marshal:

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

Committee on Public Petitions:

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

MR. K. C. NEOGY, M.L.A.

SIR HARI SINGH GOUR, KT., M.L.A.

MR. T. R. PHOOKUN, M.L.A.

MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

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LEGISLATIVE ASSEMBLY.

Friday, 9th March, 1934.

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

QUESTIONS AND ANSWERS.

LIABILITIES REGARDING WAR LOANS.

415. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state what is the amount outstanding to be paid to the British Treasury by the Government of India on account of the remainder of the liability regarding War loans?

(b) Will Government be pleased to state what is the rate of interest the British Government are now paying by conversion of their loans?

(c) In view of the benefit derivable by conversion of loans, have the Government of India converted the balance of the War loans to carry reduced rates of interest? If so, at what rate? If not, why not?

The Honourable Sir George Schuster: (a) £16,721,008.

(b) British Government five per cent. War Loan, 1929-47, was converted into a 3½ per cent. loan.

(c) The attention of the Honourable Member is invited to paragraph 47 of my speech introducing the Budget for 1933-34 from which it will be seen that we provided for interest at 8½ per cent only. No payment will however be made either in the current year or in the first half of next year. Provision for payment due in the second half of next year has been made at the reduced rate of interest.

Mr. Lalchand Navalrai: Why not the first part?

The Honourable Sir George Schuster: Because no provision has been made for the payment of the first part at all.

DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

416. ***Mr. Jagan Nath Aggarwal:** (a) With reference to the answers to starred questions Nos. 1128 and 1476 of the 23rd November and 22nd December, 1933, respectively, will Government please state whether it is the first instance in the history of the Military Accounts Department that the rule contained in Note 1 to Article 465-A, Civil Service Regulations,

has been applied? If not, will Government please quote previous cases and compare these cases with them?

(b) Is it a fact that in Lord Curzon's regime an officer was pronounced inefficient at the fag end of his service and retired, as in these cases?

(c) If so, did not Lord Curzon pronounce the superior officer who noticed the inefficiency so late to be unfit to hold his own office, and was not the retrenched officer reinstated?

(d) If so, what action do Government propose to take against the Department concerned when as many as nine officers have been retired all at one time?

The Honourable Sir George Schuster: (a) No. In recent times there has been one such instance in 1930. Such cases are not easy to trace and Government are not prepared to make an investigation covering the whole history of the Department.

(b), (c) and (d). On the information given it has not been possible to trace the case referred to by the Honourable Member.

DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

417. ***Mr. Jagan Nath Aggarwal:** (a) Will Government please state whether there is a system of holding a Conference of Controllers of Military Accounts once or twice at the Headquarters of Government for purposes of selecting officers and accountants for promotion and for other matters of importance?

(b) Was the inefficiency and compulsory retirement of the nine Deputy Assistant Controllers of Military Accounts, referred to in part (b) of the answer to starred question No. 1476, dated the 22nd December, 1933, decided upon in this Controller's Conference? If not, who decided the matter?

(c) Did the individual Controllers recommend the action taken for their respective men? If not, has the action taken been determined by the officiating Military Accountant General himself?

(d) Is it a fact that the retrenchment has not been effected under the Special Retrenchment Rules? If so, why?

(e) Are Government prepared to furnish a statement showing all personal cases during the years 1932 and 1933 in which the officiating Military Accountant General took disciplinary action which is different from that recommended by the Controllers concerned?

The Honourable Sir George Schuster: (a) Yes.

(b) No. The decision was taken by the Government.

(c) Not in all cases. In three cases the recommendation was made by the Military Accountant General. The decision in all cases was taken by Government.

(d) The retirement of these officers was not ordered as a measure of retrenchment, and therefore did not come under the retrenchment rules.

(e) Government are not prepared to take the action suggested.

DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

418. ***Mr. Jagan Nath Aggarwal:** (a) Will Government please state what the established procedure is for deciding upon the inefficiency of a Government servant and what procedure was actually followed in the case of the discharge of nine Deputy Assistant Controllers of Military Accounts?

(b) Was each officer apprised of his inefficiency in detail immediately it was noticed? If so, at what stage of service and at what intervals did this happen before the final action of forced retirement was taken in 1938?

(c) Was the explanation of each officer found to be deficient in any respect or unsatisfactory? If so, was he informed of the defect in writing to enable the officer to reform himself?

The Honourable Sir George Schuster: (a) The degree of efficiency of a Government servant is judged on the reports of the officers under whom he has served and is serving and on a consideration of any specific acts of commission or omission.

(b) and (c). Nos. 8 and 9 were retired because of definite acts of neglect of duty, and in each of these cases there was a regular enquiry in accordance with the regulations. In the case of the other seven the reason for retirement was that Government were satisfied that the officers were no longer up to the standard of work required of officers in their position. In such cases Government reserve to themselves the right to retire officers without formal enquiry if they have completed 25 years' qualifying service.

STANDARD OF AUDIT IN THE MILITARY ACCOUNTS DEPARTMENT.

419. ***Mr. Jagan Nath Aggarwal:** (a) Is the policy of audit and standard of efficiency required in the Military Accounts Department different from that obtaining in the other Audit and Accounts Departments?

(b) How many times during the last ten years has the Auditor General noticed that the standard of audit in the Military Accounts Department is below the mark? Was any action taken on each occasion to improve the efficiency?

(c) Are Government prepared to furnish a statement showing the number of frauds, serious irregularities and losses and writes off of stores and Government money detected by the Military Accounts Department and by the test audit carried out on behalf of the Auditor General during the last ten years, including all cases in which a large number of stores were detected 'surplus'?

(d) Will Government please state the number of military and civil officers in whose executive and audit charge the frauds referred to took place and the disciplinary action taken against them as well as against their immediate superior supervising officers?

(e) Is it a fact that in the Military Accounts Department the audit staff has generally been discouraged in the past from criticising the executive freely and have been required to propitiate them?

(f) Is it a fact that the present officiating Military Accountant General when Controller of Military Accounts, Northern Command, Rowalpindi, issued a circular to the Officers Commanding of units and formations enquiring as to their grievances against the audit staff? •

The Honourable Sir George Schuster: (a) The standards are analogous in all Audit and Accounts Departments, though duties and conditions of service vary considerably.

(b) I am not aware that the Auditor General has ever in the last ten years stated that the standard of audit in the Military Accounts Department is below the mark.

(c) and (d). Government are not prepared to collect the information asked for. All important irregularities are brought to notice in the annual Audit Reports on military expenditure, to which I would refer the Honourable Member.

(e) No.

(f) I have called for the information and will lay it on the table when it is received.

RETRENCHMENT IN EACH COMMAND OF THE MILITARY ACCOUNTS DEPARTMENT.

420. ***Mr. Jagan Nath Aggarwal:** (a) Are the appointments of the Deputy Assistant Controllers Military Accounts, analogous to those of the Assistant Audit Officers on the Auditor General's list?

(b) Is the Financial Adviser, Military Finance, the appointing authority of the Deputy Assistant Controllers like the Auditor General for the Assistant Audit Officers?

(c) Do both the Financial Adviser and the Auditor General keep themselves personally in touch with this class of officers? If so, to what extent; if not, why not and to whom in that case is the responsibility entrusted?

(d) Is it not a fact that all disposals of almost all personal cases are put up by the Military Accountant General's Office for the Financial Adviser's signature?

(e) Is it not a fact that the retrenchment of 1993 has been carried out by the Officiating Military Accountant General while the permanent Financial Adviser was on short leave? If so, are Government prepared to ask the permanent Financial Adviser to re-examine the cases personally and make his recommendations as to whether the officers retrenched can be recalled to duty?

The Honourable Sir George Schuster: (a) Yes, but their duties and conditions of service are different.

(b) The Financial Adviser is the appointing authority for Deputy Assistant Controllers.

(c) The nature of the Financial Adviser's duties requires his presence at Army Headquarters, save for occasional tours. His opportunities of personal contact with Deputy Assistant Controllers, who are scattered all over India, are therefore limited. Reliance is placed on the ordinary chain of departmental responsibility.

(d) Yes, the Financial Adviser is next above the Military Accountant General in the departmental chain, if that is what the Honourable Member means.

(e) The permanent Financial Adviser was on leave when these retirements were ordered. Government are not prepared to take the action proposed as their orders were passed after full consideration.

RETRENCHMENT IN EACH COMMAND OF THE MILITARY ACCOUNTS DEPARTMENT.

421. ***Mr. Jagan Nath Aggarwal:** (a) With reference to the answer to starred question No. 1476 of the 22nd December, 1933, regarding retrenchment in each Command of the Military Accounts Department, that the nine officers in question had been retrenched in special circumstances, will Government please state the names of the officers retrenched and the special circumstances referred to in brief in each case? If not, why not?

(b) Had any of these officers asked for an open investigation into his case, and if so, will Government please state whether the officer's request has been granted? If not, why not?

The Honourable Sir George Schuster: (a) For the reasons previously stated Government are not prepared to publish the names of the officers who were retired. The Honourable Member may take it that the retirement of these officers has not passed unnoticed in the department.

(b) One of the two officers retired for disciplinary reasons did ask for an "open investigation". This request was not complied with because very full enquiries had already been made in accordance with the regulations and it was not clear how an "open investigation" differed from that already made.

GRIEVANCES OF THE TELEGRAPHISTS RECRUITED FROM POSTAL SIGNALLERS.

422. ***Mr. D. K. Lahiri Oshudhury:** (a) Will Government be pleased to state:

- (i) whether various representations were made by the Members of the Assembly, the Indian Telegraph Association and the All-India Telegraph Union to redress the grievances of the telegraphists recruited from postal signallers;
- (ii) whether a deputation consisting of some Members of this House and a Member of the Council of State led by Sir Henry Gidney waited on the Director-General of Posts and Telegraphs on the 10th April, 1929;
- (iii) whether Government have since arrived at a final decision and, if so, whether it was communicated to the leader of the deputation; and
- (iv) if the reply to last part of (iii) be in the affirmative, whether Government will please lay a copy of that decision on the table?

(b) Are Government aware of the fact that these men have suffered the following losses: (1) loss of benefit of all services in the Postal Branch, (2) loss of benefit due to the postal revision in pay after their transfer to the Telegraph Branch, (3) loss of prospect of rising to higher appointments, (4) no hope, in some cases, of reaching the maximum in their grade, (5) consequent loss by the reduction in the amount of their pension and

(6) loss of emoluments, *viz.*, twenty per cent. of pay which the postal signallers are entitled to in the Telegraph Branch on temporary transfers?

(c) If the reply to any of the items in part (b) be in the affirmative, will Government please state what action has been or will be taken to compensate them for their losses?

(d) Is it a fact that in the Postal Branch they had to do everything in connection with the telegraph traffic work in addition to the signalling work and after transfer to the telegraph side they have mainly to do signalling work?

(e) Is it a fact that irrespective of the number of years service in the Postal Branch, these men, when transferred to the Telegraph Branch, are placed in the same category as other new recruits from outside at the time?

(f) Is it a fact that in the Audit Department a Superintendent on promotion to higher rank is given some seniority over other direct recruits? If so, why has not a similar concession been extended to the postal recruited telegraphists?

(g) Is it a fact that a higher percentage of these men has passed the departmental examinations for promotion than those direct recruits?

(h) Do Government propose to make a liberal interpretation of the ruling for fixing seniority for promotion to telegraph mastership and to include the total service of an official as a signaller for the minimum qualifying service of fifteen years?

Sir Thomas Ryan: (a) (i) and (ii). The reply is in the affirmative.

(iii) The Director-General who received the deputation communicated his decisions to the leader of the deputation.

(iv) A copy is laid on the table.

(b) Government are not aware of the particulars of each individual case but it is possible that some at least of the men concerned may have suffered the disabilities referred to by the Honourable Member.

(c) Government do not propose to take any action in view of the fact that the men concerned were offered two opportunities of returning to the postal branch and that all those presumably who considered that their pay and prospects had been prejudiced by their transfer to the telegraph branch were, at their own request, retransferred to the postal branch.

(d) Government have no precise information but the facts may be generally as stated by the Honourable Member.

(e) Yes.

(f) The reply to the first part is in the affirmative. As regards the second part, the Honourable Member is referred to the reply given in this House to Lt.-Col. Sir Henry Gidney's starred question No. 506 on the 18th February, 1927.

(g) Government regret that at this distance of time it is not possible to collect such comparative figures as would be necessary to furnish the required information. From such information, however, as is readily available, it appears that there are at present about 195 telegraphists who have passed the departmental examination for promotion, of whom 20 belong to the category of postal recruited telegraphists.

(h) The reply is in the negative.

Extract from the Minutes of a meeting held in the Director-General's room in New Delhi on 11-30 a.m., on Wednesday, the 10th April, 1909.

PRESENT :

Mr. P. G. Rogers, C.I.E., I.C.S., Director-General of Posts and Telegraphs.

Mr. M. L. Pasricha, Deputy Director-General, Telegraph and Phones.

Mr. S. B. Sinha, Assistant Director-General.

Lt.-Col. H. A. J. Gidney, M. L. A.

Mr. Amar Nath Dutt, M.L.A.

Nawab Mohammad Ismail.

The Honourable Mr. Sherwani.

The following matters were discussed :

1. *Grievances of postal recruited telegraphists :*

The Deputation desired that either :

- (i) these men should be allowed to count their previous services in the Post Office for increments, or
- (ii) they should be put in charge of combined offices, or
- (iii) they should be given an increment for every two years service in the Post Office.

Mr. Rogers said that he would look into the matter and see if he could make any recommendation to Government on the lines of suggestion (iii). He did not think that either of suggestions (i) or (ii) were practicable.

2. * *

Note by the Director-General of Posts and Telegraphs, Item No. 1, Grievances of postal recruited telegraphists.—Of the three suggestions made by the Deputation, Government have definitely decided against No. 1 and I regret that I am not able to re-open the case.

(2) is, I am afraid, quite impracticable.

(3) is really only a modification of No. 1 and the decision on that point must also cover this one.

Mr. Lalchand Navalrai: May I know from the Honourable Member with regard to clause (c) whether it is really a fact that the persons who have been transferred to the telegraph branch are treated as new recruits and new entrants? If so, what is the justification for that?

Sir Thomas Ryan: I have already stated that the reply to part (c) is "Yes". I do not know whether the Honourable Member is aware that we are now discussing the case of transfers from the postal to the telegraph branch of the Postal Department of something approaching twenty years ago: the question whether these men should be treated in all respects as new recruits to the telegraph branch was exhaustively discussed at the time and on innumerable occasions ever since. The Government have not now again reviewed, and cannot now undertake to review, the reasons which led to the initial decision which has so often been maintained.

Mr. Lalchand Navalrai: Why not review it when there is discontent and when there are reasons given for the change?

Sir Thomas Ryan: Government feel that they must recognise some finality in these matters and they cannot go on discussing, over something approaching twenty years, the alleged grievances of staff. The staff, if they had any real grievance, had a remedy offered to them when they were offered permission to go back to the branch from which they had come.

Mr. D. K. Lahiri Chaudhury: Are Government aware of the fact that some of these employees served for ten years in the Postal Department before they were recruited from the postal to the telegraph branch and that this long period of ten years does not count, and do Government propose at least to take a portion, say, fifty per cent of their working years in that service?

Sir Thomas Ryan: Government do not propose to re-open this question, which, as I say, has already been discussed threadbare.

LEVY OF WHEEL-TAX ON MOTOR CARS AND MOTOR CYCLES BY THE DELHI MUNICIPAL COMMITTEE.

423. ***Rao Bahadur M. C. Rajah:** (a) Is it a fact that the Delhi Municipal Committee charge wheel-tax on motor cars and motor cycles separately for each quarter from January to March, April to June, July to September and October to December?

(b) Is it a fact that the migratory staff of the offices of the Government of India, both officers and subordinates, move to Simla generally by the middle of April, and come back to Delhi by the middle of October, *i.e.*, they remain outside Delhi for nearly six months?

(c) Is it a fact that the staff of the Government of India have to pay wheel-tax for the full quarter April-June against their stay at Delhi for about a fortnight only in April? If so, why?

(d) Are Government aware that the imposition of the tax for the full quarter April-June entails hardship on the migratory staff (including officers)?

(e) Are Government prepared to take action so that the rules on the subject are revised with a view to taxing the migratory staff of the Government of India on a monthly basis either during their whole stay at Delhi, or during the month of April, or for six months altogether? If not, why not?

Mr. G. S. Bajpai: (a) Yes, but as the Punjab Motor Vehicles Taxation Act has been extended to the Delhi Province, the Delhi Municipal Committee are it is understood submitting proposals to the Local Government for the abolition of wheel tax levied by the Committee on the vehicles referred to.

(b) Yes.

(c) No; a proportionate charge only is made.

(d) Does not arise.

(e) Does not arise.

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

SECOND STAGE—*contd.*

Mr. President (The Honourable Sir Shanmukham Chetty): The House will now resume consideration of the demands for grants.

DEMAND No. 16—CUSTOMS.

The Honourable Sir George Schuster (Finance Member): Sir, I beg to move:

“That a sum not exceeding Rs. 64,35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of ‘Customs.’”

Mr. President (The Honourable Sir Shanmukham Chetty): Before the cut motions are taken up, the Chair would like to draw the attention of the House to the nature of the cut motions. Every year, before the Budget discussion starts, invariably the Chair has explained the procedure and what motions are relevant under a particular demand; and, in spite of that, the Chair finds that Honourable Members have not attached any importance to all these rulings given by the Chair year after year. It was once pointed out by the Chair that the scope of these debates, that is, the debates under the cut motions, was limited to the administration of the existing law by the Department of the Government of India and, in spite of that the Chair finds, for instance, under Customs, one Honourable Member wants to discuss the price of salt, and another Honourable Member wants to discuss rural indebtedness. I do hope that Honourable Members, especially those who have been in the House for some years, would take the trouble to find out what rulings have been given on these cut motions and give only such motions as will be, at least by some stretch of imagination, relevant to the demands. The first motion is by Mr. Mahapatra and he wants to discuss the export duty on agricultural produce. If it is the intention of the Honourable Member to discuss only the way in which the export duty on agricultural produce is administered by the Customs Department, then he would be in order; but if he wants to discuss the general question underlying the policy by which the export duty is levied on agricultural produce, then he will be out of order. What does the Honourable Member want to do?

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan): Under what demand will he be in order?

Mr. President (The Honourable Sir Shanmukham Chetty): Export duty on agricultural produce would, the Chair thinks, be relevant under the Commerce Department demand, because that Department is responsible for the policy: the policy governing the levy of export duty on agricultural produce is a policy which is controlled by the Commerce Department. It will be perfectly relevant to discuss the whole policy underlying export duties on agricultural produce when the demand under the Commerce Department is taken up, but now if the Honourable Member wants to discuss the way in which the export duties on agricultural produce are administered by the Customs Department, then he would be in order.

Mr. Sitakanta Mahapatra (Orissa Division: Non-Muhammadan): Sir, I want to discuss the desirability of the abolition of export duty on rice.

Mr. President (The Honourable Sir Shanmukham Chetty): That will be out of order. That will come under the Commerce Department.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): May I point out one thing, Sir? I do not want to question the ruling which you have just given, but according to past practice such motions have always been considered to be in order. As a matter of fact, I myself remember to have raised a discussion on the policy of the levy of an export duty on jute under this very heading some years ago, and then the question of export duty on rice was discussed under this very heading just about four years back at the instance of a Member from Burma. I quite realise that perhaps such a motion might more appropriately be raised under the Commerce Department, but the ruling which you have been pleased to give now is not in accord with the past practice of this House. That is what I want to point out.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I thought that you had not given a ruling, but you had only invited the attention of the House as to the limit or the scope in regard to the speeches that might be made on this particular point, for, Sir, the Raja Bahadur's motion on Reforms could have been more appropriately taken under the Secretary of State's heading instead of the heading "Executive Council". But, I am not going into what had happened in the past. As old Members are aware.—Mr. Neogy and others and you yourself are aware of it—I thought that you only wanted to restrict the scope of the debate, and instead of going over the whole range of the policy in regard to export duty which comes under the Commerce Department, you wanted Honourable Members to confine themselves to the duty part of it, and not the policy part of it.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): May I just say a word on this, Sir. On the 12th March, 1928, when the list of demands was under discussion, U Tok Kyi, a Burma Member, moved the following cut motion under the head "Customs":

"That the demand under the head 'Customs' be reduced by Rs. 100."

and he said:

"The object of my bringing forward this motion is to draw the attention of the Government to the desirability and advisability of removing the export duty in general and the export duty on rice in particular,"

and he began giving his statement, and he was allowed.

Mr. C. S. Ranga Iyer: It was a censure cut.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, in March, 1927, this question regarding the policy of export duty was discussed

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. As Mr. Ranga Iyer pointed out, the Chair has not given any ruling on the present occasion. The Chair only wanted to draw the attention of the House to the ruling which was given on a previous occasion

which defined the scope of these cut motions. The scope of these debates is limited to the administration of the existing law by the Departments of the Government of India. Now, that gives a general indication of the scope of the various motions, and the Chair proposes, as each motion is taken up, to rule whether that particular motion is in order or not. The Chair realises that it is very difficult to give one comprehensive ruling that will be absolutely binding. In deciding whether a particular motion is in order or not, the Chair would have to take into consideration the convenience and the rights of the House as a whole. Now, a Member who would be entitled, for instance, to discuss a particular subject under demand No. 55, should not deprive the rights of other Members by simply anticipating it and putting it under demand No. 16 and thereby claiming a right. The Chair will not allow that practice to be followed.

Mr. Sitakanta Mahapatra—No. 2.

The Chair does not propose to allow any discussion on No. 1 on the policy regarding the export duty on agricultural produce which is in order under the Commerce Department.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhanmadan Rural): Will you kindly allow such items which come last, though particular notice was not given?

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair can do that.

Mr. M. Maswood Ahmad: In this connection I want to suggest one thing. In the Railway Budget, you find that the demand for the Railway Board comes first, and so all the Members get up to raise important issues. Therefore, I would suggest that in future if, say, demand No. 28 is marked No. 16, it will be easy to make suggestions and to discuss the Government policy on different matters. Sir, this important item comes very late, and has now been voted.

Mr. President (The Honourable Sir Shanmukham Chetty): Even now there is nothing to prevent the House from passing over demands Nos. 16 to 27 and take demand No. 28. They can do so if they want.

Absence of Oriyas in the Customs Department.

Mr. Sitakanta Mahapatra: Sir, I beg to move:

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

I have tabled this cut motion with a view to drawing the attention of the Government to the fact that there is not a single Oriya employee in the whole of the Customs Department of the Government of India, from Simla Hills to Cape Comorin and from Karachi to Rangoon. That the claims of a people numbering ten million or more should have been so ignored in a large and important Department of the Government is a matter certainly to be regretted, but I do not blame the Government for it, because cut up as the Oriyas have been under four different Administrations, no one single Provincial Government, nor the Oriyas, inhabiting

[**Mr. Sitakanta Mahapatra.**]

at the tail end of any one Province, could make out a case for entertaining them in the various Departments of the Government. Therefore, there is not even a single employee in the Customs Department of the Government of India. But things have changed now, and the Government have recognised the Oriyas as a separate and distinct people. This recognition that the Oriyas are a distinct entity carries with it the responsibility on the part of the Government of India to give them their due share in the public services. The Honourable the Commerce Member may remember many intimate associations with the Oriyas and the Oriya country. We claim him as one of us. I believe, in the departments under him, a distinct people with over a crore of population will receive justice and sympathy which is due to them.

Mr. President (The Honourable Sir Shanmukham Chetty): Cut motion moved:

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

Mr. Gaya Prasad Singh: Sir, I very cordially support the motion of my friend, Mr. Mahapatra. Coming as I do from the Province of Bihar and Orissa, I may say that the Province, as at present constituted, consists of three sub-provinces, Bihar, Chota Nagpur and Orissa. My friend has advocated the cause of Orissa. I propose to refer to the case of the people of Chota Nagpur as well as the people of my own Province. None of these people have found employment in the Commerce Department, and I cordially associate myself with the views expressed by my friend, though I have my own doubts on this matter.

Mr. M. Maswood Ahmad: Sir, I also support the motion moved by my friend, Mr. Mahapatra. I suggest, Sir, that in entertaining employees in the various Departments of the Government of India, the claims of Oriyas should not be ignored in future. I may say that the claims of my Province, Bihar, have also been overlooked in this way that whenever Biharis are entertained in the services, domiciled Biharis are taken, and not the natural born ones of my province, and I want to draw the attention of the Government to this point that if qualified candidates be available and they be equal in other respects, territorial claims should be considered.

Mr. Gaya Prasad Singh: Sometimes communal and sometimes territorial.

The Honourable Sir George Schuster: Sir, the House is very familiar with this kind of topic, and I am sure it will be no surprise to my friend that I must oppose this motion. The House knows what the rules are which have been laid down by the Government of India for the purpose of securing adequate representation of various communities. We have no rules for securing proper representation of the inhabitants of particular areas in India and it would lead to intolerable complications and neglect of merit which is the chief criterion for recruitment to the public services. We will look into the matter and we will see that, where a meritorious Oriya applies for an appointment to the Customs Department, he shall receive the fairest possible consideration. Beyond that, I cannot go. I oppose the motion.

Mr. Sitakanta Mahapatra: In view of the sympathetic reply of the Honourable the Finance Member that he will consider the claims of any eligible Oriya if one is forthcoming, I beg to withdraw my motion.

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

Mr. M. Maswood Ahmad: Sir, as I am anxious to move my cut motions on demand No. 23—Indian Posts and Telegraphs Department (including Working Expenses), I do not want to move any of my motions on the demand now before the House.

Status and Salary of Assistant Preventive Officers at Madras.

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadan Rural): Sir, I beg to move:

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

So far as the Preventive Officers at Madras are concerned, the position is briefly this. We have got two cadres in the Preventive Department, Assistant Preventive Officers and Preventive Officers. There are 15 Preventive Officers in the superior cadre and 25 Assistant Preventive Officers. Among the Preventive Officers, eight out of 15 have educational qualifications, while, amongst the Assistant Preventive Officers, 20 out of 25 are qualified from an educational point of view. With regard to the duties assigned to these people, there is no distinction between the two classes, because, in the Preventive Manual, it is stated in paragraph 1 at page 1:

“Generally speaking no distinction is made in the nature of the duties allotted to them.”

Sir, if the Honourable the Finance Member will send for the monthly posters assigning duties to the Preventive Officers, he will be easily satisfied that in practice also there is no distinction between the Preventive Officers and the Assistant Preventive Officers in regard to the allotment of duties and that their work is identical. Then, again, under Fundamental Rule 30, the Assistant Preventive Officers are not allowed to draw a higher grade of salary when they are acting as Preventive Officers on the ground that both perform the same duties. All these go to show that they are in practice on the same cadre, the only difference being the one class is called Assistant Preventive Officers and the other Preventive Officers. Till 1926, in Madras, there was only one cadre, and I understand that in Bombay, Rangoon, Karachi and other places, this distinction does not obtain. During the Simla Session last year, I asked some questions with regard to the new rules regarding the overtime allowance drawn by these people. Last year, the Collector of Customs, Madras, has so altered the rules that the Assistant Preventive Officers are given less overtime allowance than the superior officers. An Assistant Preventive Officer used to draw in the shape of overtime allowance on an average Rs. 65 a month, now they are drawing only Rs. 45, while the superior officers, who were drawing Rs. 75 formerly, are now getting about Rs. 90. That was a sheer injustice to the Assistant Preventive Officers in these hard days, and if my memory is correct, the Finance Member said in reply to my

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question that a similar system obtained in Bombay and Karachi, and the new rules of Madras were aimed to bring them into line with it. He said, he would, however, make enquiries and let me know. Now, the Finance Member in his letter dated the 26th February addressed to me says:

"The rules differ from port to port, and are specially adapted at each port to local needs. It must be remembered that there is very considerable variety not only in local conditions, but in the actual classes of work which the staff has to perform, so that a system which is suitable at one port might be highly inequitable at another. At every port the greatest care is taken to secure a fair distribution of overtime work, and the rules introduced in Madras were merely a step in this direction."

That is explaining away the position which the Finance Member took up last time. If he sends for the rules and a report of their working, I am sure he will be satisfied as to the sheer injustice that has been done to the Assistant Preventive Officers. What I maintain is that there ought to be only one cadre in Madras also and the distribution of overtime and other privileges should be made uniform. That is a standing grievance and ought to be remedied soon.

Mr. President (The Honourable Sir Shanmukham Chetty): Cut motion moved:

"That the demand under the head 'Customs' be reduced by Rs. 100."

Mr. G. S. Hardy (Government of India: Nominated Official). My Honourable friend Mr. Thampan, I understand, wishes to raise really two points in connection with this particular staff in Madras. One is the fact that we have there two classes of Preventive Officers, whereas in some other ports we only have one. The other relates to the amounts of overtime which these officers earn. The Honourable Member quoted from a letter written to him last month by the Honourable the Finance Member, supplying certain additional information which had been promised in reply to an oral question in this House. The Finance Member said there that the rules differed from port to port and were specially adapted at each port to local needs. The difference between Madras, Bombay and Karachi on the one hand, and Calcutta and Rangoon on the other, arises from two main reasons. One is that Rangoon and Calcutta are river ports situated at a considerable distance from the sea, whereas Madras, Bombay and Karachi are all virtually on the sea; they are harbour ports and all the work there is done inside the harbour.

Mr. K. P. Thampan: But what about the nature of the work?

Mr. G. S. Hardy: I am coming to that. In Rangoon and Calcutta, also, in addition to the fact that they are river ports with entirely different problems in regard to the prevention of smuggling and other matters, they are the only two ports in India at which there are large imports of salt, and a very large proportion of the preventive staff in Rangoon and Calcutta are continually employed on the discharge of salt. That is one of the main duties of the preventive staff in those two ports. Also in both Rangoon and Calcutta, the preventive staff supply what we call the examining staff to assist the appraising staff in the physical examination of goods, whereas, in Karachi and Bombay, separate examining staffs

are appointed and they are not taken from the preventive staffs. Thus a greater part of the work which is done by the preventive staff in Calcutta and Rangoon is not done at all by the preventive staff in Bombay, Karachi and Madras, whereas certain work done in Karachi, Bombay and Madras is not required in Rangoon or Calcutta, for various reasons arising from the difference in local conditions. That is why we find it more convenient and economical to have, in addition to the senior grade of Preventive Officers in the three ports I have mentioned, a junior grade to do duties like guarding gates and various other things which are not done in Calcutta and Rangoon, because they are delegated to the Port Trust staff. Thus, there is very little similarity between the work done at the two ports except in so far as the special services we maintain to stop the smuggling of arms and drugs and contraband of other kinds.

Then, Sir, the Honourable Member has raised this question of overtime fees on which he asked a question in this House. The point there is this. Our rates of overtime fees are so calculated as to give an officer who works overtime very roughly the same rate of pay per hour as he earns during the day time. It is, therefore, obviously unreasonable that an officer, say on Rs. 200 a month should be earning 15 to 20 per cent of his monthly pay in overtime fees, when an officer on Rs. 70 earns as much as 100 per cent. in overtime fees. There was a very distinct grievance on the part of the senior staff in Madras that an undue amount of overtime work was going to the junior staff and that has been set right by the rules of which the Honourable Member complained a few months ago in this House. Now, Sir, if there is any particular point on which the Honourable Member would like to have further enlightenment, I should be very glad to go through the rules with him and do my best to satisfy him that they are equitable. In view of this undertaking, I hope the Honourable Member will withdraw his motion.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, Mr. Hardy has not answered the point raised by Mr. Thampan. Mr. Hardy said that the conditions that obtained in ports like Rangoon and Calcutta were different from those obtaining in ports like Madras, Bombay and Karachi. I quite admit it. If that be the case, he has made out a case for the existence of a different kind of cadre in the latter ports. But he has still to make out a case for the existence of two kinds of cadres that we find in ports like Madras. But I find from the speech of Mr. Thampan that the kind of work that is performed by the Preventive Officers and the Assistant Preventive Officers is identical. It does not differ in any way. No doubt there is the work of guarding the gates which the Honourable Member has referred to, but that work has been performed both by the Preventive and the Assistant Preventive Officers at the same time. Further, if an Assistant Preventive Officer goes on leave, then there are no restrictions imposed by rules that only an Assistant Preventive Officer should be posted to that duty. The Preventive Officers also have been posted and are being posted to such vacancies. Hence there is absolutely no difference in the kind of work that is performed by these two cadres. The cadres seem to exist just to provide for the Eurasians or the Anglo-Indians in this superior grade. There does not seem to be any necessity for the existence of these two different cadres.

[Mr. T. N. Ramakrishna Reddi.]

I wanted to speak before Mr. Hardy spoke, so that he might answer one or two questions, but I would like to state them at present. If we go into the qualifications of the Preventive Officers and Assistant Preventive Officers, we would find that the qualifications of the Assistant Preventive Officers seem to be much higher than the qualifications of the Preventive Officers, and I wish my Honourable friend would reply to that point. If an Assistant Preventive Officer has higher qualification, then I want to ask him what is the justification for allowing him to draw a lower pay and in preventing him to be appointed as a Preventive Officer except in a few cases.

Then, there is another point with regard to the efficiency of the work. I remember having heard sometime ago the Honourable the Finance Member replying to a question that the work of the Preventive Officer is more efficient than the work of the Assistant Preventive Officer. I may be wrong, but that is my recollection. If we examine the individual cases in Madras, we find that more of the Preventive Officers have been fined and suspended and even dismissed than the Assistant Preventive Officers. On the other hand, the Assistant Preventive Officers have been discharging their duties more efficiently than the Preventive Officers, and hence there is absolutely no justification for retaining these two cadres. As these officers have been doing the same duties and as there has been no difference in the rules governing these two cadres, there is no justification for the perpetuation of separate existence. I have great pleasure in supporting the cut motion.

Mr. K. P. Thampan: I understood the Honourable Member, Mr. Hardy, to say—for I could not hear him properly—that there was a good deal of difference between the work of the Preventive Officers posted in Calcutta and Rangoon and places like Bombay, Madras and Karachi. As my friend Mr. Reddi, pointed out, he has not explained in his reply as to the difference in the work that obtains, for instance, in Karachi and Madras. If Karachi has not got two cadres of officers

Mr. G. S. Hardy: I think my Honourable friend must have misunderstood me. In Karachi, there are two cadres, also in Bombay and Madras, but not in Rangoon and Calcutta. I am at a slight disadvantage in that Madras happens to be the one port of which I have never been in charge, but I should be very glad to make inquiries about these matters and discuss them with Mr. Thampan if he will come and see me sometime.

Mr. K. P. Thampan: I am glad the Honourable Member is prepared to discuss the subject with me and I shall see if anything can be done to redress the grievances of these people as a result of that discussion. If, however, he does not comply with my request, I shall avail myself of a later opportunity to raise this subject again, and, therefore, I wish to request the leave of the House to withdraw my motion.

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

(Mr. Lalchand Navalrai was called upon to move his amendment No. 26.)

Mr. T. N. Ramakrishna Reddi: What about my amendment No. 24?

Mr. President (The Honourable Sir Shanmukham Chetty): No. 24,—**Mr. Ramakrishna Reddi.** Will the Honourable Member tell me how this is in order—"Method of utilising the two annas tax on petrol" under "Customs"? The Chair is prepared to listen to the Honourable Member.

(After a pause)

Mr. Navalrai, No. 26. The Honourable Member does perhaps want to discuss the question in so far as it concerns the Customs Department?

Grievances of the Hindus of Sind in the Customs Department.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I do not want to discuss the general policy of the Customs Department itself or of the Government of India, but I want to show that there is a particular grievance of this nature with regard to the administration of the Customs Department there, and I shall restrict myself to that.

Sir, I am glad that after all in connection with this Budget I have now an opportunity to open my mouth; it was not fortunate for me to catch the eye of the President though I got up several times; any way, I am not going to make any grievance. I do know the difficulties of the Chair also. I can discuss the general financial question in connection with the Budget at any rate when the Finance Bill comes on, and, therefore, with that hope, I will only restrict myself to the very pertinent question that is involved in my motion. Sir, to make my point clear . . .

Mr. President (The Honourable Sir Shanmukham Chetty): Will the Honourable Member please move his motion first?

Mr. Lalchand Navalrai: Sir, I move:

"That the demand under the head 'Customs' be reduced by Rs. 100."

Now I do not in the first place propose to raise any general communal question. Be it known to my Muhammadan friends that I have got just now nothing to say with regard to the general principles governing the distribution of appointments as between the different communities, but the principle of justice upon which their case is treated should also be applied to us Hindus in Sind, and I do not want anything more. Sir, outside Sind, Muhammadans are treated as a minority community. But if they are a minority community out of Sind, in Sind itself the conditions are different. Sir, I do not grudge them any privileges, any rights or any protection that should be given to the minority community. But, on the same principle, may I ask one question—whether we Hindus in Sind are a majority community or a minority community? On that point there can be no two opinions. Sir, I want more Hindus in the Customs Department in Karachi.

Sir, the last Census has brought out that the population of Sind is 88,85,908, out of which the Mussalmans are 28,30,000, whereas the Hindus are 10,15,202. Now, the House can see whether we Hindus in Sind are a minority community or a majority community, and I would ask a direct question, not a general one, because this restricted question will decide the general question also. May I ask if the Commerce Department has hitherto treated Hindus as a minority or a majority community? I think the irresistible reply will come that it is treated as a majority community; and then I would ask, for whom are the reservations made in the Customs Department? For Hindus? No. Things are here quite different. Sir, whenever the question crops up in the Customs Department as to whether

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a place should be given to a Muhammadan as being reserved for him, or it should be given to the majority community, great injustice is done. This has continued for so long. Can I not blame the Government for not doing justice to us?

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): May I ask if the Customs Department is an All-India Service or a Provincial Service?

Mr. Lalchand Navalrai: My friend wants to draw me into the general question, wherever a grievance is not only with regard to the Customs, but with regard to Posts and Telegraphs, Railways and Income-tax. I am thankful to him that he has put me this question; but on the contrary he should help me in telling the Government, as he is a favoured Member, the real facts and he should join hands with me and see that justice should be done to Sind Hindus in all services.

Major Nawab Ahmad Nawaz Khan: I want that justice should certainly be done.

Mr. Lalchand Navalrai: Sir, my grievance is a very clear one. I submit that instances are often happening in which in a Customs Office, where certain matriculate and under-graduate Muhammadans have applied and also other Hindu graduates, who, it is well known, have good intellect in Sind, it is the Muhammadan matriculate or under-graduate who gets the job, in preference to the Hindu who is of superior intellect and who is also loyal to the Government. Therefore, Sir, I ask, why should it be that while there are graduates on one side and there are non-graduates on the other side, the Muhammadans should be preferred only because they are considered to be a minority community.

Mr. Gaya Prasad Singh: May I ask if it is the contention of my Honourable friend that graduate Hindus have been passed over in favour of non-graduate and matriculate Muhammadans?

Mr. Lalchand Navalrai: Yes, indeed I have several times put questions on this subject in this House. For instance, the other day I brought out the fact that a Muhammadan matriculate was appointed a Preventive Officer directly, while Hindu graduates, and I may also say some Muhammadan graduates were passed over. Sir, my complaint is substantial, and, unless relief is given, there will be a general charge brought against Government that they are not doing justice to the minority community of Hindus in Sind.

Mr. President (The Honourable Sir Shanmukham Chetty): Cut motion moved:

"That the demand under the head 'Customs' be reduced by Rs. 100."

Maulvi Muhammad Shafee Daoodi: Sir, I was glad to hear the preface with which my friend, Mr. Lalchand Navalrai, began. Really, justice should be done to all communities and I do admit that the Sind Hindus, so far as the Provincial Services are concerned, must be treated as a

minority community and they should have their safeguards in those services. But it appears to me that my friend is labouring under a confusion of thought. He should draw a distinction between the All-India Services and the Provincial Services. In the All-India Services, our sister community, the Hindus, cannot be treated as a minority. In regard to All-India questions they are certainly a majority community, and Customs as a whole is certainly an All-India Service. Therefore, so far as services under the Customs Department are concerned, the Hindus should be treated as a majority community and the Mussalmans should be treated as a minority community. (*Mr. Lalchand Navalrai*: "Question.") That is my view, and I think every one who will look at it from a reasonable point of view will endorse it. However, so far as I have been able to study the statistics of this Department, I find that the Mussalmans in the whole of India are certainly not getting their due share in the Department. We have made complaints off and on and I do not know whether the instance quoted by my friend of a graduate Hindu being overlooked as against a non-graduate Mussalman is correct. I do not think that cases like this might have happened unless there was no Muslim in the Department, and, therefore, the minimum qualification might have been insisted upon in the case of the Muslims, and a Muslim might have been taken who was not a graduate. Unless my friend shows that in the Customs Department as a whole, the Hindus have been treated badly, he cannot have any complaint. The complaint is that the Muslims have not been treated justly in the Customs Department, and I know it for a fact. Take, for example, the Customs Department in Calcutta. There are very few Muslims in that Department although I find a large number of Hindus in that Department. Therefore, I submit my friend's case is not correct.

Mr. Gays Prasad Singh: Sir, during the last ten years that I have been a Member of the Legislative Assembly, as the House knows, I have never soiled my hands by mixing in these communal wrangles. The Resolution of which I have repeatedly given notice was that merit should be the sole test for entering into the public services. My own community, the Rajputs or the Kshatriyas, is not represented in any of the services in the Government of India, but I have never made any grievance of this fact, nor have I ever claimed that, because the Rajputs or the Kshatriyas are not available in sufficient numbers to stand the test of a competitive examination, they should be nominated by Government.

With regard to the question under discussion, I may say that the plan which has been proposed by my Honourable friend, Maulvi Shafee Daoodi, is a very strange one. Sometimes our Muslim friends take the plea that they belong to a minority community and as such they not only want representation according to the numerical strength in the population, but also a sort of weightage and some additional advantage. But, in Provinces where they are in a majority, they ought in fairness to recognise the Hindus or, for the matter of that, any other community as the minority community. Here, my Honourable friend has tried to draw a distinction between an All-India Service and the Provincial Services, and his contention is that so far as the Provincial Services are concerned, a community which is in a minority in a particular Province ought to have a special weightage. Will my Honourable friend accept this principle which he has adumbrated in all the Departments and under all circumstances?

[Mr. Gaya Prasad Singh.]

My Honourable friend, Mr. Maswood Ahmad, has been persistently asking questions on the floor of the House as to why in the Railway Department in the North-West Frontier Province (where the Muslims are in a majority) the number of Muslim employees is so limited. Now, Sir, in the Frontier Province, the Muslims are in a majority and the Railway Department is an All-India Service. Why is it then that my friends should be asking questions in order to reserve some posts in the Railway Department for the members of their community? They must choose to take their stand on a clear understandable principle. They must choose one of two things. They must consent to recognise merit as the sole test for entering into Government service irrespective of the fact whether a community is a minority or a majority community. Speaking for myself as a Hindu, I am perfectly prepared to accept merit as the sole test for entering into Government service, and I do not subscribe to the view that the proportional representation according to the strength of the population should be the criterion for services. Sometimes my friends say that the minority community should be recognised and given the weightage more than is due to that particular community according to population, and sometimes, when a more qualified Muslim is passed over in favour of a less qualified Hindu in a Province in which the Hindus are in a minority, my friends start a quarrel and say that merit should be recognised and the Muslim should be given a preference over the Hindu. I really fail to understand this position. I have never been a communalist myself and I do not propose to be one, but I want to understand the position. (Interruption.) I am sure my record will show that I have never been a communalist and the record of my friends, Maulvi Muhammad Shafee Daoodi and Mr. Maswood Ahmad, will also show what communalists they are both inside and outside this House. However that may be, I want a clear enunciation of the position of my Muslim friends with regard to the public services. Whatever they demand, let that rule be applicable to the whole of India and to all the communities concerned, whether majority or minority, Hindus, or Mussalmans, or Sikhs. Of course, I am not referring to this particular point in the cut motion. If it is a fact, for instance, that a more qualified Hindu has been passed over in favour of a less qualified Muslim in the Customs Department in Karachi, will my friend have the fairness to stand up and say that an injustice has been done and will they join hands with Mr. Lalchand Navalrai in asking the Government to rectify the mistake? They want to take shelter themselves under the subterfuge that this is an All-India Service and that is a Provincial Service and thus they want to escape from the enunciation of one uniform principle. This sort of attitude won't do. They must stand on some clear principle.

Sardar Sant Singh (West Punjab: Sikh): The principle is "heads I win, tails you lose".

Mr. Gaya Prasad Singh: Let us all come to some agreement and let us pass some Resolution so that this wrangling may be put a stop to once for all. Let the Resolution be that the Public Service Examination, for instance, should be the sole test and criterion for entering into Government service. Here is my friend, Dr. Ziauddin Ahmad, who has educated his students in the Aligarh University, and what test has he been recognising there in his University? Only the test of examinations. The Civil

Service Examination and the Indian Police Service Examination are being held in order to judge the qualifications and the merits of the individuals with regard to the fitness for a particular service. Why should not this test of public examination be the uniform standard laid down for regulating the admission of members of different communities into the public services? There might be some exceptions where exceptional qualifications might be needed and where a particular community is absolutely at a disadvantage. But, as a matter of general application, let us have one uniform principle to which all of us might agree and which might be applicable, irrespective of any particular community, throughout the country as a whole.

Maulvi Muhammad Shafee Dacodi: I am sure you will back out of it.

Mr. M. Maswood Ahmad: Sir, I am also one of the lucky men like Mr. Lalchand Navalrai to speak on the General Budget this year for the first time, and I hope I shall be able to catch your eye at the time of the discussion of the Finance Bill and I shall be able to ventilate other grievances. This time I wish to begin by quoting a Persian verse which runs thus:

*"Bahar range-ki khābi jama ni pōsh,
Man andāz-i-qadat ra mi shamāsam".*

The meaning of this verse is "Whatever garb you choose to put on, I know you, your structure, and I will recognise you". This is the case with my friends, Mr. Lalchand Navalrai and Mr. Gaya Prasad Singh. They have come this time in the garb of a nationalist, but what they are at heart we know very well. Questions have invariably been put by my friend, Mr. Lalchand, about some office on the North Western Railway, the D. S.'s office at Karachi only for the reason that a Mussalman was the Establishment Officer there and I have also put some supplementary question on the floor of the House to expose him.

Mr. Gaya Prasad Singh: How many questions have I put?

Mr. M. Maswood Ahmad: My friend, Mr. Gaya Prasad Singh, has many lieutenants like Bhaiji to ask such questions. Further, he has said that the Rajputs are not in Government service and that he does not grudge it. I say that the Hindus have practically monopolised all the Government services and so he has no ground to grudge. I will also not grudge when Muslims get a job but a Sunni does not get it, because I am a Sunni, just as Mr. Gaya Prasad does not mind if a Rajput does not get a job. If the Syed community does not get Government service I won't grudge it. This is just the case of my Honourable friend, Mr. Gaya Prasad Singh. But when I find that, in spite of my being a member of an important community, I do not get Government service, I do mind it. The figures of the Customs Department as a whole are well known and I do not want to repeat them here, but if you go through the figures of the employees of various communities in the Calcutta Customs office and in Sind, you will find that the share of my community is very low in the services as a whole. In Sind, perhaps according to the information of my Honourable friend, Mr. Lalchand Navalrai, all the posts have not been given to the members of his community just as they are being given in other Provinces. I want to say further that in giving posts under the Government of India, the questions of Provinces

[Mr. M. Maswood Ahmad.]

is not considered. Though I do not agree, but this is the policy of the Government of India which has always been said on the floor of the House. Just now, while replying to my Honourable friend, Mr. Mahapatra, the Honourable the Finance Member said that Provincial questions were not considered in connection with the services under the Government of India. They always give figures for the service taken as a whole for the whole of India.

Sir, if any community has any complaint, it is my community alone who has got a very low share. I have no objection, rather I shall be glad if my Honourable friend's community in provincial matters is treated as a minority community, but the Customs Department comes under the Central Government and here the figures are taken as a whole. I did not want to raise this communal question again although there were many motions in my name about the paucity of Muslims in Calcutta and other places. But when my Honourable friend has dragged me, I have got no other alternative but to reply. My Honourable friend from Sind referred to the case of a Muslim matriculate being given preference to some Hindu graduates.

Mr. Lalchand Navalrai: Several Hindu graduates and also Muslim graduates.

Mr. M. Maswood Ahmad: If that is the case, then there must be some particular reason for passing over even Muslim graduates and preferring a matriculate. In that case, there was no question of communalism. There was no question of favouritism to my community. Sir, what happens that sometimes graduates apply for posts carrying rupees twenty and thirty, and the officers who make the selection think that highly educated candidates will not stick to the service with the result that they will always have new hands, and that is the reason why in many cases less qualified candidates are preferred to highly educated ones. That happened in my own Province on several occasions. I had a talk with the Secretary of a school who got applications for the post of a teacher on Rs. 20 from M.As. The Secretary of the school explained to me that those candidates would not stick to the post. So there are many other reasons why sometimes matriculates are given preference over graduates. I do not know the particular case mentioned by my Honourable friend, Mr. Navalrai, but there must be some reason for giving preference to the matriculate over the head of Muslim graduates and Hindu graduates.

Another point which has been mentioned by my Honourable friend is about competitive examinations. I have often said on the floor of the House that competitive examinations are not satisfactory tests at all. (Laughter.) I was discussing this very question at the time of the Railway Budget though the Honourable the Finance Member was not present then. Here, again, I want to raise that question, and I hope the Finance Member who is now present in the House, will consider this point very carefully. In a particular departmental examination, several graduates and M.As. and LL.Bs. and B.Ts. of all the Universities, such as Calcutta, Madras, Lucknow, the Punjab and other places, appeared. The question was about drafting letters. We can

imagine that a man may not be conversant with rules and regulations, but what about drafting a letter and precis-writing? Out of 150 marks for drafting letters, about 50 per cent. of the candidates got zero. These graduates have been working in the departments for over 10 years and yet they got zero. About 40 per cent of the candidates got less than 20 per cent. Only about four candidates got over 20 per cent. of the marks and only three candidates passed in drafting letters. Lord Curzon, on one occasion rightly said that an officer who could not, during the course of ten years, judge as to whether a particular Government servant was efficient or inefficient was himself inefficient. So, Sir, this is the result of a departmental competitive examination.

An Honourable Member: Where was that examination held?

Mr. M. Maswood Ahmad: That was held recently under the auspices of the Auditor General under the control of the Finance Department. If it is the contention of the Government that these graduates are unfit to pass the departmental examinations for drafting letters, then why should not the Government come forward with a proposal to close down all the Universities. In that case, I would have no objection to hold competitive examinations. What is the use of spending lakhs of rupees on these Universities when the Government do not attach any value to the certificates issued by these Universities. If these Universities are not fit to grant certificates to students who passed the examinations conducted by them, what is the use of wasting public money on these Universities. You do not need them. If Government want highly qualified men, I have no objection if they fix that only M.As. will be taken as clerks or as sweepers of the houses of Officers. It is absurd to have a competitive examination after these candidates pass the highest examination in the Universities. With these words, I oppose the motion of my Honourable friend, Mr. Navalrai.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Mr. President, I quite realise that there are some in this House who would like to have recruitment to the Government services entirely on merits. I am afraid that in a country like India, that is not always possible. I would not have stood up to speak if it had not been that a principle has been raised as to what is a minority community and what is a majority community. Sind is in a peculiar position. The Muhammadans are in a majority in that province and the Hindus can claim all the privileges of a minority community

An Honourable Member: What are those privileges?

Sir Cowasji Jehangir: That they should have a certain percentage in the Provincial Government service. What one has really to ascertain in a Province where there is a large majority and a small minority is, what are the percentages existing in the service in that Province. For instance, in Sind, although the Muslims are in a majority, I believe they are in a minority in the services. At one time it was my unfortunate duty to see or attempt to get that minority in the services decreased. Although the Hindus may be in a minority in a Province, if they happen to have a majority of the posts in that Province, I do not think they can claim the privileges of a minority community. The majority has

[Sir Cowasji Jehangir.]

certainly a complaint and the complaint is that although they are in a majority in this Province, all the posts are held by the minority community and that is a legitimate grievance once you admit that you must make distinctions.

So far as Customs is concerned, I do not know exactly the percentage in Sind between the Hindus and the Muhammadans, but, so far as my recollection goes, even in Sind, the majority of posts in the Customs are held by Hindus.

Mr. Lalchand Navalrai: Not those at the head. The posts at the top have been given to Muhammadans. I think the two Assistant Collectors are both Muhammadans.

Sir Cowasji Jehangir: So far as my recollection goes, the majority of the posts are held by Hindus, and because the Hindus are in a minority in Sind, they cannot claim that, notwithstanding having a majority of the posts, they should be given all the privileges of a minority community; that is to say, that recruitment to the services should be safeguarded so far as they are concerned. If there is a Province where the minority community is not represented in the services, I can understand their claiming certain privileges; I can understand their demanding that their minority community should have a fair share.

Mr. Lalchand Navalrai: But we are dwindling every day on that policy.

Sir Cowasji Jehangir: Wait till you have dwindled. When you have actually dwindled, then I can understand a legitimate complaint. But until you can make out that being a minority community you have been deprived of all posts in Government service and of your legitimate share, I do not think there could be any complaint. I come from a minority community, a very small community. Is it expected of me to put up a claim for my community in my Province, although my community may already hold their proper percentage of posts in Government service? How would my Honourable friends take a claim of that sort if I made it? If I have got five or six per cent. of the posts and I come forward and say that I am a minority community and you should go on recruiting from my community by giving me weightage because I happen to be a minority community, I do not think such an argument can be put forward in this House. Sir, these communal wrangles are most unfortunate and I do think that certain principles should be followed, and as long as you lay down certain principles and follow them, then there ought to be no further trouble. And I do hope that in the future such principles will be laid down clearly and concisely and then it will be left to the Public Services Commission throughout the country to carry out those principles and no such questions will be raised in any Legislature throughout India.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, it pained me more than anything else that a gentleman belonging to the race of Mr. Dadabhai Naoroji and Sir Pherozeshah Mehta, pioneers of Indian nationalism, should rise in this Hall where the representatives of the whole of India are assembled and take up the cudgels on behalf of the communists, the Maulana and Deputy Maulana from Bihar.

Sir Cowasji Jehangir: Sir, on a point of personal explanation, I have taken up cudgels on behalf of no community. I have only pointed out the principles that ought to be followed, if they are not followed.

Mr. Amar Nath Dutt: If only my friend had waited a minute, he would have found that I was going to criticise his policy and not the policy of Maulanas and Deputy Maulanas whom we have been accustomed to know since 1907, that famous day when they waited in a deputation on Lord Minto for communal representation.

Sir, my Honourable friend, Sir Cowasji Jehangir, has been pleased to ask that certain principles should be followed which should be laid down. What principles? Sir, does the State exist for inefficient men and idlers or does it exist for carrying on the administration in the best and most efficient manner possible? In order to have the efficiency that we desire, I think that the sole test should be merit, and not that a man who is Henry Gidney today should change his name to Azizuddin and change his faith and then get preference. I think this representation in State service on the basis of religion should be done away with if Government want real progress and real improvement in the conditions of India. It is too late in the day now to speak of religion when many of us would wish that this jarring element should vanish from human society which has retarded the progress of human civilisation for centuries, which has seen men being burnt at the stakes and women burnt at the pyre as *sati*. I think this element in human civilisation ought to vanish. But, Sir, when I find that, though he does not plead for any religion, he pleads for those who stick to certain religions in order to get the loaves and fishes of office, my pain knows no limit. Sir, I would ask my Honourable friend, Sir Cowasji Jehangir, to look to his own community, a minority community, which, by dint of merit, by dint of efficiency and also of public service, is in the front rank of all the communities of India at the present moment. Although they are the smallest community in India, they have not asked for any special representation in this House. Still what do we find? We find half a dozen of them here, six times the proportion which they might claim according to their population. And why? Because they have that patriotism, that service to humanity and that efficiency which entitles them to be here, and Sir Cowasji Jehangir is one of them.

Sir, it has been said that graduates cannot draft letters. I do not know to what University my friend was referring.

Mr. M. Maswood Ahmad: That is true of all the Universities in India.

Mr. Amar Nath Dutt: I do not claim to have any knowledge of all the Universities in this vast continent as my friend has but I can claim to have knowledge of my own *Alma Mater* and also the University of this Imperial City, Delhi; and I can assure him that there is not a single graduate of these two Universities who belongs to the category in which my Honourable friend would place them.

Mr. M. Maswood Ahmad: Ask that question of my Honourable friend, Sir George Schuster.

Mr. Amar Nath Dutt: I have been referred to the Honourable the Finance Member in matters of education. I could well have understood if I had been referred to my Honourable friend over there, Mr. Bajpai; but, instead of that, he refers me for education to the Honourable the

[Mr. Amar Nath Dutt.]

Finance Member: probably the next day he will refer me for finance to the Honourable the Home Member. That is a nice way of doing things. But I would like to know to what University my Honourable friend himself belongs—I pause for a reply.

Mr. M. Maswood Ahmad: Patna University.

Mr. Amar Nath Dutt: All right: I remember the great difficulty which we had in order to have that University's degree in a particular Faculty recognised in a particular Council, and we know its efficiency. For me to speak anything against Patna, which is the place of my nativity, is very painful, but I cannot swerve an inch from truth though I find that the products of the Patna University are of the type which my friend represents. I believe that the majority of the people of this country have come from the same stock though it may vary in some cases, *e.g.*, I belong to the Aryan stock, while you, Sir, belong to Dravidian stock; but we have lived so many centuries in this country and so long that we have almost forgotten that we come either from Dravidian stock or from Aryan stock; and whether we are Christians, or Hindus or Muhammadans, we belong to the same ethnological class—at least mostly, I submit. Very few of my friends, who claim representation according to religious faith, have come from either Persia or Arabia or, for the matter of that, from Turkey: all of us are Indians, and, as has been often said, we should say that every one of us are Hindus, for Hindu is not a generic name for the followers of a particular religion, but a name for all the people living on this side of the Indus river; and, so, if we want to have our religion appended to our race, they may be called Muslim Hindus, or Vedic Hindus or Christian Hindus; but we are all Hindus. That being so, I submit that this fight for representation in the services according to the percentage of followers of a particular faith should not be a policy which a Government should follow, far less the policy of a Government which professes religious neutrality. You are aware, Sir, that any one who is a Hindu today can easily become a Muhammadan or a Christian. If you hold out this attraction of loaves and fishes of office under the Government in the way in which my friend wants for a particular community, I beg to submit that Government will not be following the principle of religious neutrality, but will be taking upon themselves the task of proselytising for a particular religion. That is a policy, I think, which even my Honourable friend, Sir Cowasji Jehangir, will not lay down for the Government to accept, because when I remember that his community has been in India, having fled from Persia from those very followers of the very religion whom he is now backing up here in this Hall and still

Sir Cowasji Jehangir: I rise to a personal explanation: I back up no race or creed, not even my own; I back up nobody.

Mr. Amar Nath Dutt: My friend says he has backed up no community or religion: but now he is backing out of his own words. I am glad to hear that. But, even after staying for several centuries in this country, they have not changed their own religion of fire-worshipping; and how was this possible? Because of the policy of religious neutrality pursued by the Government. If the Government now pursue a policy of showing favour to a particular community on account of its religion, I say it will be an

evil day for the Government. I submit that it should be laid down once and for all as the principle of recruitment to State services that efficiency should be the sole test, and no other.

Mr. President (The Honourable Sir Shanmukham Chetty): The debate is now covering a very wide field. The Chair cannot allow a general discussion on the principle of communal representation. The discussion on this motion must be confined to the representation of the Sind Hindus in the Customs Department.

Mr. C. S. Ranga Iyer: Sir, I, am very glad you informed the House that it ought to confine itself to the very purpose with which the motion was initiated by the Honourable Member from Sind, for the ground which we were covering today had been covered during this Session on a previous occasion. One shudders sometimes to think what will happen to this country if we go the way we have been going, but the lead that has been given by the Honourable Member for Sind at any rate is an improvement in a sense, far from communalism to provincialism is an improvement; and I look forward to the day under the Federation when, instead of talking of communal minorities, we will talk of provincial minorities. That is the issue that is raised today.

In the Punjab, the Hindus are a minority; in Sind, the Hindus are a minority; in the North-West Frontier Province, again, the Hindus are a minority; and, Sir, in Bengal, the Hindus are a minority; and from this point of view I think the Honourable the Finance Member and the Government of India must think of allotting places for communities, now that communal representation has come to stay in the services. I am very sympathetic—I should say I earnestly feel for the suggestion made by the Hindu Member from Sind that also in the upper layers of the service the Hindus must have the same representation that the Muslims have in the United Provinces, for we want to settle this Hindu-Muslim problem, so far as Provinces are concerned, on the strength of the minorities in those Provinces. When we come to the Centre, even there, I believe, we have to take into consideration the strength of the minorities; for where is this communalism today in this country in its most rampant and most rabid form? It is in the Provinces in which our community claims that it is a minority. In Bengal and in the Punjab, the Hindus feel that they are a minority; in the United Provinces and the rest of the country, the Muslims feel that they are in a minority; and I would invite the Government in regard to Sind to approach this question from a provincial point of view; and as the Government themselves are not interested so far as professions go in promoting communalism, they will carry out their professions into practice by seeing to it that provincial minorities, to whatever communities they belong, are accorded their due. I need not here restate my own position in regard to efficiency that should govern admission to the provincial or other services. As for All-India Services, this particular "cut" lies in the province of the sea-coast Provinces.

I do not for a moment say that efficiency is the monopoly only of the majority community, as my friends, Maulvi Shafee Daoodi and Sir Muhammad Yakub, had truly said. In the Province of Sind, my friend claims that his is a minority community and as such they should be given the concessions that the Muslims seek elsewhere. I am certain that the Muslims will be the last people in India to deny the Sind Hindus the rights that are theirs. But, so far as possible, we should try to restrict discussions in

[Mr. C. S. Ranga Iyer.]

this House more to political and less to communal issues, and I hope the Honourable the Mover from Sind will withdraw his motion instead of pressing it to a division, whatever the attitude of the Government may be, for, in the coming days of provincial autonomy, each Province will be able to take care of itself.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, there is no doubt that the cry in the various Provinces today is "Bengal for Bengalis" and "Bihar for Biharis", etc., and now we have our friend, Mr. Lalchand Navalrai, saying "Sind for Sindhis", and through in that cry he brings into his lament another note "Sind for Hindus", a minority community, I give him my support. I do think, Sir, the time has come when all Provinces should arrange for adequate employment of all the communities in their areas but this is much easier said than done. I know the Government are faced with a very complex problem in the settlement of communal employment in the various Departments. The Honourable Member for Commerce told us the other day that Government had submitted a scheme to the Secretary of State and he hoped to make a report within a few days. I anxiously await it.

Sir, in supporting my friend from Sind, which I very seldom do, I would like to add just one or two remarks for the consideration of Government. These remarks do not apply only to Sind, but they generally apply to the entire communal problem regarding employment. Sir, India is essentially the play ground of communalism. Indeed this House is a bare garden of communalism, and if today's wrangle is to be accepted as an indicator or as a reflex of what the future Federal Chambers will be, all I have to say is "God help the future Government of India and their Chambers". It is a most regrettable thing, this daily communal haggling over service loaves and fishes, and I think Government must take this matter into their serious consideration and settle it once and for all.

To my mind, there is one solution to this problem which I give to this House for what it is worth and to which I have, on a previous occasion, briefly referred. There is no one in this House who will deny that efficiency is the *sine qua non* for employment in Government service. Now, what does efficiency in such employment connote? It connotes, today, an adequate knowledge of English. Let us now glance at the 1931 Census. Of the total population of this country, I understand there are roughly about two million people of all communities educated in English, above the age of 15. I also understand that, of these two million people, about one million are educated up to the secondary English standard or above. I take it that the employment which my friend from Sind is discussing refers to those appointments which carry a salary of Rs. 80 and upwards. He agrees,—well, for those appointments today, I think Government will agree with me, a knowledge of English at least of the secondary standard is demanded. Let us take this as our first point. Now, how many such appointments are there today in the Government of India and Provincial Governments which carry a salary from Rs. 30 up to, say, Rs. 500 per month or a little more? I am not talking of the Superior or Gazetted Services which the Public Service Commission recruit by open competition. I am dealing with the lower and upper subordinate appointments to which, I believe, my friend from Sind is alluding. From a rough calculation, I have been able to estimate that

there are about 400 to 500,000 such appointments in the whole of India and Burma. Let us take this as our second point. But what do we find? On the one hand, we have the Hindus saying that, as they form the greater majority, out of the 350 million population in this sub-continent, their employment must be on a population basis. The Muhammadans say, we form 80 millions of the total population and on this we claim our percentage and other communities make similar claims. Let me deal only with the two major communities, Hindus and Muslims. Will any one in this House deny the fact that the entire population of India is not in open competition for these jobs? Of course they are not, it is only those who are educated up to the secondary standard in English that are competitors for these jobs, and so how can we talk of securing employment on a population basis? You now come to my completed solution picture, i.e., there are 500,000 subordinate jobs and one million efficient persons in India, and since efficiency means English and efficiency is the *sine qua non* to such employment, the competitors and not the population of India for these 500,000 posts, are one million people. This is the only rational and practical basis on which communal percentages for employment can be made. I ask Government to consider this practical scheme by which they can adequately provide for all communities. My friend, Mr. Joshi, is laughing at this scheme. I am glad, he laughs, it is much better than seeing him weep, because if he received all his labour demands, they would not be competitors for these jobs, as his jobs are all below Rs. 30 per month. I am talking of the jobs which carry a salary of Rs. 30 and over per month and so I offer this suggestion for the serious consideration of the Government.

There is another way of getting out of this employment puzzle. Take the Central Legislature, as it is to be formed, or as it is formed today. Divide your communal representatives at the Legislatures into three main groups—Hindus, Muslims and European-cum-Anglo-Indians.

Mr. President (The Honourable Sir Shanmukham Chetty): Say something at least about Sind.

Lieut.-Colonel Sir Henry Gidney: I am moving towards Sind. I say, take the present Legislature and divide it into three communities, and, on the percentage representation of each group, give at its communal employment in the services. But unfortunately in that case Sind would get only one job, because there is only one Sindhi here. Sir, I do think that this matter of communal representation, so far as it applies to Sind, should receive the favourable consideration of the House and of the Government, because it does seem to me that if other minorities communities are allowed political weightage in the Legislature which *ipso facto* gives them a voice and a power to demand their communal economic protection why should the Hindus in Sind be denied that? I submit that, as a minority community, Sind should be given an economic weightage, the same as other communities are given. With these words, I support the motion.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I have every sympathy for the minority communities in Sind, and I would really ask the Government that if any injustice is being done to the Hindus in Sind, it should be removed without any delay. Sir, until the majority communities in India show a spirit of

[Sir Muhammad Yakub.]

generosity towards the minority communities in the Provinces, I am afraid, Sir, the future of the country is sealed. If we are really anxious to have political advancement in the country, if we are really anxious to show our face to people outside our country, then the majority communities in India must show the same spirit as the majority community in Egypt has shown to the minority communities there.

We all know, Sir, that when the question of the rights and privileges of the different communities was taken up in Egypt, the late Zaghlul Pasha, who was then leader of the Nationalist Muslims, asked the minority community, the Christians, to draw up and formulate their demands in detail and to put up as many demands as possible. The Christians there drew up their demands and placed them before Zaghlul Pasha. Zaghlul Pasha said: "These are not sufficient to protect your interests.

want that something more should be added in order to safeguard your interests". In that way, Sir, if we adopt the same method in this country, I think we will find that after a short time the Hindus and Muslims will live in the same spirit in India as the Christians and Muslims are living in Egypt and other countries today. Sir, I really deprecate communalism in any service of the country, and I want that communalism should be eradicated. Communalism does not mean the introduction of one community in the service of any country, but it means that the whole country or the whole department is predominated by one community. What communalism means is that a certain person is debarred from getting any post simply because he belongs to a certain community or to a certain religion

Mr. Amar Nath Dutt: Is there any such rule in the Government of India?

Sir Muhammad Yakub: The rules of the Government of India are quite different from the practice of the Government of India. The rules of the Government of India are drawn up by one set of officers, while action on those rules is taken altogether by a different set of officers. I know that the Government of India are trying for years and years to remove communal inequalities in services. Communiqués are issued by the Government, orders are issued by the Government, but what is the result? When these orders go to those officers who are really responsible for giving effect to them, they are thrown into the waste paper basket, and the officer who is in charge of giving these posts has his own way, with the result that communalism prevails, that one community predominates over another community. As regards educational qualifications, efficiency, or otherwise, I can point out hundreds and thousands of instances in every department of Government service where unqualified persons belonging to a particular community are holding offices, while graduates and M.As. of a certain other community in spite of holding very high degrees are declared as inefficient and they are debarred from getting any service. This is communalism, and I wish that this communalism should be eradicated out of Government service.

As regards Sind, now that Sind is to be formed into a separate Province, it would be better

Mr. Lalchand Navalrai: It should not be formed into a separate Province.

Sir Muhammad Yakub: If Sind is not to be separated, then I think India's fate is sealed. Heads I win, tails you lose,—if that is the spirit, then we cannot talk of nationalism or of any advancement. So, I would submit that this is really the time when a census should be taken of all the departments and of all the services in Sind

Mr. Lalchand Navalrai: May I rise to a point of order? Can the question of Sind separation be discussed here?

An Honourable Member: You have brought it.

Mr. Lalchand Navalrai: I have not.

Sir Muhammad Yakub: I have not discussed that question, but what I say is that it is appropriate and proper that a census of the services and of the different communities holding different appointments in Sind should be taken, and immediate steps should be taken to see that any injustice is not done to any community in Sind. The minority community in Sind must get a share in all services, not only according to their numerical strength, but also they must have weightage in the services such as the minority communities are given in other Provinces. But if we find that in certain departments in Sind a certain community, in spite of being in minority, is holding nearly all the important posts or has an overwhelming majority and injustice is being done to the majority community, that also should be rectified. I will not ask the Government to remove from service those who are already occupying posts, but I would request Government that in future recruitment they must see that injustice is not done to any community. If the majority community is placed in a minority, then the orders should be that, as long the majority community gets its proper share, recruitment should be made from that community alone. In the same way, if the number of Hindus is very small in a certain department, they must get their share, not only according to their population, but weightage should also be given to them. With these words, I resume my seat.

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

The Assembly re-assembled after Lunch at Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. N. M. Joshi (Nominated Non-Official): I have followed the discussion that has taken place on the motion moved by my Honourable friend, Mr. Navalrai, but I have so far found it very difficult to understand what exactly the complaint of my friend is. If it is his complaint that the Hindus are not represented, in accordance with their population ratio, in the Customs Department in Sind, he should clearly say, which ratio? Is it the ratio of the Hindu community of the whole country or the ratio of the Hindu population in Sind.

Mr. Lalchand Navalrai: In regard to that, I would say that in respect of new entrants the hands of the officers there are tied down to earmark certain places for Muhammadans, whether they are efficient or not. Even when a candidate is not efficient, it has to be given to him, because he is considered to belong to a minority community.

Mr. N. M. Joshi: My point is this. If Hindus are a minority community in Sind, according to the rule laid down by Government they are entitled to certain posts being reserved. Is it his complaint that no posts are reserved by Government for Hindus at all?

Mr. Lalchand Navalrai: Yes, they are not.

Mr. N. M. Joshi: I feel that it is much better if the Government of India make the principles of recruitment of services very clear. We hear several times in this House that the Government of India have reserved 30 per cent. of the new recruitment for the minority communities. I would like the Government of India to make it quite clear whether the 30 per cent. reserved for the minority communities is to be distributed over the whole recruitment or the 30 per cent. rule is to be applied to every Department. The reason why I ask this question is this, that if this rule is to be applied to every Department, there may be certain Departments where a larger percentage of recruitment may be given to minority communities. Take, for instance, the Army. In the Army, some of the minority communities get the largest share. Take the Indian Marine. There too certain communities get the largest share, and I would, therefore, like the Government of India to take into consideration the larger share given in certain Departments. I would like the Government of India to lay down their policy very clearly in this respect, because, from the replies given to questions asked in this House, it is not clear whether the Government of India are anxious to see that in every Department every community will be represented according to certain ratios. Then, Sir, I do not wish to make a speech on the principle. At the same time, I must state, in view of what certain people have said, that on the whole, it is much better for Government to give posts in Government service in accordance with the population ratio of each community. I do not see any reason why any weightage should be given to any community, and, if any weightage is to be given, at whose expense, because when a certain section of the population does not get its share of jobs, it is that section which suffers and not the whole community. This is an economic matter, and I would, therefore, suggest that if Government lay down any ratio, it should be in accordance with the population ratio of that community.

My Honourable friend, Sir Henry Gidney, has proposed another criterion for the division of jobs,—according to the knowledge of English. I do not understand what the connection is between the knowledge of English and the division of jobs. If you make that the criterion, his community will stand to gain very much, because the mother tongue of his community is English. I, therefore, wanted to know, Mr. President, whether the complaint of the Hindus is that they used to get jobs before and that now they do not get jobs at all. If that is so, I want the Government of India to consider another principle which they are following as regards the recruitment of Anglo-Indians. The Government of India have stated very clearly that they do not want to stop the recruitment of Anglo-Indians, although their ratio in certain departments of service

is very large, because it would create a sudden disturbance of the economic life of that community. If certain classes of people are accustomed to depend upon Government service for their maintenance, Government should take that fact into consideration while entirely stopping the recruitment of that community. I know that there are certain communities in this country who depend upon Government service for their maintenance in my Province. There is the Brahmin community. The Brahmin community is very largely represented in Government service. They get much more than their share. Similarly, the Anglo-Indians get very much more than their share on a population basis. At the same time, if the rule, that there should be no disturbance in the economic life of a community, is to be applied to Anglo-Indians, that rule should also in fairness be applied by Government to other communities which have so far and for generations probably been solely dependent on Government service, and I would, therefore, ask the Government of India

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadan Urban): Will the Honourable Member suggest some remedy by which Brahmins cannot enter the commercial sphere?

Mr. N. M. Joshi: I do not know whether there is anything by which Brahmins only could be prevented from entering any kind of occupation. What I am suggesting is that if Government make it a rule that there should be no sudden disturbance created in the economic life of a community, that rule ought to be applied, in fairness, to all people similarly situated, be it a section of the Indian community or the Anglo-Indian community.

I would like to make, one suggestion to the Government of India in this matter. The Government of India should annually publish a report giving all the details as regards recruitment to the services, as regards the position of each community in Government service, and so on, and that report should be priced very low and should be made available for almost anyone who wants it, so that these questions need not be raised again and again in the Legislature, and the time of the Legislature should not be thus wasted. The publication of such a report, even if it will cost something, with all the details that are available, will serve a very useful purpose and will not involve the waste of time of this Legislature.

Seth Haji Abdooli Haroon (Sind: Muhammadan Rural): Sir, when my friend, Mr. Lalchand Navalrai, moved his motion, unfortunately I was not present, but I am thankful to my friend, Mr. Joshi, that in his speech he has replied to some of my friend's points with regard to his desire in the matter of the services in the Customs. I think, my friend, Mr. Lalchand Navalrai, will agree with me that he lives far away from Karachi, about 250 miles, in Larkana, whereas, I am living in Karachi itself.

Mr. Lalchand Navalrai: I know everything about Karachi.

Seth Haji Abdooli Haroon: The Honourable Member probably knows much better than I know about Karachi, but I have occasionally to go to the Customs Offices in connection with my own business, and I know the true position with regard to the Customs, probably more than my friend.

[Seth Haji Abdoola Haroon.]

Sir, unfortunately at present I have not got any figures before me, but I want to draw attention to the fact that in the Customs there are three major services—Preventive Officers, Examiners and Appraisers. Now, in all these three services, I think my friend, Mr. Lalchand knows very well that the Hindus are more there than the Mussalmans, and he also knows very well that at present, even at this day, the Hindus are more in number in all those upper services than Mussalmans. So I do not know what is the real complaint of my friend, Mr. Lalchand.

Mr. Lalchand Navalrai: My point is this: the Hindus are, no doubt, there in the Customs, but they are there on account of their merit only. Now, merit is not being respected, and, on the contrary, places are being made available for Muhammadans in spite of the fact that they are not so efficient or so educated, simply because they are a minority community.

Seth Haji Abdoola Haroon: Sir, I do not know how to measure efficiency. My friend can probably measure it properly, but there are certain rules in the Government Departments that for such and such a service there must be such and such minimum educational qualification: and I do not think any Government official, especially in the Customs, would possibly have given any post to a Mussalman candidate without there being any sort of merit in him.

Mr. Lalchand Navalrai: I say, yes, they have.

Seth Haji Abdoola Haroon: Well, it might quite possibly be the case that my friend, Mr. Lalchand's candidate might be an M.A. or a Senior Cambridge passed fellow, but the requirement in the Department probably is only of a matric. Therefore, if the office requires a minimum, such as a matriculation standard, then a Government official cannot be blamed for not taking a Hindu candidate who happens to be an M.A. or a B.A., and I do not think, if that is done, that it is any crime committed towards any community or any individual. Mr. Lalchand knows very well that the Hindus are already more than the Mussalmans in all these three categories of services I have mentioned. No doubt other minority communities are far in excess than either the Hindus or the Mussalmans, but, alas, unfortunately, at present, the tension all over the country is such that Hindus want to fight the Mussalmans only. If they find any post granted to Mussalmans, they immediately notice it, but if any other minority community gets far more than his share, they do not notice it! So, Sir, my complaint is this that, up till now, not only according to the percentage, but in total numbers, the Mussalmans are not represented in the services as they ought to be. Take, for instance, Preventive Officers—about three dozens. Out of them, there are hardly three or four Mussalmans. Take Appraisers—out of three or four dozens, there are hardly two or three Mussalmans. Take Examiners, same is the case there. If Mr. Lalchand's complaint on the floor of this House is that the Customs Collector has appointed Mussalmans, then I do not think that such a complaint is at all fair to the Mussalman community. With these remarks, and hoping that Mr. Lalchand Navalrai will not be bringing in similar complaints, as between Hindus and Mussalmans, I resume my seat.

Mr. E. N. O'Sullivan (Bombay: European): Sir, I intended to say a word on this motion this morning, but it is such a long time ago that I have now forgotten what I was going to say. However, I think on the

whole I had better say a word about Sind. I think we are all agreed that these debates on more or less communal topics are not edifying, and I would hesitate to rush in myself where angels fear to tread. But, Sir, this problem of filling up of appointments to the public services in Sind is a very difficult and most peculiar one, and one, I think, which no other Provincial Government has to contend with to the same extent.

The history of Sind itself is a peculiar one. When the British first occupied Sind between 1840 and 1850, the rulers of Sind were the old Baluchi Mirs, and those old Mirs were ill-educated, and, in fact, history records that they detested any form of education or clerical work or anything of that description at all, and their affairs and the affairs of the State were run by Hindus. A particular community of Hindus are the descendants of the original clerks of the Mirs of Sind. As time went on, after the British occupation, this community entered the service of the British Government. At the beginning of the century, the Government service in Sind was almost entirely composed of Hindus and very largely of that particular class. The habits of life of the Muslims of Sind were not conducive at that time—I am talking about the beginning of the century—to education. They thought more of the power of the sword than of the pen. They preferred the plough to the parchment, and, in fact, I will say again that they were inclined to look down upon education with the natural result that, during the last 30 years, they have been almost excluded from Government service. There is a very small proportion of educated Muslims in Government service in Sind today. In the last few years, the Government of Bombay have made strenuous efforts to remedy the situation which is very difficult and very intricate indeed. On the one hand, they were faced with demands of the large Muslim population who were inadequately represented in the public services. On the other hand, they were faced with the necessity to carry on the administration as efficiently as possible and it was very difficult to keep both these ends in view and produce anything like a working arrangement. The same claims came from both communities as we had today in this House from the respective representatives of these communities of Sind, I am referring to my Honourable friend, Mr. Navalrai and Seth Haji Abdoolah Haroon. The clamour we have had today is not comparable with that which has been going on in the Bombay Legislative Council for several years now. I say the Government of Bombay have been endeavouring to remedy this by putting Muhammadans, as far as possible, into the public services, but it is extremely difficult. If Government could only produce some sort of working arrangement to the following effect, it might meet the case. Establish three categories for recruitment to the public services. Category "A" for the Muslims of Sind, category "B" for the Hindus of Sind, and category "C" as a sort of efficiency cadre to be recruited from both Hindus and Muslims and then make all the higher appointments, all the key appointments and all the important appointments from the efficiency category. . . .

Mr. Lalchand Navalrai: The Hindus are also efficient.

Mr. D. N. O'Sullivan: I am putting into the third category all the efficient Hindus and Muslims and also members of any other community. That is the only way in which we can get on possibly. The great danger now in Sind is that Muslims are unfortunately being forced into key positions in keeping with this policy, to the great detriment of the administration, and if this state of affairs is permitted to go on, there will

[Mr. D. N. O'Sullivan.]

be a breakdown in the administration. (Hear, hear.) An educated Muslim is in every respect able to perform the same duties and is as good a public servant as the Hindu of the same standard of education. As I said, unfortunately, owing to their lack of opportunities, the required number of Muslims is not forthcoming, and, in the meantime, therefore, I would urge, with all the emphasis at my command, that Government should keep in view the necessity of running a strong and capable administration in Sind and recruit for the higher services only those Muslims and those Hindus who are able to pass—not necessarily by means of a competitive examination—a certain efficiency bar. Otherwise the new Province of Sind will be faced with a complete breakdown. It is an impossible position to produce, for instance, a Muslim engineer of five years' service in the Public Works Department and put him in charge of a large area where most intricate barrage and canal works have been in progress costing lakhs of rupees to Government. If that man is given a chance, naturally, in due course, he will capably fill those higher posts, but not at present. Therefore, I would ask both my Honourable friends from Karachi, when they get back to their Province, to place some manner of scheme of this nature before Government and to settle their differences. Now, I would ask my friend, Mr. Navalrai, to withdraw his motion.

Nawab Major Malik Talib Mehdi Khan (North Punjab: Muhammadan): I had no intention to take part in this debate, but certain remarks made by my friends, Mr. Joshi and Bhai Parma Nand, have made me to rise and say a few words. Mr. Joshi said, though not in so many words, that the Muslims preponderate in the Army, while Bhai Parma Nand said that they were holding the same position in the Police. I admit that, after the British-Sikh Wars, when the Punjab was annexed and the Government of India occupied the country bordering the North-West Frontier Province, all the wars of that period generally were fought beyond Peshawar. To fight those wars, the people who were inhabiting the north of the Punjab were enlisted and they had to bear the brunt of the battle, because the invaders mostly hailed from across the border. The people belonging to other parts did not like to go as far north, and it is said that when a regiment was sent from the south they laid aside their guns and boxes and said that as they could not stand the cold, they would like to go back to their own Province. This was one of the reasons why the people of the Punjab preponderate in the Army. The second reason is that the pay of the sepoy was not alluring enough to those who could make both ends meet in a mild climate. This accounts for the enlistment of Muslims and the popularity of the letters "P. M." in the Army, which stands for "Punjabi Mussalmans", a name to conjure with, because they fought the battles of the country, not on the North-West Frontier alone, but in other places, such as China, Africa, Turkey, Europe and other places, and, wherever they went, they rendered a good account of themselves. The unemployment in the country is now goading people to take to callings for which they did not care before, and as the pay of the Army has been raised, the other classes now seek admission into it. Another reason is that under the new Indianisation scheme, the posts of officers have also been thrown open to Indians. Here we discern the turning point in the claims of the new entrants or candidates for efficiency alone. My reply is that those, who fought the battles of the country for over 100 years, deserve some recognition in filling higher appointments. This

is all I urge; I do not want favouritism, I claim that if the sons of old soldiers fulfil the conditions of service, and as they are made of that stamina which makes a strong and sound officer, I see no reason why they should be ousted, because they belong to a community which supplied the major part of fighting material, i.e., Mussalmans.

Mr. Lalchand Navalrai: That is what I want for Sind.

Nawab Major Malik Talib Mehdi Khan: And it is not denied by me.

Now, I come to the Police Department. There was a time, Sir, when this Department was looked down upon and it was said that no decent person, with self-respect, could join the ranks of the Police. The pay was small and the work very hard. This was the reason why those, who had the stamina to fight and suffer hardships, joined this Department. They were generally Mussalmans.

Lieut.-Colonel Sir Henry Gidney: The same is the case with Anglo-Indians in the railways.

Nawab Major Malik Talib Mehdi Khan: I am not denying anything to those who deserve it. It is immaterial whether they are Muslims, Christians, Hindus or Sikhs or Parsees. There is one aspect of the case, which I would like to lay before you, namely, that a new class of crime has recently come to the forefront which I might call political. A cry was made to enlist non-Muslim classes in the force, and the Government allowed it. The Muslims never said a word that they should not come in to get their due share. All that they (Mussalmans) want is to live and let live.

I have given my answer to the question how the Muslims preponderate in the Army and the Police. As to the point in question, I make a simple suggestion. Where a community is in the minority, it is but meet and proper that its number should be raised either by enlistment or nomination. We are ready to accept this principle and I hope everybody else will do so. There is another point, which requires closer scrutiny, namely, the demand for efficiency. I find that efficiency alone and the bringing of a minority community to its proper level do not go well together. My friend, Sir Muhammad Yakub, said just now that efficiency as applied by one person does not carry the same meaning to another. My suggestion would be that Government should fix a certain standard for filling up various appointments under them, and when they find that a certain number of candidates come up to that standard, one belonging to a minority community should get the post. By this way Government could bring up the minority communities to their proper level, and would avoid swamping one community by the other. This would facilitate the work of the Government, and if they find it useful they can keep it up. It will smooth the way of Government if they insist that persons belonging to various communities inhabiting this vast country should have their due share of posts. With these remarks, I bring my speech to a close.

An Honourable Member: The question may now be put.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, one's patience gets exhausted when one listens to this kind of speeches which have no relevance with the matter in issue. Here we have got a

[Mr. Muhammad Yamin Khan.] (

cut on demand No. 16 which relates to the Customs Department and we have been hearing the tales of woe about different Departments which have got nothing whatsoever to do with the Customs Department. Much ground has been covered and many Departments have been touched upon, such as the Army and the Police, and also the Provincial Services have been referred to. I do not see how the Customs Department has anything to do with any Province. Customs is the Department of the Government of India and the rules regulating the entries in its services must be made on an All-India basis, and not on the basis of one Province or the other. When I see the list of cut motions, I do not understand how the various Honourable Members who have given notice of those motions can reconcile themselves. Cut motion No. 2, standing in the name of Mr. Sitakanta Mahapatra, refers to non-representation of Oriyas in the Customs Department. Cut motion No. 4 relates to the paucity of Sikhs in the services. Cut motion No. 5, standing in the name of Mr. Maswood Ahmad, relates to the paucity of Muslims. Cut motion No. 7 by the same Honourable Member proposes to raise the question of indiscriminate supersessions. Then comes in another cut motion by the same Honourable Member regarding Indianisation. Then there is another cut motion relating to Muslim grievances all round. Then comes another cut motion regarding the representation of Muslims in the Calcutta Customs. Then, my Honourable friend, Mr. Amar Nath Dutt, has given notice of a cut motion to discuss the question of the paucity of Hindus in the Department. So, I do not know which community is suffering from paucity of its representation. One gets perplexed to find out who is the person who has got a grievance. Sir, this sort of talk goes on everyday and it spoils the credit of this august House in the eyes of the world as if we have got nothing else to do. We cannot criticise the policy of the Department, whether the expenditure is rightly incurred or not. I think the best thing would be that if anybody has got a grievance he had better see the Member in charge and explain his case to him and not waste the time of the House.

Mr. Lalchand Navalrai: The Member in charge then says that Government have laid down such and such policy.

Mr. Muhammad Yamin Khan: I say that my friend, Mr. Lalchand Navalrai, is pleading against his own community and that can be explained to him in one minute. He wants to be treated as a member of a minority community. Now, the rules relating to the minority communities are that they should get 30 per cent. jobs altogether. Will my Honourable friend be satisfied if he gets 30 per cent. altogether including the other minority communities which inhabit that Province such as Parsis and other people? I will be quite content if he gets 30 per cent. and gives the rest, namely, 70 per cent. to the bigger community of that Province, i.e., Mussalmans. As a matter of fact, it has been shown that he is getting what the majority community ought to get.

Mr. Lalchand Navalrai: Let Government send to the Customs Office an order that the Muhammadans are not a minority community and then we will be satisfied.

Mr. Muhammad Yamin Khan: That is not the question. This grievance is that the Hindus of Sind are treated as a majority community. It means, in other words, that he wants to be treated as a minority

community; if so, will he be content to have the share which has been fixed by the Government of India for minority communities? If that satisfies him, we are pleased and have no grievance.

Mr. Lalchand Navalrai: *Plus* efficiency.

Mr. Muhammad Yamin Khan: Yes, that will also be decided whether the man who comes from the minority community in Sind has satisfied the test of efficiency or not. If a rule is fixed that the quota of a minority community should be only 30 per cent, then the majority community of my friend, Haji Abdoola Haroon, will be quite satisfied; and this 30 per cent of Mr. Lalchand Navalrai will include Parsis, Jains, Sikhs, etc. But, as I said the other day, there are people who, in their zeal for their community, really injure the interests of their own community. My friend from Sind is really pleading against his own community and he will really see the hollowness of his case if it is put before an impartial judge. The decision will be one which will not be liked by the people whom he has the honour to represent in this House.

Sir, my friend, Mr. Sullivan, gave us a good history of Sind, and I was very much interested in it, but I should like to say that we are not discussing the administration of Sind, but the Customs Department, which is a Department of the Government of India and not of the Sind Government.

Sir, when I heard my friend, Mr. Joshi, I was amused, and I would have whole-heartedly supported him, but I found that his arguments go absolutely against those he had been advancing in the past. He had been advocating the cause of the Harijans, depressed classes, labour classes; and, now, today, he says that only Brahmins should fill in all the posts.

Mr. N. M. Joshi: I did not plead the case of any community. I simply said that the principle which is applied to the Anglo-Indian community should be applied to all communities which are in the same position. That principle is that there should be no sudden disturbance in the economic life of any community.

Mr. Muhammad Yamin Khan: This means that the vested rights of the communities, who had been holding certain jobs against the interests of the other communities, must continue, and that is what my Honourable friend wants. Sir, I myself come from a family which had been in Government service for nearly eight or nine hundred years, and now we find that we are being ousted by others. We thought we were the people justified to hold jobs, and ousted the others. But there was no justification for that. So, if my friend wants to support vested interests, certainly there will be a great deal of support from many quarters. India was formerly divided,—even before the Muslim period,—into four castes, *i.e.*, Brahmins, Kshatriyas, Vaishyas and Shudras; and the work was divided amongst them. The Muslim Emperors continued to hold

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member complained at the beginning of his speech about the irrelevancy of other Members.

Mr. Muhammad Yamin Khan: I was saying that this arrangement has been disturbed by the British Government and they have adopted the rule that there should be no restriction, and now Mahatma Gandhi wants

[Mr. Muhammad Yamin Khan.]

that Harijans must have a full share. If the House agrees that that should not be done and that the old system should continue, I am afraid, Mr. M. C. Rajah will go outside and complain about it. Sir, this was only a side issue which I allowed myself to discuss on account of the speeches of other Members, because they were so amusing. And I think the best advice possible has been given to my friend, Mr. Lalchand Navalrai, by Mr. Sullivan that he should withdraw the motion after realising that he was causing injury to his community.

The Honourable Sir George Schuster: Sir, my Honourable friend from Karachi has raised a regular hornet's nest by his motion and I think, when the House comes to appreciate what are the true facts of the situation, those hornets will give my Honourable friend a very unpleasant time. I think the last speaker correctly summed up the situation. My Honourable friend wants to have the share of the majority community so far as numbers are concerned and the protection which is accorded to a minority community. He wants to make the best of both worlds and that is an attempt which in this very unpleasant world generally fails.

Now, Sir, what are the facts of the situation so far as the Customs House in Karachi is concerned? Among the gazetted officers belonging to the Imperial Customs Service, there is one European Collector, one Muslim Assistant Collector and two Hindu Assistant Collectors. So far as the other gazetted officers are concerned, there are one European, one Hindu and two Indian Christians. As far as the non-gazetted staff is concerned, on the clerical side, the Hindus hold 67½ per cent. of the posts and the Muslims only 14·1 per cent. As far as the other non-gazetted staff is concerned, the Hindus hold 41·4 per cent. and the Muslims 19·2 per cent. Now, Sir, if any community has a grievance in connection with the methods used for recruiting staff to this office, it is not the Hindu community, but the Muslim community. The House is fully aware of the rule laid down by the Government of India in this matter. I would remind the House that it is that one-third of the new appointments should be reserved in order to correct communal inequalities in the staffing of the Departments. That rule has been applied to the Karachi Customs staff as to every other staff in every Department of the Government of India, but so far it is quite clear that the operation of that rule has not gone a very long way to correct the inequalities so far as the representation of Muslims is concerned. The House is also probably aware that we have for some time past been giving very careful consideration to this rule of ours and considering whether, in the light of six or seven years' experience, it has in practice produced the results which it was designed to produce. I cannot make any definite statement to the House today as to what the result of our examination has been, but I hope that will be put before the public very shortly. In the meanwhile, Sir, I can only associate myself with my friend, Mr. Yamin Khan, in advising the Honourable Member from Karachi to withdraw his motion.

Mr. Lalchand Navalrai: Sir, I made an attempt to make myself very clear. and three times I repeated my point of view

Lieut.-Colonel Sir Henry Gidney: And you failed.

Mr. Lalchand Navalrai: You also suffer there. But, Sir, my point has been made more clear and put in a better shape and form by my friend, Mr. Sullivan, for which I am thankful to him. Sir, I do not deny that the Hindus at present have got seats in the Customs Department in Karachi

Seth Haji Abdoola Haroon: They have more than enough.

Mr. Lalchand Navalrai: There are the figures available, there is no fight with them, but my point is that lately there has been a tendency in the Customs Office on the part of the Officers to entertain people of the so-called minority community without looking to efficiency, because these Officers are under the impression that their hands are tied down and they must entertain the members of the minority community without any regard to efficiency

Seth Haji Abdoola Haroon: Question.

Mr. Lalchand Navalrai: I can give the House an instance. Anyway, my humble submission is that, if people are entertained in Government and public offices without any regard to efficiency, there is a great danger ahead of us, and I want that Government should protect us from that danger. It has been explained to the House that Sind has a peculiar administration, but there we do not in the least grudge to give all possible facilities for education to our Muhammadan brethren. I do not say that we do not want them in the Government offices, but they have not been used to Government services, because, as it has been said, they have been used to the plough so far; but, as I said, the Officers in Sind feel that their hands are tied and they are compelled to choose members of the minority communities, and I would ask the Honourable Member in charge to guard himself against that danger.

Then, Sir, I shall give only one instance to the House. It is not a new instance, because it was mentioned on the floor of the House already. An appointment was given to a man in the Preventive Service,—it was a job carrying not Rs. 10 or Rs. 15,—but it carried a salary of Rs. 150, and the man was only a matriculate

Seth Haji Abdoola Haroon: But he was a very able officer.

Mr. Lalchand Navalrai: Excuse me, and I asked a question in the House if there were not B.A.'s and M.A.'s who had applied for that post and why was it given to a man who was only a matriculate, and the reply was: the man had a long stature, he was a tall man (Laughter), but my point is, are there not enough tall Hindus in Sind to hold posts in Preventive Service

Sir Cowasji Jehangir: May I ask the Honourable Member what will then become of both of us?

Mr. Lalchand Navalrai: I am coming to you shortly. Sir, I would very well accept what fell from my Honourable friend, Sir Muhammad Yakub, that we do not want communalism to be introduced in the services, merit alone should be the criterion. This point has been explained by my friend, Mr. Sullivan. Of course, if there are certain posts where only ploughmen are suitable, then let Muslims go in for those jobs

Mr. Uppl Sahab Bahadur (West Coast and Nilgiris: Muhammadan): Sir, I strongly protest against the suggestion which my friend makes that Muhammadans are only fit to be ploughmen.

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order.

Mr. Lalchand Navalrai: Sir, coming to my friend, Sir Cowasji Jehangir, for whom I have a great regard—he was an Executive Council Member of the Bombay Government—he forgets that his co-religionists in Sind are very well represented. They are also getting preferential treatment as my Muslim friends are getting

Mr. President (The Honourable Sir Shanmukham Chetty): Is it on account of their stature? (Laughter.)

Mr. Lalchand Navalrai: I cannot understand why my friend, Sir Cowasji Jehangir, should have any grievance. Sir, the Parsi community is very largely represented everywhere. Look in this House. Of a population of about one lakh of Parsis in India, there are six Members of the Parsi community in this House. Sir, who went to the Round Table Conference? The Parsis did go. Were any Hindus from Sind sent to the Round Table Conference? Anyway, I do not want to introduce questions of a communal nature here. I want only justice to be done, and I want the Government to guard against the danger to which Hindus are exposed.

I do not want to notice and criticise the observations that fell from other Honourable Members, but I am thankful to those who have shown sympathy with my motion. I do not want to fight out this question at this moment and press the motion to a division. I do not agree with the remarks that have fallen from the Honourable the Finance Member. That because we have secured the posts by merit and education at a time when there were no suitably qualified Muslims to hold those posts, we should be put behind and treated in an adverse manner is not just. I feel there should be some understanding on this question. Now, Sir, taking the advice of the Honourable the Finance Member, as well as that of my friend, Mr. Ranga Iyer, and also the advice of the Honourable Mr. Sullivan, I ask for leave to withdraw my motion.

Mr. President (The Honourable Sir Shanmukham Chetty): Has the Honourable Member the leave of the House to withdraw his motion?

Some Honourable Members: Yes.

Some Honourable Members: No.

Kunwar Hajee Ismail Ali Khan (Meerut Division: Muhammadan Rural): Sir, I rise to a point of order. Last time when there was a similar motion before the House, one Member objected, and the motion was not allowed to be withdrawn.

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. If anybody seriously objects, certainly the motion will not be allowed to be withdrawn.

The Chair will ask again: has the Honourable Member the leave of the House to withdraw his motion?

Some Honourable Members: No.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

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

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): No. 27 (To call attention to the urgent necessity of allocating half the export duty on rice to Burma in view of her serious financial position) is not in order

Mr. F. E. James (Madras: European): May I make a submission, Sir, in regard to No. 27? We deliberately chose to place this particular cut motion under this head after very careful survey of the list of demands: we thought it would be understood that the general principle was that where for example Customs is the agent of the Government of India for collecting a particular duty, we could raise a question as to that specific duty under that head. We have not followed the practice of some other Honourable Members who have put down the same cut motion under several heads, so that if you, Sir, are pleased to say that this is not the proper place for this discussion, then we are very much afraid that this discussion will be ruled out entirely as far as this particular debate is concerned.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair realises that many Honourable Members have made a *bona fide* mistake in choosing the demand under which they have given their cut motions. As a special case, what the Chair would do is this: when the relevant demand is reached, then the Chair would allow these Honourable Members to make these motions under those demands, provided they are not barred, and when the other motions under those demands, which are on the Order Paper, are disposed of. That will be quite equitable.

Mr. Lalchand Navalrai: May I raise one point? When we send in these cut motions and we put them in the wrong place or we do not put them exactly where they should be, may I request the President to give orders to the Assembly Office to correct them?

Mr. President (The Honourable Sir Shanmukham Chetty): That responsibility cannot be taken by the office.

The question is:

“That a sum not exceeding Rs. 64,35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of ‘Customs’.”

The motion was adopted.

DEMAND No. 17.—TAXES ON INCOME.

The Honourable Sir George Schuster: Sir, I beg to move:

“That a sum not exceeding Rs. 82,08,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of ‘Taxes on Income’.”

Paucity of Oriyas in the Bihar and Orissa Income-tax Department.

Mr. Sitakanta Mahapatra: I beg to move :

“That the demand under the head ‘Taxes on Income’ be reduced by Rs. 100.”

In the whole of the Bihar and Orissa Income-tax Department there is only one Oriya income-tax officer and one or two inspectors. One Oriya officer was removed from service several years ago, because he could not pass the departmental examination. He was a graduate of an Indian University with high class honours

An Honourable Member: Of what University?

Mr. Sitakanta Mahapatra: Of the Calcutta University—and yet he could not pass the quite easy and yet mysterious departmental examination. Then, another Oriya Income-tax Officer was retrenched about two years back, and the fun is that he was retrenched as a young man getting a life pension of Rs. 60 a month. I understand, since then, more Income-tax Officers have been taken in, but no Oriya, into this Department. If an Oriya was retrenched, when the next chance came, it should have gone to an Oriya. I do not understand where the reason is in retrenching an officer and giving him Rs. 60 a month of the poor tax-payers’ money for, it may be, fifty years, and then taking in other Income-tax Officers in vacancies. If the officer was inefficient or bad, why not dismiss or remove him? If not, when another chance came, why not take him back and save Rs. 60 a month? He would have continued had there been no depression and retrenchment. In any case I want to impress upon the Government that my countrymen have not got their due share in the Bihar and Orissa Income-tax Department. I believe I will listen to a more sympathetic speech from the lips of the Honourable Government Member than the last one.

Mr. President (The Honourable Sir Shanmukham Chetty): Cut motion moved :

“That the demand under the head ‘Taxes on Income’ be reduced by Rs. 100.”

The Honourable Sir George Schuster: Sir, I can inform the House as to what the actual position is as regards the percentage of Oriyas in the Bihar and Orissa Income-tax Department. They have one gazetted officer, four non-gazetted and six ministerial people, or a total of 11 out of a total of 128, which represents nine per cent. of the staff. I understand they represent about 20 per cent. of the population, so that they have about half of what their population percentage would give them. If the matter were to be tested according to the amount of income-tax paid, I think probably it will be found that the Oriyas are very much over-represented. (Laughter.) I think that my Honourable friend may take it that no injustice is being done, but I am afraid that as regards my immediate attitude he will find me just as unsympathetic on the present occasion as I was on the last for I must oppose his motion.

Mr. Sitakanta Mahapatra: Sir, the Honourable the Finance Member has not been more sympathetic this time and the Government are too wooden and inelastic, and, I may say, hard-hearted. I have no other course but to beg the House to permit me to withdraw my motion.

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

Hearing of Appeals on Assessment by the same Officers and not by Independent Judicial Officers.

Mr. Goswami M. R. Puri (Central Provinces: Landholders): I beg to move:

“That the demand under the head ‘Taxes on Income’ be reduced by Rs. 100.”

I do not think I am raising a new point altogether in this House. This point has already been dealt with in this House by my Honourable friend, Sir Hari Singh Gour

The Honourable Sir George Schuster: On a point of order, I wish to submit that my Honourable friend’s motion is really tantamount to suggesting an amendment of the Income-tax Act. So long as the Act is as it stands at present, the Income-tax Department cannot be criticised for the manner in which it hears appeals, because that is strictly in accordance with existing legislation.

Mr. Goswami M. R. Puri: I want to bring facts before the House and not to propose any amendment. I wanted to put up some suggestions and this is the only possible way

Mr. President (The Honourable Sir Shanmukham Chetty): It has been ruled before that if it is the intention of a Member to suggest amendments to an existing Act, then such a motion will not be in order under this demand. The Chair understands it is the intention of the Honourable Member to suggest an amendment to the existing Income-tax Act, is it not?

Mr. Goswami M. R. Puri: Yes.

Mr. President (The Honourable Sir Shanmukham Chetty): Then that is not in order.

Arbitrary Assessment by Income-tax Officers.

Rai Bahadur Lala Brij Kishore (Lucknow Division: Non-Muhammadan Rural): I beg to move:

“That the demand under the head ‘Taxes on Income’ be reduced by Rs. 100.”

My motion aims at removing the grievance of the public under which it has been smarting for a long time. The public is not at all satisfied with the way in which most of the Income-tax Officers deal with the assessee. In most cases, assessment is arbitrary and is based on no principle, the accounting is defective and the calculation of profits is more than the assessee earns. But the assessees in all these cases, in spite of their great dissatisfaction, have to keep quiet, because experience has taught that the appeals preferred against the assessment, instead of bringing in any relief, results in summary dismissal and means so much money wasted. No decent Counsel easily agrees to appear and argue income-tax appeals, because he knows it is difficult to get any relief for his client.

The Income-tax Officers do not give enough time to the assessees to file objections and have no patience to go through the accounts and always deal with their objections in a summary manner, and the appellate authority

[Rai Bahadur Lala Brij Kishore.]

always tries to uphold their judgments and considers it a mere waste of time to go through the accounts. The objections and appeals by the assessee generally meet a very bad fate and it is a well known fact that it is considered futile to file any objection or appeal against the assessment of income-tax. If the Government get figures and statistics, they will find how few appeals are filed, and the one that is allowed is rare. This is at least true of the United Provinces to which I belong.

Now, much of this evil can be remedied if the forum of the appeal is changed. The same set of persons who assess should not be the persons who hear the appeals. I propose that the appeals should be heard not by the Income-tax Commissioners, but by the Civil Courts. The presiding officers of the Civil Courts are trained lawyers, who respect procedure, give patient hearing, and, by their experience of the civil work, can be expected to scrutinise the accounts, find out the actual profits to be assessed and at least give a satisfaction to the assessee that he has been fairly dealt with.

The public is bound to have more confidence in the justice of officers of the Civil Court who will have no biassed mind in this that the increase of revenue is the only thing to be cared for. With the increased rate of income-tax, it is all the more necessary that the cases of the assessee should not be decided arbitrarily as heretofore.

Mr. President (The Honourable Sir Shanmukham Chetty): Cut motion moved.

"That the demand under the head 'Taxes on Income' be reduced by Rs. 100."

The Honourable Sir George Schuster: This is a very well known subject and I hardly think that the House will desire to hear from me again the defence of the Income-tax Department in this matter. I must oppose my Honourable friend's motion.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the demand under the head 'Taxes on Income' be reduced by Rs. 100."

The motion was negatived.

Mr. Lalchand Navalrai: No. 55. There are two parts of my motion and I believe both are admissible.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair would like to know exactly what the Honourable Member wants to discuss.

Mr. Lalchand Navalrai: Under the first portion I say that surtax shall not remain.

Mr. President (The Honourable Sir Shanmukham Chetty): That will come under the Finance Bill.

Mr. Lalchand Navalrai: The other is the policy of the Department, and I hope it will be allowed.

Mr. President (The Honourable Sir Shanmukham Chetty): Yes.

Policy of the Income-tax Department.

Mr. Lalchand Navalrai: I move:

“That the demand under the head ‘Taxes on Income’ be reduced by Rs. 100.”

Under this cut motion, I want to draw the attention of the Government to two points. There is a tendency in the Income-tax Department for the Income-tax Officers not to give their judgments regarding assessment for a particular year in the same year. The thing goes on hanging till the next year, and there are instances where it has gone on even into the third year, and then the Income-tax Officers give their decisions for all the three years together. This practice ought to be stopped. I gave an instance of it the other day by means of certain questions relating to Calcutta, and the reply came that the matter was being investigated. What I beg to submit is that a practice like this is prejudicial to the assessee. If the Income-tax Officer finds in the second year that the man has made more money in that year, he thinks that in the previous year also his income was the same, and that is a great danger. Another point that I want to bring to the notice of the House is as regards the reopening of the income-tax. The re-opening of the income-tax goes on too frequently. The Income-tax Officer, on some pretext or other, re-opens the income-tax once it has been assessed. That is a troublesome thing. Therefore, the Income-tax Officers should be given instructions not to re-open the assessments without very substantial reasons, because I find that very often they re-open the income-tax on some flimsy grounds. Sir, I move my motion.

Mr. President (The Honourable Sir Shanmukham Chetty): Cut motion moved.

“That the demand under the head ‘Taxes on Income’ be reduced by Rs. 100.”

The Honourable Sir George Schuster: It is impossible really to deal with cases such as those mentioned by my Honourable friend without having more details and without having his allegations supported by evidence in particular cases. If my Honourable friend has got any particular cases that he wants to bring to my attention, I will be very glad to see that they are examined by the Central Board of Revenue. So far as I know, taking the first point made by my Honourable friend, there is no practice of the kind which he has in mind. He had one particular case in mind, and if that is the case to which he was referring, I think it has already been made clear to him that it is an entirely exceptional case. The second point dealt with the re-opening of cases, and that, of course, is governed by law, but, as I have already said, if my Honourable friend has any particular cases which he wishes to discuss, I shall be very glad to see that his points are inquired into.

Mr. Lalchand Navalrai: Sir, with regard to the first point, my object is only this, that that instance that I have given and which was to some extent investigated may be a precedent, for others will take the same view and follow it. Therefore, as the Honourable Member says that it was only a single instance and it would not lay down any rule or give any impetus to the officers to do the same and as he has left it open to me to represent cases of this nature to him, I would ask leave of the House to withdraw my motion.

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

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That a sum not exceeding Rs. 82,08,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Taxes on Income'."

The motion was adopted.

DEMAND No. 18—SALT.

The Honourable Sir George Schuster: I beg to move:

"That a sum not exceeding Rs. 71,17,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Salt'."

The motion was adopted.

DEMAND No. 19—OPIUM.

The Honourable Sir George Schuster: I beg to move:

"That a sum not exceeding Rs. 40,78,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Opium'."

The motion was adopted.

DEMAND No. 19-A.—EXCISE.

The Honourable Sir George Schuster: I beg to move:

"That a sum not exceeding Rs. 4,68,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Excise'."

The motion was adopted.

DEMAND No. 20—STAMPS.

The Honourable Sir George Schuster: I beg to move:

"That a sum not exceeding Rs. 13,60,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Stamps'."

The motion was adopted.

DEMAND No. 21—FOREST.

The Honourable Sir George Schuster: I beg to move:

"That a sum not exceeding Rs. 5,14,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Forest'."

The motion was adopted.

DEMAND No. 22.—IRRIGATION (INCLUDING WORKING EXPENSES), NAVIGATION, EMBANKMENT AND DRAINAGE WORKS.

The Honourable Sir George Schuster: I beg to move:

"That a sum not exceeding Rs. 4,51,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works.'"

The motion was adopted.

DEMAND No. 23.—INDIAN POSTS AND TELEGRAPHS DEPARTMENT (INCLUDING WORKING EXPENSES).

The Honourable Sir George Schuster: I beg to move:

"That a sum not exceeding Rs. 9,95,66,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Indian Posts and Telegraphs Department (including Working Expenses)'."

Paucity of Muslims in the Services.

Mr. M. Maswood Ahmad: Sir, I beg to move:

"That the demand under the head 'Indian Posts and Telegraphs Department (including Working Expenses)' be reduced by Rs. 100."

Sir, in the morning I thought I would not move any such motion, but my friend, Mr. Lalchand Navalrai, has forced me to move my motion this time.

In this connection I want to place before the House the condition of my community in the Posts and Telegraphs Department, and I shall quote certain figures. If my Honourable friend, Sir Thomas Ryan, would not have got sufficient time to appreciate these figures, I would remind him as to the condition of my community as, in spite of so many promises from my Honourable friend, I find that the time of my Honourable friend also was unhappy for my community. I am thankful to my Honourable friend, Sir Frank Noyce, that though he replied to about 200 questions in one stroke of the pen, this time, as he had promised, he has given the figures for the different circles as well and we are in a position to judge what is our condition in the different circles, and those figures I think will satisfy my Honourable friend, Mr. Lalchand Navalrai, as well. Sir, in the gazetted staff, I find the total number of posts is 452, but my community has got only 31. When I consider the new recruits appointed during the year 1932—because it has been said on several occasions that on account of the very few recruits in this year the percentage for my community could not be raised—but when I see the figure for new recruits, I find the total number were two, but my community did not get a single seat out of these two posts.

Mr. R. S. Sarma (Nominated Non-Official): So they were superseded.

Mr. M. Maswood Ahmad: I did not want to say as to who got those seats, but when my Honourable friend asks the question, I have got no alternative but to reply that my Hindu friends have got those two seats.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

Then comes the question about the engineering supervisors and the telephone and electrical supervisors. Under this category, out of 278 posts, my community got only 12. Further, you will be surprised that here as well—I am sorry my friend, Mr. Lalchand Navalrai, is leaving the House just now—the Sindhi Hindus got about three posts and only one post is in the hand of my community in the Sind Circle.

Then comes the question of the wireless supervisors and wireless operators. Here you will find that, out of 150 total employees, only six are Muhammadans.

[Mr. M. Maswood Ahmad.]

Then comes the fourth category—telegraph and assistant telegraph masters. Here, I am very sorry to state that, out of 2,837 posts, only 93 are held by Muhammadans. Here also the Sindhi Hindus have got a large number; they have got about 22 posts, while in the Sind Circle the Mussalmans could not get a single post inspite of being in the majority. Sir, this is the condition about which my Honourable friend, Mr. Lalchand Navalrai, was murmuring!

An Honourable Member: The Hindus have got it by merit only.

Mr. M. Maswood Ahmad: Then, with regard to the clerical staff and the higher grades. As to other classes of jobs, it might be said that some technical knowledge was required and that for this reason my community did not get any share, though I do not agree that qualified men were not available. But what can you say about the clerical staff in the upper division? In this case also, you will find that out of 29,531 posts, the Mussalmans could get only 4,919.

An Honourable Member: Lack of knowledge.

Mr. M. Maswood Ahmad: My friend should know, that efficiency is not the monopoly of any one community. Here also, the Sind Hindus got 515, while the Sind Muhammadans got only 207 posts.

Then, with regard to the clerical staff, lower division, I will give you the figures. These are figures for lower division clerks who do not require any kind of skill except drafting letters or despatching letters from one place to another, and you will find here, Sir, that out of 3,750 employees, Mussalmans are only 889; and, here, again, even for this clerical lower division staff, the Sind Hindus are 50 and the Mussalmans are 30 only.

I am quoting these figures to satisfy my friend, Mr. Lalchand, so that he may appreciate what is the position of my community in Sind about whom he has taken four hours just now.

Then comes the question of the lower line staff. For this also no particular qualification is required. The line staff is a sort of menial staff. You will find, Sir, that out of 4,050, the Mussalmans are only 1,524.

Then, with regard to postmen and mail runners, who can be taken to be in the category of ploughmen, as was said by my Honourable friend, —here again you will find that out of 28,455 posts, Mussalmans occupy only 6,967 posts. Luckily, for postmen, the Hindus have got 202 posts, but the Mussalmans have got about 207 in the Sind Circle. (Hear, hear.) Here my community could get five posts more while the number of Mussalmans in Sind is about 28 lakhs and that of Hindus is about 10 lakhs.

Bhai Parma Nand (Ambala Division: Non-Muhammadan): What are the respective proportions of literacy? (Laughter.)

Mr. M. Maswood Ahmad: I have replied already with regard to that to my Honourable friend, Bhai Parma Nand, but I am sorry he always forgets my reply and he has got no place in his mind to remember that; I am sorry he has got indeed a peculiar sort of mind. (Laughter.)

Then comes the question of other non-clerical non-gazetted superior staff. Here you will find that out of 1,303 posts, Mussalmans could get only 343, and here also the Sind Hindus have been the lucky ones, occupying, as they do, 22 posts in the Sind Circle.

Then, with regard to the inferior staff, here also, out of 30,685 posts, the Mussalmans have got only 7,159, and the Sind Hindus there also have got 306 posts, while the Mussalmans have got only 262. For this inferior staff as well, if you will see the list of the new recruits appointed during the year 1932, you will find that, out of 1,101 newly-recruited posts, only 251 have gone to Mussalmans.

I say this is the condition in all the circles. In those circles where the Mussalmans are in large numbers, there also our percentage and our numbers are very hopeless; even where, on the other hand, we are in a minority, we do not get any weightage. Not to speak about weightage, I can say, we are not getting our share even on a bare population basis in any Province. I am very sorry that the policy of Government in this connection cannot be praised at all. My Honourable friend has on several occasions promised to give at least 25 per cent. of the new appointments to my community, but I do not find any tangible result of that kind. Out of 33 per cent. posts, which have been reserved for the minority communities, I always find that the majority of the jobs have gone to other communities. Thus one job is given to Anglo-Indians, one to the Indian Christian community, another goes to my Honourable friend, the Sardar Sahib's community (Laughter), and so on. Thus the claims of my community are overlooked, and we virtually get one-eighth of one-third. Not even one-third of one-third; it comes to one-eighth of one-third in some cases. In this way we are not increasing at all, rather our percentage is going down year by year and all the promises which are made are not fulfilled. Sir, the great trouble is this. It is not the case that qualified Muslims are not available, but the posts are not properly advertised. I put several questions in that connection and some of the Honourable Members opposite admitted on several occasions that the posts were actually *not* advertised.

The other point is the question of supersession. I find, really speaking, that Government themselves do not want to raise our percentage. My experience is that on some occasions even when an officer tries to do some justice by my community, he is superseded by others and is punished. They say they cannot give a sufficient number of posts to the members of my community, because they treat us as one of the other minority communities. They divide the posts into so many communities that the share of my community becomes negligible. If the Government really want to do justice by my community, then the only course open for them is that they should issue the circulars which they have decided to issue, and whatever percentage they fix for my community should be announced as early as possible. We have been discussing this question now for the last two or three years. The file sometimes goes to the Postal Department and sometimes to my Honourable friend, Sir Joseph Bore, and then it goes to the Home Department, with the result that the promises that were made have not yet been fulfilled and nothing has been done in this connection. I suggest that the efficiency of the Department can really be kept up by some such means. You should better fix certain qualifications for certain posts and publish them in Circulars. Afterwards, if there is a vacancy, it should be advertised in

[Mr. M. Maswood Ahmad.]

those newspapers which are commonly read by the members of the important communities concerned. With this object in view, I think the best course for Government would be to advertise these vacancies in the Gazette of India. In that case, they will also be able to save some money. Instead of favouring only those newspapers who do propaganda on their behalf and who write articles against the nationalist movement, why should not Government publish their advertisements in the Gazette of India alone? All the members of various communities can read that paper. It is very difficult for members of different communities to read so many newspapers. Sometimes one advertisement appears in the *Statesman*, another time it appears in the *Al-Aman*, and then it appears in some other newspaper. So, it is very difficult for my community, especially when it is so very poor on account of not getting sufficient jobs, to read so many newspapers and hunt for advertisements. So, I suggest that all Government advertisements should be published in the Gazette of India and afterwards they should fix different percentages for different communities either on population basis or on any other basis which they might think fit and proper. You should fix certain qualifications for certain posts, and if a member of that community possesses those qualifications, that post should be given to him. And if a member of that community does not possess all those qualifications, then certainly they have no alternative but to give that post to a man of any other community. So, at the time of the next recruitment, they should consider this point again. In this way they can satisfy all the communities except the Anglo-Indians. My friend, Sir Henry Gidney, will not accept this suggestion at all, because unfortunately his community has not got sufficient University degrees and at the same time they do not wish to accept the population basis. So, leaving them apart, all the other communities in India will be satisfied by this arrangement. With these words, Sir, I move my motion.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): Cut motion moved:

"That the demand under the head 'Indian Posts and Telegraphs Department (including Working Expenses)' be reduced by Rs. 100."

Lieut.-Colonel Sir Henry Gidney: Sir, I rise to support this motion. I very much regret it has been received with so much hilarity. I should have thought it would have been received with enthusiasm. My Honourable friend, Mr. Maswood Ahmad, who has fully earned the title of the "official interlocutor" of this House, has drawn attention to what I consider a great disadvantage from which the Muhammadans suffer. There is not the slightest doubt that in the past—it may be their own fault or otherwise—very little attention has been given to the recruitment of Mussalmans in various services.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): This morning the House had a very exhaustive discussion on the communal representation in different services, and so the Honourable Member must confine his remarks to the Posts and Telegraphs Department only.

Lieut.-Colonel Sir Henry Gidney: I thank you very much and I intend to do so. One has only to examine the list of employees in the Post and Telegraph services to be convinced of the truth of Mr. Maswood Ahmad's statement. But Mr. Maswood Ahmad rather spoilt his case, because he

would insist as a *sine qua non* for such employment, on that "eternal" and "infernal" University degree. Sir, in its quest for suitable employees, the Postal Department, like the Railway Department, does not want brains only; it wants brains and brawn, and, even when he talked about University degrees, he said, the Anglo-Indian community lacked graduates. Let me tell my friend, Mr. Maswood Ahmad, that the Anglo-Indian community possesses more degrees *per capita* of its population than his own or any other Indian community. Might I tell him that one out of every six Anglo-Indians undergoing a College Education today possesses a degree? Our total of graduates has gone up by nearly 600 per cent within the last decade and I have not the faintest doubt that within the next 20 years it will be the Brahmin community of India and Mr. Maswood Ahmad will then have to be more on the *qui vive*. Mr. Maswood Ahmad struck a very true note when he said that the *raison-d'être* of this condition is to be found in the absence of adequate advertisement of these jobs. What is the practice today in many Government offices? Who holds the majority of the posts of Superintendents of such offices? It is no use hiding the fact—it is the Hindus. This House will remember a few years ago, a question was asked of Sir Thomas Ryan's predecessor in office. The question was something of this nature. How many relatives of the Head Clerk or the Superintendent of his office were employed in his office? I think it took Sir Hubert Sams fully five minutes to enumerate them. Sir, the practice is well known in almost every office. The Superintendent alone knows when vacancies are going to take place, and he does not advertise them. Instead, he writes to his relatives and friends, and when he gets a collection of about 20 applications, he puts them before his senior officer, who, being a busy man, leaves the choice to his Superintendent or Head Clerk who distributes the jobs to his own community. This is the reason why there has been such a monopoly of one community in these services. But, Sir, my sympathies go with my Honourable friend, Mr. Maswood Ahmad, for another reason. I would ask the Honourable Member in charge of the Postal Department to run his eye down the list of postal employees in the three Circles of Bengal, Bihar and Orissa and Assam, and he will find an almost entire absence of Anglo-Indians in it. Indeed, here is only .5 per cent. of Anglo-Indians employed in the postal services in these three Circles.

Sardar Sant Singh: What is their population?

Lieut.-Colonel Sir Henry Gidney: You want efficiency, don't talk of population. The population basis demand is wholly wrong.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): Order, order.

Lieut.-Colonel Sir Henry Gidney: I beg your pardon, Sir. The question is, the population basis is wrong and employment can be given only on efficiency. Sir, here we have a Department in which in days gone by my community played a big part before and in which today it is almost extinct, and, let me add, the same thing will assuredly happen to my Muslim friends, unless they keep on agitating and demanding their rights. I would tell the Honourable Member to realise that a correct and equitable communal apportionment of appointments is one of his sacred duties. I would again impress upon the Government to establish some system by which they can give a fair allocation of the appointments to the various communities. It is wrong to allow one community to monopolise a certain

[Lieut.-Colonel Sir Henry Gidney.]

section of a department especially if that section has the power of giving away all minor appointments. If you wish to cure this evil, you will have to attack the Superintendent's branch of your offices; for it is they who are the cause, of this trouble and this communal disproportion.

I think in this cut motion we are dealing with both the Postal and the Telegraph Departments. If this is so, I would like to make one remark with reference to the Telegraph Department. I see that Muslims are also suffering from a serious disadvantage in the Telegraph Department. I do beg of the Honourable Member to remedy this. There is a belief that the Anglo-Indian community has a preferential treatment in the Telegraph Department. Let me at once correct this and say that if the present system of recruitment continues, it will suffer from an "exclusive treatment", because Anglo-Indians are being steadily reduced in this Department. To prove this, one has only to study the comparative statistics of today and ten years or twenty years ago—I shall not go further back than 20 years ago, because that condition will never return—to realise how the Anglo-Indian community is being excluded from the Telegraph Department. In saying that the community deserves better treatment, I need not dwell on the fact that it was an Anglo-Indian telegraphist who saved this very City of Delhi. One has but to visit the Museum in the Delhi Fort to see the original telegrams sent by this Anglo-Indian and which saved this City of Delhi and the Punjab. This fact and the part we played in the development of the Telegraph Department are to be found in every page of ancient Indian history. But I would ask the Honourable Member in charge to read the evidence given by Sir Michael O'Dwyer before the Joint Parliamentary Committee. . . .

The Honourable Sir Frank Noyce (Member for Industries and Labour): Was it evidence regarding the paucity of Muslims in the Posts and Telegraphs Department?

Lieut.-Colonel Sir Henry Gidney: It was not. I was not talking about the postal complaint.

The Honourable Sir Frank Noyce: That is my complaint.

Lieut.-Colonel Sir Henry Gidney: Very well. In deference to the Honourable Member's interjection, I shall refrain from making further remarks on that point, but my chief worry is this: If the Varma Report which, I know, the Honourable Member has in mind, and I know he is carefully considering, is accepted, in part or in whole, with reference, to Anglo-Indians, it will cause irreparable economic ruin to the community.

Mr. M. Maswood Ahmad: Do I understand the Honourable Member, Sir Frank Noyce, to say that the Muslims are not in paucity?

The Honourable Sir Frank Noyce: My Honourable friend seems to have misunderstood me. What I asked my Honourable and gallant friend was whether the evidence of Sir Michael O'Dwyer before the Joint Parliamentary Committee which he mentioned had reference to the subject of the motion of my Honourable friend, Mr. Maswood Ahmad.

Lieut.-Colonel Sir Henry Gidney: The Honourable Member representing this Department is quite right and I have already admitted the right of his intervention. At the same time, I do sympathise most sincerely

with the Muslim community and I would ask the Honourable Member in charge to give their demands his serious attention, and I think the Government have a duty to perform to a very deserving community which is most inadequately represented in the Postal Department.

Maulvi Muhammad Shafee Daoodi: While giving support to my Honourable friend, Mr. Maswood Ahmad, on this question, I would like to emphasise one other aspect of the matter. Now, the Department must have seen in a very clear manner how far the Muslims have suffered in the Postal Department. The Government have also seen how supersessions have taken place in the Department so very often as quoted by my Honourable friend, Mr. Maswood Ahmad. The point that I am driving at is this, that it is for these inequities and grievances that the Muslims formed themselves into a union and wanted to collect facts and figures for the Department and for Members of the Assembly, so that they may be placed before the authorities in charge and a way may be found for redressing these inequalities. We found, however, that those Muslim unions were not looked on with favour by the Department. I myself had the opportunity of going to the Honourable Member when I was told that there should be mixed unions to be recognised by the Government. We have seen how mixed unions can never help the cause of the Muslims. It is to snatch away some emoluments from those who happen at the moment to be enjoying them that the unions have to be formed. If in the mixed unions cases of this nature are brought, then certainly the Muslim Members in the mixed unions cannot have a majority of votes to carry their point. It is in that union alone, where the aggrieved people are sitting, that the grievances can be properly discussed and can be passed in the form of a resolution and then put before the authorities or before the Members of the Assembly. If the authorities will not allow any Muslim union to be formed, I do not know how we can find out the exact situation in which the Muslim employees in the Posts and Telegraphs Department are. I am fortunate that we have got now the Honourable Sir Joseph Bhore sitting here who is in charge of the Railways. I submit, the same is the case with railway employees. The employees in these two Departments are very much handicapped, because the authorities deprecate any attempt of forming themselves into a union.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Chair would like to inform the Honourable Member that the House is now discussing the question of paucity of Muslims in the Posts and Telegraphs Department and not the question of railway unions.

Maulvi Muhammad Shafee Daoodi: It is only by the way that I referred to it to show how the employees in these two Departments are constrained to form separate unions. The question arises as to how the Muslim employees in this Department are going to have their grievances redressed. What is the method that they should adopt? If they are asked to go to the mixed union, I am sure, experience has shown that mixed unions would not countenance anything of that sort and they will have no say in these unions. It is only in their own unions that they can formulate their grievances and place them before the Government. I would, therefore, suggest to the Honourable Member in charge to see his way to recognise Muslim unions so long as these inequalities have not

[Maulvi Muhammad Shafee Daoodi.]

been redressed and so long as the grievances of Muslims are palpably greater than the grievances of other employees in the Department. I am sure that when we rise equal to the others, we may not require such safeguards and such unions and may ourselves dispense with them. But, at the present moment, when we have got to fight for our share and for our own bread and butter, we have got to form ourselves into unions, and the authorities have got to recognise them. That is, Sir, the point that I wanted to make out.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I had no mind to take any part in this debate concerning discussion of communal grievances, but I should like to say
4 P.M. just a few words on the last point that has been made by my Honourable friend Maulana Shafee Daoodi. I think we cannot agree to all to this very pernicious view that even the services should have their unions based on religion or religious creed they profess. I do not question the right of the communities to have their own political organisations and press their claims for proper representation in the public services of India. But once they enter Government service, all communal interests should cease and promotions and betterment of their prospects should be guided by efficiency and experience of those officers. If the Government of this country will not go down in efficiency, they must make up their mind once for all that these communal or religious considerations should not guide them in giving promotions to their officers who are already in the service. The grievances of the officers must be of the same nature. The services have their recognised unions. But apart from the services, you see in this House very able Members ventilating their grievances times without number. As I have said, I fully appreciate that the different communities and interests in the country should claim to have their share in the public services, but once this pernicious system of having these unions formed on a racial and communal basis is encouraged, I repeat, the chances of having efficient service will be gone for ever. It has been rightly said by the Honourable Member in charge of the Department that, in cases of promotions, he will be guided merely by the efficiency and experience of officers. If these promotions are decided upon questions of religion or creed, efficiency will certainly suffer, and there will be jealousies, and no proper public service can be organised on that vicious principle. I congratulate Government on their so long persistently refusing to accede to all these false and mischievous suggestions. I invite my friend, Mr. Joshi, who represents labour in this House, to give his views in this matter, whether these labour unions can be formed on a religious or communal basis. I know there are postal unions and telegraph unions.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Chair finds it necessary once again to emphasise that the House is dealing now with the question of paucity of Muslims in the postal services. Maulana Shafee Daoodi referred to the question of unions as a means of advancing the question of Muslim employment in the services. Honourable Members can refer to that in a general way, but they should not make that the topic of the discussion.

Mr. S. C. Mitra: I yield to your ruling, and I once again emphasise the point that Government will be very ill advised if they in any way

accept the suggestion made by Maulana Shafee Daoodi that there should be service unions formed in India on communal basis and that they should further the cause of Government officers for promotions and all other preferments. Sir, I oppose this idea in Maulana Shafee Daoodi's speech although I have no objection to proper representation of Muslims or any other important or unimportant community in India to have their share in the public services of this country.

Sardar Sant Singh: Sir, for the last two days there has been a discussion on the question of communal representation in one service or another. I did not get up to express the view of my community in the matter, simply because I thought that I was too weak and too lean and thin to enter into this arena of gladiators where Knights like Sir Henry Gidney and Sir Muhammad Yakub are fighting their battles against a disorganised Hindu community which does not know its own mind. If Bhai Parma Nand gets up to support communalism, another gentleman gets up on this side to oppose it and stands on nationalism, as I find is done by my Honourable friend, Mr. Gaya Prasad Singh. The difficulty in all such discussions is that nobody looks at the question from a national point of view. Probably Government forget and this House forgets the one fundamental principle that no discipline can be maintained in any department of public service if the subordinates feel or even have the least suspicion that his officer in his dealings with him is actuated by communal feelings and not the feeling of justice. In my speech, while presiding over a Postal Conference at Lahore, I made this point very clear. I fully agree with Sir Hubert Sams, ex-Director General of Posts and Telegraphs, in the conclusions which he reached that no service could be relied upon or could give its best to the public for whom it exists so long as communal bias finds any place in the officer's mind. It is a self-evident truth that, if I am serving under an officer and he, by way of discipline, even probably justly, finds fault with my work, I will not ascribe to him the feeling of justice, but I will at once go about and say that he has been moved by racial or communal feeling in dealing with my case. So this view of the case is being completely obscured when dealing with this subject.

The next point wherein the Department has gone wrong is in ignoring that valuable Circular of Sir Hubert Sams, a copy of which was sent to all of us who had gone and waited in a deputation on him for the recognition of communal unions. He firmly declared that no such union could be recognised by the Department. I have a complaint, and that complaint is that one Muslim union has been recognised as a union by the Department; no doubt before recognition this particular union was forced to modify its rules and bye-laws allowing admission of other communities into the union. But if we look to its origin, or to the paper which is the official organ of this union, we, inspite of the best goodwill, will be forced to the conclusion that the union is a Muslim union. Communal considerations find a very prominent place in its editorials as well as in other parts of this journal. This is the crux of the whole communal question. But if unfortunately communal feelings must find a place in public services and have come to occupy a place from which probably the Government find themselves unable to extricate, then the question is, why a simple formula should not be found which should be equally applicable to all the minorities in India. So long as no formula of general application to all the minorities has been discovered

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Chair regrets very much that it has once again to interrupt the Honourable Member. Throughout the whole morning the House has discussed the general question of communal representation in the services, and the Chair hopes the Honourable Member will confine himself to the specific point before the House, namely, the paucity of Muslims in the Postal Department.

Sardar Sant Singh: I was developing this argument with the purpose of coming to the motion now before the House. My simple point is this: that such a motion would not have come before the House and would not find a place in our annual cuts when the Budget supplies are granted by this House, if we can discover a simple formula governing all the minorities. My submission is that I was trying to develop this point that, under the pretence of minority community, we find nepotism finding place in all the services. If an official appointed to a high post is asked to recruit a member of a minority community, he invariably thinks in the terms of the Muslim community. The other day I asked a question whether in a particular office, any member of the Sikh community had been taken, and received the reply that the Department had asked for a member of the minority community and the Public Services Commission recommended a Muslim. That is not an isolated case; it is the case all round. The other minorities are constantly ignored. I do not know how long Anglo-Indians will go on occupying places of advantage in all the Departments and particularly in the Telegraph Department; but the day is sure to come, if the claims of other communities are to be recognised, when they will have to yield place to the Muslim and the Sikh and others as well.

Lieut.-Colonel Sir Henry Gidney: That is a violation of facts.

Sardar Sant Singh: My friend just now wanted to compare the number of Anglo-Indians which are to be found in the Telegraph Department today and the number which was there some years back, say, ten years ago. He tried to make out that they have got a claim over the Department, because they have served well or efficiently in that Department. I do not want to dispute the fact of efficiency of service which they have been rendering, but I do want to ask one question of my gallant friend . . .

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Chair wants to draw the attention of the Honourable Member once again that the House is not discussing the question of Anglo-Indian representation.

Sardar Sant Singh: My submission is that if Muslims are to find a place in the Telegraph Department, they must replace some community: and which community are they going to replace?

Lieut.-Colonel Sir Henry Gidney: The Sikh community. (Laughter.)

Sardar Sant Singh: Very good: I am glad that my friend has come out with a very good reply: if they want to replace us or if the Muslims want to replace us, I offer them the places we have got. (Laughter.) In the Postal and Telegraph Department, we have not got many posts, and if Muslims want to replace us, they will find that they will have to start another agitation against some other community which is monopolising all the places in that Department.

Coming to the case of the Punjab, which my friend, Sir Henry Gidney, entirely tried to avoid, this Province really controls the whole situation. The difficulty in that Province is that, unlike other Provinces, there are three communities there: the Muslims want places in this Circle; the Hindus want to hold on to what they have already got; and the Sikhs want to replace some of the Europeans and Anglo-Indians as well. What we complain is that, in this Department, the Sikhs have not got posts even according to their population basis, and, consequently, they have had to address the Department several times on this subject that there should be adequate representation of their community in this particular Department.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

I may say in this connection that I have always received courtesy from the Department whenever I had an occasion to address the Director General on the subject of Sikh grievances, but still there is a large leeway to be made up. Therefore, I will request the Government that, if they want to settle this question once for all they should settle it on equitable grounds, on grounds which can reasonably satisfy all the communities and not on the grounds on which the Communal Award has been based. We do not want another agitation as is going on against the Communal Award in the country. We want a just distribution of seats amongst all the communities.

Rao Bahadur B. L. Patil (Bombay Southern Division: Non-Muhammadan Rural): Sir, I support the motion moved by my Honourable friend. I do so, because I appreciate the spirit in which it is moved, and not because I support every word of his speech. After hearing the agonising speeches throughout the whole of this day, I am of opinion that we should go to the root of this question. In my humble opinion, the entire trouble is due to the system of giving fat salaries to the services. When I say so, I particularly refer to the highest grades of salaries, not only of Indians, but of the members of the Indian Civil Service. If we look to the salaries paid in other countries, according to my information, it is simply scandalous that in this poor country such high salaries should be paid both to Indians and to Europeans serving in India. I am raising the general question

Mr. President (The Honourable Sir Shanmukham Chetty): What general question?

Rao Bahadur B. L. Patil: With regard to the services.

Mr. President (The Honourable Sir Shanmukham Chetty): It cannot be done. There was a very full discussion lasting for three hours this morning on the general aspects of communal representation and the Chair cannot allow a discussion once again on that topic. The discussion now must be confined to the paucity of Muslims in the Postal and Telegraph services.

Rao Bahadur B. L. Patil: I bow to your ruling. I was simply mentioning one of the remedies to do away with this evil.

Now, Sir, when I support the motion, I do so, because the object of my friend was to bring to the notice of Government the paucity that exists at present and to urge that that paucity must be done away with.

[Rao Bahadur B. L. Patil.]

That is certainly very fair. Nobody can say that if the various communities ask for their due representation in the public services, that would be encroaching upon the rights of any of the other communities. Therefore, with these words, I support the motion.

The Honourable Sir Frank Noyce: Sir, I propose to follow your ruling very strictly and to confine myself rigidly to the motion which is before the House in regard to the paucity of Muslims in the Posts and Telegraphs Department. I gather from my Honourable friend, Mr. Maswood Ahmad, that he would not have moved this motion at all had it not been that he wished to use the figures in the annual report of the Posts and Telegraphs Department in order to confute my Honourable friend, Mr. Lalchand Navalrai. In those circumstances, I cannot but feel that his grievances against my Department are not of a very serious character. He has read out to the House a number of figures which show that the representation of Muslims in the Posts and Telegraphs Department is certainly on the low side, possibly in some branches on the very low side, but I have had occasion to remind him and other Honourable Members on the floor of this House for many Sessions past that those figures are the result of past history. What we are concerned with today, Sir, is the present, and what I have to ask the House to do is to turn its attention to the figures of new recruitment during 1932. I have to be judged, my Department has to be judged, by those figures, and it is for the House to decide by them to what extent the Department is carrying out the policy of Government in regard to recruitment from minority communities. I maintain, Sir, that the figures of new recruitment,—I may mention in passing that the figures are compiled for the calendar year and not for the official year, but this is not a point of any material importance in judging them,—I maintain that those figures amply prove that we are carrying out that policy in regard to new recruitment. The total number of new recruits for 1932 amounted to 1,957. Of those, 1,101 were Hindus, 470 were Muslims, 22 domiciled Europeans and Anglo-Indians, 38 Sikhs, 62 Indian Christians and 264 Members of other minority communities. The House will see that the proportion of Hindu recruitment was somewhere in the neighbourhood of 55, and that that from other communities was 45. I maintain, Sir, therefore, that the figures show that ample justice has been done to minority communities as a whole.

Turning to the special case of Muslims, the figures show that 470 Muslims were recruited out of 856. The proportion of Muslim recruitment is thus in the neighbourhood of 24, which, I think, is not an unsatisfactory figure, and my Honourable friend, Mr. Maswood Ahmad's contention that the other minority communities got the greater proportion of the spoil is not borne out by the fact that 470 recruits came from the Muslim community and 386 from the other communities. He said, Sir, that he was reading out these figures, because he wished to bring them specially to my notice as he thought that, in the course of my other multifarious duties, they might have escaped my attention. My Honourable friend, Sir Thomas Ryan, will bear me out when I say that this was the first part of his very lucid and interesting Report that I looked at, and that I have had some discussions with him on this subject, especially in regard to the figures for "other communities" given in the last column. There is reason to believe that some of those included in that column were

actually Muslims. I am going into that matter to find out exactly what the correct position is, but if the suspicion I have on the subject is correct, the figure of Muslim recruitment is even higher than 24. I trust, Sir, that I have convinced the House that I and my Department are guiltless in this matter and that we are carrying out the orders of Government in the strictest

Mr. M. Maswood Ahmad: Is that the percentage for gazetted staff as well?

The Honourable Sir Frank Noyce: My Honourable friend will realise, when he turns to the question of gazetted staff, that it is very difficult to divide up two appointments. There were only two gazetted officers recruited last year, both for the Superior Telegraph Engineering and Wireless Branches, appointments in which are of a very technical character and for which technical qualifications are required. But I am glad to be in a position to re-assure him even on that point. I understand that further recruitment has been made recently and that one of the appointments is being filled by a Muhammadan. My friend, Sir Thomas Ryan, is prepared to go a little further, and he tells me that it is a case of one "at least". Therefore, even with regard to gazetted staff, I trust I have re-assured my Honourable friend.

Then, Sir, he made rather a serious charge in the course of his speech, —if I heard him correctly,—I rather hope I did not,—he said something about officers in the Department being superseded because of their partiality

Sir Muhammad Yakub: Not for showing partiality, but for doing justice.

The Honourable Sir Frank Noyce: For doing justice. That is a very serious charge, and I should be very glad if he would substantiate it either on the floor of this House or outside by sending me details privately. I have not the slightest doubt myself that there is no foundation whatever for it. In any case, if an officer is superseded, he has the right of appeal to the Government of India. I personally have had no appeal from any officer who says that he has been superseded on the ground that he has shown justice, shall I say, or even partiality to any particular community.

My friend then mentioned the question of advertisement. He said, why not advertise, and advertise in one Muslim paper only, so that you may make sure of getting suitable Muslim candidates. Well, Sir, I regret to say that my experience in regard to appointments of this kind is that no advertisement is necessary. I think heads of Departments, judging from the number of youngmen who come to me personally in order to secure jobs, must be flooded with applications from well qualified candidates, Muslims and Non-Muslims, Hindus, Sikhs, Indian Christians and members of other communities. Also, Sir, it has to be remembered that most of the postal recruitment is in the Circle itself, and that, if there is a vacancy in any particular Circle, everybody knows about it at once. I am, however, prepared to meet my friend to this extent,—I am prepared to ask the Director-General to issue instructions that no excuse for not filling a vacancy reserved for a minority community, including, of course, the Muslim community, no excuse that no suitable candidate is forthcoming will be considered, unless the vacancy has been advertised or unless a reference has been made to suitable organizations.

[Sir Frank Noyce.]

There is only one other point to which I need refer. I was somewhat surprised that my Honourable friend, Maulvi Shafee Daoodi, should have raised the question of the recognition of communal unions. The policy of the Government in that matter has been stated time and again on the floor of this House, and there has been and will be no departure from it. The staff of the Posts and Telegraphs Department have a choice of unions, of non-communal unions, there are two or three of them, and they can go to the one which is most likely to act effectively on their behalf.

Sir Muhammad Yakub: What about the thing that Sir Henry Gidney has said about breaking the fortifications

The Honourable Sir Frank Noyce: The Telegraph Branch of the Department has two big unions, both of them, of course, non-communal.

Sir Muhammad Yakub: I was talking of the breaking of fortifications^o of the Superintendents, to which Sir Henry Gidney referred.

The Honourable Sir Frank Noyce: I think, Sir, that is all I have to say. I trust that I have given the Honourable Member a reply which will convince him that there is no substance in his charges against my Department, and that he will withdraw his motion.

Mr. Gaya Prasad Singh: Sir, I should like to add just one or two words to this debate. In the first place, I should like to refer to one remark which my Honourable friend, Sir Henry Gidney, has made. I do not know whether I was able to understand him properly or not, but this is what he seems to have said—that the Anglo-Indian community have served well and efficiently in the Postal and Telegraph Department, and that is why their number should not be reduced in that Department.

Lieut.-Colonel Sir Henry Gidney: I did not say that.

Mr. Gaya Prasad Singh: If my Honourable friend has not said that, I have nothing to say. There is one point which has been referred to by my Honourable friend, Mr. Shafee Daoodi, that the Muslims have suffered in the Postal and Telegraph Department. If a job is going vacant and if a number of candidates apply for the post and the post is given to the most suitable, or best qualified candidate, I do not think that it lies in the mouth of the disappointed candidates or their proteges, to whatever community they may belong, to say that suffering has been inflicted upon those who have not been selected. My Honourable friend also went further and referred to Muslim unions. He said that unions were formed to snatch away jobs from other communities. I have taken down correctly the exact words which he has uttered. If I am mistaken in this, I would give an opportunity to my Honourable friend to say that he did not say the words "snatch away jobs from other communities". My Honourable friend's silence is significant.

Maulvi Muhammad Shafee Daoodi: Unions are formed to keep a watch over the rights of the community.

Mr. Gaya Prasad Singh: Unions are not formed to watch the interests of the communities. Unions are formed to watch and to look after the

legitimate interests of those who are employed in particular Departments for which the unions are formed. Now, for instance, if there is a union in the Posts and Telegraphs Department, it is not the business of that union to try to provide more jobs for the members of that particular community, whether Hindus or Mussalmans. Unions are formed only to look after the legitimate interests of the members of that service, and to represent in a legitimate manner the grievances of the members of that service. One people belonging to different communities have entered a particular Department of the Government, they should cease to think that they belong to different communities in regard to the performance of their duties, or in the matter of promotion and other things. There the discipline of the Department must be maintained, and the rules must be followed. Whether the member of the union is a Hindu, or a Mussalman, or a Sikh, or a Christian, is an immaterial point for consideration. As soon as they come into the Department, they should abide by the rules of that Department and represent the legitimate interests of the employees as a whole and not of a particular section of it.

Maulvi Muhammad Shafee Daoodi: This is the position which the Mussalmans of the Frontier Province have taken up, but the Hindus, who are in the minority there, are taking exception to it.

Mr. Gaya Prasad Singh: What I am saying is of universal application. I am not here to justify the attitude of the Hindus of the Frontier Province if they are wrong and if they have taken up this attitude. What I am laying down is a principle which ought to be of universal application, whether the men belong to the Hindu community, or the Moslem community or any other community.

Sir Muhammad Yakub: But this ought to be left to the judgment of an impartial officer.

Mr. Gaya Prasad Singh: And the impartial officer is the head of the Department who has very rightly refused to recognise communal unions. In this connection, I have information that a Member of this House wanted to form a Muslim organisation, a separate Muslim employees' organisation on the B. and N. W. Railway, and that he went so far as to see a high official of that railway who very rightly refused to recognise a communal organisation of that character.

An Honourable Member: Who is that Member?

Mr. Gaya Prasad Singh: I should not name him. I should like to be enlightened on one other point. There is a report that certain Muslim gentlemen, probably including some Members of this House, waited in a deputation on a high official of the Government to protest against the appointment of Mr. Bewoor as the Director-General of Posts and Telegraphs in succession to my Honourable friend, Sir Thomas Ryan, whose tenure of office has been so eminently successful. And the protest is based on the ground that the interests of the Muslim community will not be safe in his keeping. May I pause for a reply to this statement of mine?

Mr. President (The Honourable Sir Shanmukham Chetty): It is not necessary for the Honourable Member on behalf of Government to answer every question that is asked. The Chair would strongly deprecate the asking of questions about individual officers of Government, the result of

[Mr. President.]

which will be an absolute demoralisation of the services. If there is any attack to be made on the Department, the attack should be against the Honourable Members in this House who represent the Department and not against officers who are not here.

Mr. Gaya Prasad Singh: I am very glad that you have made this point clear. I would go much further and deprecate most strongly any attempt on the part of Members of this House or outsiders to wait in a deputation on an Honourable Member of Government and try to prejudice the appointments of the most capable men who may be selected by the heads of the Departments concerned. The silence of my Honourable friends on the Treasury Benches is significant.

The Honourable Sir Frank Noyce: I strongly resent the statement that there has been silence on my part. You, Sir, interfered and ruled that there was no necessity to answer the question. I have merely followed your ruling.

Mr. Gaya Prasad Singh: In the explanation which my Honourable friend, Sir Frank Noyce, has offered, he has not substantially denied that a deputation waited on him. I need not pursue the matter.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair deprecated the asking of questions on the part of the Honourable Member and the Honourable Member is still pursuing in that strain. He cannot infer anything from the silence of Sir Frank Noyce.

Mr. Gaya Prasad Singh: I am not asking for a reply, but I am making a statement, an emphatic statement that if any deputation of the Muslims, whether of certain Members of this House, or outsiders, has waited in deputation upon any Member of the Government, then it is a very disgraceful act on their part.

Sir, I made my observations rather in some detail on the former occasion, and, therefore, I do not want to repeat all that I said on the last occasion. Let us once for all end this communal wrangle on the floor of this House, by whatever method it may be. Let my Honourable friends, the Muslim Members, enunciate some principle on which this communal wrangle could be solved once for all. I think it will be doing a great service to the country.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): On a point of order. I do not think it is desirable for an Honourable Member to ask the Muslim Members generally to put forward suggestions. If he has any solution to suggest, why should he not do it himself. Why should he call on Muslim Members alone to do it?

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Is that a point of order?

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): The Honourable gentleman is doing a great injustice to the future Director-General, because he has directed the attention of the entire Muslim community to watch each and every action of that officer.

Mr. Gaya Prasad Singh: I hope the position of the future Director-General of the Posts and Telegraphs Department is so high up that he would not care to note what I or any other Member of this House or any one outside will think about him, so far as communal matters are concerned, but, Sir, there has been

The Honourable Sir Frank Noyce: I think it may perhaps tend to clarify the air if I say at once that I have received no deputation of Muhammadan Members of this House by way of protest against the appointment of Mr. Bewoor.

An Honourable Member: Withdraw the allegation.

Mr. Gaya Prasad Singh: What is there to withdraw? I understand from the statement of my Honourable friend, Sir Frank Noyce, that no Muslim deputation waited on any Member of the Government, any high official of the Government with regard to the future appointment. If that is so, I am certainly happy to know it.

An Honourable Member: Say you are sorry.

Mr. Gaya Prasad Singh: I am happy that no Muslim deputation waited on any high official sitting on the Treasury Benches.

I have already spoken at some length on the former occasion, and I really beseech my Honourable friends, whether they are Hindus or Muhammadans, to sink these differences and to come to some amicable settlement. My Honourable friend, Maulvi Shafee Daoodi, has been charging me with communalism.

Maulvi Muhammad Shafee Daoodi: Something worse.

Mr. Gaya Prasad Singh: My Honourable friend once belonged to a national organisation. He cut off his connection with that, and is now immersed in the communal organisation of which he happens to be the Secretary or some office-bearer. Will he point out that I belong to any communal organisation, whether it be the Mahasabha or any other body?

Maulvi Muhammad Shafee Daoodi: You belong to a much worse organisation.

Mr. Gaya Prasad Singh: Will the Honourable Member let me know what it is? Terrorist organisation?

Maulvi Muhammad Shafee Daoodi: I do not want to disclose it. I am not so dishonourable.

Mr. Gaya Prasad Singh: I certainly do not object to my Muslim friends having a legitimate share in the loaves and fishes of Government offices. I do not object to my Honourable friend, Sir Henry Gidney, pleading for a legitimate share for the members of his community, but to run down and indulge in a tirade against every other community is not the sort of thing which ought to be permitted in this House. I do not want to oppose this motion if my friend wants to press it to a division, because this motion in itself is a very insignificant thing. I am looking at it from a wider point of view, not from the point of view whether more jobs go to the Hindus

[Mr. Gaya Prasad Singh.]

or less to the Mussalmans or *vice versa*, I am visualizing a time when we will get full self-government. What will be the condition of our country if these communal wrangles continue? If a Hindu is placed in a responsible and high position, what will be the feeling of the Mussalmans subordinate to him, or if a Muslim, for instance, is placed in charge of a Department, what will be the feelings of the Hindus who have to work under him? This sort of acrimonious discussion is quite subversive of the discipline of the Department and I would, therefore, strongly deprecate it. I see that my friend, Maulvi Shafee Daoodi, is very impatient to criticise me. He has already spoken. I do not want to import any heat into this discussion. If I have done it, I am sincerely sorry for it. This is too serious a matter to indulge in acrimonious discussion, wherever it comes from. We should find out some *via media* by which an amicable settlement could be arrived at. My friend, Mr. Maswood Ahmad, has given notice under every demand "Paucity of Muslims". If there is any paucity in any particular Department, considered on a population basis or on the result of examinations or other standard of fitness, that must be rectified, but I do not want this occasion to be utilised for the fanning of communal bitterness which is so unpleasant to all of us. That is all I have got to say.

Dr. Ziauddin Ahmad: While the Honourable Member was speaking I was thinking of the speech of Antony, when he said everything he wanted to say, but punctuated it by the remarks "they were all honourable men". He says on every occasion that he is against the communal spirit and at the same time he is putting fire into the communal discussions. The Honourable gentleman put a question to Sir Frank Noyce. I put the reverse question. Has there ever been any post, even including the Members of the Viceroy's Council, about which one person or the other did not approach any Member of the Government about certain individuals? I myself approached in connection with the appointment even of Members of the Executive Council, but to speak to any Government officer about the appointment of certain individual is very different from giving expression to the feelings which my Honourable friend has done today. If I ask this question whether there exists any case in which no person approached any Government official in favour or against certain individuals in connection with any appointment, probably the answer would be "No". Some persons will always approach in favour of some persons. In this case, instead of doing any good, my friend, Mr. Gaya Prasad Singh, has really done harm to the cause he wanted to protect. I finish with this point at this stage.

Now, so much has been discussed about the recognition of communal unions. I did not want to discuss that in greater details as I have already written a chapter dealing with that topic in my book which I am going to publish and so I do not want to deal with it exhaustively but I want to draw attention to two points. One is that I studied this question of recognition of communal unions at Geneva. I saw every member at the Labour Office in the League of Nations, and I was given to understand for very good reasons that the Executive Government had no right by executive action to pass an order that a communal union should not be recognised and that it was really the privilege of the Legislature. The Legislature alone has a right to refuse recognition to unions of particular description. Now, if and when the Federal Court comes into existence in India, then the first case which they will have will be the case I will lodge against the executive action of the Government in usurping the power of the Legislature and refusing the recognition of the communal unions. This is the exclusive

privilege of the Legislatures and this does not come within the province of the Executive Government. But, in India, as we are hopelessly placed, the Executive have taken away and usurped all the powers of the Legislature, and we can do nothing. Now, as regards the point raised by my friend, Mr. Mitra, about the recognition of communal unions, I think whatever he has said is a noble ideal—an ideal which all of us have in view and which every country has in view, but if you study very carefully the history of the development of the unions in Holland, Belgium, Germany and every other country, you will find that, before that ideal was consummated, successive stages had had to be passed through. I will not refer to the case of Germany, because, on account of Hitlerism, all the intermediary stages have been traversed in months which would have taken years under normal conditions; but if you turn to Czecho-Slovakia, Poland, Holland and every other country, you will find that there are communal unions and they are recognised in the country.

An Honourable Member: What about Russia?

Dr. Ziauddin Ahmad: I deliberately refuse to consider Russia, because we are not following the Russian form of Government in this country. You will find that, in all these countries, in order to achieve this ideal, they have had to pass through several stages and they are still today recognising communal unions, because they believe that this is the quickest way of combining all the people together. Now, you cannot combine Hindus and Muhammadans by executive action of the Government, which is absolutely impossible. They can be combined only by mutual goodwill and mutual understanding, and we hope, when we work together with co-operation and goodwill—not the goodwill of the type just now exhibited by my Honourable friend over there—these things will be achieved. By the executive action of the Government we are going further and further away from the ideal which we all otherwise have in view.

Mr. C. S. Ranga Iyer: Sir, when the Honourable Member for Aligarh . .

Mr. Muhammad Yamin Khan: He is not a Member for Aligarh.

Mr. C. S. Ranga Iyer: when the Honourable Member who hails from Aligarh

Mr. Muhammad Yamin Khan: He does not.

Mr. C. S. Ranga Iyer: my friend no doubt hails from Meerut, but my Honourable friend over there hails from Aligarh.

Mr. N. M. Joshi: He represents the United Provinces Southern Divisions.

Mr. C. S. Ranga Iyer: I know more about the United Provinces than Mr. Joshi. Sir, when the Honourable Member who hails from Aligarh said that he abandoned his visit to Russia, I thought he was almost descending from communism to communalism. It may sound a paradox, but, really why should there be so much heat in this House? We are not discussing communism—and as for communalism, surely communism and communalism cannot go together.

Dr. Ziauddin Ahmad: They lead to each other.

Mr. C. S. Ranga Iyer: My friend thinks they lead to each other. I do not understand what he means. He says "communalism and communism lead to each other". I know the guillotine will come presently.

An Honourable Member: No, not for today.

Mr. C. S. Ranga Iyer: I know the guillotine will come after a few more talks that we have on communalism. But have we not talked enough on this subject? Are we not wasting the time of this House on this wretched question of communalism? Sir, I would urge that hereafter in this House—whether this Legislature is to be prolonged or ended—it should be possible for Honourable Members to discuss, on a Resolution, all that they have got to say on communalism so that when we come to the Budget, we as serious-minded people will take up Budget questions and not, as my friend, Sir Cowasji Jehangir, rightly said last year and with very great effect, discuss as to how many Hindus or how many Mussalmans are in this Department or that Department or the other Department. Sir, we are wasting the time of this House (Hear, hear) by the futile way in which we have been discussing communalism. I hope Honourable Members must be satisfied with the opportunity that they have got at question time, and I hope they will not disgrace this House as it has been disgraced not only to its own complete satisfaction, satisfactorily disgraced, but disgraced in the eye of the people. What a contrast the newspapers are seeing to the Assembly that they knew—to use Mr. Neogy's famous phrase on a historic occasion—what a contrast from the Assembly they knew to the Assembly that they see, a derogation to a position which is most deplorable!

Mr. M. Maswood Ahmad: Sir, I am sorry to see that my Honourable friend, Mr. Gaya Prasad Singh, has unnecessarily brought some heat into this question, but I think no one will take him seriously, because, as it is an old saying, whatever is in a bottle comes out, that is, the same thing which is in a bottle comes out. So what was in his heart, has come out.

I realise that it is now five o'clock, but I hope my Honourable friends will have the patience to hear me for two or three minutes. I shall relate a very short story. A man was going into the field, and for some necessity he sat down under a plum tree. A plum fell down and he took that plum and ate it. Afterwards, he went to the party where he was to go where dancing was going on. The dancing girl began a song:

"O-hi Ber Ki Batyan men Kah doongi."

The meaning is: "I will tell the story of the time of our love". *Ber* in Hindi means time, but *ber* in Urdu means plum. Now, he thought this *ber* was the same that he picked up and ate. He thought that the dancing girl saw him taking that *ber* or that plum from the ground and eating it, and now she sings that she will tell the story of plum eating. Taking that to be the plum which he ate, and getting afraid, he gave Rs. 100 to the dancing girl, but she thought that this song pleased him so much that he gave her Rs. 100 and so she went on singing "*O-hi ber ki batyan men kah doongi*", and so he gave out all the money he had in his pocket, and the songstress was repeating the same song. He was very much upset and annoyed and then he said with anger that now he himself would disclose the secret that he had taken a plum from the field and ate it when he sat under a plum tree.

Now, compare the story. I did not mention anything about the future Director General, Posts and Telegraphs, but my Honourable friend, Mr. Gaya Prasad Singh, when I talked about supersession and when I said that that injustice of favouritism in the form of supersession was going on in the Department, and when I talked about inefficient officers superseding the efficient officers and said that the seniority list was not looked into and that senior officers were superseded for no reason and so forth, he thought everything was for the future Director General, Posts and Telegraphs. There are so many Members who can realise that I did not say anything about the future Director General, Posts and Telegraphs, that he was inefficient or junior or anything else about him, but quite unnecessarily Mr. Gaya Prasad Singh has dragged him.

I am thankful to my Honourable friend, Sir Henry Gidney. I did not really mean to say anything against him or against his community. I merely wanted to inject some sort of energy into him, so that he might stand up and speak.

Sir, when I said in my first speech that I did not want to move my motion, it did not mean that I was not serious about it. The main thing was that I did not want to have this communal talk again on the floor of the House, but my Honourable friend, Mr. Lalchand Navalrai, pressed me to move it.

In reply to my Honourable friend, Sir Frank Noyce, I will only say this that the figures which he has quoted include menials as well. In that way, he has been able to make up that figure. But as he has promised to look into the matter. I do not want to press my motion, but I know that my Honourable friend, Mr. Amar Nath Dutt, is sitting in the House and he will not allow me to withdraw my motion.

Mr. Amar Nath Dutt: I will remain silent.

Mr. M. Maswood Ahmad: If other Members do not object to my withdrawing this motion, I have no objection to withdraw it.

Mr. President (The Honourable Sir Shanmukham Chetty): Has the Honourable Member the leave of the House to withdraw his motion?

Mr. Lalchand Navalrai: No, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That the demand under the head ‘Indian Posts and Telegraphs Department (including Working Expenses)’ be reduced by Rs. 100.”

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 10th March, 1934.