

21st September 1928

THE

Legislative Assembly Debates

(Official Report)

THIRD SESSION

of the

THIRD LEGISLATIVE ASSEMBLY

1928



SIMLA
GOVERNMENT OF INDIA PRESS
1929

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LEGISLATIVE ASSEMBLY.

Friday, 21st September, 1928.

The Assembly met in the Assembly Chamber at Eleven of the Clock,
Mr. President in the Chair.

QUESTIONS AND ANSWERS.

CONTRACT RELATING TO THE SUPPLY OF WOOD FUEL TO THE ROHILKHAND AND KUMAON RAILWAY.

770. *Mr. N. M. Joshi : With reference to the reply to question No. 105 at page 4405 of the Legislative Assembly Debates, Volume IV, will Government kindly lay on the table an extract from the contract relating to the supply of wood fuel to the Rohilkhand and Kumaon Railway Company ?

Mr. A. A. L. Parsons : The relevant clause is clause 9 of the contract of 1882 at page 57 of the reprint of the Rohilkhand and Kumaon Railway contract, a copy of which is available in the Library.

SURPLUS LOCOMOTIVES ON THE NORTH WESTERN RAILWAY.

771. *Mr. N. M. Joshi : Is it not a fact that at one of his interviews with the Railway Board in 1924 or 1925, the Agent of the North Western Railway stated that he had on hand a surplus of about 300 locomotive engines ; if so, what is the exact date of the interview and which of the Members of the Board were present at the interview ?

Mr. A. A. L. Parsons : I have not been able to find in the minutes of meetings with the Agent, North-Western Railway, in 1924-25 a record of any such statement.

TREATMENT OF STAFF ON THE DIFFERENT RAILWAYS.

772. *Mr. N. M. Joshi : Is it not a fact that at a meeting held in March 1923 between the Railway Board and the Agents for different Railways, the Chief Commissioner warned the latter " that care must be taken to treat the staff fairly, giving them leave and such allowance as were permissible and to avoid any appearance of racial discrimination in retrenchment " ?

Mr. A. A. L. Parsons : The Honourable Member appears to be referring to a confidential discussion which took place with Agents of Railways on the date mentioned. I shall be much obliged if he will let me know how he obtained the information on which his question is based.

NUMBER OF PETITIONS RECEIVED RELATING TO THE HINDU CHILD MARRIAGE BILL.

773. *Mr. D. V. Belvi : (a) Will Government be pleased to state whether any, and if so, how many, petitions have been received from

(1161)

each province against the Child Marriage Bill of Rai Sahib Harbilas Sarda ?

(b) What is the number of signatories to the petitions from each province ?

(c) Will Government be pleased to state whether any, and if so, how many, resolutions passed at public meetings have been received (i) for and (ii) against the Bill ?

(d) Will Government be pleased to state if any petitions have been received, and if so, how many, from each province supporting the Bill ?

(e) What is the total number of signatories in each province supporting the Bill ?

Mr. L. Graham : (a) In all 1,158 petitions have been received against the Bill. Government do not think that an analysis by provinces would be productive of results worth the labour involved, but if the Honourable Member still desires it, I will have the analysis made and send it to him.

(b) The total number of signatories of these petitions is 74,802.

(c) Resolutions for the Bill 187 and against the Bill 382.

(d) The total number of petitions supporting the Bill is 215. For the reasons stated under (a) this analysis has not been made.

(e) The total number of signatories of these petitions is 1,962.

Mr. D. V. Belvi : Will Government be pleased to state if they have instructed Provincial Governments to consult the religious heads of the several castes and sub-castes of Hindus and different sects of Muhammadans ?

The Honourable Mr. J. Orerar : When the Bill was circulated to Local Governments they were asked to ascertain the opinions of all those concerned in the manner which is customarily done in respect of Bills dealing with matters of this nature.

Mr. D. V. Belvi : Do Government consider that the question involved in this Bill is of a quasi-religious character ?

The Honourable Mr. J. Orerar : It is well-known that it has been represented in very many quarters that it does impinge on questions of a religious character.

Mr. D. V. Belvi : Do not Government think it necessary to consult the Gurus of the several castes and sub-castes of Hindus on this point ?

The Honourable Mr. J. Orerar : It is highly desirable that the opinion of every interest should be fully consulted and ascertained.

Mr. Lalchand Navalrai : Are there any signatories to the applications or petitions from Sind for or against that Bill ?

Mr. L. Graham : Petitions are received every day. I think I had four yesterday. It is really very difficult to keep track of them, but I should say that certain petitions have been received from Sind, though I would not like to be pinned down to that statement.

PREVENTION OF THE IMPORTATION AND SALE OF ADULTERATED DRUGS, AND CONTROL OF THE SALE OF POISONS.

774. *Lieutenant-Colonel H. A. J. Gidney : (a) Will Government please state the action taken by them on the Resolution relating to drugs passed by the Council of State on 9th March 1927 ?

(b) Did Government consult Provincial Governments on the points raised ?

(c) If the answer to (b) be in the affirmative, will they kindly state what action they propose taking now in the matter ?

(d) Do they, in this connection, propose to consider the desirability of early legislation, i.e., introduce a suitable Bill, to prevent the importation and sale of adulterated drugs and to control the sale of poisons ?

(e) Do Government propose themselves to take immediate steps against, as also to draw the attention of Provincial Governments to, the alleged sale of adulterated quinine in India on a large scale and to enquire what action they propose taking to check such sales ?

Mr. G. S. Bajpai : (a) to (d). The Resolution referred to by the Honourable Member and the debate thereon were sent to the Local Governments and Administrations for an expression of opinion and for such action as they considered to be desirable and practicable. The replies received show considerable diversity of opinion on the question whether legislation for the standardisation of the preparation and for the sale of medicinal drugs is feasible or necessary. These replies are now under consideration. The question is complicated by the fact that legislation without the machinery for enforcement would be useless.

(e) Government have no evidence in their possession to show that adulterated quinine is sold on a large scale but they propose to ask Local Governments for a considered report on the allegations which have recently been made on this subject in the Press.

(Colonel Gidney rose from a seat in the Central Muslim Party block.)

Mr. President : The Honourable Colonel should have given the Chair notice that he had joined the Central Muslim Party.

Lieut.-Colonel H. A. J. Gidney : Might I explain, Sir, that I have not joined the Central Muslim Party but if the Government had supplied loud speakers as requested by me in this House I should not be here. I cannot hear the Honourable Member from my seat at the other end of the room and I came nearer to hear his replies.

Mr. President : Colonel Gidney.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member inform the House whether Government propose to encourage or to ask Provincial Governments, or themselves move in the matter, (1) to control the sale of poisons ; and (2) whether they are prepared to suggest to Provincial Governments, or themselves move in the matter of drug legislation and standardisation ; and (3) whether they intend to stop at the ports by means of the Sea Customs Act the importation into India of this fraudulent quinine ? So far Honourable Member has evaded the question.

Mr. G. S. Bajpai : I will deal with the last part of the Honourable Member's statement first. Far from evading the question I have definitely stated that Government have no information in their possession to

show that there are masses of adulterated quinine being sold in this country but that they propose to make inquiries from Local Governments. As regards the first, second and third suggestions made by the Honourable Member, they do not, as far as I understand, all refer specifically to the question of drug adulteration. They relate to the question of the standardisation of the preparation and to control of the sale of drugs. As I have already told the Honourable Member, we have consulted Local Governments on this point and there is great diversity of opinion as to what is necessary and what is desirable. All that I can say is that the Honourable Member's suggestion will be borne in mind when we are coming to a decision.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member address the Local Governments again and point out to them the necessity and the urgency of controlling this promiscuous sale of poisons throughout the land ?

Mr. G. S. Bajpai : I regret to say, Sir, that as I do not, in the light of the information available to me and to the Government, share the view that there is promiscuous sale of poisons in the country, I am not in a position to give the assurance which the Honourable Member wants.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member kindly find out from responsible authorities, such as the medical authorities ?

Mr. G. S. Bajpai : Well, Sir, if the Honourable Member thinks that the only responsible authority in the country is the Honourable and gallant Member himself, then I confess that I have not got the benefit of the most responsible opinion. But, on the other hand, if my Honourable friend would concede, shall we say, some measure of authority to such officers as the Director General of the Indian Medical Service and the Deputy Director General of the Indian Medical Service, then I submit that we have had competent and considered opinion, and that the information which I have given is based on that considered and competent opinion. As regards the other part of the Honourable Member's question, Sir, or rather suggestion, I have already stated that the Government propose to ask Local Governments for a considered report on the allegations which have recently been made on this subject in the Press.

ARTICLE IN *India* REGARDING THE STATUTORY COMMISSION.

775. ***Mr. Fazal Ibrahim Rahimtulla :** Has the attention of the Government of India been drawn to an article in the magazine, called *India* of July 1928, Volume E, No. 1, bearing the title "Some aspects of the Simon Commission" ?

The Honourable Mr. J. C. Crerar : The answer is in the negative.

LOAN TO THE LATE NAWAB SIR SALIMULLAH OF DACCA.

776. ***Mr. Satyendra Chandra Mitra :** (a) With reference to the question No. 525 by Mr. K. C. Neogy in the Legislative Assembly on August 29, 1927, regarding a loan to the late Nawab Sir Salimullah of Dacca and the answer thereto, will the Government be pleased to state if they have made an enquiry into the rate of interest at which the loan was advanced to the Nawab of Dacca by the Government of India ?

(b) If so, what is the rate of interest ? Is it higher or lower than the rate of interest at which the Government borrow money ?

(c) If the rate of interest is lower, how do the Government propose to meet the loss of revenue to the Central Government which the said loan involves ?

(d) What were the terms and conditions under which the loan was advanced especially in regard to the period during which it was stipulated that the money should be repaid ?

(e) Is it a fact that the income of the Nawab's estate has increased since the loan was advanced ?

(f) Is it a fact that the enhanced income of the estate is being spent on increasing the allowance to the members of the Nawab's family ?

(g) Is it not a fact that the administration of the Nawab's estate has become a costly affair ?

(h) What steps do Government intend to take to reduce the cost of administration of the estate ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

(b) 3 per cent. per annum which is lower than Government's borrowing rate.

(c) The loss remains at debit of Interest on Ordinary Debt.

(d) The scheme of repayment contemplated that the loan should be extinguished in 1952 but as a matter of fact, repayments have proceeded in advance of the programme and it is expected that the loan will be extinguished in 1945.

(e), (f), (g) and (h). From enquiries made Government have no reason to be dissatisfied with the progress made in reducing the cost of administration. For the rest Government do not consider it proper that the private affairs of a great family should be discussed on the floor of the House.

TOWN INSPECTORS OF POST OFFICES IN THE UNITED PROVINCES POSTAL CIRCLE.

777. ***Mr. Siddheswar Sinha :** (a) Is it a fact that the permanent Town Inspectors of Post Offices attached to the first class head Post Offices in the United Provinces Postal Circle have been transferred from their substantive appointments of Town Inspector to that of a clerk ?

(b) If so, have Government received appeals from the officials so reverted and considered those appeals and with what result ?

The Honourable Mr. A. C. McWatters : Sir, with your permission I shall deal together with the Honourable Member's three questions Nos. 777, 778 and 779. As these are all connected with a subject which has been dealt with in a reply given on the 20th instant to unstarred questions by Mr. Anwar-ul-Azim and others, which Honourable Members of the House have not yet had an opportunity of perusing. I ask your permission to read the explanatory portion of that reply ; it runs as follows :

I observe that these are the first of a long series of questions by Members of the House, arising out of the operation of orders issued by

the Government of India in August and September 1927 and of an interpretation of these, issued with the approval of the Government of India, by the Director-General, Posts and Telegraphs, in February 1928. These orders related to the revision of the pay and duties of Town Inspectors attached to first class Head Post Offices. They have resulted, in some cases, in the displacement of some of the officials who, on the date from which the orders originally took effect, namely, the 1st September 1927, were the actual incumbents of the posts named. In other cases the existing incumbents have been retained in their appointments. The orders to which I have referred necessarily left to the heads of administrative Postal Circles the final decision as to the application in individual cases of general principles which had been laid down. The decisions reached have given rise to a number of representations addressed to the Director-General and to the Government of India from different Service Associations and individuals interested. These representations have received the most careful consideration of the Director General whose recommendations are now before me and will receive my close attention together with the various points raised by Honourable Members in these questions.

TOWN INSPECTORS OF POST OFFICES IN THE UNITED PROVINCES AND BENGAL POSTAL CIRCLES.

†778. *Mr. Siddheswar Sinha : (a) Are Government aware that the Postmasters-General of the United Provinces and the Bengal Postal Circles have changed their orders in respect of the appointments of postal Town Inspectors attached to the first class Head Post Offices in those Circles confirming some and again degrading those officials from the Town Inspectors' appointments ?

(b) If so, are Government aware that the aforesaid orders were issued by the aforesaid Postmasters-General without obtaining any report as to their work from the immediate superior officers of the aforesaid postal officials and that no reason was assigned for the respective order of reversion from the line of postal Inspector to the line of clerk ?

(c) Do the Government propose to issue any clear orders protecting the interests of the existing incumbents who were holding such appointments on the date of effect of the revision in accordance with the general conditions of service ?

(d) If so, when ? If not, why not ?

TOWN INSPECTORS OF POST OFFICES IN THE BENGAL, BOMBAY AND UNITED PROVINCES POSTAL CIRCLES.

†779. *Mr. Siddheswar Sinha : (a) Is it a fact that the officials who were removed from their substantive appointments of postal Town Inspectorship were not charge-sheeted as required under the rules of the department in respect of the Government officials and their defences duly obtained in respect of the postal Town Inspectors in the Bengal, Bombay and the United Provinces Circles ?

(b) If so, why ? What action, if any, has been taken by the Government ?

†For answer to this question, see answer to question No. 777.

DEPARTMENTAL EXAMINATION FOR PROMOTION TO THE LOWEST SELECTION GRADE POST IN THE POST OFFICE.

780. ***Mr. Siddheswar Sinha :** (a) Has the attention of the Government been drawn to the latest G. O. of the Director-General, Posts and Telegraphs, relating to the departmental examination for promotion to the lowest selection grade post in the Post Office ?

(b) If so, was any report obtained as to the knowledge of the postal officials who attained the age of 40 regarding their knowledge of the Post Office Manual, Volumes 1 and 2, and the Fundamental and the Supplementary Rules (Accountant General's Compilation) before the issue of the aforesaid G. O. exempting them from appearing in the papers relating to those books ?

(c) Is it a fact that the knowledge of the officials of 40 years of age will not be tested in respect of the rules laid down in the aforesaid books ?

The Honourable Mr. A. C. McWatters : (a) Yes.

(b) No.

(c) Yes, but only in the first examination held under the new rules.

INTRODUCTION OF THE EXAMINATION FOR THE LOWEST SELECTION GRADE POSTS IN THE POST OFFICE.

781. ***Mr. Siddheswar Sinha :** (a) Is it a fact that the examination for the lowest selection grade posts is introduced for the first time in the Post Office ?

(b) Do the Government propose to abolish the examination for the lowest selection grade posts in the Post Office ?

(c) If so, when may orders be expected on the subject ?

(d) Is it a fact that the adoption of the same system of examination for all the candidates for examination for promotion to the lowest selection grade is under the consideration of the Government of India ?

(e) If so, when will the orders issue ?

The Honourable Mr. A. C. McWatters : (a) Yes.

(b) No.

(c) Does not arise.

(d) If the Honourable Member refers to the Post and Telegraph Department as a whole, the reply is in the affirmative.

(e) Orders have already issued prescribing such an examination in the Engineering Branch, while as regards the Traffic Branch the matter is still under consideration.

RECOGNITION BY THE AGENT OF THE EAST INDIAN RAILWAY UNION.

782. ***Mr. Varahagiri Venkata Jogiah :** Are the Government aware that the East Indian Railway Union was registered under the Trade Unions Act in March 1928, but that it has not been recognised by the Agent of the Railway up till now ? If so, do Government propose to instruct the Agent to recognise the Union officially and give it all facilities for representation of the grievances of the workers ?

Mr. A. A. L. Parsons : If the Honourable Member will let me know to which particular union on the East Indian Railway he is referring I will see if I can obtain the information for him.

ISSUE OF PASSES TO THE OFFICERS AND WORKERS OF THE EAST INDIAN RAILWAY UNION.

783. ***Mr. Varahagiri Venkata Jogiah :** In view of the announcement of Earl Winterton that the Government of India welcome the formation of Trade Unions on constitutional lines, do Government propose to instruct the Agent of the East Indian Railway to issue passes to the officers and workers of the Union for organising the Union thoroughly according to the Trade Unions Act ?

Mr. A. A. L. Parsons : Government consider that officers and workers of trade unions should be allowed to utilise passes, to which they are entitled as railway employees, for the purpose of attending to the business of their unions, and have so instructed the Agents of State-managed Railways. They do not consider that railway authorities should give indirect financial assistance to the unions by the grant of extra passes to railway employees or by the grant of passes to persons who are not in railway service.

Mr. N. M. Joshi : May I ask whether the Government will issue similar instructions to the Company-managed Railways also in the matter ?

Mr. A. A. L. Parsons : Will the Honourable Member repeat his question ?

Mr. N. M. Joshi : May I ask whether Government will be prepared to issue similar instructions to the Company-managed Railways ?

Mr. A. A. L. Parsons : It is not a matter on which we can issue instructions to Company-managed Railways, Sir, but they are already aware of the views of Government.

ENGAGEMENT OF A CONTRACTOR TO PAY THE SALARIES TO THE STAFF EMPLOYED ON THE EAST INDIAN RAILWAY.

784. ***Mr. Varahagiri Venkata Jogiah :** (a) Is it a fact that the East Indian Railway authorities are contemplating to abolish the Pay Department of the East Indian Railway and to engage a contractor for payment of salaries to the staff all over the line ? If so, will Government please state reasons for the proposed arrangement ?

(b) Is it a fact that on the Oudh and Rohilkhand Railway the contract system was abolished and the work was undertaken by the department for efficiency and with a view to remove the irregularities in payment by contractors, and that there was a saving of Rs. 16,000 last year ? If so, will the Government be pleased to state why the East Indian Railway authorities want to re-introduce the contract system ?

(c) Will Government be pleased to state how the staff of the Pay Department will be provided for if the Pay Department is abolished ?

Mr. A. A. L. Parsons : (a) The question is at present under consideration and it is proposed to call for tenders. If the contract system is found on the whole cheaper, it will be adopted.

(b) After the Oudh and Rohilkhand Railway was amalgamated with the East Indian Railway the system of departmental working that obtained on the latter was introduced on the former. It is understood that this resulted in a saving of cost.

(c) The question will be carefully considered if it is decided to abolish the Pay Department. A good portion of the staff would no doubt continue to be employed on their present duties under any person or firm to whom the contract might be given.

Mr. President : Order, order. The rule of the House is that the Honourable Member must rise from his seat and put the question.

EJECTION FROM THEIR QUARTERS OF THE WORKERS OF THE ONDAL WORKSHOP, EAST INDIAN RAILWAY.

§ 785. ***Mr. Varahagiri Venkata Jogiah :** (a) Are Government aware that the Agent served the workers of Ondal Workshop who struck work in sympathy with the workmen of Lilloah with a notice to vacate their quarters within twenty-four hours ? Are Government aware that owners of dwelling houses are required to serve their tenants at least with a month's notice to vacate their houses, and no tenant can be ejected by force by the executive officers without the sanction of the civil court ? Will Government please state what action they propose to take against the Agent for issuing such illegal notices ?

(b) Are Government aware that twenty-four hours after the Ondal workers had been served with a notice to vacate the quarters, the District Magistrate of Burdwan came to Ondal in a special train with the police officers of Asansol and about one hundred armed police, and forcibly broke the padlocks attached to the doors of the quarters in the absence of most of the occupants and threw away all their properties on the street during heavy rains with the result that all their properties were drenched and spoiled ? Are Government aware that in some cases the workmen were forcibly turned out of their quarters with their wives and children during heavy rains at night ? If the Government have no information, will they be pleased to enquire into these matters and take necessary action against the Magistrate for his illegal actions ?

(c) Will Government be pleased to state under whose instructions the Magistrate came to Ondal to compel the workers to vacate their quarters with the aid of the armed police ?

(d) Will Government please state who paid the expenses in connection with the running of the special train for taking the Magistrate and the police from Asansol to Ondal and back ?

Mr. A. A. L. Parsons : (a) Three days' notice, and not 24 hours as stated in the Honourable Member's question, was given to the strikers to resume duty and of the fact that, if they did not do so, they will be made to vacate their quarters. The action of the Agent is in accordance with section 138 of the Indian Railways Act, and it was not illegal.

(b), (c) and (d). Government have not received any information which suggests that there is any truth in the allegations made by the Honourable Member.

Mr. Varahagiri Venkata Jogiah : Will Government be pleased to enquire whether the statements made in parts (b), (c) and (d) of the question are correct ?

Mr. A. A. L. Parsons : If the Honourable Member will put me in possession of information justifying the allegations, which no doubt he himself possessed before putting the question, I shall be prepared to make enquiries.

Mr. N. M. Joshi : May I ask, Sir, whether the Government of India have consulted their legal adviser as to the legality of the Railway Act being applied to the workers in workshops as regards the vacation of their quarters ?

Mr. A. A. L. Parsons : So far as I am aware, Sir, the Agent of the East Indian Railway made no enquiries, but the terms of that section of the Act are perfectly clear.

Mr. N. M. Joshi : What is the justification for applying the Railway Act to the workers in the railway workshops ?

Mr. A. A. L. Parsons : It is, Sir, the law of the land ; and it is particularly for this type of case that that particular provision in the Act was enacted.

Mr. N. M. Joshi : May I ask whether Government cannot state what the justification for that law is ?

Mr. A. A. L. Parsons : Certainly not, Sir, in the course of question and answer on the floor of this House.

ALLEGED HARASSMENT BY THE DISTRICT MAGISTRATE OF BURDWAN AND THE POLICE OF THE STRIKERS AT ASANSOL, EAST INDIAN RAILWAY.

786. ***Mr. Varahagiri Venkata Jogiah :** (a) Are the Government aware that when the workers of Asansol struck work and commenced peaceful picketing, the District Magistrate of Burdwan accompanied by the officials of the Railway stopped the picketing by force ? If not, will the Government be pleased to enquire and give an answer to this query ?

(b) Is it a fact that a worker was assaulted by a railway official during the picketing in the presence of the Magistrate, and that although the matter was brought to his notice he took no action ? If Government are not aware of this, will they find out and give an answer ?

(c) Are the Government aware that at dead of night the railway officials at Asansol accompanied by the District Magistrate of Burdwan and the police used to visit the *bustee* every night during the early stage of the strike and tried to force the strikers to return to work against their consent ?

(d) Will Government please state what action they propose to take against the Magistrate for his attempt to break the strike at Asansol with the aid of the railway officials by force ?

(e) Is it a fact that a telegram was sent by the General Secretary of the East Indian Railway Union to His Excellency the Governor of Bengal protesting against the highhandedness of the Magistrate and the police ? If so, will Government be pleased to state what action was taken by the Government of Bengal to stop the harassment of the strikers by the police and the magistrate ?

(f) Is it a fact that in spite of the assurance of the Agent that there would be no victimisation after the settlement of the strike a large number

of workers at Lillooah, Howrah, Asansol and Ondal have not been allowed to resume duties by the subordinate officers ? If so, do Government propose to instruct the Agent to see that all workers are allowed to return to work at every station without further delay ?

Mr. A. A. L. Parsons : (a) to (e). Government have no information, but enquiries will be made.

(f) No. The Agent has agreed to re-engage men dismissed at Asansol and Ondal as vacancies occur, and nearly 400 out of about 650 have already been so re-engaged.

DISMISSAL OF 54 WORKMEN EMPLOYED IN THE WORKSHOPS AT LILLOOAH, EAST INDIAN RAILWAY.

787. ***Mr. Varahagiri Venkata Jogiah :** Is it a fact that 54 workmen at Lillooah have been dismissed from service on the report of a Foreman that they took a leading part in a disturbance in the workshop ? Is it a fact that one of these men was subsequently found to be absent from duty on the day of the occurrence but that an attempt was made to mark him present on that day ? Are Government aware that these men were disliked by the workshop officials because they gave evidence in a bribery case against some officers ? Do Government propose to instruct the Agent to cancel the dismissal of these men so that there may not be any cause for unrest in the workshops ?

Mr. A. A. L. Parsons : 54 workmen, who were mainly responsible for the disturbance in the workshops which led to the closing of the shops on the 31st July 1928, were dismissed after the Deputy Chief Mechanical Engineer had personally satisfied himself that they were so responsible, and not on the report of a Foreman. Government have received no report that any of these men were found absent from duty, and the reason for their dismissal is that which I have given, and not that suggested in the Honourable Member's question.

LOSS SUSTAINED BY THE EAST INDIAN RAILWAY ON ACCOUNT OF THE LOCK-OUT AT LILLOOAH, ETC.

788. ***Mr. Varahagiri Venkata Jogiah :** Will Government please state the amount of loss sustained by the railway authorities on account of the lock-out at Lillooah, and strikes at Howrah, Ondal and Asansol for (1) suspension of work and (2) payment of wages to temporary hands engaged during the strike ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to the reply which I have already given to Mr. Joshi's question No. 270 on the 4th September 1928. I have no reason to believe that any appreciable loss was sustained.

PAY OF "A" CLASS TICKET COLLECTORS ON THE EAST INDIAN RAILWAY.

789. ***Mr. Varahagiri Venkata Jogiah :** Is it a fact that under Resolutions 412-13 of the official meeting of the East Indian Railway in 1926-27, the scale of pay of "A" class Ticket Collectors was raised from Rs. 90 to Rs. 120 ? If so, will Government please state if the pay of these Ticket Collectors in all the divisions of the Railway has been raised accordingly ?

If not, do Government propose to instruct the Agent to take necessary action at an early date ?

Mr. A. A. L. Parsons : We have no information, but I will make enquiries and let the Honourable Member know what the position is.

REDUCTION OF A TICKET COLLECTOR EMPLOYED AT PATNA JUNCTION, EAST INDIAN RAILWAY.

790. *Mr. Varahagiri Venkata Jogiah : (a) Has the attention of the Government been drawn to the editorial note published in the *Mazdoor* dated the 29th February 1928, regarding the punishment inflicted on a ticket collector at Patna Junction who detected that a responsible railway employee was travelling without tickets ? If so, will Government please state what action has been taken to realise the tax-payer's money due from the said railway employee ?

(b) Is it a fact that under the existing rules of the East Indian Railway the ticket collectors are not authorised to hand over railway employees to the police for travelling without tickets, but they are required to report the matter to the higher authorities for departmental action ? Are Government aware that in this case the ticket collector of Patna Junction duly reported the matter to the Divisional Superintendent, but it was dealt with by the Staff Superintendent who had no concern with this commercial case and, with a view to condone the said railway employee who worked directly under the Staff Superintendent, the ticket collector was reduced in pay ?

(c) Are the Government aware that the East Indian Railway Union represented the matter to the Divisional Superintendent as well as to the Agent through their own official organ *Mazdoor* as well as by letters fully explaining the impropriety of the punishment inflicted on a dutiful worker but no reply was given to the Union ? If the answer be in the affirmative, do Government propose to instruct the Agent to cancel the punishment wrongly inflicted on a man who did his duty as a loyal servant of the Railway ? If the Government are not aware of this, do they propose to enquire and accord justice to the ticket collector ?

Mr. A. A. L. Parsons : (a) Government have not seen the note mentioned.

(b) and (c). Government have no knowledge of the facts and have no reason to believe that the Agent, to whom it appears the matter was referred, has not been able to deal with the matter adequately.

ALLEGATIONS AGAINST MR. ABSELL, A JUNIOR OFFICER IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.

791. *Mr. Varahagiri Venkata Jogiah : (a) Is it a fact that one Mr. Absell, a temporary junior officer in the Dinapur Division, punishes the staff with heavy fines for trifling mistakes ? If so, will Government please lay on the table a statement showing the amount of fines inflicted on the workers by this temporary officer during the year 1927-28 ? If the Government have no information, do they propose to find it out and give the information required ?

(b) Is it a fact that this junior officer has made very bad remarks on the personal files of the workers for trifling mistakes? Is it also a fact that the treatment by this temporary officer of the office staff is ungentlemanly?

(c) Is it a fact that in connection with the derailment at Pandarak Station this officer was sent by the Transportation Superintendent of Dinapur to make necessary arrangements, but he did not proceed to the place of accident? Was the Punjab Mail detained at the station for about 12 hours? Was it due to the fact that the officer did not proceed to the place of accident as directed by the Transportation Superintendent at Dinapur? If so, will Government please state what action they propose to take against this officer for such neglect of duty which caused considerable inconvenience to the passengers of the Punjab Mail?

Mr. A. A. L. Parsons : Government have no information, and regret that they are not prepared to make enquiries in the matter with which the Agent is competent to deal. They will, however, send a copy of the Honourable Member's question to the Agent for his information.

PROMOTION OF INDIAN WORKERS WHO HAVE PASSED EXAMINATIONS FROM THE TRAINING SCHOOL AT CHANDAUSI.

792. ***Mr. Varahagiri Venkata Jogiah :** Will Government please state if all the Indian workers who passed examinations from the Chandausi Training School have been appointed to suitable posts in the higher grade? If not, do Government propose to take steps for the appointment of these qualified men to higher posts at an early date?

Mr. A. A. L. Parsons : There is, I think, a misapprehension as to the purposes of the Chandausi Training School. The completion of a course at this school and the passing of an examination at the close of the course gives no employee any claim to promotion to a higher post though he may be required to go through the course before becoming eligible for promotion. I am glad of the opportunity which the Honourable Member's question has afforded me of removing this misapprehension if it exists.

NUMBER OF INDIAN TRANSPORTATION INSPECTORS, COMMERCIAL INSPECTORS, ETC., ON THE EAST INDIAN RAILWAY.

793. ***Mr. Varahagiri Venkata Jogiah :** Will Government please state the number of Indian Transportation Inspectors, Commercial Inspectors, Goods Inspectors, Audit Inspectors, P.-W. Inspectors, and Running Shed Foremen on the East Indian Railway?

Mr. A. A. L. Parsons : Government regret that for reasons which have previously been explained, they are not prepared to give the figures of communal representation in individual offices or branches of railway service.

Mr. Varahagiri Venkata Jogiah : May I ask whether the figures are not given in every other Department?

Mr. A. A. L. Parsons : That is hardly a question that I can answer. But the reason why in the Railway Department we do not consider it desirable to give figures other than those we publish in our annual report

have been made clear to the House. The position is that in our Department we do give a large number of figures of communal representation in the Administration Report.

Pandit Hirday Nath Kunzru : How does the Honourable Member treat this as a question asking for communal representation in the various services ?

Mr. A. A. L. Parsons : I understood that the Honourable Member wished to know the number of Transportation Inspectors who were Indians rather than Europeans and Anglo-Indians. If I am incorrect, I shall be glad to supply the Honourable Member with the information he does want.

Mr. Lalchand Navalrai : Is it because there is a certain amount of communal monopoly in all these services ?

Mr. A. A. L. Parsons : No, Sir, I have already given the reason.

Mr. Lalchand Navalrai : Is it a fact that Anglo-Indians have most of the posts ?

Mr. A. A. L. Parsons : Without calling for figures, which I have not done, I cannot say definitely whether this is a fact.

Mr. Gaya Prasad Singh : May I know why Government decline to give the figures ?

Mr. A. A. L. Parsons : I have explained that very often to the House, and I do not think it necessary to make an explanation again. It is not desirable in the interests of the work of these branches.

Pandit Hirday Nath Kunzru : May I remind the Honourable Member that every other Department answers questions of a similar nature ?

Mr. A. A. L. Parsons : There are few if any other departments which deal with so large a number of employees, and we have to be careful that we do not create communal feeling among our employees by giving information of this kind in public. We have done our best to meet the wishes of the House by giving statistics in the form we do in the Administration Report, and this we did after taking the advice of the Central Advisory Council as to the details it was desirable to give.

Mr. Gaya Prasad Singh : Are not Indian tax-payers entitled to know how many of their countrymen are employed on the Railways ?

Mr. A. A. L. Parsons : No, Sir, not if it is not in the interests of the tax-payers.

Pandit Hirday Nath Kunzru : Does the Honourable Member decline to give information, because there is much more racial discrimination in Railways than in other Departments ?

Mr. A. A. L. Parsons : No, Sir.

PROMOTION TO THE HIGHER GRADES OF INDIAN STATION MASTERS.

794. ***Mr. Varahagiri Venkata Jogiah :** Will Government be pleased to state if any Indian station master has been promoted to the higher grade in connection with the arrangements made for the appointment of the station master of Patna Junction due to the untimely death of the permanent

station master at the station ? If not, will Government please state reasons ?

Mr. A. A. L. Parsons : Government have no information. The promotions of station masters rest with the local railway authorities and Government are not prepared to interfere in the matter.

STATION MASTER OF PATNA JUNCTION, EAST INDIAN RAILWAY.

795. ***Mr. Varahagiri Venkata Jogiah :** Is it a fact that the man who has been selected for the post of station master at Patna Junction was removed from the station a few months ago for unsatisfactory working and was transferred to Mokameh where the merchants protested against his appointment ?

Mr. A. A. L. Parsons : Government have no information. This is a matter which the Agent is fully competent to deal with.

CASE OF MR. NONITOSH MUKHERJI, LATE A RELIEVING STATION MASTER OF THE HOWRAH DIVISION, EAST INDIAN RAILWAY.

796. ***Mr. Varahagiri Venkata Jogiah :** Is it a fact that the pay of one Mr. Nonitosh Mukherji, a relieving station master of the Howrah Division, was reduced from Rs. 55 to Rs. 51 on the report of a Transportation Inspector for alleged insubordinate behaviour without any enquiry ? Is it a fact that on appeal against such wrongful reduction of pay the Divisional Superintendent of Howrah held that Mukherji had been very leniently dealt with and that the orders passed should stand ? Is it a fact that shortly after the man was transferred to another station for the same alleged offence, but when he appealed against this double punishment and prayed for an enquiry, he was called by the Divisional Superintendent of Howrah and discharged from service ? Is it a fact that the East Indian Railway Union represented this case to the Agent but the latter did not give any reply ? If so, will Government please state why no enquiry was held about the alleged insubordinate behaviour of the man to another subordinate employee, and why no opportunity was given to him to submit his explanation ? In view of the severity of the punishment inflicted on the man, do Government propose to make an enquiry and reinstate the man ?

Mr. A. A. L. Parsons : Government have no information, and are not prepared to interfere in a matter with which the Agent is competent to deal as the final authority, and to which his attention has apparently already been drawn.

Mr. Gaya Prasad Singh : May I know why this dense ignorance on the part of the Government of matters which relate to public interests ?

Mr. President : Order, order.

Mr. Ram Narayan Singh : Before I put my question, Sir, I wish to bring to your notice that some important portions of this question have been omitted without any intimation to me. I do not know, Sir, whether these portions have been disallowed by the President or omitted by some friend of Mr. Courtney Terrell in the office.

Mr. President (after calling upon Secretary) : Some parts have been disallowed, but intimation was not given to the Honourable Member. Do you wish to put your question ?

Mr. Ram Narayan Singh : I put my question, Sir, but I trust that the office will be taken to task for this. No. 797.

REMARKS MADE BY MR. JUSTICE COURTNEY TERRELL, CHIEF JUSTICE OF THE PATNA HIGH COURT, AGAINST BABU JAGAT NARAYAN LALL, M.A., LL.B., M.L.C.

797. *Mr. Ram Narayan Singh : (a) Has the attention of the Government been drawn to the following remarks made by Mr. Courtney Terrell, Chief Justice of the Patna High Court, against Babu Jagat Narayan Lall, M.A., LL.B., M.L.C., in his judgment in the case against the said Bihar leader under section 124-A I. P. C. and reproduced by the *Searchlight* of Patna on Friday, the 27th July 1928 :

(i) " The subject of the charge is a silly little article in an insignificant little paper written by a silly noisy little man

* * * *

(ii) " It is, in short, a biological product and is not the result of political conditions. "

(iii) "and I have no doubt myself from the tone of the article that that was the intention of this foolish writer. "

(b) Are Government aware of the facts that strong and voluminous waves of public resentment and indignation at the above remarks of Mr. Courtney Terrell have been passing throughout the length and breadth of this country ?

The Honourable Mr. J. Crerar : I have nothing to add to the replies which I gave to Mr. Gaya Prasad Singh's question on the 8th instant and the supplementary questions.

Mr. Amar Nath Dutt : May I know how long this silly little Judge has been on the Bench ?

Mr. President : Order, order. The Honourable Member is not entitled to use such language in this Chamber.

Mr. Ram Narayan Singh : May I know if the Government are prepared to provide us with any remedy against the tyranny of High Court Judges.

The Honourable Mr. J. Crerar : The Government of India cannot, as I have already explained, interfere with or condemn a Judge of the High Court in the discharge of his official duties.

Mr. Ram Narayan Singh : May I take it, Sir, that the people have got absolutely no remedy whatsoever against the tyranny of High Court Judges ?

Mr. Amar Nath Dutt : Will the Honourable Member kindly inform me whether Mr. Justice Terrell had anything to do with the legal profession before he was appointed Chief Justice ?

Mr. B. Das : May I enquire if the Honourable Member is in agreement with these dialectical writings of Chief Justice Mr. Terrell and

if he holds them as beautiful, charming and classical samples of English language and as models for other High Court Judges ?

†798* to 800*.

ABOLITION OF SUPERIOR POSTS CONSEQUENT ON RETRENCHMENTS IN THE WORKSHOPS ON THE BENGAL NAGPUR RAILWAY, THE EAST INDIAN RAILWAY, ETC.

801. ***Rao Bahadur M. C. Rajah :** Will the Government be pleased to state whether and, if so, how many, higher posts have been abolished consequent on the retrenchment of the men in the workshops on the Bengal Nagpur Railway, East Indian Railway, Great Indian Peninsular Railway and South Indian Railway ?

Mr. A. A. L. Parsons : No superior posts have been abolished.

GRANT OF TECHNICAL PAY TO INDIAN OFFICERS OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

802. ***Rao Bahadur M. C. Rajah :** (a) Is it a fact that the Home Board of the Madras and Southern Mahratta Railway directed the grant of the technical pay of Rs. 75 to all Indian officers irrespective of European training ?

(b) Is it a fact that this technical pay has not been given to the Indian officers for the last three years ?

(c) If the answer to the above is in the affirmative, do Government propose to direct the Agent to award the same with retrospective effect ?

Mr. A. A. L. Parsons : I am making enquiries from the Agent of the Madras and Southern Mahratta Railway and will let the Honourable Member know the result.

ACCIDENT AT CHETPET ON THE SOUTH INDIAN RAILWAY.

803. ***Rao Bahadur M. C. Rajah :** Was the Chetpet accident which took place on the South Indian Railway in 1927 found to be the result of the wrong locking of points ? If so, will the Government be pleased to state if any compensation has been paid to the injured persons in that accident ?

Mr. A. A. L. Parsons : The answer to the first part of the question is in the affirmative ; to the second that so far as Government is aware, no compensation has been paid ; in fact, the Senior Government Inspector of Railways reported that only one passenger was slightly injured, and he absconded because he was travelling without a ticket.

ASSOCIATION OF THE PUBLIC WITH ENQUIRIES INTO RAILWAY DISASTERS.

804. ***Rao Bahadur M. C. Rajah :** (a) In view of the frequency of railway disasters in this country, will the Government be pleased to state if they propose to revise the rules as to enquiries into such disasters so as to provide for the association of the public in such enquiries ?

†For these questions, see at the end of the list of starred questions for the day.

(b) Are Government aware that the departmental enquiries are very unsatisfactory and do not satisfy the public, and that an open magisterial enquiry or an enquiry by a Committee in which the public will be represented with power to make recommendations for the prevention of such accidents in future, is what is urgently required in cases of serious disasters ?

Mr. A. A. L. Parsons : (a) and (b). I would invite the attention of the Honourable Member to the reply given by the Honourable the Railway Member to Mr. Ghuznavi's question No. 488 on the 11th of September.

REJECTION BY THE GOVERNMENT OF INDIA OF CERTAIN PROPOSALS MADE BY THE AUDITOR GENERAL.

805. ***Mr. Ghanshyam Das Birla :** (i) Is it a fact that

(a) some of the proposals of the Auditor General have recently been rejected by the Government of India :

(b) that the Auditor General holds such rejection is bound to hamper the efficiency of audit : and

(c) that he has raised the issue in his letter to the Finance Department asking them to forward to the Secretary of State the Appropriation Accounts for the year 1926-27 with the reports of the Audit Officers thereon ?

(ii) Will the Government be pleased to lay on the table a copy of the representation, if any, made by the Auditor General to the Secretary of State for India in this connection ?

The Honourable Sir Bhupendra Nath Mitra : (i) The reply is in the affirmative.

(ii) The letter is a very voluminous document which it would not be convenient to lay on the table of the House. Moreover, it would hardly be appropriate to do so, as the particular matter included in the letter, to which reference has been made by the Honourable Member, is under discussion between the Government of India and the Secretary of State. The letter has been seen by members of the Public Accounts Committee and if the Honourable Member also wishes to see it I will ask the Financial Secretary to show it to him.

MEMBERSHIP OF THE BENGAL CHAMBER OF COMMERCE OF THE EAST INDIAN RAILWAY, THE EASTERN BENGAL RAILWAY AND THE CALCUTTA PORT TRUST.

806. ***Mr. Ghanshyam Das Birla :** (a) Is it a fact that the East Indian Railway, the Eastern Bengal Railway and the Calcutta Port Trust are members of the Bengal Chamber of Commerce ?

(b) If the answer be in the affirmative, will the Government be pleased to state if they see nothing wrong or improper in State Departments or concerns being members of a Chamber of private commercial interests ?

Mr. A. A. L. Parsons : (a) Yes.

(b) So far as the East Indian and Eastern Bengal Railways are concerned, the Honourable Member is referred to the reply given to

Mr. Neogy's question No. 508 in this House on the 12th September 1928. I would point out that the Calcutta Port Commissioners are not a State Department or concern but the question of their being a member of the Bengal Chamber of Commerce is under examination.

TAMPERING WITH THE TRAIN OF THE GOVERNOR OF MADRAS DURING HIS EXCELLENCY'S TOUR IN THE BELLARY DISTRICT.

807. *Mr. Ghanshyam Das Birla : (a) Has the attention of the Government of India in the Publicity Department been drawn to the prominence given under the headline "Lord and Lady Goschen's train fired" in the London *Daily Mail* on or about July 24th, 1928, to the following statement cabled by its Madras Correspondent :

"A train conveying the Governor of Madras, Lord Goschen, Lady Goschen, and Government House Officials, while touring the Bellary District, last week, caught fire owing to the automatic greasing of the wheels failing. Officers consider that the system had been tampered with" ?

(b) Was a similar statement made in the Indian Press at the time and were the facts as alleged in the cable to the *Daily Mail* ?

(c) If the statement was unfounded, did the Director of Public Information take steps to have its contradiction published in the English papers and, if so, what ?

The Honourable Mr. J. Orerar : (a) The report had not previously come to the notice of Government.

(b) Government have seen no similar statement in the Indian Press.

(c) No.

CESS PAID TO THE HAZARIBAGH DISTRICT BOARD BY RAILWAY COLLIERIES SITUATED IN THAT DISTRICT.

808. *Mr. Ram Narayan Singh : Will the Government be pleased to state the following :

(a) The number and the names of all the Government railway collieries (coal mines) lying in the whole of the Hazaribagh District (Central India coal fields) :

(b) The amount of coal raised every year separately from each coal mine and for the past 10 years :

(c) The total amount of cess paid each year to the Hazaribagh District Board by these collieries for the past 10 years : and

(d) Reasons, if any, for any variation in the amount of cess thus paid ?

Mr. A. A. L. Parsons : (a) and (b). The Honourable Member will find the information he requires in Volume II. of the Reports by the Railway Board on Indian Railways.

(c) and (d). The Railway Board have no information but are seeing if they can obtain it for the Honourable Member.

METHOD OF CALCULATING THE NET PROFITS ON COAL RAISED IN GOVERNMENT COLLIERIES.

800. *Mr. Ram Narayan Singh : Is it not a fact that the whole amount of coal raised from these Government collieries is consumed by the Government Railways ? If so, what is the method, or procedure of calculating the net profit in this coal raising business and by whom is this calculation done ?

Mr. A. A. L. Parsons : The answer to the first part of the question is in the affirmative. The accounts are kept by the Auditor of Railway Collieries. I am afraid it is impossible for me to explain in detail on the floor of this House, the present method of calculating the profit, but I will explain it to the Honourable Member, if he will call at my office.

HALT OF THE BOMBAY MAIL AT KODARMA ON THE EAST INDIAN RAILWAY.

810. *Mr. Ram Narayan Singh : Are the Government aware of the fact that railway passengers from and to the Kodarma Station (East Indian Railway) have been greatly inconvenienced owing to a recent order preventing the Bombay mail from stopping at Kodarma and, if so, do they proposed to direct the authority concerned immediately to arrange the railway time-table so as to allow the said mail train to stop at Kodarma too ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to the reply given to his starred question No. 555 on the 29th of August 1927. As was then promised, the matter was referred to the Agent of the Railway, and it was decided that it was not desirable to stop the Bombay Mail at this particular station. From a perusal of the time-table it appears that the town is well served for journeys to and from Calcutte by the Dehra Dun and Agra Expresses.

CONSTRUCTION OF RAILWAY LINES FROM BARKAKHANA TO RANCHI, BARKAKHANA TO DALTONGANJ AND HAZARIBAGH ROAD STATION TO HAZARIBAGH TOWN.

811. *Mr. Ram Narayan Singh : Will the Government be pleased to state the progress made with regard to their proposals to construct the following railway lines :

- (a) Barkakhana to Ranchi ;
- (b) Barkakhana to Daltonganj ;
- (c) Hazaribagh Road station, to Hazaribagh Town ?

Mr. A. A. L. Parsons : (a) The project from Barkakhana to Ranchi has been abandoned as unremunerative.

(b) 9/10ths of the line from Barkakhana to Daltonganj has now been completed and the probable date of opening is the 31st of December next.

(c) A traffic survey of the Hazaribagh Road station to Hazaribagh town has recently been sanctioned.

REVISION OF THE PAY OF TOWN INSPECTORS OF FIRST CLASS HEAD POST OFFICES IN INDIA.

812. ***Maulvi Sayyid Murtuza Saheb Bahadur** : Will the Government be pleased to say whether the Government Orders 11 P. T. E., dated the 5th August 1927, relate to,—

- (a) the revision of the pay of the 85 Town Inspectors attached to the first class Head Post Offices in India,
- or (b) the extra sanction of the 85 selection grade posts in the general line for clerks,
- or (c) the additional sanction of 85 posts in the line of sub-divisional inspectors and the Superintendents' head clerks ?

The Honourable Mr. A. C. McWatters : The Honourable Member is referred to the answer given by me just now to questions Nos. 777 to 779 asked by Mr. Siddheswar Sinha.

UTILISATION BY GOVERNMENT OF THE SERVICES OF MR. RICE, FORMERLY OF THE Pioneer.

813. ***Mr. B. Das** : (a) Do Government utilise the services of Mr. Rice, formerly of the *Pioneer* and now the Editor of the *Fauji Akhbar*, in any capacity and, if so, what ?

(b) If the answer to (a) be in the affirmative, will Government be pleased to state the salary he draws for the services rendered by him ?

Mr. G. M. Young : (a) The gentleman referred to is not the Editor of the *Fauji Akhbar*, as stated by the Honourable Member, and there has never been any intention of appointing him to the post, which is always held by a military officer. Nor are his services utilised by Government in any other capacity.

(b) Does not arise.

PUBLICATION OF THE REPORT OF THE ROADS DEVELOPMENT COMMITTEE.

814. ***Mr. B. Das** : (a) Will Government be pleased to state when they intend to publish the Report of the Roads Development Committee ?

(b) What are the reasons that have caused delay in the publication of this Report ?

The Honourable Sir George Rainy : The Report has not yet been received by the Government of India.

(1) RECRUITMENT BY THE PUBLIC SERVICE COMMISSION FOR THE SERVICES OF PORT TRUSTS.

(2) INDIANISATION OF THE SERVICES OF PORT TRUSTS.

815. ***Mr. B. Das** : (a) Will Government be pleased to state if they intend to bring in the recruitment of superior and inferior staff of the different Port Trusts in India by a system of examination under the Public Service Commission ?

(b) Is it not a fact that European officers in the Port Trusts are allowed Lee concessions ?

(c) If the answer to (b) be in the affirmative, will Government be pleased to state if these Port Trusts have agreed to accept the principle of Indianisation in the higher services ?

(d) If the reply to (c) be in the affirmative, will Government be pleased to state the percentage of Indianisation in the higher services that these Port Trusts have agreed to ?

The Honourable Sir George Rainy : (a) No. Under the various Port Acts the Boards of Trustees have statutory powers to appoint their own staff.

(b) The recommendations of the Royal Commission on the Superior Civil Services in India did not extend to Port Trust Services, but Port Trusts have granted free passage concessions to their European servants, and the Rangoon Port Commissioners have granted overseas pay also.

(c) They have stated that they are in sympathy with the policy of Indianising the higher grades of their services.

(d) No percentage has been agreed to.

RECRUITMENT THROUGH THE PUBLIC SERVICE COMMISSION OF THE CLERICAL STAFF OF THE RAILWAY BOARD.

816. ***Mr. B. Das :** (a) Will Government be pleased to state if it is not a fact that the recruitment to the Secretariat staff of the Railway Board is at present done by the Secretary of the Railway Board ?

(b) Is it not a fact that recruitment to subordinate and superior staff of all other Departments of the Secretariat is at present done by the Public Service Commission ?

(c) Is it not also a fact that all the subordinate staff of the Army Secretariat is at present recruited through the Public Service Commission ?

(d) Will Government be pleased to state what are the reasons that have delayed so far the transfer of recruitment of the Secretariat staff of the Railway Board to the Public Service Commission ?

Mr. A. A. L. Parsons : (a) Yes.

(b) Recruitment to the subordinate staff of Secretariat Departments other than the Railway Department is with certain exceptions made through the Public Service Commission but not recruitment to the superior staff.

(c) Recruitment for all the subordinate staff employed in normal secretariat grades is made through the Public Service Commission.

(d) Owing to the specialised and technical nature of the clerical work in their office, the Railway Board have been authorised to recruit their clerks from railways and other suitable sources.

PERMANENT RETENTION IN CIVIL EMPLOY OF I. M. S. OFFICERS TRANSFERRED TEMPORARILY FROM THE MILITARY TO THE CIVIL SIDE, ETC.

817. ***Lieutenant-Colonel H. A. J. Gidney :** (i) (a) With reference to paragraph 8 of the Secretary of State for India's communiqué, dated Simla, the 10th May 1928, regarding the future of the I. M. S., will

Government be pleased to state whether reservation of "existing rights" of the surplus of I. M. S. officers resulting from the operation of this scheme refers only to I. M. S. officers in permanent civil employment and excludes those temporarily employed in such civil capacity?

(b) What is meant by and included in the words "existing rights"?

(c) If the answer to the latter part of (a) be in the affirmative, will Government be pleased to state whether these surplus officers will be reverted to military duty or not?

(ii) How many years after the introduction of this scheme will the position be reviewed by Government with a view to increasing or decreasing these safeguards?

Mr. G. S. Bajpai : (i) With your permission, Sir, I shall answer part (b) of the question first. The words "existing rights" are used in the ordinary sense, that is to say, rights which the officers concerned enjoyed at the time of announcement of the reorganisation scheme. In particular the preservation of existing rights includes the retention of prospects equivalent to those afforded by the rules made by the Secretary of State in 1923.

(a) and (c) I. M. S. officers transferred temporarily from the military to the civil side have no right to permanent retention in civil employ. If they are not required to fill the posts reserved for officers of the I. M. S., the Government of India cannot compel Local Governments to find employment for them. They will be reverted to military duty unless they can be employed on the civil side elsewhere.

(ii) There is no intention to review the position periodically.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member kindly inform the House with reference to his reply to part (i) of the question whether in the case of a permanent Civil Surgeon officiating, say, as First Surgeon or Second Surgeon of a hospital when this reorganisation scheme of the Secretary of State was introduced, the permanent incumbent being on leave, it would be considered that he (the officiating Surgeon) had an existing right which should be protected? In other words, whether the fact that he is officiating as First Surgeon or Second Surgeon would give him an existing right for not being replaced by an Indian non-I. M. S. man, e.g., a Provincial Service Surgeon?

Mr. G. S. Bajpai : It is not possible, Sir, to give a definite ruling on that point, because everything depends upon whether the officiating First Surgeon or Second Surgeon has already been transferred permanently to civil employ or not. It is quite possible that a person who has been transferred permanently to civil employ was holding a permanent appointment in civil employ at the time when he was acting as First or Second Surgeon. In that case he would undoubtedly remain on the civil side. But if a person who has been transferred to civil employ since 1st April 1924, when the Lee Commission Report was published, and has been given definitely to understand that he is being sent to civil employ on the understanding that, if there is a reorganisation, he may have to revert to military employ, then in that case, I fear that he will not be considered as having an existing right to confirmation on the civil side.

Lieut.-Colonel H. A. J. Gidney : I do not think the Honourable Member has understood my question. In the case of a British I. M. S. Civil Surgeon or Superintendent of another hospital officiating, say, as Second

Surgeon in the Medical College Hospital, the permanent incumbent being away on leave, or there being a vacancy would he be considered to have any existing right to retention or permanency in that appointment, especially when the Secretary of State's communiqué states that that appointment is a non-I. M. S. one ?

Mr. G. S. Bajpai : Would the Honourable Member kindly repeat his question ?

Lieut.-Colonel H. A. J. Gidney : In the case of an appointment of a British I. M. S. Civil Surgeon officiating as Second Surgeon of a hospital when this scheme came into force—I refer to the recent communiqué received from the Secretary of State—would that officer who is officiating as Second Surgeon be considered to have an existing right as Second Surgeon ?

Mr. G. S. Bajpai : No, Sir. Because the words “existing right” have relation to the permanent appointment held by that officer. He has an existing right to the permanent post from which he is promoted to act, but he has no existing right to be confirmed in the acting appointment, unless the appointment is reserved under the reorganisation scheme.

Lieut.-Colonel H. A. J. Gidney : That is to say, a permanent Civil Surgeon has an “existing right” as a Civil Surgeon only and not to any post in which he is acting ?

Mr. G. S. Bajpai : Yes.

Lieut.-Colonel H. A. J. Gidney : Is not the Honourable Member wrong when he states that an officer transferred from the military to civil side has no claim to permanency in the civil side ? Let me put it this way. Is the Honourable Member right in saying that because a military officer is sent to civil, he has no claim to being made permanent in time ?

Mr. G. S. Bajpai : Well, Sir, if the Honourable Member chooses to put his authoritative interpretation against that of the Secretary of State, I do not propose to contend with him. I merely stated the position as it has been put forward in the communiqué of the Secretary of State.

Lieut.-Colonel H. A. J. Gidney : There is no use the Honourable Member trying to be facetitious and so confuse the House. What I want to know is this : Is it or is it not a fact that an I. M. S. officer when he is sent from military to civil employ must necessarily at first be temporary before he becomes permanent ? That is a hard and fast rule.

Mr. G. S. Bajpai : If the Honourable Member is inviting the attention of the House to the fact that ordinarily I. M. S. officers when they are transferred from military to civil are in temporary employ for the first two years, then he is stating the obvious. I thought every Honourable Member of the House knew that. What I wanted to state or point out to the Honourable Member was that officers who have, subsequent to 1st April 1924, been transferred to civil employ have been given to understand that they are not subject merely to this ordinary probationary period of two years, but that they are liable to reversion even after two years, if as a result of a reorganisation scheme it is held there is no reserve post in which they can be employed.

Lieut.-Colonel H. A. J. Gidney : Is the Government prepared or is it not prepared to review the situation from time to time as the Lee Commission proportion of appointments reaches that recommended by the Commission ? In other words,.....

Mr. President : The Honourable Member has already put his question. He need not paraphrase it.

Lieut.-Colonel H. A. J. Gidney : I am enquiring about part (ii) which is a different question. The answer to that part is distinct from the question just answered. Part (ii) relates to reviewing periodically the position of the British I. M. S. and non-I. M. S. percentage of appointments. Will the Government state whether they intend to review periodically the position as hinted in the communiqué, say, within five years or so and as Indianisation progresses ?

Mr. G. S. Bajpai : I do not really know. Sir, how that question arises out of the answer I have given. The first part of the Honourable Member's question relates to safeguards which the Secretary of State or the Government of India have prescribed for I. M. S. officers in civil employ. Those safeguards would apply to all I. M. S. officers in civil employ and I am not quite sure that the I. M. S. officers in civil employ would actually welcome a fluctuating or elastic safeguard which is liable to variation from time to time.

Lieut.-Colonel H. A. J. Gidney : That, Sir, does not answer the question at all.

Mr. G. S. Bajpai : I am sorry I have not satisfied my Honourable friend.

EMPLOYMENT OF OFFICERS OF THE I. M. D. IN THE 90 CIVIL MEDICAL POSTS TO BE RELEASED FOR THE PROVINCIAL MEDICAL SERVICES.

818. ***Lieutenant-Colonel H. A. J. Gidney** : (a) With reference to paragraph 7 of the Secretary of State's communiqué, dated Simla, the 10th May 1928, will Government be pleased to state, in regard to the 90 civil medical posts that will be released for the Provincial Medical Services, whether or not any of these will be reserved for I. M. D. officers at present employed and to be employed in the various Provincial Medical Services ?

(b) If so, how many of these 90 posts will be allotted to the I. M. D. ?

Mr. G. S. Bajpai : (a) and (b). The matter is one for the decision of Local Governments.

Lieut.-Colonel H. A. J. Gidney : A supplementary question, Sir. Is the I. M. D. a Provincial Service or an All-India Service ?

Mr. G. S. Bajpai : The I. M. D.—and I am speaking subject to correction from my friend the Army Secretary—is a service under the control of the Government of India, but when a man is employed in the provinces then his prospects, so far as appointment to civil posts is concerned, are controlled by the Local Government and not the Government of India.

Lieut.-Colonel H. A. J. Gidney : Is their retention in civil medical employment subject to the Government of India or the Local Government ?

Mr. G. S. Bajpai : Well, Sir, it seems to me that my Honourable friend is not quite clear in his own mind as to the respective authority of the Government of India and the Local Government. If it were a case of an appointment directly under the Government of India undoubtedly the Government of India would regulate the conditions of service of I. M. D. officers, but *ex hypothesi* in the case of appointments which have been transferred to the control of Local Governments the conditions of service and the conditions regulating appointment are for the Local Government and not for the Government of India.

Lieut.-Colonel H. A. J. Gidney : Sir, the Honourable Member has not understood my supplementary question at all. What I want is a definite answer from the Honourable Member as to whether this recent communiqué from the Secretary of State refers to an All-India or a Provincial Service and I ask the Honourable Member to tell me whether in these 90 appointments of civil surgeoncies which the Secretary of State's communiqué states are to be freed or given to the Provincial Medical Service, the I. M. D. are excluded or not ?

Mr. G. S. Bajpai : I am very sorry, Sir, that although the Honourable Member himself by implication tells us that these 90 appointments have been transferred out of the category of an All-India Service into the category of a Provincial Service, nevertheless he requires the Government of India to state whether these I. M. D. officers are eligible for these appointments or not. The matter, as I say, is entirely one for the Local Governments.

GRANT OF STUDY LEAVE TO EUROPE TO UPPER SUBORDINATE EMPLOYEES IN THE INDIAN STATE RAILWAYS.

819. ***Lieutenant-Colonel H. A. J. Gidney :** Will Government be pleased to state if study leave to Europe with study leave allowance is permissible to upper subordinate employees in the Indian State Railways ? If not, why not ?

Mr. A. A. L. Parsons : The Study Leave Rules do not ordinarily apply to non-gazetted officers. In exceptional cases proposals to extend these rules to such officers can be considered by the Government of India.

GRANT OF STUDY LEAVE TO EUROPE TO UPPER SUBORDINATE EMPLOYEES OF THE IMPERIAL CUSTOMS SERVICE.

820. ***Lieutenant-Colonel H. A. J. Gidney :** Will Government be pleased to state if study leave to Europe with study leave allowance is permissible to upper subordinate employees in the Imperial Customs Service ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : The Study Leave Rules do not ordinarily apply to officers of the Customs Department, and the Government of India have not as yet thought it necessary in the public interest to exercise the power that they possess of extending the rules to any officer of that Department.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member please tell me why the Customs Service is the only service that refuses to consider the grant of study leave to its non-gazetted officers ?

The Honourable Sir Bhupendra Nath Mitra : I have already stated, Sir, that the Government of India have not thought it necessary in the public interest to extend the Study Leave Rules to any officer of the Customs Department.

GRANT OF STUDY LEAVE TO EUROPE TO UPPER SUBORDINATES IN THE INDIAN TELEGRAPH DEPARTMENT.

821. ***Lieutenant-Colonel H. A. J. Gidney :** Will Government be pleased to state if study leave to Europe with study leave allowance is permissible to upper subordinates in the Indian Telegraph Department ?

The Honourable Mr. A. C. McWatters : If by the term "upper subordinates" the Honourable Member is referring to gazetted officers of the Telegraph Department, the reply is in the affirmative. If, however, he refers to non-gazetted officers, study leave to Europe with study leave allowance is granted only in exceptional circumstances.

GRANT OF STUDY LEAVE TO EUROPE TO UPPER SUBORDINATES IN THE SURVEY OF INDIA.

822. ***Lieutenant-Colonel H. A. J. Gidney :** Will Government be pleased to state if study leave to Europe with study leave allowance is permissible to upper subordinates in the Survey of India Department ?

Mr. G. S. Bajpai : Study leave is not ordinarily admissible to officers of the upper subordinate service in the Survey of India.

INTRODUCTION OF THE ELECTIVE SYSTEM IN ALL THE MUNICIPALITIES AND LOCAL BOARDS OF THE NORTH WEST FRONTIER PROVINCE.

823. ***Maulvi Sayyid Murtaza Sahab Bahadur :** (a) Will Government be pleased to state whether they propose introducing an elective system in all the Municipalities and Local Boards of the North West Frontier Province ?

(b) Is it a fact that the Government intend introducing the elective system only in a few municipalities, such as Peshawar ?

(c) Is it a fact that the citizens of the municipalities that have been denied the benefit are quite discontented ?

(d) Is it a fact that the Government intend putting off the introduction of the elective system in the District Boards ?

(e) Do Government propose to introduce the long-felt system in all the municipalities and District Boards throughout the Province ?

Mr. G. S. Bajpai : (a) to (e). The question is under consideration but no conclusions have yet been reached.

Nawab Sir Sahibzada Abdul Qaiyum : May I know, Sir, if it is the intention of the Local Administration to raise the standard of franchise in the urban areas in order to reduce the Mussalman majority in the municipalities ?

Mr. G. S. Bajpai : That, Sir, is not my information.

(1) INTRODUCTION OF THE REFORMS INTO THE NORTH-WEST FRONTIER PROVINCE.

(2) PROPOSED RESORT TO CIVIL DISOBEDIENCE OF THE PEOPLE OF THE NORTH-WEST FRONTIER PROVINCE.

824. *Maulvi Sayyid Murtaza Sahab Bahadur : (a) Do the Government propose making any practical move in introducing Reforms into the North West Frontier Province ?

(b) Are the Government aware that the Peshawaris have passed a resolution in favour of civil disobedience, so that the Government may not go on procrastinating the introduction of the Reforms against the popular will and in spite of the Resolutions of the Assembly ?

(c) Are they aware that many volunteers have enlisted themselves for the purpose ?

(d) Are they aware that the Muslims of the Punjab have passed a resolution sympathising with the Peshawaris in their proposed constitutional fight and promising them every help ?

(e) Is it a fact that the Government have been informed that in case the movement develops itself into something undesirable, the responsibility will devolve on the Government and not on the resorters to civil disobedience ?

The Honourable Mr. J. Crerar : (a) The question is under the consideration and examination of Government.

(b) A resolution to the effect was it is believed passed by a meeting held in July by the Peshawar Khilafat Committee.

(c) No.

(d) Government are aware that such a resolution was reported by the Press to have been passed by the Punjab Khilafat Committee.

(e) A hypothetic warning to this effect was contained in the resolution referred to in answer to question (b) above.

EXCLUSION OF INDIANS FROM THE CIVIL SERVICE EXAMINATION OF CEYLON.

825. *Maulvi Sayyid Murtaza Sahab Bahadur : (a) Is it a fact that the Ceylonese can compete for the Indian Civil Service Examination but that Indians are not eligible for the Civil Service Examination of Ceylon ?

(b) Is it a fact that there was no such restriction on Indians until a few years ago ?

(c) Will the Government be pleased to state what led to the restriction above referred to ?

The Honourable Mr. J. Crerar : (a) Ceylonese can compete at the Indian Civil Service examination in London, but not at the examination in Delhi.

(b) Yes.

(c) The restriction was imposed as a result of the reservation of a fixed proportion of vacancies to natives of Ceylon.

CONVICTION OF KANGANIES (COOLIE RECRUITERS) FOR FORGERY AND ENTRAPPING COOLIES.

826. *Maulvi Sayyid Murtaza Saheb Bahadur : Has the attention of the Government been drawn to the fact that many Kanganies (recruiters of coolies) have been convicted for forging documents and entrapping coolies ?

Mr. G. S. Bajpai : Yes, but I would draw the Honourable Member's attention to the fact that the number of Kanganies who have been found guilty of the irregular practices mentioned is infinitesimal.

PROPOSAL MADE BY THE AGENT OF THE GOVERNMENT OF INDIA IN CEYLON FOR THE ABOLITION OF THE KANGANY SYSTEM OF RECRUITING LABOURERS.

827. *Maulvi Sayyid Murtaza Saheb Bahadur : (a) Have the Government received any communication from their Agent in Ceylon recommending that the Kangany system should be done away with and that some other system should be introduced in its stead ?

(b) What is the system recommended by the Agent ?

(c) Have the Government favourably considered the recommendation ?

(d) If not, do they propose to do so now ?

Mr. G. S. Bajpai : (a) By the term "Kangany system" Honourable Member no doubt refers to the system in force for the recruitment of labourers in India for employment on estates in Ceylon through licensed recruiters known as Kanganies. The Government of India have received no proposal from their Agent in Ceylon for the abolition of this system and the introduction in its place of some other method of recruitment.

Parts (b), (c) and (d) of the question do not arise.

QUESTIONS NOT PUT AT THE MEETING, OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS TO THE SAME.

ROUTINE GRADE OF CLERKS IN THE OFFICE OF THE MASTER GENERAL OF SUPPLY.

798. *Pandit Nilakantha Das : (a) Is it a fact that the late Ordnance Branch, Army Headquarters, the late office of the Director of Ordnance Factories, Calcutta, and the late temporary office of the Controller of Contracts were merged in the Master General of Supply Branch on its formation in 1924 ?

(b) Is it also a fact that with a view to absorbing the staff of these offices, a routine grade was introduced in the Master General of Supply Branch, with effect from the 16th October 1924 ?

(c) Is it a fact that some of the clerks who held substantive appointments in the late Ordnance Branch and in the late office of the Director of Ordnance Factories, Calcutta, were regraded to the routine grade while some clerks who were qualified only for the routine grade were promoted to the second division ? If so, will Government please state the reason for this ?

(d) Is it a fact that the routine grade has not yet been introduced in other branches of Army Headquarters, and that clerks in those branches who are qualified for the routine grade only are confirmed in the second division ?

(e) If so, will Government please state whether such confirmation in the second division is permissible under the rules ? If not, why is this being done ?

Mr. G. M. Young : (a) Yes.

(b) The routine grade was introduced as a measure of economy suitable to the conditions of a newly formed Branch of Army Headquarters.

(c) Only two clerks, who held second division appointments in the late Ordnance Branch, were regraded to the routine grade. They were fit only for routine work and would not have advanced beyond the efficiency bar of the second division. No clerk qualified only for the routine grade was promoted to the second division.

(d) Yes.

(e) Yes, but men suitable for the routine grade only in other Branches are not allowed to pass the efficiency bar of the second division.

RECRUITMENT OF THE CLERICAL STAFF FOR THE CONTRACTS DIRECTORATE.

799. *Pandit Nilakantha Das : (a) Is it a fact that the staff belonging to the Contracts Directorate is shortly to be separated from the common roll of the Master General of Supply Branch ? If so, why ?

(b) Is it also a fact that henceforward recruitment of clerical staff for this Directorate will be made on a nomination basis ? If so, will Government please state whether the Public Service Commission has agreed to this procedure ?

(c) Is it a fact that the nature of the clerical work in the Contracts Directorate and in the Indian Stores Department is the same ?

(d) If so, will Government please state whether the Indian Stores Department is also being exempted from the operations of the Public Service Commission ? If not, why not ?

Mr. G. M. Young : (a) The answer is in the affirmative. The reason is that the work required in the Contracts Directorate is of a special character.

(b) Recruitment is already being made on a basis of very careful selection. Candidates are interviewed in the first place by the Head of the Contracts Directorate with special reference to commercial aptitude, which is a more important requisite for the work that is demanded of them than the ordinary educational qualifications. The selections are then carefully scrutinised by the Master General of Supply and forwarded to the Army Department for its concurrence. The concurrence of the Public Service Commission to this procedure is not required.

(c) The work in the Contracts Directorate is in some respects similar to, but by no means identical with, the work in the Indian Stores Department. The principal difference lies in the fact that the Contracts Directorate conducts a large volume of sales. Since the inception of the Disposals Organization in the Directorate about two years ago, the volume of sales has already risen from 20 lakhs a year to over 45 lakhs a year.

(d) Does not strictly arise, but it is a fact that the Indian Stores Department recruits its clerical personnel through the Public Service Commission. The Indian Stores Department however does not conduct any sales.

RECRUITMENT OF A SUBORDINATE ACCOUNTS SERVICE CLERK FOR THE ESTABLISHMENT SECTION OF THE OFFICE OF THE MASTER GENERAL OF SUPPLY.

800. ***Pandit Nilakantha Das** : (a) Is it a fact that the staff of the Establishment Section (Section M. G.-5), which deals with Headquarters establishment cases of the Master General of Supply Branch, consists of a whole-time Superintendent, one senior first division assistant, one cashier (senior clerk) and several other clerks and that the section is in charge of the Officer Supervisor ?

(b) Is it also a fact that to strengthen the staff of this section, a Subordinate Accounts Service clerk from the Military Accountant General's office is shortly being recruited as a permanent first division assistant ?

(c) If so, will Government please state whether the nature of the clerical duties in this Section (Section M. G.-5) has undergone any change as to necessitate the appointment of a Subordinate Accounts Service clerk ?

(d) If not, what is the justification to recruit an outsider ? Has the existing staff of this section proved a failure ?

(e) Do other branches of Army Headquarters propose to recruit Subordinate Accounts Service clerks for doing establishment cases ?

(f) If not, why is such recruitment necessary in the case of the Master General of Supply Branch ?

(g) Is it a fact that the recruitment of the Subordinate Accounts Service clerk will involve the supersession of several officiating first division clerks who have put in several years' satisfactory service in the Branch ? If so, will Government please state why these officiating clerks are being superseded ?

Mr. G. M. Young : (a) The staff of the Establishment Section is, 3 Assistants, 4 second division clerks and 2 routine grade clerks, but it has been found necessary to borrow temporarily the services of a Superintendent in place of an upper time scale Assistant.

(b) There is a proposal to fill a vacancy in the establishment by appointing a Subordinate Accounts Service clerk.

(c) There has been no alteration in the nature of the work, but the nature of the work itself is such that it would be done better by an accounts expert.

(d) The Honourable Member is referred to the answer to part (c). The existing staff has not proved itself efficient.

(e) The point has not yet arisen in other Branches.

(f) For the reason given at (c).

(g) The answer to the first part is in the affirmative. The answer to the second part is contained in (c) and (d).

UNSTARRED QUESTIONS AND ANSWERS.

SAFEGUARDING-OF THE INTERESTS OF MINORITY COMMUNITIES IN CIVIL AUDIT AND ACCOUNTS OFFICES.

456 Dr. A. Suhrawardy : (a) Is it a fact that the Government of India asked the Auditor General some time ago to safeguard the interests of the minority communities in Civil Audit and Accounts Offices ?

(b) Is it a fact that the Auditor General instructed the Accountants General accordingly and that the latter did not at first carry out his instructions ?

(c) Is it a fact that the Auditor General had to remind the Accountants General more than once in this behalf and to call for a report in this connection within a specified period ?

(d) Is it a fact that the Accountant General, Central Revenues, Delhi, persisted in disregarding the instructions of the Government of India and his attention to his duty towards the minority communities had to be drawn by telegram ?

(e) Is it a fact that the Accountant General, Central Revenues, Delhi, requisitioned the services of two suitable Muslim Accountants (one from the office of the Accountant General, Punjab, and the other from the office of the Accountant General, Posts and Telegraphs) in his office and confirmed them ?

(f) Is it a fact that these are the only two Muslim Accountants at present in the Office of the Accountant General, Central Revenues, Delhi ?

The Honourable Sir Bhupendra Nath Mitra : With your permission, Sir, I will reply to questions Nos. 456, 457, 460, 461 and 462 together. Enquiries are being made and the information will be supplied to the Honourable Member in due course.

NUMBER OF MUSLIM AND NON-MUSLIM ASSISTANT ACCOUNTS OFFICERS, SENIOR ACCOUNTANTS AND ACCOUNTANTS, ETC., SERVING IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES, DELHI.

†457. Dr. A. Suhrawardy : Will the Government be pleased to state the respective number of non-Muslim and Muslim Assistant Accounts Officers, senior accountants and accountants, clerks, typists, stenographers and record clerks, serving in the office of the Accountant General, Central Revenues, Delhi ?

EDUCATIONAL QUALIFICATIONS NECESSARY FOR THE APPOINTMENT OF ASSISTANT ACCOUNTS OFFICER.

458. Dr. A. Suhrawardy : (a) Will the Government be pleased to state what educational qualifications are necessary for the post of Assistant Accounts Officer ?

(b) Is it a fact that some time ago the Auditor General in India did not accept the recommendation of the Accountant General, Central Revenues, Delhi, for admission of an Assistant Accounts Officer to the enrolled list on the ground of that official's educational qualifications being low ?

†For answer to this question, see answer to question No. 456.

The Honourable Sir Bhupendra Nath Mitra : (a) Promotions to the grade of Assistant Accounts Officers are made by the Auditor General by selection from among accountants and senior accountants. No educational qualifications are, therefore, required other than those necessary for accountants.

(b) The reply is in the negative.

PREFERENTIAL TREATMENT TO CANDIDATES FOR CIVIL EMPLOY ON THE SCORE OF WAR SERVICES.

459. Dr. A. Subhrawardy : Is it a fact that according to the standing orders of the Government of India preferential treatment is to be accorded to candidates for civil employ on the score of war services and that the same also applies to special promotion for civil employees ?

The Honourable Mr. J. Crerar : The answer to the first portion of the question is in the affirmative, and to the second part in the negative.

EXAMINATION FOR APPOINTMENTS AS CLERKS IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES, DELHI.

460. Dr. A. Subhrawardy : (a) Is it a fact that an examination for appointment as a clerk in the office of the Accountant General, Central Revenues, Delhi, was held in August 1928, for Muslims, Sikhs and Christians only ?

(b) Is it a fact that Hindus were also allowed to sit for this examination ? If so, why ?

(c) Is it a fact that many approved candidates were absent from the examination ? If so, how many, and how many of them were Muslims ?

(d) Is it a fact that many intimations for the said examination were not really sent to the candidates ? If so, who is responsible for it ?

(e) Is it a fact that in the " Despatch Register " of the office of the Accountant General, Central Revenues, the entries regarding issue of intimations were not made by names but something like this—" 50 intimations sent " ?

(f) Is it a fact that no Muslim was appointed an examiner for the said examination ?

(g) Is it a fact that Rs. 3 per candidate were charged as an admission fee to the said examination ?

TOTAL NUMBER OF MEN ENTERTAINED BY THE ACCOUNTANT GENERAL, CENTRAL REVENUES, DURING THE LAST THREE YEARS AS PROBATIONERS AGAINST POSTS IN THE SUBORDINATE ACCOUNTS SERVICE.

461. Dr. A. Subhrawardy : Will the Government be pleased to state the total number of men entertained by the Accountant General, Central Revenues, during the last three years, as probationers against Subordinate Accounts Service posts in his office, and how many of them were Muslims ?

(For answer to this question, see answer to question No. 456.

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INADEQUATE REPRESENTATION OF MUSLIMS IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES, DELHI.

†462. **Dr. A. Suhrawardy :** (a) Will the Government be pleased to state the total number of the following classes of officers employed in the Office of the Accountant General, Central Revenues, Delhi :

- (1) Assistant Accounts Officers,
- (2) accountants,
- (3) clerks,

and also the number of Muhammadans belonging to each of the above classes ?

(b) Is it a fact that the representation of Muslims in the above classes of service is inadequate ? If so, do Government propose to make up the deficiency in the near future either by direct recruitment or by promotion as may be permissible under the departmental regulations ?

PERSONAL ASSISTANT TO THE ARMY SECRETARY.

463. **Mr. Siddheswar Sinha :** (a) Is it a fact that the appointment of Personal Assistant to the Army Secretary was as late as 1926 a non-gazetted one ?

(b) Is it a fact that until then he was employed as a shorthand writer though holding an assistant's appointment ?

(c) Is it a fact that in addition, the Army Secretary had and still has a lady shorthand writer to help him in shorthand duties ?

(d) Is it a fact that in addition to his Personal Assistant and this lady shorthand writer the Army Secretary has on his personal staff a second division clerk in receipt of a pay of about Rs. 180 a month ?

(e) What is the strength of the personal staff of the Secretaries in other Departments ?

(f) Was the Personal Assistant to the Army Secretary classified in 1927 as a gazetted Superintendent ?

(g) Is there any such instance in any other Department of the Government of India ?

(h) Is it a fact that having been classified as a gazetted Superintendent the Personal Assistant to the Army Secretary was subsequently given a special rate of increased pay corresponding approximately to that of a regular Superintendent ?

(i) Is it a fact that the Personal Assistant is in charge of the Army Department establishment which comprises men who are senior both in rank and pay to the Personal Assistant himself ?

(j) What are the educational qualifications of the Personal Assistant ?

Mr. G. M. Young : (a) Yes.

(b) No, Sir. He was then holding the appointment, and doing the work of a first division assistant. Since 1924, when the post of Registrar

†For answer to this question, see answer to question No. 456.

was abolished, as a measure of economy, certain of his responsible duties have been performed by the Personal Assistant. The present incumbent was selected for the purpose from among the assistants in the office.

(c) The Army Secretary is allotted one stenographer : the post is at present held by a lady.

(d) No, Sir.

(e) No Secretary has a personal staff in the usually accepted sense of the term. All Secretaries have stenographers. The Army Secretary has a Personal Assistant, who, as explained above, performs also many of the duties of Registrar.

(f) Yes.

(g) No, Sir. A Personal Assistant is a necessity to the Army Secretary because the bulk of his work lies not so much in the Department itself as with the very large organization at Army Headquarters, with all parts of which he has to maintain constant liaison.

(h) Yes, his pay was increased in 1927, because further duties and responsibilities were then assigned to him.

(i) The Personal Assistant is in charge of the non-gazetted portion of the Army Department establishment, which does not comprise anyone senior to him in rank or pay.

(j) He entered the Department after competing successfully in the prescribed examination for the Government of India Secretariat.

ASSISTANT COMPILER OF THE ARMY LIST.

464. **Mr. Siddheswar Sinha** : (a) Is it a fact that the post of Assistant Compiler of the Army List was recently created in the Army Department, and that for this reason its incumbent was exempted from passing the Public Service Commission's test ?

(b) Did the present incumbent hold any technical qualifications particularly suited to the post, thus qualifying his exemption from the Commission's test ?

(c) Is it a fact that in the Army Department there were permanent men with previous experience of Army List work who could be appointed to hold the appointment ? If so, why were their claims overlooked ?

Mr. G. M. Young : (a) The posts of Compiler and Assistant Compiler of the Army List are specialised posts, and the incumbents are not eligible for promotion to other appointments on the regular clerical establishment. The pay of Assistant Compiler is less than that of a 1st division assistant, but greater than that of a 2nd division clerk. A 1st division assistant would therefore not accept the appointment, while 2nd division clerks are not sufficiently qualified. For these reasons, the appointment was not made through the Public Service Commission : but there is no prescribed test from which he required exemption.

(b) A graduate (M.A.) was appointed. No technical qualifications are required ; but the post demands a relatively high standard of education. For the reasons explained in reply to part (a), the question of exemption from any test of the Public Service Commission did not arise.

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

RECRUITMENT OF CHITTAGONG HINDUS IN THE PROVINCIAL CADRE OF THE POSTAL SERVICE.

465. Mr. Satyendra Chandra Mitra : (a) Will Government be pleased to state if any memorial was received by the Director General of the Posts and Telegraph Department from the Chittagong Association, dated the 23rd May, 1928, regarding recruitment of Chittagong Hindus in the provincial cadre of the Postal Service ?

(b) If the answer to (a) be in the affirmative, will Government be pleased to state what action, if any, has been taken on the memorial ?

Mr. P. G. Rogers : (a) Yes ; there is however no " provincial cadre of the Postal Service ".

(b) The memorialists have been asked to explain what exactly they mean.

MEMORIALS ADDRESSED TO THE FINANCIAL COMMISSIONER, RAILWAY BOARD, BY THE CLERKS OF THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

466. Mr. Satyendra Chandra Mitra : (a) Have Government received petitions addressed to the Financial Commissioner, Railway Board, from the clerks in the Railway Clearing Accounts Office, Delhi, dated the 3rd April, 1928, asking for (i) reconsideration in the matter of concessions to the Eastern Bengal Railway staff on account of their transfer to Delhi, (ii) grant of monthly house rent of Rs. 10 and (iii) grant of four sets of passes in a year ?

(b) If so, will Government be pleased to state what action they have taken on these petitions and particularly when the men concerned are likely to be provided with quarters ?

Mr. A. A. L. Parsons : (a) Yes.

(b) The memorialists were informed that the concessions sanctioned already were considered adequate. The question of providing quarters for the staff is at present under consideration.

MEMORIAL FROM THE CLERKS EMPLOYED UNDER THE CONTROLLER OF PRINTING AND STATIONERY, INDIA.

467. Mr. Satyendra Chandra Mitra : (a) Have Government received a memorial from the clerks under the Controller of Printing and Stationery, India, through the Controller, for the betterment of their pay and prospects submitted nearly a year and a half ago ?

(b) If the answer to (a) be in the affirmative, will Government be pleased to state what action has been taken on the memorial ?

The Honourable Mr. A. C. McWatters : (a) Yes.

(b) The memorial is under consideration.

PAY OF THE INDIAN SUBORDINATE STAFF EMPLOYED ON THE BENGAL AND NORTH WESTERN RAILWAY.

468. Mr. Gaya Prasad Singh : Will the Government be pleased to state if of late there was any correspondence between the Railway Board and the Agent, Bengal and North Western Railway, regarding the

scales of pay of the Indian subordinate staff working on this railway? If so, with what result?

Mr. A. A. L. Parsons : There was no such correspondence.

OVERWORKED STAFF IN THE TRAFFIC AND LOCOMOTIVE DEPARTMENTS ON THE BENGAL AND NORTH WESTERN RAILWAY.

469. Mr. Gaya Prasad Singh : (a) Is it a fact that the staff employed in the Traffic and Locomotive Departments on the Bengal and North Western Railway are overworked?

(b) Do some of them work for 12 hours a day and some for 24 hours?

(c) Is it a fact that the train staff have no limit to their working?

(d) If the reply be in the affirmative, will the Government be pleased to state whether they are prepared to direct the Bengal and North Western Railway administration to reduce the working hours of the staff in accordance with the terms of the Geneva Convention?

Mr. A. A. L. Parsons : I propose with your permission, Sir, to reply to questions Nos. 469, 471, 473, 474, 475, 476, 478 and 479 together. Enquiries are being made from the Railway Administrations and I will communicate with the Honourable Member in due course.

TRAINS WITHOUT VACUUM BRAKES ON THE BENGAL AND NORTH WESTERN RAILWAY.

470. Mr. Gaya Prasad Singh : Is it a fact that most of the trains on the Bengal and North Western Railway run without vacuum brakes? If so, why?

Mr. A. A. L. Parsons : No. Over 63 per cent. of the coaching vehicles (including brake vans used exclusively on passenger trains) on the Bengal and North Western Railway are vacuum-braked.

EMPLOYMENT OF MARKERS AS CLERKS, ASSISTANT GOODS CLERKS OR GOODS CLERKS AT SOME OF THE ROADSIDE AND JUNCTION STATIONS OF THE BENGAL AND NORTH WESTERN RAILWAY.

471. Mr. Gaya Prasad Singh : (a) Is it a fact that on the Bengal and North Western Railway, markers are appointed at some of the roadside and junction stations for the purpose of working as clerks, assistant goods clerks or goods clerks?

(b) Is it a fact that they get a starting salary of Rs. 10 or 12 a month and there are only a few who get Rs. 16 a month?

(c) Is it a fact that they are reckoned as menials and though their services are retained permanently they are kept on temporary scales and are deprived of all the privileges to which other servants of the same Railway are entitled? If so, why?

[†]For answer to this question, see answer to question No. 469.

EMPLOYMENT WITHOUT ANY EXTRA ALLOWANCE OF ASSISTANT GUARDS AND SHUNTERS AS GUARDS AND DRIVERS RESPECTIVELY ON THE BENGAL AND NORTH WESTERN RAILWAY.

472. **Mr. Gaya Prasad Singh :** (a) Is it a fact that the assistant guards and shunters drawing salaries from Rs. 12 to 18, and 19 to 24 per mensem, whether qualified or not, are continuously made to work as guards and drivers respectively on the Bengal and North Western Railway ?

(b) Are they not paid an extra allowance for working as guards and drivers ?

(c) And are they held responsible and punished for any irregularity or error in the same manner as guards and drivers ?

(d) Do Government propose to intervene in the matter ? If not why not ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to Mr. Joshi's starred question number 274 on the 8th September.

A copy of the Honourable Member's question has been sent to the Agent.

PAY OF SIGNALLERS ON THE BENGAL AND NORTH WESTERN RAILWAY.

†473. **Mr. Gaya Prasad Singh :** Is it a fact that the signallers on the Bengal and North Western Railway at wayside stations get salaries between Rs. 20 and 30 only and at junction stations between Rs. 30 and 50 ? If so, do Government propose to take necessary steps to bring their salaries into line with those obtaining on other Railways ?

GRANT OF INCREASED PAY TO INDIAN GUARDS ON THE BENGAL AND NORTH WESTERN RAILWAY.

†474. **Mr. Gaya Prasad Singh :** (a) Is it a fact that Indian Guards on the Bengal and North Western Railway receive the minimum remuneration of Rs. 20 per mensem and there are only four or five who receive at most Rs. 60 per mensem ?

(b) Is it a fact that Indian guards used to get Rs. 21 as their minimum remuneration up to the year 1923 but that in the revision of scales of their salary and allowance their minimum salary was reduced to Rs. 20 per month ?

(c) Is it a fact that there are several classes of guards on this Railway ? Do Government propose to take steps to have their salaries increased ?

PAY OF STATION MASTERS OF "C" CLASS STATIONS ON THE BENGAL AND NORTH WESTERN RAILWAY.

†475. **Mr. Gaya Prasad Singh :** (a) Is it a fact that there are five classes of stations on the Bengal and North Western Railway ?

(b) Is it a fact that most of the stations are classed as "C" ?

†For answer to this question, see answer to question No. 469.

(c) Is it a fact that station masters of "C" class stations receive a fixed salary of Rs. 50 while the salaries of the station masters of other classes are subject to increase?

(d) If the reply to question (c) be in the affirmative, will the Government be pleased to state the principle on which the salary of station masters of one class is fixed while that of others are subject to increase?

PAY OF DRIVERS, SHUNTERS, FIREMEN, FITTERS AND CARRIAGE EXAMINERS ON THE BENGAL AND NORTH WESTERN RAILWAY.

†476. **Mr. Gaya Prasad Singh :** (a) Is it a fact that the following salaries are provided in the current budget and establishment roll of the Bengal and North Western Railway for :

						Lowest.	Highest.
Drivers	..	..	European	..	..	120	200
			Indian	..	..	25	75
Shunters	..	..	European	..	..	60	80
			Indian	..	..	19	24
Firemen	..	..	European	..	..	35	80
			Indian	..	..	12	18
Fitters	..	..	European	..	..	50	200
			Indian	..	..	15	40
Carriage Examiners	..	..	European	..	..	100	200
			Indian	..	..	30	70

(b) If the reply be in the affirmative, will Government be pleased to state the reasons for this racial differentiation?

PROVISION OF FACILITIES FOR THE INDIAN EMPLOYEES OF THE BENGAL AND NORTH-WESTERN RAILWAY IN THE BALRAMPUR HOSPITAL AT LUCKNOW.

477. **Mr. Gaya Prasad Singh :** (a) Is it a fact that the Bengal and North Western Railway annually contributes a sum of Rs. 600 to the funds of the Balrampur Hospital at Lucknow and in lieu of this the hospital authorities grant concessions and afford other facilities to European and Anglo-Indian employees of the said Railway?

(b) Are Government aware of any such contributions being made by the Bengal and North Western Railway for facilities to be afforded and concessions to be granted to its Indian employees in the Balrampur or any other hospital? If so, how much and to which hospital?

Mr. A. A. L. Parsons : There is no information in the Railway Board's office, and I have therefore referred the Honourable Member's enquiries to the Agent of the Bengal and North Western Railway and will let him know what the position is on receipt of the Agent's reply.

†For answer to this question, see answer to question No. 469.

EMPLOYMENT OF INDIANS AS DISTRICT OFFICERS, ETC., ON THE BENGAL AND NORTH WESTERN RAILWAY.

†478. **Mr. Gaya Prasad Singh** : Is it a fact that none of the District Officers and Heads of Departments and even the Foremen of Running sheds and Workshops on the Bengal and North Western Railway is an Indian ? If not, why not ?

RECOGNITION BY THE AGENT OF THE BENGAL AND NORTH WESTERN RAILWAYMEN'S ASSOCIATION.

†479. **Mr. Gaya Prasad Singh** : (a) Is there an Association of employees of the Bengal and North Western Railway entitled as "Bengal and North Western Railwaymen's Association" ?

(b) Is it a registered union under the Trade Unions Act, XVI of 1926 ?

(c) If so, is the Agent of that Railway not prepared to recognize the registered association of his employees ?

(d) If not, why not ?

(e) Is it a fact that the Agent of the Bengal and North Western Railway wrote to the General Secretary of the Association of employees of that Railway as follows :

"As you are aware this Railway does not recognize the Bengal and North Western Railwaymen's Association and I now beg to inform you that in future any communication received by me or any of the officers of this Railway from you or from any member of the Association will not be read but will be immediately torn up and put in the waste paper basket" ?

(f) Is it a fact that since then the Agent does not reply to any of the communications of that Association ? If so, why ?

NON-COMMUNICATION OF THE REASONS FOR THE DISMISSAL OR DISCHARGE OF AN EMPLOYEE ON THE BENGAL AND NORTH WESTERN RAILWAY.

480. **Mr. Gaya Prasad Singh** : (a) Is it not a fact that the reasons for dismissal and discharge of an employee on the Bengal and North Western Railway are not communicated to him in writing ?

(b) Is it a fact that no mention is made of such reasons in the service certificates granted to the employees, and sometimes even no remark is made regarding character, and that the space provided for the purpose is not filled up ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to Mr. Joshi's question No. 706 of 20th September 1928.

ESTABLISHMENT OF A DEAD LETTER OFFICE AT PATNA.

481. **Kumar Ganganand Sinha** : (a) Will the Government be pleased to state whether statistics were collected to find out whether the Dead Letter Office at Patna was justified or not ? If so, when ?

†For answer to this question, see answer to question No. 469.

(b) Do Government propose to verify whether the information about statistics was correct or not? If not, why?

(c) Will the Government be pleased to lay on the table the statistics that may have a bearing on the establishment of a separate Dead Letter Office at Patna and indicate how that has been found impracticable so far?

Mr. P. G. Rogers : (a), (b) and (c). In June last the Postmaster-General, Bihar and Orissa, reported that out of 7,000 postal articles handled by the Calcutta Dead Letter Office daily on an average, only about 1,300 relate to the Bihar and Orissa Circle. The number is so small that Government do not consider it desirable to establish a separate Dead Letter Office at Patna, having regard to considerations both of administrative convenience and of economy.

QUARTERS FOR CLERKS AT BHADRAK, BENGAL NAGPUR RAILWAY.

482. **Pandit Nilakantha Das :** (a) Is it a fact that clerks at Bhadrak railway station (Bengal Nagpur Railway) have got no quarters and they have got to live in very unhealthy cooly-quarters?

(b) Is the Agent, Bengal Nagpur Railway, proposing to remedy this evil at an early date?

Mr. A. A. L. Parsons : The Railway Board have no information but have sent a copy of the Honourable Member's question to the Agent, Bengal Nagpur Railway, in order that he may see whether any action is required.

PRESENT STRENGTH OF THE BRITISH AND INDIAN ARMY IN INDIA.

483. **Kumar Rananjaya Singh :** (a) What is the present strength of the British and Indian Army in India?

(b) What percentage of it is permanently kept on the North-West Frontier?

(c) What is the number of Hindu, Sikh and Muhammadan soldiers?

Mr. G. M. Young : (a) British Army, approximately 63,500. Indian Army, approximately 192,000.

(b) About 28 per cent.

(c) Hindus—approximately 89,000.

Sikhs—approximately 20,000.

Muhammadans—approximately 79,500.

DATE OF THE OPENING OF THE LUCKNOW-JAUNPORE RAILWAY.

484. **Kumar Rananjaya Singh :** Will the Government be pleased to state when the Lucknow-Jaunpore Railway line will be ready for traffic?

Mr. A. A. L. Parsons : The line will probably be opened early in 1931.

PURCHASE OF CLOTH BY GOVERNMENT.

485. **Kumar Rananjaya Singh :** Will the Government be pleased to state what is the total amount it annually spends on buying cloth and what percentage of it is spent on Indian-made cloth?

The Honourable Mr. A. C. McWatters : The collection of the information required by the Honourable Member would involve an amount of time and labour disproportionate to the result. I am, however, in a position to give the Honourable Member figures of purchases of textile materials by the Indian Stores Department during the year 1927-28. The total value of the purchases amounted to Rs. 1,18,44,000 and 96.8 per cent. of this sum represented the value of textiles manufactured in India.

SUPPLY TO THE INDIAN STATUTORY COMMISSION OF THE NEHRU COMMITTEE'S REPORT.

486. Kumar Rananjaya Singh : Will the Government be pleased to state whether it is a fact that Sir John Simon, the President of the Indian Statutory Commission, asked the Government of India for copies of the Report of the Nehru Sub-Committee of the All-Parties Conference, and if it is a fact, how many copies of the report were sent ?

The Honourable Mr. J. Crerar : As soon as the Report was published the Statutory Commission asked the Government of India for copies, and 12 copies were accordingly obtained and sent to them.

GRANT OF CONVEYANCE ALLOWANCE TO THE CLERKS OF THE GOVERNMENT OF INDIA.

487. Maulvi Mohammad Shafee : (a) Will Government be pleased to say whether places near or about Roshanara Gardens, Safdarjung, Nizamud-din and Delhi Shahdara are within the notified area for the purposes of granting conveyance allowance to the clerks of the Government of India ?

(b) If the answer is in the negative, will Government be pleased to define the areas which come under the "Notified Area" ? Will Government be pleased to state whether conveyance allowance is granted to clerks living only in the Notified Area or even to those who live at a distance greater than the Notified Area ?

(c) Have Government fixed any limit of mileage for the purposes of granting conveyance allowance for those who are not provided with Government quarters and who live on any side of New Delhi except the Notified Area ? If not, why not ?

(d) With reference to the Honourable the Home Member's reply to Sir H. S. Gour's starred question No. 535, parts (c) and (d), dated the 26th March 1928, will Government be pleased to say whether distance or suitability of accommodation is the consideration for granting conveyance allowance to those clerks of the Government of India who are not provided with Government quarters in New Delhi and have to attend office after traversing a distance of five or six miles ?

(e) If distance is the consideration for granting conveyance allowance, do Government know that clerks living near or about Roshanara Gardens, which are situated at a distance of about 5½ miles from the Secretariat buildings in New Delhi, are not granted it while those living near the Swiss Hotel (Alipore Road), which is about 4½ miles from the Secretariat, are entitled to such allowance ? If so, will the Government be pleased to state the reason for this ?

(f) In view of the paucity of accommodation for clerks who cannot afford to pay higher rents in the Notified Area, do Government propose to fix some limit of distance beyond which such allowance may be granted ?

The Honourable Mr. J. Orerar : (a) No.

(b) The Honourable Member is referred to the notification issued by the Chief Commissioner, Delhi, dated the 16th January 1913, which was published on page 122 of Part II of the Gazette of India, dated the 18th January 1913.

(c) No.

(d) to (f). The whole question of the justification of these conveyance allowances will be re-examined.

EXPULSION OF HAKIM SAMI ULLAH KHAN FROM THE AMBALA CANTONMENT.

488. **Mr. Abdul Haye :** (a) Will Government please state if it is their policy that they would not allow the residents of a Cantonment area to take part in politics ?

(b) Is it a fact that one Hakim Sami Ullah Khan was expelled from the Ambala Cantonment in 1920 by the Cantonment authorities and since then he has not been allowed to return ?

(c) Is it a fact that this Hakim Sami Ullah Khan made several representations to the authorities requesting them to let him know the reasons for which the order of expulsion was made against him and that his requests were not granted ?

(d) Is that order of expulsion still in force and is Hakim Sami Ullah Khan still prohibited from entering the limits of Ambala Cantonment ?

(e) Will Government please state why this order was originally made and what justification the Cantonment authorities have for keeping that order alive for eight years ?

(f) Is it a fact that in 1924 on a representation made by Hakim Sami Ullah Khan the Cantonment authorities expressed their willingness to allow him to return to the Cantonment area provided he would execute a bond to the effect that he would abstain from taking part in politics ?

(g) Is it a fact that in reply to the above Hakim Sami Ullah Khan stated that he was prepared to give an undertaking that he would not commit any offence or otherwise break any law and that he was not prepared to surrender his precious right of taking part in political movements ?

(h) Is it a fact that now in 1928 the Executive Officer of Ambala has again reiterated that permission to live in Ambala Cantonment can only be granted to Hakim Sami Ullah Khan if he is prepared to execute a bond that he would abstain from " political activities of an aggressive nature " ?

(i) Will Government please explain what is meant by " political activities of an aggressive nature " ? Is it not enough that Hakim Sami Ullah Khan is prepared to give an undertaking that he will confine his activities within the bounds of law ?

(j) Are Government prepared to direct that the order passed against Hakim Sami Ullah Khan be cancelled forthwith ? If not, why not ?

Mr. G. M. Young : (a) No, Sir.

(b), (c) and (d). Hakim Sami Ullah Khan was expelled from the Ambala Cantonment in 1921. The Government are not aware whether or not he has been allowed to return.

(e) The reason for the expulsion order was that the Officer Commanding considered that the presence of Hakim Sami Ullah Khan in the Ambala Cantonment was dangerous to good order.

(f) The answer is in the affirmative.

(g) The Government understand that in 1924 Hakim Sami Ullah Khan stated that he was prepared to undertake to abstain from political activities of an unlawful nature but refused to execute a bond to this effect.

(h) The Government have no information.

(i) and (j). The only grounds on which a person can be removed from the cantonment are "if he causes or attempts to cause or does any act which he knows is likely to cause disloyalty, disaffection or breaches of discipline amongst any portion of His Majesty's forces or is a person who, the Officer Commanding the Station has reason to believe, is likely to do any such act." If a reliable undertaking can be obtained from Hakim Sami Ullah Khan to the effect that he will refrain from such activities, there would appear to be no reason why the order passed against him should not be cancelled; but under section 239 of the Cantonments Act the matter is primarily for the consideration of the Local Government or the Officer Commanding-in-Chief the Command to whom I will send a copy of this question and answer.

NUMBER OF WORKING DAYS INVOLVED AND THE NUMBER OF MEN INVOLVED IN EACH OF THE TRADE DISPUTES ON EACH OF THE STATE RAILWAYS SINCE 1925.

489. **Mr. Varahagiri Venkata Jogiah :** Will the Government be pleased to state the number of working days lost and number of men involved in each of the trade disputes that took place on each of the State Railways since 1925?

Mr. A. A. L. Parsons : I regret the information is not procurable.

RAILWAY INSTITUTES.

490. **Mr. Varahagiri Venkata Jogiah :** Will the Government be pleased to state the number of European and Indian Institutes respectively established on each of the State Railways, with information regarding the number of employees benefitted in each of the Institutes?

Mr. A. A. L. Parsons : I am collecting the information for the Honourable Member and will send it to him in due course.

STATE RAILWAY SCHOOLS AND PAY OF TEACHERS EMPLOYED IN THEM.

491. **Mr. Varahagiri Venkata Jogiah :** Will the Government be pleased to state the number of adult schools maintained by each of the State Railways and the scales of pay of the teachers in the adult schools?

Mr. A. A. L. Parsons :

		<i>Number of adult schools.</i>		<i>Pay of teachers.</i>
Great Indian Peninsula Railway ..	..	..	..	..
East Indian Railway ..	..	35	..	Rs. 16 to Rs. 40*
North Western Railway ..	..	2	..	Rs. 54 and Rs. 72
Eastern Bengal Railway ..	..	9	..	Rs. 31 to Rs. 73†

PETITIONS RELATING TO THE HINDU CHILD MARRIAGE BILL.

Mr. Deputy President (Maulvi Muhammad Yaqub) : I have the honour to present, on behalf of the Committee of Petitions, a petition relating to the Child Marriage Bill, which has been signed by 12,320 persons, who are all against the provisions of the Bill.

PRESENTATION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE ACCOUNTS OF 1926-27.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Sir, I beg to present the Report of the Public Accounts Committee on the accounts of 1926-27.

THE TRADE DISPUTES BILL.

The Honourable Mr. A. C. McWatters (Member for Industries and Labour) : Sir, when I gave notice some days ago of a motion for the reference of the Trade Disputes Bill to Select Committee it was in the hope that it might have been possible, if the House so desired, that the Bill should be proceeded with in its further stages during this Session. Also my motion would have made it possible for any Member of the House to give notice of a more dilatory motion and therefore the House could have decided whether they wished the Bill passed quickly or referred for circulation. Owing however to the progress of official business in the House this Session, it is obvious now that even if my motion had been carried it would not have been possible during the present Session to complete all the stages of the Bill in both Houses. Therefore, Sir, with your permission I beg to move that the Bill to make provision for the investigation and settlement of trade disputes, and for certain other purposes, be circulated for the purpose of eliciting opinions thereon. In view of the character of my motion I propose to be brief and I also hope to avoid anything of a controversial character.

The question of legislating on this subject was first taken up by the Government of India in the year 1919. That was the year in which the British Industrial Courts Act was passed and the Government of India addressed Local Governments enquiring whether legislation of this character would be useful in India. In the opinion of the majority of

*In one case the Head Shed Clerk receives an allowance of Rs. 4 for the work.

†In one case the Head Shed Clerk receives an allowance of Rs. 5 for the work, and in one other case a similar allowance of Rs. 5 is given.

[Mr. A. C. McWatters.]

Local Governments at that time legislation of that kind was likely to be ineffective. The Government of India took up the subject again in the year 1924 at the instance of the Government of Bombay and they circulated proposals to Local Governments, the substance of which was firstly a provision for boards of inquiry to be formed from standing panels of employers and workmen ; and secondly, as regards public utility services they proposed to borrow provisions from the Canadian Act of 1907 which made strikes and lock-outs in public utility services illegal until a board of inquiry had been appointed and reported. These proposals met with a somewhat mixed reception and the Government of India, who were at that time engaged in the preparation of the Trades Union Bill, preferred to wait for a short time because we held, and hold now, that the existence of strong and responsible trade unions is necessary for the effective carrying out of machinery such as we propose in the present Bill. In the summer of 1926 occurred the general strike in England, and in framing our present proposals we have taken into consideration the legislation which was passed in the summer of 1927 in England. So much for the past history.

Now, Sir, with regard to the principle of the Bill there is one principle which we have endeavoured to carry out throughout this Bill—a principle which gives the Bill such unity as it possesses—and that is that trade disputes between employers and workmen do not concern employers and workmen only, but they concern the public also and they involve an obligation on Government ; and therefore, Sir, in addition to providing machinery which may, we hope, tend to reduce trade disputes in the interests both of the employers and the workmen, we have endeavoured so to frame our proposals as to mobilise the force of public opinion so far as we can, and also in certain special circumstances to afford direct protection to the public.

The first portion of the Bill relates to the machinery for courts of inquiry and boards of conciliation. We have adopted two different types of machinery instead of one as was proposed in the original Bill, because we felt that in the differing circumstances of different industrial strikes and troubles it might be useful to have different types of machinery. We wish to leave ourselves as free a hand as we can and for that reason we have abandoned the panel system which was suggested in the earlier proposals. We have done so mainly because of the criticisms received on our proposals of 1924 ; it was felt that it would not always be easy to obtain the right kind of person from the standing panels and we wished to leave ourselves free to choose the best people possible in relation to the particular dispute. Secondly, it was pointed out to us that probably the men who would be most useful on these boards of inquiry would not be willing to have their names registered continuously as members of a panel, although they might be quite willing to serve on occasion if requested. Now with regard to these proposals regarding courts of inquiry and boards of conciliation there is only one other point I want to mention and that is that we have carefully avoided any suggestion of compulsory arbitration. Our earlier proposals were criticised, erroneously no doubt, on the ground that there was some suggestion of compulsory arbitration. Our present proposals are not open to any such criticism. Some people no doubt may prefer one kind of

machinery ; some another ; some may put their trust in compulsory arbitration ; some in voluntary arbitration ; but I think no one will dispute the principle of compulsory inquiry and compulsory conciliation, and that is what our Bill aims at. We aim at bringing in the force of public opinion in order to prevent and shorten these industrial troubles. It is the public and the press who are to be our high court of appeal.

There is one word of caution which I should like to give expression to. I do not suppose—nobody supposes—that this Bill is going to put an end to industrial troubles ; no one supposes that it is going to create a new heaven and a new earth. When the British Industrial Courts Act of 1919 was passed, it was after ten years of very careful preparation, by employers and by workmen and by Government, in setting up with in the industries themselves machinery for conciliation and for settlement of trade disputes. I have seen figures for the year 1926, I think, relating to the cotton mill industry in Lancashire. In that year there were 700 disputes between employers and workmen ; of these only 20 reached the final council at Manchester and not a single one of them was referred to Government for action under the Industrial Courts Act. That, Sir, is what we want to aim at in this country. I regard it as most important that this machinery within the industries themselves should be set up with the aid of employers and workmen and Government, and if that can be done I regard it as a far more important step than anything that will be accomplished by this Bill.

I now turn, Sir, to the second part of the Bill which deals with public utility services. The principle there is a simple one ; it is that there should be some interval given before a strike is allowed in services which are essential to the health, safety and welfare of the community. It is a principle which is recognised so far as I know in almost every country. The principle, though not exactly in this form, was recognised as early as 1875 in Mr. Disraeli's Act in England. It was in relation to gas and water. It was extended to electricity in 1919 and the English Act of 1927 applied the principle in the exact form in which we have it in our present Bill to all services under public bodies. We do not go so far as that ; we propose to apply it only to what we consider to be essential public services. I should like to point out here that the principle is already recognised in some of our Indian Acts ; it exists in the Post Office Act ; it exists in every single municipal Act in India. Those Acts apply directly to men engaged in scavenging ; and may in most cases be extended by the Local Governments to any employees in municipalities who are concerned with services affecting the health and safety of the community. So the principle is one which I think will be easily accepted. What we are aiming at is to give sufficient time for the machinery for conciliation and settlement to come into play before there can be a strike in a service which affects the health or welfare of the community.

Now, Sir, I come to the third part of the Bill which stands on quite a different footing. The proposals which relate to illegal strikes and illegal lock-outs are contained in this part. As I said the other day, these clauses have been more misunderstood than any other part of the Bill. In fact, when we first published the Bill and before its text could even have reached Bombay, I read the pronouncement of a responsible official of an important association, ascribing to the Bill—he was a friend of the Bill—results and qualities which I certainly do not claim for it,

[Mr. A. C. McWatters.]

and I said to myself "Save us from our friends". These clauses of the Bill render strikes and lock-outs illegal only if they fulfil two conditions. The first is that they must be strikes or lock-outs having an object other than or in addition to, a trade dispute within the industry concerned; and secondly, they must be designed or calculated to coerce the Government. Now, Sir, it is obvious that these clauses do not affect a sympathetic strike as such, because though it may come under condition one, it does not come under condition two, and if we apply it to the great mill strike which has been going on in Bombay we will see that that strike is a strike regarding terms of employment within the industry itself and therefore it is not even covered by condition 1—still less by condition 2. Therefore I am afraid my friend who made these comments in Bombay will be sadly disappointed if he thinks this Bill has anything to do with the strike he was thinking of at the moment.

What we are aiming at is something quite different. We are aiming at the general strike. It was clearly shown when the

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English legislation was under discussion, that what they attempted to do was to put into legal language the conception of the general strike, and as we have copied our provisions practically verbatim from the English Act our object is the same. We feel very strongly that as a general strike is an attack upon society and upon Government, it must fail, and if it fails the people who will lose most by it will be labour, and therefore we contend that these provisions, so far from being hostile, are really in labour's interest. In England the result of the general strike was the dissipation of the resources of the unions and the loss of employment by thousands of men.

In view of the character of my motion, I do not propose to say any more on the subject to-day except in reference to one point. We have not included in the Bill any provision regarding picketing, and we have done so deliberately. Picketing provisions occur in the English law of 1927, and as the House probably knows, the law in England regarding picketing has had a very chequered history. The pendulum at one time swung in one direction and then in another; it swung in favour of labour in 1906, and it swung back again the other way in 1927, and, speaking as a layman I find the English law extremely difficult to understand. Now, in India the position is perfectly simple. Picketing as such is not illegal; picketing which amounts to intimidation as defined in the Penal Code is illegal. I maintain that our law is much simpler and ought to be as effective as the law in England.

That, Sir, is all I wish to say. I only hope that this Bill will be considered dispassionately by every one who is interested in it, and if so, I feel confident that, when it comes back from the country, it will come back with a very large measure of support.

Mr. H. G. Cocke (Bombay : European) : Sir, I am sorry that it is not possible for this Bill to be proceeded with this Session. We in Bombay who have experienced a serious strike for the last six months, which is still raging, have felt the need for a Bill of this nature, and some two months ago the two Chambers of Commerce, the Bombay Chamber and the Indian Chamber, met together, and as a result of that conference, they decided to wire to the Government of India asking that the Trade Dis-

putes Bill, which it was anticipated would be introduced in the September Session, should be published forthwith in order to make it possible for the Bill to become law this Session, if acceptable to the House. Well, owing to delays on account of other measures, it has not been possible to proceed with the Bill until to-day, and I hope it may not prove very unfortunate in the next four months that this Bill has been delayed.

With regard to the general principle, Sir, of this Bill, namely, the establishment of courts of inquiry and conciliation boards, there has long been a feeling, certainly in the Chamber with which I am connected, that it is a great mistake to force any tribunal upon the contesting parties unless they both ask for assistance in settling a dispute. But although these views have been held in the past they are now considered somewhat out of date, and it is thought to be necessary that Government should have the power and the right to step in in the case of trade disputes and set up a conciliation board or a court of inquiry. As the Honourable Mr. McWatters has pointed out, these conciliation boards or courts of inquiry are necessary in the interest of the public, and where the interests of the public are concerned, it is the duty of the Government to find out what the real trouble is. In many cases strikes start on quite petty matters of dispute, but within a week or two long lists of items of dispute are raised and the strike becomes a difficult matter to settle. We still strongly object to the principle of compulsory arbitration, and I am glad to see that no conditions of this kind appear in this Bill.

With regard to the question of picketing, the Honourable Member in charge has pointed out that the existing law is sufficient to deal with this; that picketing itself is not illegal but picketing accompanied by intimidation is illegal. Well, Sir, there is no doubt whatever that in the Bombay strikes there has been any amount of picketing amounting to intimidation, but the great trouble is to bring the offenders to book. I do not know apart from this why the provisions of the existing law have not been brought into effect during the last few months, because there is no doubt whatever that strikes have been kept alive by intimidation. Strikers are told that if they go to work their women will be molested and their homes will be looted. The trouble is to prove that these things are done and said.

On the subject of public utility companies and the provisions of this Bill which make it illegal for workers to strike without a month's notice, the Honourable Member in charge has pointed out that we are merely copying a provision from Municipal Acts, the Post Office Act, and so on. I think that this is a provision which nobody in this House will complain of. It is perfectly obvious that the public should not be allowed to be inconvenienced by these sudden strikes, and where the workers have a grievance they should give some notice, there should be some interval, before they go on strike. I feel, Sir, that if this Bill had been in existence, the Bombay strike might have come to an end much earlier. I think that is all I have to say at this stage. I hope that when opinions have been received on this Bill, Government will take steps to push the Bill forward next Session with as much expedition as possible.

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, as the motion made by the Honourable Member in charge of Industries and Labour is for the circulation of the Bill, I do not wish to make a long speech; but

[Mr. N. M. Joshi.]

I feel that it is necessary to explain to the House the real nature of some of the principles underlying this Bill. The Honourable Member in charge has admitted that the Government of India have been considering this subject for the last nine years, and considering the long time they have spent over this subject, I feel that the result of their thinking for the last nine years is indeed very poor, disappointing and mischievous.

Well, Sir, so far as the Bill is concerned, nobody can say that the Government of India are acting in a hurry. They have already taken a long time. Perhaps they might even say that they ought to have introduced some Bill to provide for a court of inquiry or a board of conciliation much earlier. But I do not agree with my friend Mr. Cocke that, even if this Bill had been in existence, the Bombay strikes would have come to an end earlier. The termination of a strike depends upon the attitude of the parties engaged in that strike, and so far as I can say, if the mill-owners of Bombay had been willing to place their case before a board of conciliation or a court of inquiry, the workers' side would have been ready at any time. Unfortunately, the mill-owners had not the courage to come before a board of conciliation or a court of inquiry for reasons best known to themselves.

Sir, as far as the first portion of the Bill is concerned, namely, that part of the Bill which provides for the appointment of a court of inquiry or a conciliation, I do not see much reason to object to the principle underlying those provisions. When we come to the discussion of details at a later stage, I may have something to say about the machinery which the Government of India have provided. I do not agree with the Honourable Member in charge of Industries and Labour that there is serious objection to the appointment of panels out of which the representatives of labour and the representatives of the employers should be appointed, on the court of inquiry, but I am quite sure the Honourable Member will consider this question when we come to the consideration of the details of this Bill.

Coming to the second part of this Bill which consists of clause 15 regarding public utility services, I feel, Sir, this House and the public outside will not support the Government in their proposals in this respect. It is true that when the Government of India framed their Bill in 1924 they had a provision regarding public utility services although not exactly in the same form which they have adopted in this Bill. I myself do not understand why workers who work in a public utility service should be treated as if they had committed a sin in taking employment in a public utility service. It is the natural right of every worker to withdraw his labour whenever he thinks that he should do so. I do not suggest that his civil liabilities should be taken away, but it is certainly a sign of slavery if you imprison a man for refusing to do work for a master for whom he does not want to serve. (*An Honourable Member* : "He can give a month's notice.") He has a right to leave without giving notice. (*An Honourable Member* : "Why ?") Well, Sir, I am coming to that. Unfortunately, Sir, this Bill, as framed by the Government of India, is framed at least so far as this clause goes in the interests of the capitalists. It is for that reason that my Honourable friends on the other side are asking "Why ?" I will tell you why. This Bill provides that it is only the worker who must not cease doing his work without notice and, if he does leave his service without notice, he will be sent to jail. But it is not provided in the Bill that if the

employer in a public utility service discharges a man without notice he shall also be sent to jail. (*An Honourable Member* : " That is not the point. ") It is on account of that the Honourable Members on the other side are asking me " Why " ? If they once know that if they discharge one of their employees without notice, they will be sent to jail, I am quite sure, they will think twice before they accept this Bill. (*An Honourable Member* : " Hear, hear. ") Sir, in my judgment, in the first place this provision is superfluous. The Honourable Member in charge of the Department of Industries and Labour himself has stated that, so far as Post Office and Telegraphs are concerned, the employees cannot leave their service without notice.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Not the Telegraphs.

Mr. N. M. Joshi : Well, then, the Post Office, according to the Post Office Act.

The Honourable Mr. A. C. McWatters : Only certain classes of post-men.

Mr. N. M. Joshi : But, Sir, the public utility service of the Post Office, so far as necessary, is protected, if protection is at all necessary; by the Indian Post Office Act. Then the Honourable Member also admitted that some of the municipal services are also protected. If that is so, I do not know why this Bill should have been introduced at all. (*An Honourable Member* : " The Railways. ") Well, Sir, so far as the Railways are concerned, I do not think even the Honourable Member has provided in this Bill that all railway work will become a public utility service. Moreover, the Honourable Member said that he wanted to deal with strikes without notice in public utility services. Unfortunately, the Bill is not restricted to a strike. Even if one single individual employee in a public utility service gives up his work without notice, he is liable under the Bill. So, it is not only a strike that is penalised. It is cessation of service by even one single individual employee without notice. And even in that sense the Bill goes too far.

Then, Sir, the Bill, as I had said before, is one-sided. It only penalises cessation of work on the part of the employee. It does not penalise the employer who discharges the employee without notice. It does not penalise an employer who dismisses his employee without notice. But, Sir, even if the Government of India agree to put such a provision regarding the employers in the Bill, I consider that it will not be enough to do justice to the workers. In such cases the workers must be given adequate compensation. It is very easy for the employer to get an employee but, in the case of the worker who loses his job without notice, it is a much greater hardship, especially in a country like India where there is no provision against unemployment. In a country like England things are different. They have got unemployment benefits. If an employee is discharged, for some days at least he will be provided with some benefits if he remains unemployed, but in India, if a man is discharged, it is great loss to him as he may not get another job for a long time. I therefore think that if the Government of India want to introduce such a provision in the Bill they must at least see that the Bill is not one-sided and the one-sidedness of the Bill will not be removed by merely making discharging without notice illegal and by penalising the employer, but some provision must be made to see that the workman is not put to loss. Sir, I can understand the principle that the

workers in a public utility service may be treated somewhat differently, but the treatment should not be only to the disadvantage of the workers. If you want to put certain disadvantages on the workers in public utility services, why not give them some advantages also, namely, that they shall get sickness insurance benefits, unemployment benefits and old age pensions. But what the Government have done is to introduce legislation to the disadvantage of the workers without making any special provision by which the workers will be given any compensating advantage.

Well, Sir, the Honourable Member said that the Bill is based on English legislation, but it is not difficult to show that his Bill is much wider than the English law. In the first place the English law has not given power to the Government to declare any industry as a public utility service. If the Government of India take it into their head, under this Bill the textile industry may be declared to be a public utility service. There is nothing in the Bill to prevent that, because the provisions are so wide that any industry may be declared to be a public utility service. Then the Honourable Member said that in England gas-works, electric works and water-works are treated as public utility services, and workers employed in those works cannot leave their posts without notice. But he has not stated the whole position. Even in England, gas-works and water-works in order to get the benefit of section 4 of the Conspiracy and Protection of Property Act of 1875 must be for the public benefit and the gas-works and water-works must be necessary for the community and not for private purposes. But in the case of his Bill that provision is not made. He makes every gas-works and every water-works a public utility service. Then, Sir, the English Act also provides that a worker will be penalised if he ceases work out of malicious intent and with the knowledge that the consequences of his act would be to cause hardship to the community. The Honourable Member has not made any such provision in this Bill. I know, Sir, that section 5 of the English Act has provided that if a man maliciously and with knowledge ceases work in such a manner as to cause danger to life and to valuable property he may also be penalised, while the notorious Act of 1927 has also brought in hardship to the community as a justification for the application of section 5 of the Conspiracy and Protection of Property Act. But, Sir, the Honourable Member in charge of Industries and Labour ought to have told the House that section 6 of the Act of 1875 also imposes responsibility upon employers. If the employer does not provide food where he is bound to provide food and other necessities for the worker's health, the employer also will be penalized. The English Act is not one-sided as this Bill is. I feel, Sir, he ought to have told this House that the English Act throws some responsibility on the employers also. In this connection I would like to suggest to Government that they ought to have taken into consideration, if they wanted to throw greater responsibility on the workers in public utility services, the legislation which exists in Canada. Not that I approve fully of the Canadian legislation of 1907; but certainly that legislation may be said to be fairer than the legislation which the Government of India have introduced. In Canada by the Act of 1907 no doubt a strike is compulsorily postponed. No worker can go on strike without notice or till an inquiry is made. But, on the other hand, by section 6 of that Act the Government also is bound, when an application is made that a dispute is threatened, to make an inquiry. That would give the workers in public utility services some advantage. Let the Government be bound to make an in-

quity into the grievances of the workers or into the grievances of employers for that matter, if a strike or dispute is threatened. That is an advantage given to the workers by the Canadian legislation. Section 54 of the Canadian Act prevents an employer from reducing wages or making a change in the conditions of service, such as, hours of work, without notice. This Bill makes no such provision. I submit that if you want to put some disadvantage on the workers in public utility services, you must also give them some advantages. It is wrong, therefore, to introduce clause 15 of this Bill, which is one-sided, and throw the burden of maintaining the public utility services only on the workers. Sir, I do not wish to say anything more on this clause. In regard to clause.....

Mr. President : The Honourable Member cannot take clause by clause of the Bill at this stage. He knows that the Honourable the Industries Member has not asked the House to accept the principle of the Bill, and at this stage speeches should be short and to the point.

Mr. N. M. Joshi : Sir, I am not taking clause by clause. Unfortunately the Bill has three or four important principles. The first.....

Mr. President : The Honourable Member is not asked to accept the principle of the Bill. This is a motion for circulating the Bill for eliciting public opinion and no one commits himself to the principle of the Bill by accepting it.

Mr. N. M. Joshi : Well, Sir, I am not fond of making speeches. (*Several Honourable Members : "Question ?"*) I say, I am not. The Honourable Member in charge also made a speech. If he had restrained himself I would not have risen from my seat.

Lastly, Sir, the Government of India have followed the panicky legislation of 1927. The Honourable Member said that that legislation is intended to make general strikes illegal. In the first place, I do not understand why even a general strike should be made illegal. To strike is the natural right of every working man, and why should any human being be penalized for refusing to do work ? But leaving that question, Sir, the Bill, as framed by the Honourable Member, is not restricted to general strikes only. The first part of clause 16 says that if a strike has an object other than the furtherance of a dispute in one industry and also causes hardship to the community, it is an illegal strike. Now the Honourable Member has not defined what one industry means, whether, for instance, the transport industry includes railways, tramways, motor services, etc. Are all these to be taken to mean one industry ?

The Honourable Mr. A. C. McWatters : On a point of order, Sir, is not that a point for the Select Committee, whether you can define your industry ?

Mr. N. M. Joshi : I am just trying to show that your Bill does not apply only to general strikes. Nobody knows really what one industry is. Take the textile industry. Does the textile industry include jute as well as cotton and silk and wool ? It is very difficult to say. Therefore, the Honourable Member must admit that what he is penalising and making illegal is not a general strike, but an ordinary sympathetic strike. I therefore think that this Bill penalises sympathetic strikes. It says that the strike must have an object different from the furtherance of a trade dispute.....

Mr. President : Order, order. I do not wish to interrupt the Honourable Member ; but I hope he will co-operate with the Chair and make some distinction between a motion for Select Committee and a motion for eliciting public opinion.

Mr. N. M. Joshi : I am not going to take more than five minute. He must admit that the clause as worded can be applied to strikes which are not general. Then he says " strikes which cause hardship to the community. " Almost every strike causes hardship to the community. Who is to decide whether the hardship is so great that the strike should be made illegal or not ? I do not know any strike which does not cause some hardship to the community. Therefore, this Bill gives power to Government practically to make any strike illegal ; this does not make only general strikes illegal ; but whenever Government please, they can make any big strike illegal. Then, Sir, Government have provided by certain clauses to protect people who are called " black legs ". If the whole body of workers sanctions a strike, some people who ought to join but who do not join are given protection by the Government against the action that may be taken by unions. In this connection I want to make only one remark and it is this. In the first place, what Government have provided by these clauses is unnecessary interference into the working of trades unions ; and secondly the Government of India are somewhat unfair upon unregistered trade unions. Some days ago we discussed the question of registered trade unions and unregistered trade unions and the Government of India and many Members here did not like to recognise the existence of unregistered trade unions and I want to know why the Government should in this Bill recognise the existence of unregistered trade unions. They are giving protection to black-legs, not only to those who are members of registered trade unions, but to those who are members of unregistered trade unions also. I therefore suggest to the Government of India that they should not take notice of unregistered trade unions for this purpose as they did not recognise their existence for giving immunities provided by the Indian Trade Unions Act to registered trade unions.

Sir, I do not wish to speak any more. I feel that the Government of India have done a wrong thing in mixing up a portion of the Bill which may become acceptable to the workers in this country and some portions which can never become acceptable. If they want some Act providing for conciliation and enquiry, they must introduce two Bills ; but if they try to secure the consent of the House by mixing up a part which may be acceptable with a part which is unacceptable, I think, Sir, the Government of India will be disappointed.

Mr. T. Gavin-Jones (United Provinces : European) : Sir, I am very glad to hear that the Honourable Member for Industries proposes to circulate this Bill, for undoubtedly it requires very careful consideration before being passed ; in fact I have received a telegram from the Upper India Chamber of Commerce protesting against the Bill being rushed through. No one, I think, will oppose the principle of a Trade Disputes Bill. Similar legislation has been put through in other countries, particularly in Canada, Australia and England, and has been most beneficial. But we must study these Acts very carefully before we apply them to India, and, as far as I can see in the present Bill, the English Acts have not been sufficiently carefully considered. It is essential that this Act should be framed so as to work smoothly and be effective, and I will refer the Government to one or two clauses in the Bill.

It is not clear in clause 2 (c) whether the interpretation of " employer " includes a private employer ; we think that it should do.

In clause 2 (f), the interpretation of " public utility service " does not include tramways and inland steamer services. These were included in the draft Bill which was circulated in 1924 and we do not know why they have been excluded from this Bill. We think they are important public utility services and should be included.

Clause 3 contains the kernel of the Bill and proposes to refer to Courts of Enquiry or Conciliation Boards. It says :

" If any trade dispute exists or is apprehended between an employer and any of his workmen, the Local Government, or where the employer is the head of a department under the control of the Governor General in Council or is a railway company "....

The Local Government or the Governor General in Council shall take the initiative ; he may (a) refer the dispute to a Court of Enquiry or (b) refer the dispute to a Board of Conciliation. Then in clause 9 and subsequent clauses judicial powers are given to both the Board of Conciliation and the Court of Enquiry. There is here, Sir, a serious confusion between the functions of the Board of Conciliation and that of the Court of Enquiry. They are bodies appointed for two entirely different purposes. The Board of Conciliation cannot function without the consent of both parties and if both parties consent, all the evidence will naturally be forthcoming from both parties. The Court of Enquiry on the other hand is appointed for obtaining information about facts, and judicial powers are necessary. For the Government to intervene in a dispute on its own initiative and compel the parties to appear and produce witnesses before a Board of Conciliation is contrary to all the ideals and principles of conciliation. A Board of Conciliation must arrange matters by mutual consent. We think, Sir, that the Bill here should follow closely section 2 of the British Industrial Courts Act, 1919, whereunder a Minister can take action, first : On the report of one of the parties ; second : By the consent of both parties ; third : Refer the matter for settlement to the Industrial Court ; 4th : Refer the matter for settlement to the arbitration of one or more persons appointed by him ; or, 5th : Refer the matter for settlement to a Conciliation Board by the mutual consent of both parties. Sir, I think if this clause is entirely recast and the above section is closely followed, this Bill will work smoothly and be more effective. There are other points in the Bill, which require amendment, but I will not take up the time of the House with them now.

I appeal to the Government to consider these points carefully and to recast the whole Bill before bringing it before this House again.

Sir, I support the motion.

Lieut. Colonel H. A. J. Gidney (Nominated : Anglo-Indian) : Sir, representing as I do a class of people who are largely employed in the various utility services, I desire to offer a few remarks on this Bill before it is put in circulation. I am glad Government intends circulating it, for there is no doubt that a Bill of this nature cannot be rushed through without adequate and careful consideration.

While on the one hand I am not in favour of any law that makes for suppressing the rights of the labourer, I refuse to subscribe to any policy that gives unlimited scope or power to the employer. Sir, I am in agreement with this Bill from clauses 1 to 14. I consider that the

[Lieut.-Colonel H. A. J. Gidney.]

institution of Conciliation Boards will have a very beneficial effect on all labour disputes, and I think that the Honourable Mr. Gavin-Jones brought forward some important points in connection with these Conciliation Boards. One is tempted to ask what is the necessity for this Bill? It seems to me that, had Government, a few years ago, realised the importance of such Boards, Committees or Arbitration Councils as one finds in England, *e.g.*, the Whitley Committee and other Committees of the like nature, such a Bill would never have been necessary in India to-day. I remember the time very well—I take my memory back to 1917, only 11 years ago—when an extensive strike took place on the Great Indian Peninsula Railway. Matters reached a deadlock, the dispute was eventually referred to arbitration, and the arbitrators decided in favour of the strikers. In those days there was give and take between employees and employers, and trade disputes and strikes were, as a rule, settled by arbitration; to-day it seems that Government find it necessary to introduce a Bill of this nature to settle them. Why? Is Government entirely blameless? As I said just now, I am in favour of clauses 1 to 14, but not of clauses 15 and 16, and here, to a certain extent, I take my stand with my friend Mr. Joshi. (Opposition Cheers.) As I read through clauses 15 and 16 and the following ones, two conundrums present themselves to me. One is: "When is a strike not a strike?" The answer, according to this Bill, seems to be: "When the employer is affected." The other is: "When is a strike a strike?" Answer: "When the employee is affected". I do think that to put a Bill like this into operation, especially clauses 15 and 16, is not only to limit but to interfere with the freedom of the employee. As Mr. Joshi rightly pointed out, why should the employer only have the right of dismissing a servant, may be at the beginning or the middle of a month, giving him a month's pay in lieu of notice, and at the same time depriving the man of his overtime? Surely the employee cannot be denied an equal right, if he is prepared to forfeit his month's pay. He cannot be denied this by ordinary law, but this is exceptional law, to serve a special purpose. The House spent four long days in trying to prevent India painting itself red. It seems to me that these clauses should more appropriately have been embodied in that Bill—The Public Safety Bill. (*A Member* Honourable Member: "Nonsense".) It may seem so to you, but not to me because for almost similar offences in the one Bill you deport the European British subject while, in this Bill, you desire to fine or imprison the Indian British subject.

Now, Sir, I would like to read to the House, Sir John Simon's opinion on the right to strike. This is what he says:

"That the strike properly understood was perfectly lawful. It was an essential part of the right of the British wage-earner that he should have a right to strike and that right ought never to be taken away from him, nor would any of those who really appreciated the character of British traditions really wish to take it away. But the regulation by the Trade Union Executive to call out everybody, regardless of contracts which the workmen had made, was not a lawful act at all."

I am in agreement with the principle that in the case of a general strike, in which various utility services strike together, legislation of a special nature might be necessary and might be put into operation, but to include in this Bill individual utility services, *e.g.*, Postal, Telegraph, Customs, Railway Services, etc., is to deprive a body of workmen of their right of defence of their economic rights, and

for this reason I do think that Government will be ill advised to include these two objectionable clauses. I however certainly do agree that those agitators who go about the country with impunity, fomenting strikes, sowing seeds of disaffection or Communism among workmen, should be dealt with summarily, but why should illiterate, innocent, misled workmen be subject to such drastic action? If a clause were put into this Bill that the ringleaders of strikes should be seized, tried and punished, it would be more deterrent and would receive my approval. There are certain people in all communities, well known to Government, who are ringleaders of strikes, who foment strikes for their personal ends. Well! I say, keep an eye on them and punish them without fear or delay, but do not punish the employee who has every justification, should he resent an unjust punishment, to refuse to work. He should not be forced to work against his wishes or will. He should not be deprived of his citizenship rights or a legitimate weapon of economic defence.

The Honourable Mr. A. C. McWatters : I should like to draw the Honourable Member's attention to clause 17 (1), second part, which reads :

“ Provided that no person shall be deemed to have committed an offence under this section by reason only of his having ceased work or refused to continue to work or to accept employment.”

The clause as drawn up does not apply to ordinary strikers, but only to the ringleaders and those who act in furtherance of a strike.

Lieut.-Colonel H. A. J. Gidney : Clause 15 gives Government power to punish any individual who strikes in an utility service, with one month's imprisonment or with a fine of Rs. 50, and any one who aids and abets him in such an offence with three months' imprisonment or a fine of Rs. 500. This I absolutely disapprove of and speaking for my community we shall not agree to this section. I approve of the Bill as far as clauses 1 to 14 are concerned, but I certainly do not approve of the Bill as far as clauses 15 and 16 are concerned. I therefore strongly advise Government to amend these clauses or to add some provision which does not deprive any workman of his right to strike.

Mr. M. S. Sesha Ayyangar (Madura and Ramnad cum Tinnevely : Non-Muhammadan Rural) : Sir, I agree with the Honourable Member in charge of the Bill that the public are equally interested in these strikes which are bound to exist so long as there is this eternal competition between capital and labour. I cannot, however, congratulate the Government on the provisions made in this Bill. It appears to me that the labour point of view has not been given that attention which it deserves; and some of the provisions, especially part 3 of this Bill, are so much against the growth of labour organisations in this country that I would advise the complete deletion of part 3 of the Bill; and in getting this Bill circulated I would offer the suggestion to the Honourable Member in charge that circulation should not in this case be confined to the stereotyped list of bodies and associations, to which Bills are usually circulated, but should also be circulated to all Trade Unions, all railway employees' unions, postal unions, and other similar organisations. It is then that we will have ideas of what they think of this Bill.

So far as the provisions are concerned, I have no doubt that there have been demands for arbitration boards for some time past. But the

[Mr. M. S. Sesha Ayyangar.]

question is whether the courts of inquiry and the boards of conciliation which this Bill provides for are really the kind of arbitration boards which labour would have. For these boards to act successfully as arbitrators, the imperative necessity is to make them sufficiently impartial so that they might give satisfaction *prima facie* to both parties to the dispute, and especially in the case of State railways ; where the State happens to be the employer it will not enhance the impartial nature of these arbitration boards or these conciliation boards to make the Government the appointing agent of these boards. Labour must be given a chance as to the choice of some of those that might sit on these boards ; otherwise it would not give them satisfaction. The recent South Indian Railway strike seems to be in point as an illustration of what I say. I have been closely following the movement of the South Indian Railway employees' association. The South Indian Railway Agent wanted to give effect to a certain policy of retrenchment which he had in view. Certainly that necessitated some inconvenience to the employees concerned. The employees made known to the Agent their demands and asked for redress. There was not that quick and sympathetic response which was expected of the Agent in such a case. The Agent remained indifferent and then the employees applied to the Agent asking for the matters of difference between the employees and the employers to be referred to the arbitration of the Labour Commissioner. Sir, we have got such a functionary as the Labour Commissioner in Madras. They wanted that the matters in dispute should be referred to the Labour Commissioner. Then also there was no response and then they took the step of reporting the matter to the Labour Commissioner directly, asking him to intercede and to arbitrate. The Labour Commissioner remained indifferent. And as a last hope, the employees applied to the Government direct asking them to intercede in the matter and to see that their grievances were redressed. The Government was equally indifferent. What could they do in those circumstances ? They despaired of moving the South Indian Railway authorities to redress their grievances and consequently they had recourse to a strike. I ask the Honourable Member in charge of the Bill what provisions he has made in this Bill which would apply to the conditions that I have just enumerated. What are the provisions in the Bill which would have enabled the South Indian Railway employees in those circumstances to take the initiative of insisting that their matters of difference should be settled by an arbitration board ? So, I submit that clause 3 of the Bill ought to be so amended that the employees also are given a voice in the matter not only of the choice of arbitrators but also of the mode of reference to these boards.

One other matter which I seriously take objection to is this. I see in clause 13 that provision is made to keep secret the enquiries that these courts of inquiry and the conciliation boards have to undertake. Now, what is the secrecy in matters of dispute that are openly referred to these courts of inquiry ? Why should anything be kept confidential ? Why should an enquiry be held in secret ? Clause 5 says :

“ A court shall, either in public or in private at its discretion, inquire into the matters referred to it and report thereon to the authority by which the court was appointed.”

I submit that the secrecy provided for in clause 5 is entirely out of place. Again when certain documents are placed before conciliatory boards, it

is also laid down that the documents referred to by those courts ought to be kept confidential. That certainly would not enhance the prestige of the enquiry that is sought to be made by these boards. As I have already said, part 3 deserves complete deletion for this reason ; because in the Statement of Objects and Reasons it is said that these provisions were copied out of the British Trade Disputes and Trade Unions Act, 1927. But the Honourable Member in charge of the Bill must remember that we are called upon to deal with a different stage of development in the industries of this country. In this country, industries are more or less in a stage of transition and labour organisations are not so well developed and equipped in India as they are in England. So, it is no use transplanting or incorporating the corresponding provisions in the Trade Unions Act of England into Indian legislation and making them applicable wholesale to the trade unions and labour organisations in this country.

One other anomalous provision that is made here is to give a premium to the black-legs of trade unions. Special provision is made to encourage black-legs. These black-legs are made immune from punishment for disobeying the orders of trade unions. Here I see the policy of divide and rule and this policy is made specially applicable to this category of employees. I submit that that is also a matter which has to be taken into consideration and this provision also must be deleted.

With these remarks, I submit that, if the Bill goes out for circulation, and public opinion is obtained on its provisions, I would reiterate my request that trade unions and labour organisations should be specially invited to give their opinions on this Bill.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I welcome this Bill and I also welcome its circulation in the country. Sir, I do not like strikes. Strikes hold up the ordinary business of the country and bring in great suffering to the people. They do not bring any dividend to the investor who has invested his money to capitalise an undertaking. Nor do they bring labour any apparent profit or advantage. As we have found recently during the strikes in this country, labour has had to go without its wages for months at a stretch. Sir, I was very much surprised to hear the interpretation which my Honourable friend Colonel Gidney gave to the word "strike". He quoted one eminent authority with whom I am also acquainted, and if Colonel Gidney had gone a little further and read one or two lines more from that authority he would have seen what the Right Hon'ble gentleman really thought of strikes. I will just quote those two lines from Sir John Simon's speech in the House of Commons in 1926. He said :

"Every workman who was bound by a contract to give notice before he left work and who, in view of that decision, has either chosen of his free will or felt compelled to come out by leaving his employment without proper notice, has broken the law."

[Mr. B. Das.]

When an employee or workman breaks a contract, I think, Sir, he has broken the strike law. Colonel Gidney was not right to say that anybody can bring off a strike.

Mr. N. M. Joshi : Why do you quote a Liberal ?

Mr. B. Das : I think I can quote a Liberal if he meets my point, but I will quote your own Labour leaders too by and by. I am coming to that. My Honourable friend Mr. Joshi, for whom I have the highest respect, is the advocate of labour in this House. I have every sympathy with labour's claims ; but when labour tries to hold up the trade of the country and paralyses industries I have no sympathy with it. My Honourable friend Mr. Joshi talked of two things and he advocated that there should be general strikes and sympathetic strikes in this country. If this Bill is passed into law, it will put a stop to general strikes and sympathetic strikes. With your permission, Sir, and with the permission of the House I shall quote two eminent Labour leaders' views about sympathetic strikes and general strikes, and I hope Mr. Joshi will agree with them. I now read a passage from a speech of Mr. Cramp, the Industrial Secretary of the National Union of Railwaymen who expressed his view on the General Strikes. This is his view :

" There would not again be a general strike of that character. He did not believe that the general industrial strike could ever be carried out effectively, because if they carried it to its logical conclusion they starved and paralysed themselves as well as everybody else."

I hope my friend Mr. Joshi will accept the statement of Mr. Cramp. Then I have another authority on the sympathetic strike and that gentleman happens to be no less a man than the Leader of the Labour Party in England and a man who is held in very high esteem in the labour world of India—I mean Mr. Ramsay Macdonald. Mr. Ramsay Macdonald wrote in April 1924 :

" All my life I have been opposed to the sympathetic strike. It has no practical value. It is simply beating the air. It has one certain result—a bitter and blinding reaction."

Sir, India is not such a country of agitators that we can think of general strikes and sympathetic strikes.

Sir, as regards this Bill I wish to say that there should have been two Bills and not one Bill. Clauses 1 to 14 of this Bill are already long overdue and many of us on this side of the House expressed that view, that there should be conciliation boards to settle trade disputes specially when you, Sir, were a Member on the floor of the House you wanted such a measure to be introduced in connection with the first Steel Protection Bill whereby disputes between Tatas and their employees could be settled at Jamshedpur, I think the Government have taken a long time to bring this Bill about conciliation boards, etc., before us. My Honourable friend, Mr. Joshi, suggested that there should be panels from which the arbitrators should be chosen. I entirely agree with him and my views are that the trade unions should be allowed to nominate a certain panel and that the Chambers of Commerce and the employers should be allowed to choose a certain panel from which the Government of India in the Industries and Labour Department may choose a particular arbitration board. I wish the other clauses of the Bill which apply to the sympathetic strike could have been introduced in the form of another Bill.

What are the Government trying to do ? The Government are trying to embody legislation of Parliament which was embodied in three of four Acts in the House of Commons. One, to which my friend Mr. Joshi referred, was passed in 1875, one in 1906, and a third in 1926. If the Government in England took all that time to create the proper atmosphere, we cannot expect that India can have the same experience as the House of Commons or as the Labour Party in England, and England took a period of fifty years to acquire knowledge to frame her legislation. I suggest that Government should not introduce such penalising clauses as have been introduced in clause 15, 16 and 17, and I think after this Bill comes back from the country we shall have to see whether we cannot modify these provisions about the illegality of strikes and the penal clauses relating to those who promote strikes to suit the conditions of the people in this country.

Sir, I have to make one more reference to my friend Mr. Joshi. Strikes are not a pleasant thing. They are causing a lot of hardship and lots of people are starving on account of these strikes. The people who bring about these strikes always ask for more wages even though a particular industry cannot bear the extra charges on it. Let me make it clear. I do not desire the capitalist to profiteer nor the Labour to exploit. I would like an adequate share of the profits of an industry to go to all the employers, and the employees and also the section to which I belong—namely, brains. Surely those people who advocate strikes ought to consider how much an industry can stand in the way of wages to workers. I hope the workers before they go on strike will see that the particular industry can stand the wages which they demand. That is a thing often forgotten by the labour world and it is the cause of many of the strikes that the country has to face. I do not believe, Sir, that there are any Bolsheviks or Communists behind these strikes ; but at times I believe that there are unknown men who want to blossom forth into full-fledged leaders and they are responsible for these small and big strikes all over the country, and I say that those who are responsible for the condition of our labour in this country should see that such mushroom leaders do not thrive in the labour camp and that they are not allowed to bring about unnecessary strikes that cause so much harassment and trouble to, at times, millions of people and that incapacitate our industries and incidentally reduce the national wealth of the country.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division : Muhammadan Rural) : Sir, I rise to record my protest on the motion before the House. I thought Government were anxious to settle the strike at an early date ; but looking at the motion before the House I do not think the Government have at all considered the recommendations sent by the Bombay Government, nor the strikes that are going on now in the Bombay City. I do not know, Sir, what tangible reason Government have advanced for bringing in a dilatory motion and forcing this House to accept it ; because looking at the Standing Orders one finds that it is impossible for any non-official Member to bring in a motion for a Select Committee, if Government bring forward a motion for circulation. I wish, Sir, Government had brought forward the motion which they originally intended for a Select Committee and left it to the House to decide which motion they preferred. Sir, the only reason that the Honourable Member for Industry and Labour has advanced is that there is no time. Now, we wish

[Mr. Fazal Ibrahim Rahimtulla.]

to know who is to blame for it. Why should Government have decided to have such a short Session of three weeks when two important Bills were before the House? Government know from their past experience that in a House of 144 Members, each party and men who wish to express their opinions on the Bills must speak, and necessarily therefore that involves time; and I would like to know from the Honourable Member for Industries and Labour why he did not think it proper to request Government, in view of these two important Bills coming before the House, to have the Session prolonged. Sir, I consider this Bill to be more important than the Bill which will be debated on Monday next, the Public Safety Bill, for this reason that the commercial community, both European and Indian, in Bombay had sent a wire and requested the Government not only to publish the Bill but to take immediate action and bring up this Bill. The Honourable Member for Industries has told that the Government of Bombay made a representation to them as far back as 1924; and still the Government of India have not thought it proper to bring forward a motion for Select Committee. I think, Sir, Government should realise the responsibility which they are taking by prolonging a measure of this importance.

As regards the point made by my friend, Mr. Joshi, that the labour leaders were anxious for a conciliation board or for conciliation, but that the millowners did not come forward in the manner they liked, I would like to reply to him by the speech which I will just read of Mr. J. B. Petit, the Chairman of the Bombay Millowners Association, delivered recently in Bombay:

“For our part,”

he continued,

“we have done everything we could to end this deadlock. Those who have followed the long negotiations for the setting up of a conciliation board would testify to the sincere anxiety of the owners for a fair and just settlement. But on every occasion it is the strike leaders who, after securing the maximum concession, broke away by insisting upon impractical demands. We agreed to the conciliation board; we agreed to the terms of reference; we agreed to the inclusion among them of the consideration of all the 17 demands. The essential preliminary of all efforts at conciliation is the suspension of all bellicose activities. This the strike leaders would not agree to, except on impossible conditions.”

I hope my Honourable friend, Mr. Joshi, will realise that if he agrees to a conciliation board he cannot continue the strike for that period.....

Mr. N. M. Joshi : May I put a question to my Honourable friend? Is it provided in the present Bill that strikes must be suspended before the court of inquiry or a board of conciliation is to be appointed?

Mr. Fazal Ibrahim Rahimtulla : It is provided here to make the strike impossible by giving notice to the owners that you are going to strike....

Mr. N. M. Joshi : I am afraid you have not read the Bill.

Mr. Fazal Ibrahim Rahimtulla : So that those owners who know that there is going to be a strike can find other men to take their places.

Mr. N. M. Joshi : It is not laid down here that every strike is illegal.

Mr. Fazal Ibrahim Rahimtulla : No; but it is made penal.

Mr. N. M. Joshi : It is not.

Mr. Fazal Ibrahim Rahimtulla : Of course it is. I hope Government will explain, apart from the reason that they have given, namely, that there is no time, the responsibility they have taken in asking this House to accept a dilatory motion.

Mr. Varahagiri Venkata Jogiah (Ganjam cum Vizagapatam : Non-Muhammadan Rural) : Sir, the Honourable the Mover of this Bill in speaking on the Public Safety Bill stated that Labour was in its infancy, that it wanted the protection of the Government and the Government would therefore not only protect it against outsiders, but also against itself. This shows that Government wants to treat Labour as an incapacitated person and to constitute itself as its trustee. This rôle of trustee is not new to us. Government constituted itself the trustee of India and Indians so long ago as 175 years back, and it still continues to consider Indians as perpetual minors. Government, Sir, now threatens to assume this rôle with respect to Labour. Indians, I must submit, can no longer be deceived by such assumptions and Labour might very well say, "Save me from such friends". If, for this statement of mine, any justification were necessary, the Bill before the House affords ample proof.

The intention of this Bill is said to be to further the interests of Labour. But, Sir, I find that the Bill would help the Employer and not the Labourer at all. It places many impediments in the way of Labour, while creating facilities for the Employer. The Bill, I may characterise, Sir, without any exaggeration, as very reactionary and mischievous. In my opinion, no mending of this Bill will set matters right ; if, really, it is to be of any use to the public, it must be ended or it must be completely overhauled or another Bill with a better and more liberal spirit should be conceived and introduced in this House.

The object of this Bill is stated to be to prevent strikes and to settle trade disputes. To give effect to the objects of this Bill, certain tribunals are to be brought into existence.

The Bill makes provision for Government being the sole judges for determining if these tribunals should or should not come into existence ; and when these tribunals are brought into existence, the appointing authority is made the Government itself, and what are these judges to do, when they are appointed to these tribunals ? They are not to decide trade disputes finally between the parties, but they are merely to make recommendations or reports to Government on which the Government might or might not act, at its pleasure.

It is a well-known fact, Sir, that in this country the Government is the largest Employer of Labour. It owns almost all the Railways in this country, and the trade disputes are, generally, between the Government as Employer and the Labourers as Employees. In countries where the Government is not an Employer, there is at least some justification for Government taking upon itself the duty of appointing judges to these tribunals. In these circumstances, Sir, in a country like India, the decisions or the results of the inquiry by these tribunals will be suspected to be foregone conclusions. The chief drawback of Government appointing judges is that it is Government. As a rule, Sir, in almost all countries the Government commands the confidence of Employers more than that of Labourers, except in countries such as Australia where the Government is controlled by Labour. In spite of these disadvantages,

[Mr. Varahagiri Venkata Jogiah.]

Sir, I admit there can be no better agency than Government to bring into existence machinery to settle these trade disputes considering the resources, information and facilities it commands. In the circumstances, Sir, we cannot help accepting Government agency as an inevitable evil. The only thing to be done therefore is to try and minimise the evils that attend upon Government being the agency for bringing these tribunals into existence. This can only be done, Sir, by making these tribunals altogether free of Government control and making them not subordinate to but independent of Government. This can be done in several ways. One of the ways is.....

Mr. President : These are matters of detail. The Bill is going to the country. It is not going to the Select Committee.

Mr. Varahagiri Venkata Jogiah : Sir, I am making certain suggestions so that the public may give expression to their views on these suggestions.

Mr. President : You are a member of the public.

Mr. Varahagiri Venkata Jogiah : Then, Sir, as has been pointed out by my Honourable friend, Mr. Sesha Ayyangar, there are other provisions of this Bill which are very dangerous. For instance, the Bill makes provision for these tribunals to make inquiries in private, that is, confidential enquiries. This provision, Sir, especially in the present state of conflict between the Employer and the Employee will be considered very dangerous and it should be very strongly opposed.

There are also other powers, which this Bill gives to these tribunals, such as those of adjourning their proceedings with a view to effect compromises. This is a provision, Sir, which is detrimental to the interests of labour, because this makes the proceedings dilatory, and it would affect the Labourers more than the Employers, because it would starve the Labourers and they cannot stand the prolonging of these proceedings.

Then, with regard to the public utility service, provisions that have been incorporated in the Bill, I would like to say only one word. These are altogether one-sided. As has been pointed out by my Honourable friend, Mr. Joshi, while it provides penalties for giving up service without notice, or without permission, so far as the Employees are concerned, it provides no penalties for the Employers. There is not one word breathed, in any part of the Bill, about the right of Employees to be allowed to work, unless dismissed, after due inquiry or for proved misconduct.

The penal provisions, Sir, which are embodied in this Bill again are of a very dangerous character and give arbitrary powers to Government and leave a very wide door open to harass and punish disinterested public workers in the cause of labour. I wish to make only one other observation with respect to the provisions in the Bill. Sir, with regard to the provision of admitting "black-legs" into the Unions, the Bill provides, in fact insists, that persons failing to abide by the decisions arrived at by Unions should be admitted into the Unions. I submit, Sir, this will give free scope for Government spies and Employers' agents to swarm into these Unions and to sabotage their growth.

With regard to this Bill being copied from the Trade Disputes (Amendment) Bill that was lately passed in Great Britain, I may say, Sir, that Labour is in its very infant stages in this country, and therefore all the provisions that were passed in Great Britain should not be copied and introduced here. Further, there is a great difference between Great Britain and this country with regard to Labour. As I have already pointed out, Sir, in this country Government itself is, to a large extent, the Employer, whereas in Great Britain and other countries the case is different; therefore there is no analogy between the conditions prevailing in Great Britain and this country in that matter.

I have, in these circumstances, no hesitation in saying that this Bill is a deliberate and unjustifiable attack on the elementary rights of Labour. In this connection I am glad to observe, Sir, that the Chamber of Commerce of Calcutta has lately passed resolutions condemning this Bill.

Sir Pushotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I want to say a few words in connection with the remarks that fell from my Honourable friend Mr. Cocke this morning. It is quite true that the Indian Merchants' Chamber, Bombay, coupled with the Bombay Chamber of Commerce did send a wire to the Government of India hoping that this Bill would be published immediately and that it might be possible for Government to see the Bill through this Session. The point, however, to remark is—and that is why I claim the attention of the House for a few minutes—that at that time we did not know that the Bill had been drawn up in the manner in which it is before the House. My Chamber felt that this Bill would be on the lines of the Bill circulated by the Government of India in 1924, and the third part of the Bill against which we have heard so much from Mr. Joshi, Mr. Jogiah and others, my Committee were not aware, would form part of this Bill. Obviously, if the Government of India want to include in this Bill these clauses which are highly contentious, it is only right that the Government of India should circulate the Bill and not consider it in this Session.

Sir, my Chamber are anxious that there should be devised some method of putting an end to these labour strikes and differences, but the Government of India have, if I may say so, a great knack of trying to close the stable door after the horse has flown. Strikes have been and are on and one does not know what may not happen during the next few months. I really wonder why the Government of India think it necessary to put in this Bill, some parts which make the Bill a highly contentious one. The position of my Chamber can be summarized as follows :—Legislation regulating industrial disputes is long overdue, but they were anxious that such legislation will help in the prevention of such disputes and not be the cause of either repression of or injustice to the working class. I hope that when the Bill comes back to this House after being circulated, the Government of India will be able to devise some method by which the non-contentious, or the least contentious part, of the Bill may pass through the Legislature and the rest may be discussed at leisure.

The Honourable Mr. A. O. McWatters : Sir, I have no intention to reply to the various points that have been raised by the earlier speakers,

[Mr. A. C. McWatters.]

because most of them I think are points which can very well be discussed in Select Committee. Many of them are interesting and some of them are important, but I think the time for discussing them is not now. There is one point, however, which is directly relevant to the motion for circulation which was raised by my friend Mr. Sesha Ayyangar, and that is that we should take special steps to see that in the circulation of this Bill it should be brought prominently to the notice of the trade unions and other similar bodies who are directly interested, and my friend Colonel Gidney raised a similar point about the Anglo-Indian and Domiciled European Association. Well, Sir, I think I can say that while we employ the ordinary machinery of circulation, I shall certainly do my best to see that Honourable Members' wishes are followed in these matters by special instructions to Local Governments. That, Sir, is all I wish to say.

Mr. President : The question is :

“ That the Bill to make provision for the investigation and settlement of trade disputes, and for certain other purposes, be circulated for the purpose of eliciting opinions thereon.”

The motion was adopted.

THE DANGEROUS DRUGS BILL.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Sir, I beg to move that the Bill to centralise and vest in the Governor General in Council the control over certain operations relating to dangerous drugs and to increase and render uniform throughout British India the penalties for offences relating to such operations, be circulated for the purpose of eliciting opinions thereon.

Sir, the Bill, though it looks bulky, is really a simple one. Its objects are two-fold, firstly to centralise and vest in the Governor General in Council the control over certain operations relating to dangerous drugs, and secondly to increase and render uniform throughout British India the penalties for offences relating to such operations. As mentioned in the Statement of Objects and Reasons, the measure is intended to implement certain obligations undertaken by the Government of India by ratifying the Geneva Dangerous Drugs Convention of 1925.

Sir, I move.

Mr. C. Duraiswamy Aiyangar : Sir, I have no desire to interrupt the course of business in this House by any lengthy speech, but I wish to state a few points with reference to this matter. I find, Sir, that this Bill is already a highly belated Bill and still the Government indulge in making a dilatory motion also. It has been the unfortunate lot of this country that from the very beginning Government have been persisting in their policy relating to opium and dangerous drugs more actuated by considerations of revenue than by considerations of the health and morality of the country. Sir, I do not propose to go into the old history at this moment, because I have on several previous occasions discussed before this House the ancient history, and to bring it up to date it is

beyond doubt that this Government have been so obstinate with reference to their policy relating to opium that they have never attempted to recede a step from it. Sir, the most unfortunate thing for this country was that, while some attempts were made by philanthropists in England to bring this Government of India into a state of morality and ethics towards their people and subjects, the unfortunate Commission of 1893, the Royal Commission, came with the object of settling matters and dictating certain principles to this Government. But then my Honourable friend's predecessor in office, Sir David Barbour, put a strong spoke in the wheel and pulled the Commission by the nose with his cry of 6 millions of revenue from opium, and therefore it was that the recommendations of the Commission, which were expected to be favourable to this country, became most unfavourable and most unfortunate. But, Sir, luckily for the world at large and for this country in particular, the League of Nations came in and began to agitate this question over and over again, and, while all the other nations represented in the League were in favour of bringing opium consumption to such a state that nothing but quantities needed for medical and scientific use should be allowed to be manufactured. This country represented by its British delegation which I once before remarked only plays second fiddle to the British delegation from England, put so many obstructions that until it was absolutely diluted they would not give their consent to it. In this course, Sir, they have on various occasions before the League of Nations never spared the leaders of this country and slandered them to the utmost. They have slandered Mahatma Gandhi; they have slandered other political leaders of this country, by saying that they never once objected to the opium policy of the Government of India. Sir, Mr. Campbell dared to make some such statement which was cabled here by Mr. Andrews. And, Sir, the same slander was echoed by my Honourable friend who has now become our colleague, Mr. McWatters. Sir, the Honourable Mr. McWatters said in the Council of State in words which I quoted on a previous occasion :

“ The Honourable Mr. McWatters, on behalf of Government, regretted that except for a few workers like Mr. Andrews, there had been very little public opinion expressed in this matter, and said that the Indian National Congress discovered this opium question only last year.”

Then after making that statement :

“ Even though he had declared this in such strong terms, we are told by the Honourable Mr. McWatters that there has been no public opinion in this country condemning the policy of Government in this matter.”

Sir, he is evidently ignorant of the agitation that has been going on for a long time. In fact, the late Mr. Gokhale gave his life to this question and sacrificed his life without any effect. Sir, leader after leader in Congress after Congress from public platforms on many occasions have condemned the opium policy of the Government of India and still this Government would not yield an inch and yet they slander these very leaders behind their backs to their heart's content. But, Sir, we are glad that now at least the Honourable Sir Bhupendra Nath Mitra has come up with a Bill of this kind. But I am perfectly certain that this Bill, even if it is passed into law as it stands, would not give any real benefit to this country, unless it is thoroughly changed. Sir, in 1923, in the League, the American delegate pressed strongly for two things which if this Government had any responsibility towards their own subjects

[Mr. C. Duraiswamy Aiyangar.]
should have been immediately accepted without any objection being raised.

"In May 1923 the American delegate asked that the following two propositions should be incorporated, namely :

1. If the purpose of the Hague Opium Convention is to be achieved according to its spirit and true intent it must be recognized that the use of opium products for other than medicinal and scientific purposes is an abuse and not legitimate.
2. In order to prevent the abuse of these drugs, it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for non-medical and non-scientific purposes.

The representatives of the powers associated themselves with these sentiments except India which made an exception with regard to opium."

Sir, on many of these occasions when the League of Nations meets our representatives they give various versions about the necessity of opium in this country. They do not hesitate to say that opium was a social and religious necessity of this country, and when that observation was reiterated by Sir Basil Blackett on the floor of this House my friend Mr. Harbilas Sarda got up and objected to such a statement being made. But that is the way in which they manage the business outside the country, and within the country they were never tired of increasing their revenue, even by working up the internal consumption when the export to China was curtailed. I remember that the Honourable Sir Basil Blackett brought a Resolution on the floor of this House in 1926, when we of the Swaraj party were all out of this House, and even then he did not want to come to any understanding about the reduction of the internal consumption of opium in this country, but wanted to take steps with reference to export to other countries. The idea of protecting the subjects of this country has always been very far off from the Members on that side.

Now, Sir, I will refer to a few Articles of the Convention. Article 1 of the Convention was :

"Except as provided in paragraph 3 of this article with regard to retail sale, the importation, sale and distribution of opium shall be a monopoly of the Government and the right to import, sell or distribute opium shall not be leased, accorded or delegated to any persons whatever."

Article 2 is :

"The sale of opium to minors shall be prohibited. All possible steps shall be taken by the Contracting Powers to prevent the spread of the habit of opium smoking among minors."

Article 3 is :

"No minors shall be permitted to enter any smoking divan."

Article 4 is :

"The Contracting Powers shall limit as much as possible the number of retail shops and, where smoking divans are permitted, the number of divans."

Sir, these absolute prohibitions were required by the Convention. I may also read another Article of the Convention, Article 5, which reads :

"The Contracting Parties shall enact effective laws or regulations to limit exclusively to medical and scientific purpose the manufacture, import, sale, distribution, export and use of the substances to which this Chapter applies. They shall co-operate with one another to prevent the use of these substances for any other purposes."

Sir, these are the points upon which the League of Nations has always taken very particular. I wish to ask the Honourable Sir Bhupendra Nath

Mitra whether he has made any provision for these total prohibitions in the Bill which he has placed before the House. Sir, from clauses 4 to 8 of the Bill before the House we find what are prohibited and what not. Clause 4 alone makes some provision for total abolition. All the other clauses provide loopholes by saying "He shall not do so and so.....save under rules framed by the Governor General in Council or by the Local Governments." In fact this Bill is not for total prohibition, nor for regulating consumption, but to cover all the operations by way of rules to be framed by the Governor General in Council and the Local Governments. In fact the Bill may be considered as an eye-wash; the only principle underlying it is to throw dust into the eyes of the League of Nations. Next time they go to the League they will say, here you are, we have passed a big legislation about this matter; we have done our duty to the world and to our subjects. I would ask the Honourable Sir Bhupendra Nath Mitra whether all these things, which are required to be absolutely prohibited according to the Convention, will be prohibited by the rules to be framed under this Bill. Once we have passed this Bill and conferred this rule-making power on the Governor General in Council, the rules will never come before the House. All we shall have on the Statute-book is that rules may be framed and may be enforced and that licenses may be granted under certain conditions. But how those rules are framed and what the effect of those rules is never comes before this House for discussion on the floor of this House for modification or extension. Therefore, Sir, for my part at any rate, I do not entertain any hopes that by this Bill there will follow that ethical reform which is absolutely necessary for nation-building. Not if this Bill goes on the Statute-book as it stands now. I have found, Sir, that Government look upon revenue as the sole consideration in these matters. They would be ready to agree to the age of consent being raised to 15 because they do not lose any revenue by that. If, however, Sir, a fee were to be charged on all marriages below a certain age, the Government would surely support early marriages. That is the spirit in which they carry on. I am sure, Sir, that by this Bill nothing of any value to India will result; it is merely a handsome presentation to the League of Nations, to show how much they have done in standing by the Convention which they have signed.

I do not propose to oppose this motion for circulation at this stage, because no purpose is served by doing it. It would only encourage the Government to carry on with the policy which they have hitherto followed. There is only one suggestion I wish to make in the matter of the circulation of this Bill for eliciting public opinion. Care must be taken as to whom they consult in a matter like this. A warning has already been given in the case of the previous Bill by my friends Mr Sessa Ayyangar and Mr. Jogiah, and I want to repeat that warning here. So far as I have been able to see from my experience in this House of four or five years the procedure which the Government follow in the matter of circulation is somewhat as follows. If the Bill relates, for instance, to the mercantile marine it will be sent to High Court Judges for opinion. If there is an amendment of the Succession Act, then it will be sent to Chambers of Commerce for opinion. If the matter relates to the marriage reform of the Hindus, it will be sent to Christian missionaries for opinion. If the Bill relates to divorce amongst Christians, Hindus will be consulted. This is the manner in which Bills are circulated for opinion.

[Mr. C. Duraiswamy Aiyangar.]

What is the good of getting opinions like that ? Therefore, I would request my friend Sir Bhupendra Nath Mitra to take the opinions of the leaders of the people on this question. Let them not be abused and slandered any longer for not giving their opinions against the policy of the Government of India. And I would suggest too that in making their suggestions they ought not to deal with minor matters of detail, such as the wording of clauses, but go into the substance of the Bill. I would request the public men who are consulted to think deeply over the matter of how best to make this Bill really effective and useful by making suggestions as to total prohibition to be enforced in certain matters ; for instance, total prohibition of sale of opium to minors, to women, factory workers, etc. These are questions which they must take into consideration definitely and seriously. I hope opinions like that will be collected and I hope also that instead of shelving it again, the Honourable Sir Bhupendra Nath Mitra will try to bring it up as early as possible in the Delhi session.

The Honourable Sir Bhupendra Nath Mitra : Sir, I have listened with great interest to the speech made by my friend Mr. Duraiswamy Aiyangar. He has, however, overlooked one thing, namely, that this Bill leaves the existing law about internal consumption of raw opium alone ; that is, it does not propose to interfere with the Local Governments' authority in this particular matter. That being so, Sir, many of the remarks which fell from my Honourable friend are irrelevant for purposes of the present Bill. In regard to the other point, that is circulation, that, Sir, I believe, is a matter of procedure for the Legislative Assembly Secretariat, because the circulation will be arranged for not by the administrative department but by the Legislative Assembly Secretariat.

Mr. C. Duraiswamy Aiyangar : May I ask the Honourable Member what he means in this Bill by "inter-provincial transport," "inter-provincial export" and "inter-provincial import" and with reference to the sale of opium whether he intends to do anything at all for the reduction of internal consumption ? I entertained too much hope that he was going to reduce internal consumption also. Am I to be considered to be mistaken on that point ?

The Honourable Sir Bhupendra Nath Mitra : The Bill has nothing to do with the internal consumption of raw opium. My recollection is that it was last year probably, or in 1926, that Sir Basil Blackett made in this House a full statement explaining the attitude of Government in regard to that matter.

Mr. President : So all the trouble of the Honourable Member is wasted ?

Mr. C. Duraiswamy Aiyangar : Yes, I am sorry. I had some hope.

Mr. President : The question is :

"That the Bill to centralise and vest in the Governor General in Council the control over certain operations relating to dangerous drugs and to increase and render uniform throughout British India the penalties for offences relating to such operations be circulated for the purpose of eliciting opinions thereon."

The motion was adopted.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

The Honourable Mr. A. C. McWatters (Member for Industries and Labour) : Sir, I move that the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, be circulated for the purpose of eliciting opinions thereon. This Bill, Sir, as I explained on an earlier occasion, is merely an attempt to correct certain defects which we have discovered in the working of this Act during the four years in which it has been in operation. They are mainly suggestions made by the Commissioners of Workmen's Compensation, and for one of them, that relating to the extension of the Act to workmen employed by contractors on railways, we are indebted to a suggestion made by my Honourable friend Mr. Joshi in our Standing Advisory Committee. On the more general question of considering whether the Act as a whole needs revision in matters of wider principle we are simultaneously addressing Local Governments. Local Governments have not yet been consulted on these details, although, as I have said, the Commissioners for Workmen's Compensation in some of the provinces have been ; but in a Bill of this kind it is desirable that the Local Governments and the public should be consulted.

Sir, I move.

The motion was adopted.

Mr. President : I understand that the next two Bills* are not to be taken up to-day.

The Honourable Mr. J. Orerar (Leader of the House) : That is correct, Mr. President. I regret that Sir Denys Bray is still obliged, by illness, to be absent from this House ; the motion in his name will, if possible, be put down at a later date. As regards the motion standing in my name, I do not propose at this time to move the motion.

ELECTION OF A PANEL FOR THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move :

" That this Assembly do proceed to elect in the manner described in the Rules published in the Home Department Notification No. F-49, dated the 22nd August, 1922, as amended by the Home Department Notification No. D-794-C., dated the 30th January, 1924, a panel consisting of nine members from which three will be nominated to serve on the Standing Committee to advise on the subjects in the Department of Commerce."

Sir, I do not think it is necessary for me to say more than a couple of sentences in support of this motion. The period of one year for which the Advisory Committee of the Commerce Department was constituted in the autumn Session of last year is about to expire. It is therefore necessary to provide for its reconstitution and it is for this reason I have brought forward the motion.

Sir, I move.

The motion was adopted.

*1. Bill further to amend the Indian Penal Code.

2. Bill further to amend the Indian Limitation Act, 1908, as passed by the Council of State.

ELECTION OF A COMMITTEE TO REVIEW THE SEPARATION OF RAILWAY FINANCES FROM GENERAL FINANCES.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move :

“ That this House do proceed to elect in such manner as may be prescribed by the Honourable the President fourteen members to serve with the Honourable the Railway Member, the Honourable the Finance Member and the Financial Commissioner of Railways, as a committee to review the separation of railway finances from the general finances of the country in accordance with the Resolution adopted by the Legislative Assembly on the 20th September, 1924.”

I am moving this motion, Sir, in accordance with a promise which I made in my speech when I introduced the Railway Budget last cold weather. The terms of the motion have been framed in the widest possible terms so that the Committee may have the whole field open to them and may be able to make any recommendation that seems suitable to them as regards the separation of railway and general finances. I understand, Sir, that before I gave notice of it, the terms of the motion had been shown to the leaders of the various parties and groups in the House, and I understand that they found it acceptable. I do not think, Sir, that I need say more than that.

Sir, I move.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : Sir, I am glad that the Railway Member has been as good as his word and has implemented his promise given last Session. At the same time, Sir, I think, there is a serious flaw in the motion as moved. Three official Members are to be *ex-officio* members of this Committee and again, if I understand the motion correctly, the official Members are to vote in the election of 14 other Members ; this would mean that Government will have a double representation on this Committee. I know it is not their intention to have a packed committee, but a committee as widely representative of the House as it is possible to secure ; and therefore I should like to have a clear declaration from Government that they would ask their official colleagues not to vote when this election takes place on the day which you, Sir, will fix hereafter ; otherwise, Government having three Members already might have 3 or 4 more by their own official voting, which, I think, is highly undesirable and the House.....

Mr. President : What is the amendment of the Honourable Member ?

Mr. Jamnadas M. Mehta : I suggest to Government that Government should ask their official colleagues not to vote when the election of 14 members takes place, because they have three members *ex-officio*.....

Mr. President : That is not the proper way. The proper way for the Honourable Member is to move an amendment.

Mr. Jamnadas M. Mehta : In that case, I shall move it with your permission that the official members do not participate in the election of the 14 members. (*An Honourable Member* : “ That the non-official Members of this House do proceed to elect, etc. ”.)

Mr. President : That the non-official Members of this House do proceed to elect, etc. Is that the amendment ?

Mr. Jamnadas M. Mehta : Yes, Sir, that is the amendment.

The second point which I wish to take is that the terms of reference to the Committee should be the widest ; they should include the question of

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Indianisation and racial discrimination in Railway services and the grievances of labour ; these matters widely touch railway finance. Railway finances improve or deteriorate by the absence or otherwise of strikes. Then a great deal of discontent arises on account of racial discrimination which affects the subordinate services particularly, in State Railways. I wish to be assured that no objection will be raised in the Committee when the discussion of all these questions arises.

With these words I move my amendment.

Mr. M. S. Aney (Berar Representative) : Sir, I support the amendment moved by my Honourable friend, Mr. Jamnadas Mehta. I had thought that it would probably be within your powers to prescribe that the election should be by non-official Members, but as my friend has moved this amendment I support it. This motion comes before the House in pursuance of a promise already given. I think it necessary that the question should be thoroughly and exhaustively discussed. So far as the official Members are concerned, the provision of three *ex-officio* members is sufficiently strong to put before the Committee the official view of the question, but it is really for the non-official Members of this House to decide whether the separation that has been made has been beneficial or not in the interests of the taxpayers, and it is for the non-officials to decide how far the conditions which were laid down have been strictly adhered to, and what modifications if any should be made in the existing arrangements. From that point of view the amendment is very important, and I do not think that the Honourable Sir George Rainy can have any objection to accept that amendment.

The Honourable Sir George Rainy : Sir, I should like to rise on a point of order. I have had no notice of this amendment and was unaware that any amendment was likely to be moved. We have done all we could to take all the parties into our confidence, and it would be very difficult at this stage to ask Government to waive notice.

Mr. President : Will the Honourable Member quote his authority ? Under what Standing Order is notice of this amendment required ? This is neither a Resolution nor a Bill, and I would like to know under what Standing Order notice of this amendment is necessary.

The Honourable Sir George Rainy : I do not raise this point under any particular Standing Order, Sir. As I understand the case, it is within the discretion of the Chair to decide whether it is reasonable in the circumstances that the amendment should be made. The point I wished to make, was that it is hardly fair, when we have tried from our side of the House to take all parties into our confidence and get the motion into a form which all parties could accept, to have an amendment moved at the very last moment like this.

Mr. President : If the Honourable Member will satisfy me that the Chair has discretion, the Chair will exercise that discretion.

The Honourable Sir George Rainy : I am prepared to accept that position.

Mr. President : I think the best course is to take this matter up on Monday or some other day.

The Honourable Sir George Rainy : Might I suggest one point ? We do not know on what date the matter may be brought up, and as there will be further procedure in the way of electing the Committee after the motion

[Sir George Rainy.]

has been passed, it might be inconvenient to the Members of the House who are anxious to take part in the election because they might be compelled to leave Simla before the election came on.

Mr. President : When was this circulated to Honourable Members ?

Mr. A. A. L. Parsons (Financial Commissioner, Railways) : I am afraid I do not know the exact date. It was circulated I think two or three days ago, possibly the day before yesterday.

As I have risen I would like to explain what occurred. The reason why three official Members were mentioned by their offices in the motion was because by the time this Committee meets, the Honourable the Finance Member will not be the Honourable Sir Bhupendra Nath Mitra, and it is desirable that the Honourable the Finance Member should be on the Committee. For that reason I approached the leaders of all parties and showed them the form of motion as it has appeared on the paper and asked them whether the motion would meet with their approval.

Mr. President : But the followers are not always loyal ! The Honourable Member will see that he has not even allowed two days for Honourable Members to consider whether they should give notice of any amendment.

Mr. A. A. L. Parsons : The Honourable the Railway Member is prepared to accept an amendment, omitting his name and my own from the list of those persons to serve on the Committee, and raising at the same time the number of members from 14 to 16. In that case the only non-elected nominee of Government on the Committee would be Sir George Schuster who cannot for the moment be elected to the Committee for the reasons I have explained.

Mr. Jamnadas M. Mehta : My object in moving this amendment is not to delay the motion. Now that the justice of the amendment is obvious to the Government, and they have agreed that two of their nominees will contest the election, I would like to withdraw my amendment.

Mr. President : Is it the pleasure of the House that the amendment be withdrawn ?

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

Mr. A. A. L. Parsons : I move :

“ That in the motion the words ‘ the Honourable the Railway Member ’ and the words ‘ and the Financial Commissioner of Railways ’ be omitted, and for the word ‘ fourteen ’ the word ‘ sixteen ’ be substituted.”

The motion was adopted.

Mr. Jamnadas M. Mehta : Sir, I would like to enquire whether the terms of reference will be those that I have suggested.

The Honourable Sir George Rainy : Sir, it is not my intention to lay down any restrictions as to what this Committee may go into. It will rest on whoever acts as the Chairman of the Committee to decide that.

Mr. President : The question is :

“ That the following motion, as amended, be adopted :

‘ That this House do proceed to elect in such manner as may be prescribed by the Honourable the President sixteen members to serve with the Honourable the Finance Member as a committee to review the separation of railway

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finances from the general finances of the country in accordance with the Resolution adopted by the Legislative Assembly on the 20th September, 1924 '."

The motion was adopted.

Mr. President : I may inform the Assembly that for the purpose of election of members to both these Committees, the Assembly office will be open to receive nominations up to 12 Noon on Saturday, the 22nd September, 1928, and the elections, if necessary, will take place in this Chamber in accordance with the principle of proportional representation by means of the single transferrable vote on Tuesday, the 25th September, 1928.

DEMANDS FOR SUPPLEMENTARY GRANTS.

STAMPS.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Sir, I beg to move :

" That a supplementary sum not exceeding Rs. 1,85,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1929, in respect of ' Stamps '."

The motion was adopted.

ADMINISTRATION OF JUSTICE.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Sir, I beg to move :

" That a supplementary sum not exceeding Rs. 50,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1929, in respect of ' Administration of Justice '."

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, this Supplementary Grant deals with one specific conspiracy trial in my own province of Bihar and Orissa. It is proposed to contribute from the Central Revenues a sum of Rs. 50,000 towards the expenditure incurred by the Government of my province in that criminal case. In the proceedings of the Standing Finance Committee, I find it stated :

" It was stated that the Government of Bihar and Orissa had represented that the Deoghar conspiracy case which was being prosecuted in that province, would involve the Local Government in heavy expenditure which was likely to exceed Rs. 2 lakhs and the Governor in Council had asked for a contribution from Central revenues towards the cost of the case in view of the facts : (i) that the trial had little or no direct interest for the province, (ii) that the accused in the case were not inhabitants of Bihar and Orissa, and (iii) that their trial in the province was only due to the fact that three of them were arrested while on a temporary visit to Deoghar."

Sir, accidentally—whether fortunately or unfortunately I cannot say—my province happens to be known as a very healthy province. Naturally everybody comes to my province for the purpose of a change of climate or for reasons of health. If any of the outsiders who happen to come to my province hatch any conspiracy, then a poor province like Bihar and Orissa ought not to be burdened with the whole extent of the expenditure involved in prosecuting such conspirators. I would have liked very much had the Government of India sanctioned the whole expenditure of two lakhs which the Bihar and Orissa Government asked for. The Bihar and Orissa Government incurred or are incurring this huge expenditure on behalf of other provinces and they must be reimbursed to that extent. It would have been

[Mr. B. Das.]

better if the Government of India had established a Supreme Court or some sort of Central Court where questions affecting the various provinces should be taken into consideration and such cases to be tried at the cost of the Central Government. A poor province like mine should not be burdened to such an extent as 1½ lakhs and that for the reason that the alleged conspirators were arrested in my province.

Sir, I may say that my province is very poor. Recently, the Government of Bihar and Orissa appointed a flood inquiry committee for my tract of the country, Orissa, and the report has been submitted. It involves very heavy expenditure on any Government if that Government would like to give effect to all the recommendations there to eradicate the causes of floods in Orissa. If I can take it as a precedent that the Government of India could contribute part of the expenditure of Provincial Governments, I can ask the Honourable the Finance Member to sanction a few lakhs of rupees towards improving the condition of the people of Orissa as recommended by the flood enquiry committee and that report may soon come up before the Government of India. I hope this precedent of the Honourable the Finance Member will be utilised in other cases also. I think it is a dangerous principle that a poor province like mine should be burdened with the remaining part of the expenditure in this Deoghar conspiracy case which is more than 1½ lakhs of rupees and in which my province has no direct interest nor is any resident of my province implicated. It is either for the other provinces to share the expenses or for the Central Government to finance the whole cost.

The Honourable Sir Bhupendra Nath Mitra : Sir, I do not want to waste the time of the House for any long period.

Mr. President : What is the suggestion ?

The Honourable Sir Bhupendra Nath Mitra : Sir, I believe it was the poverty of the province of my Honourable friend Mr. Das that operated as a consideration to the Standing Finance Committee in agreeing to this contribution. Otherwise, I believe they were very doubtful about establishing a precedent.

Mr. B. Das : Quite so. But I cannot understand from the argument of the Honourable the Finance Member why my province should bear the expenses of people of other provinces, whose people come to my province and commit alleged conspiracy or sedition.

The Honourable Sir Bhupendra Nath Mitra : The answer to that is that it is the usual arrangement. (Laughter.)

Mr. President : The question is :

“ That a supplementary sum not exceeding Rs. 50,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1929, in respect of ‘ Administration of Justice ’.”

The motion was adopted.

CIVIL WORKS CENTRAL.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Sir, I beg to move :

“ That a supplementary sum not exceeding Rs. 2,13,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1929, in respect of ‘ Civil Works Central ’.”

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadian Rural) : May I ask, Sir, what is the sum for which the residence already constructed for His Excellency the Commander-in-Chief which cost about four lakhs has been sold ? The second question I would like to ask is whether any attempt was made to enlarge the existing house instead of selling the building and constructing a new one ?

The Honourable Mr. A. C. McWatters (Member for Industries and Labour) : Sir, I think I can reply to that question. I do not know whether I would be in order in disclosing the exact figures, but I can assure the Honourable Member that the house was not sold at a loss and the Government did not lose a penny either over the cost of the house or over the cost of the land. Secondly, it was very carefully considered whether the house as it stood was capable of such extensions and improvements as would have made it suitable for the permanent residence of the Commander-in-Chief, and it was decided it was not. We had a favourable offer for the first house and we thought it was really an economical and satisfactory transaction.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadian Rural) : How is it, these considerations did not strike the Government before ?

The Honourable Mr. A. C. McWatters : That is going back before my time and I can hardly answer that question.

Mr. President : The question is :

“ That a supplementary sum not exceeding Rs. 2,13,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1929, in respect of ‘ Civil Works Central. ’ ”

The motion was adopted.

CAPITAL OUTLAY ON CURRENCY NOTE PRINTING PRESS.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Sir, I beg to move :

“ That a supplementary sum not exceeding Rs. 3,30,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1929, in respect of ‘ Capital Outlay on Currency Note Printing Press. ’ ”

The motion was adopted.

DEMAND FOR SUPPLEMENTARY GRANT IN RESPECT OF RAILWAYS.

Mr. A. A. L. Parsons (Financial Commissioner, Railways) : Sir, I beg to move :

“ That a supplementary sum not exceeding Rs. 12,000 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, 1929, in respect of ‘ Audit. ’ ”

This money is required for initial outlay in the current year on making permanent the separation of Audit and Accounts on State-managed Railways where it has already been temporarily in force and on extending it to other State-managed Railways on which it is now proposed to inaugurate it. The details of the proposals which we are laying before the House have been fully explained in what is, I am afraid, a very lengthy memorandum, which has been in the hands of

[Mr. A. A. L. Parsons.]

Members now for some time. I regret that I should have had to trouble the House with so lengthy a document, but I thought it desirable that they should have full details of the results of the experiment that has been carried out with their approval on the East Indian Railway for the last three years. And those Members who have not had either the leisure or the inclination or both to read the whole of the memorandum will have found what is I hope a fair and succinct summary of it in the proceedings of the Standing Finance Committee for Railways, which examined our proposals very exhaustively. After their report and in view of the fact that the memorandum does go into such detail I do not think I need detain the House very long with preliminary remarks.

There are, however, one or two points which I should like to make. It may occur to some Honourable Members from the recital of our activities which we have given in this memorandum that we are making somewhat extravagant claims on behalf of the work of the Accounts Department which has been under me and my predecessor for the last 3 years. That was not our intention. Our intention was merely to show exactly what had been done while the accounts had been separated. I myself agree in fact entirely with the judgment which has been passed by the Auditor General on the results of this separation. He has pointed out quite rightly that theoretically the same results might have been obtained had Audit and Accounts not been separated; but as he has also pointed out that is merely a theoretical point. What he says is :

“ All this is in theory only. In practice it is really impossible to speculate how much of the work both on the side of accounts as well as of audit would actually have been effected without separation. The fact remains that anything like the same measure of improvement, reforms and economies have not been effected in the past by the combined Audit and Accounts Department and a very strong point in favour of the separation is that all this has been accomplished in a short space of time.”

I think I can claim for the Accounts Department which has been under my predecessor and myself that it has taken very great pains to improve the accounting system on the East Indian Railway and I believe that claim would be substantiated by Members here who are on the Public Accounts Committee. A large number of cases came before them in which, owing to the efforts both of the Accounts and of the Audit people, irregularities had been traced out and remedied.

The proposals do not only include the extension of the separation of Accounts and Audit from the East Indian Railway to other State-managed Railways. They also include the making permanent of the present arrangements of the Clearing Accounts Office. When this question was discussed in the Standing Finance Committee for Railways we had before us certain complaints; in the first place, that the apportionment of foreign traffic receipts during the time the Clearing Accounts Office had been in existence had become more inaccurate, and secondly with regard to the position of the clerks in that office. For these reasons there was some discussion in the Standing Finance Committee whether the right moment had come to make the present arrangements permanent. The Committee decided with one dissentient that the time had come to make the arrangements permanent; but at the same time it was decided that there should be an investigation into these two matters. I am

now in a position to lay information before the House which I did not previously possess with regard to one of these matters, that is to say, with regard to the accuracy of the accounts which have been prepared in the Clearing Accounts Office. In 1927-28 I find that that office dealt with transactions aggregating over 18 crores of rupees and that the finally admitted irregularities in apportionment of rating—were under Rs. 16,000. That is to say, it was considerably less than one eleven thousandth of the total amount accounted for or, to give decimal figures, 0.0087 per cent. I do not think anybody could describe that as inaccurate working.

With regard to the position of the clerks on which I myself have received many representations—and I know that Honourable Members in this House have also done so while there has been in addition some discussion in the Press,—it is particularly because of the position of these clerks that I am very anxious now to see the arrangements made permanent. These clerks have been transferred from a good many offices and their main complaint is I gather that at present they do not know their position on the list of the office, their position *vis-a-vis* each other. Until we know that the office is going to be permanent, it is impossible to settle down and arrange the lists of the office in such a way that each man will know he has been properly placed and will have no sense of grievance. It is also, I may say, impossible for me to take steps to provide accommodation for these clerks until I know if the office is to be made permanent. And the want of accommodation in Delhi is one of the main difficulties to which these clerks are at present subject. It is for these reasons that I am particularly anxious that the arrangement with regard to the Clearing Accounts Office should now be made permanent.

There are two further things I should like to add. First of all, in the memorandum it will be seen that there are proposals for transferring further work, the work of local traffic audit, from the State Railways to the Clearing Accounts Office. On the advice of the Standing Finance Committee for Railways I have decided to postpone those proposals for the present, particularly because they would involve bringing more clerks to Delhi from Calcutta and elsewhere before we have accommodation for them.

Lastly, I wish to refer to the methods which we propose to adopt for recruitment if this House accepts these proposals. The superior officers I think offer no difficulty at the moment. I am hopeful that the Auditor General will be able to produce for us a sufficient number of officers from the Indian Audit and Accounts Service to fill most of the posts that will be created in the Railway Accounts Service. For the future we propose to adopt exactly the same system of recruitment as obtains in the Indian Accounts and Audit Service, namely, by open examination through the Public Service Commission.

A point which is of greater difficulty is the recruitment of the subordinate staff. Now, I am extremely anxious myself to get rid of the present haphazard methods by which clerks and other subordinates are recruited. You can never say that you are getting the best men by our present methods, and if I may say so, it is an unmitigated nuisance to persons in my position to have to receive almost daily applications from various people to confer appointments on somebody

[Mr. A. A. L. Parsons.]

whom they know. My idea at present is if possible to recruit for both the Clearing Accounts Office and for other accounts offices, for posts of clerks and other subordinates by examination. I should like to make it an open examination, that is to say, I should like to avoid having to select people to sit for the examination, but I am a little doubtful whether that is feasible. We might be so flooded with applications for the examination, that it would be almost impossible to get an examination held. I propose therefore to discuss this matter again with the Standing Finance Committee for Railways with whom I have already agreed to go through all the rules which I have suggested for the recruitment of the staff.

I think, Sir, that is all I have to say. The genesis of these proposals can be found in the report of that distinguished Committee which was presided over by Sir William Acworth. This House helped in starting them when it agreed in 1925, that they should be tried out on a large scale on the East Indian Railway. They have since been approved by an eminent accountant of international reputation. In the judgment of the Auditor General they have been tried and not found wanting, and they have been approved, unanimously except in one minor respect, by the Standing Finance Committee for Railways. They are also expected to lead to a reduction of about Rs. 2 lakhs in the establishment costs of Railways and to further economies for which no exact figure can be given, but which may be about 10 lakhs. I know of no stronger arguments that I can use to commend them to the House.

Mr President : The question is :

“ That a supplementary sum not exceeding.....

(Mr. Neogy stood up in his place.)

Does the Honourable Member wish to speak ?

Mr. K. C. Neogy (Dacca Division ; Non-Muhammadan Rural) : Yes, Sir. I shall try to imitate my Honourable friend, Mr. Parsons.....

Mr. President : And be equally long !

Mr. K. C. Neogy : No, Sir ; I will be very short. Well, Sir, my first quarrel with him is with regard to the procedure that he has chosen to adopt in bringing forward this important question of principle. I do not think that very many Members of this House—particularly those who were not in the Finance Committee—were aware exactly of the import of this Supplementary Demand. When on the last occasion, about three years back, there was a motion made in this House for agreeing to an experiment being carried on with regard to the separation of Accounts and Audit on the East Indian Railway, the Honourable Member's predecessor preferred to bring forward a regular Resolution giving the essential details of that scheme, and it was only after the House had accepted that Resolution that the supplementary estimate seeking to give financial effect to that scheme was brought up in this House. I do not know why my Honourable friend has not chosen to follow that excellent precedent that he had before him in this matter. Sir, apart from that, I do not think that this is the proper time, just at the fag end of a day, at the fag end of the Session, to bring up a question like this. However, Sir, on

the last occasion the atmosphere of the House was rather different from what I find to-day ; and the credit for that belongs certainly to the persuasive powers of the Railway Department. When I went through my Honourable friend's memorandum, I was reminded of the usual type of advertisements of certain patent medicines. All kinds of merits are claimed by my Honourable friend for this scheme of separation. But when I turned to the Auditor General's note, I found that my Honourable friend the Financial Commissioner did not quite succeed in persuading that hardheaded old, as he had most of my colleagues on this side of the House. Sir, my Honourable friend has given a few lines from the observations of the Auditor General. If he had only given us a few more sentences from his note, the House would have seen that the Auditor General is not quite sure of the position. He uses very cautious language. In one place he says he would have wished to have had more time to consider the matter ; in another place he says :

" I have not been able to verify the figures."

Then again he says :

" The merits that have been claimed for this system could as well be claimed perhaps under the old system."

If any Honourable Member desires to read out the whole report here, he is welcome to do so, but I am not going to tire the patience of this House. Let us try to understand as briefly as possible what this proposal means. At the present moment there are two systems of accounts and audit which are in vogue side by side in the Railways. On the Company-managed lines there is a separation of audit from accounts ; the accounts are maintained by a staff which is under the administrative control of the Agent and the Directors in England. There is an independent audit carried on on behalf of the Auditor General by Government Inspectors. This is the system which is in vogue on Company-managed lines. The other system is in vogue on the State-managed lines, with the exception of the East Indian Railway. Under this State railway system, the staff which keeps the accounts is not under the administrative control of the Agent or the Railway Board, but of the Auditor General ; and that staff not merely keeps the accounts but simultaneously carries on audit. In the case of the Company system of audit, it is a post audit, that is, a post mortem examination of the accounts on behalf of the Auditor General. In the case of the State system, it is pre-audit—that is to say, before any expenditure is incurred, the auditor who is also the accounts officer must scrutinise the proposed expenditure. These were the two systems when the East Indian Railway was taken over by the State for direct management. Now, the proposal which the Acworth Committee had made for separating Audit from Accounts was then under consideration ; and the Government thought that the best opportunity of carrying out the experiment of that proposed measure had presented itself with the taking over of the management of the East Indian Railway by the Government of India ; and therefore it was that that new separated system was given a trial on the East Indian Railway. We are told now that that experiment has proved a very great success and therefore it ought to be extended to the other railway systems. Now, when we compare the merits of these two systems, I mean the two systems that were tried on the East Indian Railway, namely, the previous Company system and the present separated system, we must not forget that there is not any very essential difference in the principle of the two systems, because as in the days of

[Mr. K. C. Neogy.]

the Company management there was an independent audit on behalf of the Auditor General and the accounting was done by a staff which was under the administrative control of the Agent. That is more or less the system which is now sought to be extended to the other Railways, and to which a trial has been given on the East Indian Railway. There may be some difference here and there in details, but the main principle must be admitted, and has been admitted, to be the same. Therefore, Sir, when it is claimed that the new separated system is a superior system, you are thinking of a system which does not materially differ from the system with which you had an opportunity of comparing it. I maintain that the Government have not got sufficient materials to place before this House which would justify them in saying that this experiment has demonstrated the superior merits of the new system as compared with the old orthodox system, namely, the combined system of audit and accounts that has prevailed for so many years on the State-managed lines.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Question ?

Mr. K. C. Neogy : Now, my Honourable friend Mr. Ranga Iyer says "Question". My Honourable friend is a member of the Public Accounts Committee, but unfortunately he does not care to read the reports of the Committees of which he is a member. (*An Honourable Member* : "He never attended.") At least he did not read the Report of the Public Accounts Committee held last year.....

Mr. C. S. Ranga Iyer : When you were a member.

Mr. K. C. Neogy : I was, but my Honourable friend is expected to read the Report.....

Mr. C. S. Ranga Iyer : I was a member last year.

An Honourable Member : He was a member last year.

Mr. K. C. Neogy : Was he ? Then I maintain that he does not.....

Mr. C. S. Ranga Iyer : I am afraid, Sir, that the Honourable Member is talking through his hat.

Mr. K. C. Neogy : I have never worn a hat in my life.

Well, Sir, this question came up before the Public Accounts Committee last year, and certain results of the working of the new system as an experiment on the East Indian Railway were put forward in the Audit and Appropriation Accounts of the Railways, and the Auditor General had something very illuminating to say on that subject.....

Mr. President : Does the Honourable Member oppose this grant ?

Mr. K. C. Neogy : Yes, Sir ; I am opposing this grant. This is the question that was put to the Auditor General :

"Have you got sufficient experience of the system to say that this separation has resulted in an improvement not only upon the old company system as was obtaining on the East Indian Railway but also over the system of working on the State Railways ?"

This is the reply which Sir Frederick Gauntlett gave :

"I think the answer is that it is very difficult to disentangle two causes which have been at work. There has been the taking over of the East Indian Railway by the State,—the scrutiny of the old system of accounts which differs, as Mr. Parsons has explained, in some respects from the State system of accounts, and there is also at the same time the independent audit. My own personal feeling is that we have discovered more in the

first year of independent audit on the East Indian than we should have, say, on the North Western."

Then the next question was :

" Do I take it that if the State system of auditing were introduced on the East Indian Railway, then these irregularities might not have come to light ?

Sir F. Gauntlett : " I would not say that. But I quite agree with what I think is underlying your remarks that we cannot get a decisive answer to the question whether the separation is inherently beneficial until we apply it to a State Railway."

That was the position which he took up on that occasion, and read between the lines, the present memorandum of the Auditor General which has been placed before us in this connection also goes to support this view. He says that it is very difficult to say whether this beneficial result would or would not have resulted from the combined system.

Mr. A. A. L. Parsons : Will the Honourable Member say where the Auditor General says that ?

Mr. K. C. Neogy : I have read out from his own evidence before the Public Accounts Committee.

Mr. A. A. L. Parsons : What page ?

Mr. President : Order, order. Does the Honourable Member desire to continue this debate on another day ?

Mr. K. C. Neogy : Yes, Sir ; I should prefer you to take it over to Monday. (*An Honourable Member* : " No, no.")

Mr. President : It is a very important debate, and I think there are a good many Members anxious to take part in it. I propose, therefore, to take it up on another day.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : Sir, this is really not a Demand for Supplementary Grant at all. It is a Demand for the sanction of this House to two important matters, namely, the Clearing House Office and the confirmation of the separation of audit from accounts.

Mr. President : To-morrow is Saturday, and the Leader of the House has agreed to allow the House to discuss the separation scheme. But as leaders of non-official parties have agreed to certain conclusions, I do not think that the debate will take long, and therefore I propose to sit at half-past two. Is there any suggestion which Honourable Members wish to make ?

Mr. Jamnadas M. Mehta : Is this to be taken to-morrow, Sir ?

Mr. President : No, not this.

The Assembly then adjourned till Half Past Two of the Clock on Saturday, the 22nd September, 1928.