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(9th March to 28th March, 1935)

FIRST SESSION

OF THE

**FIFTH LEGISLATIVE ASSEMBLY,
1935**



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Legislative Assembly.

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

Deputy President :

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

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

LIEUT.-COLONEL SIR HENRY GIDNEY, KT., M.L.A.

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

DR. ZIAUDDIN AHMAD, C.I.E., M.L.A.

RAJA SIR VASUDEVA RAJAH, KT., C.I.E., M.L.A.

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

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LEGISLATIVE ASSEMBLY.

Tuesday, 26th March, 1935.

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

QUESTIONS AND ANSWERS.

TECHNICALLY QUALIFIED MEN EMPLOYED IN AIRCRAFT AND AVIATION IN INDIA.

1003. *Pandit Nilakantha Das: (a) How many technically qualified men are employed in India in aircraft and aviation (i) military and (ii) civil?

(b) How many in each case are Indians, how many British (including Irish) and how many others?

The Honourable Sir Frank Noyce: (a) and (b). The information is being collected and will be placed on the table in due course.

PERSONNEL OF THE PROPOSED BROADCASTING SERVICE.

1004. *Pandit Nilakantha Das: Is it contemplated that the proposed broadcasting will be manned by Indians? Is there any definite plan for it? If so, what is it?

The Honourable Sir Frank Noyce: The immediate developments in broadcasting for which a scheme has actually been prepared comprise:

- (a) the appointment of a Controller of Broadcasting;
- (b) the establishment of a small Attached Office under the Department of Industries and Labour to deal with Broadcasting; and
- (c) the establishment of a Broadcasting Station at Delhi with the necessary personnel.

The Controller of Broadcasting will, it is hoped, be an officer recommended by the British Broadcasting Corporation from its own expert staff and recruited in England on behalf of the Government of India. The remainder of the staff will be recruited in India. It is not proposed to issue rules or orders regulating recruitment at present, as Government are not yet in a position to estimate their permanent requirements.

Mr. S. Satyamurti: Will it be one of the conditions of appointment of this expert from the British Broadcasting Company that he should train an Indian to take his place within, say, five years?

The Honourable Sir Frank Noyce: I cannot commit myself on that point.

Mr. S. Satyamurti: May I know the reason why the Government do not propose to make this gentleman, who is to be recruited from England, responsible for training an Indian to take his place within a specified period of time, say, five years?

The Honourable Sir Frank Noyce: The question of future arrangements is one that cannot be considered at this juncture. We have to wait and see how matters develop.

Pandit Nilakantha Das: May I know if the appointment of the expert is permanent?

The Honourable Sir Frank Noyce: No. It will be for five years in the first instance.

Mr. T. S. Avinashilingam Chettiar: Is it one of contract?

The Honourable Sir Frank Noyce: Yes.

Sardar Sant Singh: Is there any other country in which broadcasting was introduced where foreigners were employed to run the department?

The Honourable Sir Frank Noyce: I strongly resent the contention that the British are foreigners in this country.

An Honourable Member: They are.

Sardar Sant Singh: May I know, if they are not foreigners, whether they are subjects of India, British subjects in India?

The Honourable Sir Frank Noyce: They are British subjects in India.

Sardar Sant Singh: Are they Indians?

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow a discussion like that.

Pandit Nilakantha Das: But even economically are they not foreigners?

The Honourable Sir Frank Noyce: No.

TECHNICALLY QUALIFIED MEN EMPLOYED IN THE WIRELESS SERVICE IN INDIA.

1005. ***Pandit Nilakantha Das:** (a) How many technically qualified men are employed in the wireless service in India?

(b) How many of them are Indians, how many British (including Irish), and how many others?

(c) What attempts have been made or facilities given to recruit Indians?

Mr. G. V. Bhowar: I presume that the Honourable Member desires information regarding the Wireless Branch of the Indian Posts and Telegraphs

Department. It is on this presumption that I have to give the following information.

(a) 183.

(b) According to the latest figures available, 92 of these are Anglo-Indians and members of the domiciled European community, 46 are Indians, 44 are Europeans and one is a Burman.

(c) Recruitment to the Wireless Branch of the Posts and Telegraphs Department is made in India either by an open competitive examination or from volunteers from the grade of general service telegraphists. There is thus every facility given to the recruitment of Indians to this branch.

Mr. Lalchand Navalrai: May I know from the Honourable Member what arrangements are being made to increase the number of Indians in the wireless branch?

Mr. G. V. Bewoor: I have already informed the Honourable Member that recruitment is made exclusively in India at the present moment.

Mr. Lalchand Navalrai: What I meant to ask the Honourable Member was this. The number that he gave of Indians in the wireless is much less, and I want to know what arrangements are going to be made to increase their number.

Mr. G. V. Bewoor: The existing number is due to recruitment in the past. I have already informed the Honourable Member that for the future and at present, recruitment is made entirely in India either by an open competitive examination or from volunteers from the grade of general service telegraphists.

Pandit Nilakantha Das: I take it the term "Anglo-Indian" there does not include Englishmen.

Mr. G. V. Bewoor: It includes domiciled Europeans.

Pandit Nilakantha Das: By domiciled European I take it that it does not mean Englishmen who have interests in England.

Mr. G. V. Bewoor: I have already mentioned that there are 44 Europeans.

Pandit Nilakantha Das: May I take it that the men in technical control and management of this department are Europeans?

Mr. President (The Honourable Sir Abdur Rahim): That does not arise from this question.

Mr. M. Ananthasayanam Ayyangar: Did the Europeans also pass the competitive examinations here?

Mr. G. V. Bewoor: Recruitment in the past was not made by competitive examination. It is to be made in future.

Pandit Nilakantha Das: By whom is the department controlled?

Mr. G. V. Bewoor: The control is under me.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. Next question, Mr. Asaf Ali.

Mr. S. Satyamurti: On his behalf, may I put only No. 1007 and not 1006?

Dr. Ziauddin Ahmad: I want to put No. 1006, because I also gave notice of the question.

Mr. President (The Honourable Sir Abdur Rahim): No. 1006. The Chair understands the Honourable Member also has given notice.

Dr. Ziauddin Ahmad: Yes, Sir.

INDIAN AND PROVINCIAL CIVIL SERVICE EXAMINATIONS HELD ON JUMATUL-WIDA AND ID DAYS.

1006. **Dr. Ziauddin Ahmad** (on behalf of Mr. M. Asaf Ali): (a) Are Government aware that the Indian and Provincial Civil Service Competitive Examinations were held on days including *Jumat-ul-Wida* and *Id* in Allahabad and Rangoon?

(b) Do Government propose to direct the authorities concerned to see to it that in future no candidate, Hindu, Muslim or other, should have such grievance?

The Honourable Sir Henry Craik: (a) I would invite the Honourable Member's attention to the reply I gave on the 21st February to starred question No. 404.

(b) Full consideration is always shown for the religious susceptibilities of candidates of all communities in fixing dates for the examinations conducted by the Public Service Commission.

Dr. Ziauddin Ahmad: Is it not a fact that the examinations were held on the *Jumat-ul-Wida* and the *Id*?

The Honourable Sir Henry Craik: I have already had a question on the subject which I replied, and I referred the Honourable Member to that reply.

Dr. Ziauddin Ahmad: I want to know as a fact whether the examination was held on the *Id* and *Jumat-ul-Wida*?

The Honourable Sir Henry Craik: Yes.

Dr. Ziauddin Ahmad: May I ask, when the Government say that they always consider the religious susceptibilities of all communities, do they exclude the Muslims from that statement? The Honourable Member just now said that in fixing dates the religious susceptibilities of the people are considered. May I ask whether the religious susceptibilities of the Muslims also were considered?

The Honourable Sir Henry Craik: If the Honourable Member had read or been present when I gave the previous answer, he would have seen that I stated that it was not possible to forecast on which of the two days the

Id would fall, but full consideration was shown to the religious susceptibilities of Muslims on each of the two possible days on which *Id* might fall by keeping them free for Muslim candidates till 2-30 in the afternoon.

Dr. Ziauddin Ahmad: There may be a doubt about the *Id* day, but there cannot be any doubt about Friday.

The Honourable Sir Henry Craik: I do not think it is possible to arrange that no examination should ever be held on Fridays.

Dr. Ziauddin Ahmad: But this Friday is *Jumat-ul-Wida*, the last Friday of Ramzan.

The Honourable Sir Henry Craik: The previous question did not refer to the last Friday of Ramzan. It referred to *Id*, and so far as I know, no examination was held on the last Friday of Ramzan.

MR. MAHADEO DESAI'S BOOK CALLED "TWO SERVANTS OF GOD".

1007. ***Mr. S. Satyamurti** (on behalf of Mr. M. Asaf Ali): (a) Has Government's attention been drawn to Sjt. Mahadeo Desai's book called "Two servants of God"?

(b) Are Government prepared to reconsider their view about the Khudai Khidmatgar movement in the light of the facts revealed in this book?

The Honourable Sir Henry Craik: (a) No.

(b) Does not arise.

Mr. S. Satyamurti: May I know the reason why Government have not perused this book? (Laughter.)

The Honourable Sir Henry Craik: May I know the reason why Government should peruse the book? (Laughter.)

REPORTS REGARDING THE ANTECEDENTS OF CONGRESS AND NATIONALIST MEMBERS OF THE LEGISLATIVE ASSEMBLY.

1008. ***Mr. S. Satyamurti:** Will Government please state:

- (a) whether the Government of India have called for reports from the C. I. D. officers of various provinces or of the Local Governments, regarding the antecedents of Congress and Nationalist Members of the present Legislative Assembly;
- (b) whether they propose to compile a confidential book on the basis of these reports for the guidance of Government Members in the Legislative Assembly;
- (c) whether this book is in the process of preparation and will be in the hands of Government Members before the close of this Session;
- (d) whether copies of this book will be supplied to all the Members of this Legislative Assembly;

- (e) the cost of the preparation and printing of the book; and
- (f) whether this is the first instance in the history of the present Legislative Assembly when Government prints such a book, and the reasons therefor?

The Honourable Sir Henry Craik: (a) to (f). As has been done on the occasion of previous general elections, the Government of India asked the Local Governments, and not the Criminal Investigation Department officers, to supply them with a statement giving, for all newly elected candidates, a brief account of their position and political antecedents and showing the party to which they belong. This information is clearly useful to Members of Government. The reports received from Local Governments have been printed so that they may be in a more convenient form, and have been supplied to Members of the Executive Council and will be for departmental use, but will not be supplied to Members of the Assembly. The reports have been printed as part of other departmental work, and Government do not see that any useful purpose will be served by obtaining any information as to the cost of printing these papers; no separate account is kept and the cost will not be large.

Mr. S. Satyamurti: May I know the reasons why copies of this book will not be made available to Members of this Assembly?

The Honourable Sir Henry Craik: Because it is a confidential document.

Mr. S. Satyamurti: May I know if Government consider it right that they should have information about us and we should have none about them?

The Honourable Sir Henry Craik: Perfectly right. You have plenty of information about us.

Mr. S. Satyamurti: Will a copy of this book be placed in the Library at least?

The Honourable Sir Henry Craik: No.

Dr. T. S. S. Rajan: In the case of wrong information, are we not entitled to correct it?

The Honourable Sir Henry Craik: We get the best information available.

Dr. T. S. S. Rajan: Are you perfectly sure that is correct information?

Seth Govind Das: May I know by whom the information is given?

The Honourable Sir Henry Craik: The Local Governments.

Seth Govind Das: Do Government think that all the information which Local Government give are right?

The Honourable Sir Henry Craik: Yes.

Mr. S. Satyamurti: May I know what is the information about me in the possession of the Honourable Member?

The Honourable Sir Henry Craik: The Honourable Member perhaps takes himself more seriously than I do. Actually I have not read what is said about him.

Mr. S. Satyamurti: I am very glad to hear that. In that case, may I know why this book is being printed at the cost of the tax-payer, when the Honourable the Home Member does not even read that book?

The Honourable Sir Henry Craik: I have read parts of it, not the whole of it.

APPOINTMENT OF GUARDS ON THE EAST INDIAN RAILWAY.

1009. ***Mr Ram Narayan Singh:** (a) What are the different grades of guards on the East Indian Railway and what are the methods of their recruitment?

(b) Is the recruitment to all grades direct?

(c) Which is the authority which makes the appointments of the guards, and on what principles and rules?

(d) Are the methods of recruitment and rules regarding them similar all over the line?

(e) What are the various duties of guards, and are they meant to relieve on occasions Platform Assistants and other station officers, and if so, whom?

Mr. P. R. Rau: (a) to (e). I place a statement on the table giving the different grades of guards on the East Indian Railway. The methods of recruitment will be found in the 'Rules for the recruitment and training of subordinate staff' issued by the Agent, East Indian Railway, a copy of which is in the Library of the House.

(d) Government have no reason to believe that methods of recruitment and rules regarding them are not similar on all the divisions of the East Indian Railway.

(e) The duties of guards will be found enumerated in Chapters 3 to 5 of the General Rules for all Open Lines of Railways, a copy of which is in the Library of the House. Guards are utilised, when necessity arises, in any capacity for which they may be qualified such as Assistant Station Masters, Station Masters, Yard Foreman, Platform Inspectors, etc.

Statement showing the different grades of Guards on the East Indian Railways.

	Rs.
Guard, grade I	100—10/2—120
„ Relieving, grade I	100—10/2—120
Guards, grade II.	20—2—45/5—60
„ Pilot	100—10/2—120
„ Conductor	65—5/2—65
„ Gunner	20—2—45/5—60

OFFICE OF THE MARKETING EXPERT.

1010. *Mr. C. N. Muthuranga Mudaliar: (a) Is it not a fact that the office of the Marketing Expert is attached or subordinate to the Imperial Council of Agricultural Research?

(b) What is the present strength of the staff in that office?

(c) Is it a fact that the Office of the Marketing Expert is located at Timarpur far away from the main office of the Imperial Council of Agricultural Research? If so, why?

(d) Are Government prepared to consider the desirability of locating the Marketing Expert's Office in New Delhi, so that there may be proper co-ordination?

Mr. C. S. Bajpai: (a) It is an attached office.

(b) 10 Executive and 17 ministerial.

(c) Yes. It could not be accommodated in any of the Government buildings in New Delhi.

(d) The matter will be considered again, when accommodation in a Government building in New Delhi becomes available.

Prof. N. G. Banga: May I know how many marketing officers have been appointed in the provinces?

Mr. C. S. Bajpai: I have no information about it. I have only information as regards appointments made at the Centre.

OFFICE OF THE CHIEF CONTROLLER OF RAILWAY STANDARDISATION.

1011. *Mr. C. N. Muthuranga Mudaliar: (a) Will Government be pleased to state when the Office of the Chief Controller of Railway Standardisation was formed and what is its present personnel?

(b) Will Government be pleased to state whether it is proposed to enlarge the office in the near future?

(c) Will Government please state whether it was proposed at any time to keep the office down in Delhi permanently? If not, will Government please state whether they have considered the desirability of keeping the office down in Delhi in view of its growth?

(d) If Government have decided to treat the office as a moving office, will they please state the reasons for not keeping the office down in Delhi during the summer months?

Mr. P. B. Rao: (a) The Office of the Chief Controller of Standardisation was formed in March, 1930. The present strength of the office is five officers and 41 Assistants, clerks, draftsmen and tracers.

(b) Yes. It is proposed to enlarge the office from the 1st April, 1935. The addition will be one officer, one Superintendent and 20 Assistants, clerks, draftsmen and tracers.

(c) and (d). The question has been considered and Government do not propose to locate the Central Standards Office permanently in Delhi as it would necessitate re-establishing a technical section and drawing branch

in the Railway Board's office which work is now undertaken in the Central Standards Office.

Mr. C. N. Muthuranga Mudaliar: May I know if the Railway Retrenchment Committee suggested the abolition of this office?

Mr. P. R. Rau: The Retrenchment Committee did suggest a reduction of the personnel of that office or rather a sort of amalgamation of this office with the Railway Board's office.

Prof. N. G. Ranga: What action has been taken on that recommendation?

Mr. P. R. Rau: The action has been described by me.

Prof. N. G. Ranga: It is now made permanent?

Mr. C. N. Muthuranga Mudaliar: As a result of the Railway Retrenchment Committee's recommendation, the office has now been enlarged?

Mr. P. R. Rau: It is proposed to enlarge it. The action was approved by the Standing Finance Committee and has been approved by the Assembly in the last budget.

Mr. C. N. Muthuranga Mudaliar: Did the Railway Retrenchment Committee recommend an enlargement of this office?

Mr. P. R. Rau: No. They suggested an amalgamation of this office with the Railway Board's office.

Mr. C. N. Muthuranga Mudaliar: In contravention of that, you have now enlarged it.

ATTACHED OFFICES OF THE GOVERNMENT OF INDIA SECRETARIAT.

1012. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will Government be pleased to state what are the attached offices in the Government of India Secretariat, and what is their respective personnel?

(b) Will Government please state whether all these offices move up to Simla, or whether any portion of any of them is kept down at Delhi during the summer?

(c) Will Government state the cost incurred annually in the move of these offices between Simla and Delhi?

(d) Will Government state if they have considered the possibility of keeping down portions of the Government of India Secretariat Departments which can be kept down at Delhi without loss of efficiency? If not, why not?

The Honourable Sir Henry Gork: (a), (b) and (c). I lay on the table a list of Attached Offices which shows whether they move to Simla wholly or partly. The rest of the information required is being collected and will be laid on the table in due course.

(d) I would refer the Honourable Member to the reply which I gave to Mr. Satyapuri's question No. 721 on March 7, 1925.

List of Attached Offices.

Offices.	Whether moves to Simla wholly or partly.
Office of the Central Board of Revenue	Wholly.
Office of the Controller of Printing and Stationery, India	Partly (only the duplicating staff moves to Simla).
Office of the Chief Controller of Stores, Indian Stores Department.	Wholly.
Office of the Director General, Posts and Telegraphs	Partly (only the Camp Office moves to Simla).
Office of the Director of Civil Aviation.	Wholly.
Office of the Chief Engineer, Central P. W. D.	Partly (only the Camp Office moves to Simla).
Office of the Public Service Commission	Wholly (only one inferior servant is left at Delhi).
Office of the Intelligence Bureau	Ditto.
Office of the Director General, Indian Medical Service	Wholly.
Office of the Bureau of the Public Information	Wholly.
Office of the Director General of Archaeology	Wholly.
Office of the Military Accountant General	Wholly.
Central Standards Office for Railways	Wholly.
The Supervisor of Railway Labour	Wholly.
Statistical Research Branch of the Department of Commercial Intelligence and Statistics.	Wholly.

Mr. S. Satyamurti: What is the actual cost involved in the move annually?

The Honourable Sir Henry Craik: I said that the information is being collected and will be laid on the table.

Mr. S. Satyamurti: The Honourable Member said that (c) was being answered in the statement laid on the table.

The Honourable Sir Henry Craik: (c) is not included. The information is being collected.

Mr. S. Satyamurti: Will the answer to (c) also be laid on the table?

The Honourable Sir Henry Craik: Yes.

APPOINTMENTS OF THE EX-APPRENTICES OF THE EAST INDIAN RAILWAY WORKSHOP, LILLOOAH.

1013. ***Mr. Amarendra Nath Chattopadhyaya:** With reference to the unstarred question No. 16 of the 18th July, 1984, and unstarred questions Nos. 129 to 180 of the 31st August, 1984, by Pandit Satyendra Nath Sen,

regarding the appointments of the ex-apprentices of the East Indian Railway Workshop, Lillooah, will Government please state:

- (i) whether they have now received the required information from the Agent, East Indian Railway;
- (ii) whether they are now prepared to lay the statement on the table; and
- (iii) the reasons for such long delay?

Mr. P. E. Rau: (i) and (ii). Information regarding question No. 16 was laid on the table on the 21st January, 1935, and information regarding questions Nos. 129 and 130 on the 5th March, 1935.

(iii) The delay was due to the time involved in the correspondence between the Railway Board and the East Indian Railway administration in connection with the collection and examination of the information.

APPOINTMENTS OF THE TIME-EXPIRED APPRENTICES OF LILLOOAH WORKSHOPS UNDER THE CHIEF MECHANICAL ENGINEER, EAST INDIAN RAILWAY.

1014. *Mr. Amarendra Nath Chattopadhyaya: (a) Are Government aware that with reference to the replies to part (c) of starred question No. 1530 of the 5th December, 1932, part (b) of unstarred question No. 23 of the 5th September, 1932, and part (d) of unstarred question No. 424 of the 16th September, 1931, regarding the appointments of the time-expired apprentices of Lillooah Workshops under the Chief Mechanical Engineer, East Indian Railway, ex-apprentices on the waiting lists are not appointed, and that the results of the technical school are not at all considered at the time of appointments?

(b) Are Government aware that some junior ex-apprentices, who passed in lower divisions, have been appointed with posts under the Chief Mechanical Engineer, East Indian Railway Workshop, Lillooah, in preference to many better qualified senior ex-apprentices who passed in higher divisions?

(c) If the answers to parts (a) and (b) above be in the negative, will Government please state:

- (i) why some junior ex-apprentices of 1930 and 1931 who passed in lower divisions have been appointed in the Lillooah Workshops, East Indian Railway, in preference to many seniors of 1930, who passed in higher divisions and who had better training, as stated by Government in their reply to unstarred question No. 19, dated the 5th September, 1932;
- (ii) whether they are prepared to lay on the table a list showing the names of the ex-apprentices who have been appointed under the Chief Mechanical Engineer, East Indian Railway, in Lillooah Workshop since 1933, with the dates of completion of apprenticeship training, particulars of training, divisions in which passed in technical school, dates of appointments and starting salaries; if not, why not; and

- (iii) whether they are prepared to make enquiry into the matter without delay and take necessary steps against such action of the Railway Administration; if so, in what way, if not, why not?

Mr. P. B. Rau: With your permission, Sir, I propose to reply questions Nos. 1014 and 1015 together. I am calling for information and will lay a reply on the table of the House in due course.

APPOINTMENTS OF THE TIME-EXPIRED APPRENTICES OF THE JAMALPUR TECHNICAL SCHOOL TO POSTS UNDER THE CHIEF MECHANICAL ENGINEER AND CHIEF ELECTRICAL ENGINEER, EAST INDIAN RAILWAY.

†1015. **Mr. Amarendra Nath Chattopadhyaya:** (a) Will Government please state whether they have acted in accordance with the procedure cited in answer to starred questions Nos. 296 (b) and (d) of the 10th September, 1929, and 471 (d) of the 5th March, 1930, regarding the appointments of time expired apprentices of Jamalpur Technical School to posts under the Chief Mechanical Engineer and Chief Electrical Engineer, East Indian Railway?

(b) If the answer to part (a) above be in the affirmative, will Government please state the names of the time-expired apprentices who have been provided with posts since 1929 under the Chief Mechanical Engineer, East Indian Railway, with the following particulars:

- (i) dates of completion of apprenticeship training,
- (ii) name of workshop from which training was completed,
- (iii) division in which passed in technical school,
- (iv) dates of appointment and confirmation,
- (v) name of the workshop in which employed,
- (vi) designations, and
- (vii) starting salaries?

If not, why not?

MOSQUE NEAR SHAHJI TANK AT MINTO ROAD PARK IN NEW DELHI.

1016. ***Sir Muhammad Yaqub:** (a) Will Government be pleased to state detailed facts about the mosque near Shahji Tank at Minto Road Park in New Delhi?

(b) Is it a fact that the police raided this mosque on January 19th and took forcible possession of the mosque and threw on the road the belongings of the *Imam* including the Holy Quran?

(c) Will Government state what action they have taken against the police officers concerned, and whether the mosque has been restored to the Muslims and any compensation paid for the loss to the *Imam*?

The Honorable Sir Henry Gunk: (a) I lay a statement on the table giving the facts.

(b) No.

(c) Does not arise.

†For answer to this question, see answer to question No. 1014.

STATEMENT.

When the ground between the Shahji Tank and Turkman Gate was being levelled by the Public Works Department last hot weather, with a view to its conversion into a park, the ruins of a building were discovered. This building was alleged by some Muslims to have been a mosque. No authentic proof of this assertion has been provided. As the Muslims were desirous that the remains of the building should not be removed it was decided to place a wire fence round the site.

Certain Muslims commenced visiting the spot to offer prayers and a few mats and earthen pitchers were placed on the site. Subsequently, without the permission of the Naza Department which administers the land, some poles with curtains were also erected. These temporary encroachments were, therefore, ordered to be removed. A temporary hut with a canvas roof and a tin shed which had also been erected were removed at the same time. Police were present on the Chief Commissioner's instructions when the removal took place, but the police themselves took no part in it, as there was actually no trouble of any kind. The ruins of the old building were not interfered with. The belongings of the person who claimed to be the Imam were not thrown on the road but were allowed to remain on the premises. While Government cannot agree to the erection without permission of any new building on the site, no objection has been raised to Muslims assembling at this place for prayers.

Dr. Ghaffar Ahmad: Is it not a fact that the police raided the mosque on the ground that some *chappar* was put on somewhere without the permission of the Municipality and then everything was confiscated?

The Honourable Sir Henry Craik: No, Sir. That is not a fact at all. If the Honourable Member would like me to read the statement, I will do so with the permission of the Chair. It is not very long.

(The Honourable Member ~~has read the statement.~~)

Dr. Ziauddin Ahmad: Will the Mussalmans be permitted to repair that particular mosque if it is in ruins?

The Honourable Sir Henry Craik: It is a matter for the Municipal Committee.

Dr. Ziauddin Ahmad: Is the permission of the Government necessary to repair the mosque?

The Honourable Sir Henry Craik: I think it is the permission of the Municipal Committee that is required, but I am not certain.

PROSCRIPTION OF THE BOOK "INDIAN STRUGGLE" BY MR. SUBHAS CHANDRA BOSE.

1017 **Mr. Sanku Venkatachalam Chetty:** (a) Will Government be pleased to state if they have proscribed the book *Indian Struggle* written by Mr. Subhas Chandra Bose?

(b) Was the proscription due to the matter of the book being objectionable, or to the politics of the author? If the former, what law is infringed by the matter? If not, what were the reasons for proscribing the book?

(c) Has the Honourable the Home Member read the book or the objectionable passages?

(d) Have Government seen a review of the book in the *Manchester Guardian* by Mr. J. T. Gwynne, an I.C.S. officer?

The Honourable Sir Henry Craik: (a) to (c). I invite attention to the reply I gave on the 23rd February to question No. 489.

(d) Yes. Mr. Gwynne is a retired officer.

Mr. S. Satyamurti: Will the Honourable the Home Member be pleased to state whether he is satisfied, on a reading of this book, that it is a direct incitement to violence?

The Honourable Sir Henry Craik: What I said in my previous reply was that the book tended generally to encourage terrorism or direct action.

Dr. P. N. Banerjee: What does Mr. Gwynne say about that book?

The Honourable Sir Henry Craik: I cannot recollect exactly what he said.

Dr. P. N. Banerjee: Is that a favourable review? Or does the reviewer say that it is a seditious book?

The Honourable Sir Henry Craik: I suggest that the Honourable Member should read the review for himself.

Seth Govind Das: Will the Honourable the Home Member kindly say if it is not the case that all books that are considered worth having are generally proscribed by the Government in this country?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. Next question Seth Haji Abdoola Haroon.

REPORT OF THE POSTAL ENQUIRY COMMITTEE.

1018. ***Seth Haji Abdoola Haroon:** (a) Is it a fact that the Postal Enquiry Committee appointed in the year 1934, with Mr. M. L. Pasricha as Chairman, has since submitted its report?

(b) Will Government please state the total expenditure incurred in connection with the Pasricha Postal Enquiry Committee?

(c) Will Government please state, in brief, the recommendations made by the Committee and the savings likely to be caused in the working expenses of the department by the acceptance of the recommendations?

(d) Will Government please state the particulars of the recommendations they propose to give effect to in the year 1935-36?

(e) Will Government please state the particulars of the recommendations which were unanimously agreed to by the members of the Committee and those to which the majority of the members could not agree?

(f) Will Government please state the time by which the Report of the Committee could be made available to the members of the Legislatures and the public?

The Honourable Sir Frank Noyce: With your permission, Sir, I propose to reply to questions Nos. 1018 and 1020 together.

As regards part (a) of question No. 1018 the reply is in the affirmative and as regards part (b), the total cost was about one lakh of rupees.

As regards the remaining parts of question No. 1018 and question No. 1020, the Report is being printed and has not yet reached Government. I, therefore, regret that I am not at present in a position to reply to the Honourable Member. A copy of the Report will, however, be placed in the Library of the House as soon as printed copies are available.

REVISED SCALES OF PAY FOR THE SUBORDINATE EMPLOYEES OF THE POST OFFICES, RAILWAY MAIL SERVICE, ETC.

1019. *Seth Haji Abdoola Haroon: (a) Will Government please state the revised scales of pay proposed to be introduced for the subordinate employees of the (i) Circle Offices, (ii) Dead Letter Offices, (iii) Post Offices and (iv) Railway Mail Service?

(b) Will Government please state the time and date from which the revised scales of pay referred to in part (a) above will be introduced?

(c) Will Government please state whether the new scales will affect the existing employees on their promotions to the higher scales, and whether on promotion they will be brought on to the existing higher scales or to the new revised scales of pay?

Mr. G. V. Bewoor: (a), (b) and (c). A copy of the orders of Government on the subject has been placed in the Library of the House. The orders furnish all the information required by the Honourable Member.

CONCLUSIONS OF THE POSTAL ENQUIRY COMMITTEE.

†1020. *Seth Haji Abdoola Haroon: (a) Has the Postal Enquiry Committee come to any conclusions on the following points, and if so, what are the conclusions reached:

- (i) reduction of the scales of pay for all classes of subordinate staff;
- (ii) revision of Time Test;
- (iii) entire separation of Railway Mail Service and Post Office administration;
- (iv) reduction in the number of Superintendents of Post Offices and Railway Mail Service;
- (v) reduction in the number of Inspectors of Post Offices and Railway Mail Service;
- (vi) transfer of audit and accounts work from the Offices of the Deputy Accountants General to Circle Accounts Offices;
- (vii) centralization of Dead Letter Offices;
- (viii) lowering of the status of first class Postmasters;
- (ix) introduction of a cadre of Sub-Inspectors of Post Offices and Railway Mail Service;
- (x) reduction in the number of mail and cash overseers;
- (xi) revising of Time Tests for the staff of (1) Circle Offices, (2) Divisional Superintendents Offices, (3) postmen, (4) lower grade staff, and (5) Inspector of Post Office and Railway Mail Service;
- (xii) examinations for (1) recruitment, (2) confirmation and (3) promotions;
- (xiii) training of probationers; and
- (xiv) promotion of postmen to the cadre of lower division clerks?

†For answer to this question, see answer to question No. 1018.

(b) Will Government please state which of the recommendations referred to in part (a) above were agreed to by the majority of the members of the Committee and which of them by the minority, with particulars of the names of the members for and against the above prospects?

(c) Will Government please state the particulars of first class head offices likely to be converted into second class head offices in the year 1935-36, and what will be the savings thereby?

COMMUNAL COMPOSITION OF CERTAIN APPOINTMENTS IN CERTAIN POSTAL CIRCLES.

1021. **Shri Haji Abdulaziz Khan:** (a) Will Government please state separately for each circle the communal composition of the holders of the following appointments in the (i) United Provinces, (ii) Bengal and Assam, (iii) Bihar and Orissa, and (iv) Central Provinces Postal Circle:

	Christian.	Hindu.	Muslim.	Others.
(1) Postmaster General				
(2) Deputy Postmaster General				
(3) Assistant Postmaster General				
(4) Head clerks in the Selection grades in the Circle Offices				
(5) Superintendents of Post Offices				
(6) Superintendents of Railway Mail Service				
(7) First class Postmasters				
(8) Second class Postmasters				
(9) Sub-Postmasters in Selection grades				
(10) Inspectors of Post Offices				
(11) Inspectors of Railway Mail Service				
(12) Qualified candidates— Superintendents of Post Offices and Rail- way Mail Service				
(13) Qualified candidates— Inspectors of Post Offices and Railway Mail Service				
(14) Sub-Postmasters in Time-Scale				
(15) Clerks in Upper Division				
(16) Clerks in Lower Division				
(17) Sorters in Upper Division				
(18) Sorters in Lower Division				
(19) Branch Postmasters				

(b) Will Government please state the communal ratios for recruitment fixed by the Local Governments of (i) the United Provinces, (ii) Bengal and Assam, (iii) Bihar and Orissa, and (iv) Central Provinces?

(c) Will Government please state the communal composition of the new recruits entertained in the year 1934 in the Postal Circles referred to in part (b) above in the cadres to which direct recruitment is made?

The Honourable Sir Frank Moyce: (a) and (c). Such information as is available is given in appendix XVII of the Indian Posts and Telegraphs Department Annual Report for the year 1933-34, a copy of which has been supplied to all Members and is also in the Library of the House. Government regret that the information, in the exact form asked for by the Honourable Member, is not readily available and could not be obtained without an undue expenditure of time and labour which Government consider would not be justifiable.

(b) So far as Government are aware, the Governments of the United Provinces, Assam, Bihar and Orissa and the Central Provinces have fixed no definite ratio for the recruitment of the various communities. In Bengal the Government have reserved for Muslims 45 per cent. of the vacancies in certain services to which recruitment is made by competitive examination. For other services a minimum percentage of reservation for Muslims has been prescribed; in most cases this is 88½ per cent. and in some cases it is 50 per cent.

SALARIES OF THE BRANCH POSTMASTERS.

1022. ***Prof. N. G. Ranga:** Will Government be pleased to state:

- (i) whether any representations have been made to them by the Branch Postmasters, or the Union of Postal workers regarding the inadequacy of the salaries paid to them;
- (ii) whether the Branch Postmasters are expected to distribute the letters, etc., to the addressees in their respective areas in addition to discharging their other postal responsibilities;
- (iii) whether they are aware that most of these Branch Postmasters are obliged to engage men to distribute letters, etc., paying them out of their meagre salaries; and
- (iv) whether Government are prepared to consider the advisability of raising the salaries of the Branch Postmasters?

Mr. G. V. Bewoor: (i) Government are unable to trace any such representations.

(ii) In those branch post offices, which are not provided with a separate delivery agency on account of the very small volume of delivery work, branch postmasters have either to perform the functions of postmen or village postmen themselves or to make arrangements for delivery of mails on their own responsibility.

(iii) Government have no information.

(iv) No.

Prof. N. G. Ranga: What is the scale of pay granted to village branch postmasters?

Mr. G. V. Bewoor: Village branch postmasters get no pay; they get an allowance.

Prof. N. G. Ranga: How much?

Mr. G. V. Bewoor: It varies in different offices. There are 17,000 offices. I cannot possibly tell the Honourable Member what is the pay given in each office.

Prof. N. G. Ranga: What is the minimum allowance and what is the maximum allowance?

Mr. G. V. Bewoor: It varies from Rs. 6 to Rs. 20 per month.

Prof. N. G. Ranga: Is it not a fact that as many as 1,500 village post offices were abolished last year?

Mr. G. V. Bewoor: I cannot say; the Honourable Member had better put down a question.

Mr. President (The Honourable Sir Abdur Rahim): This is not the occasion for regular cross-examination.

Prof. N. G. Ranga: Sir, we are supposed to be asking questions . . .

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

Prof. N. G. Ranga: Will Government consider the advisability of increasing the number of village post offices during next year?

Mr. G. V. Bewoor: That does not arise out of this question; there is another question on the subject which will be replied to later on.

OPENING OF NEW POST OFFICES.

1923. ***Prof. N. G. Ranga:** (a) Will Government be pleased to state:

- (i) the number of new Post Offices and Branch Post Offices opened every year during the last ten years;
- (ii) what is the average number of new Post Offices and Branch Post Offices that are proposed to be opened every year;
- (iii) what is the number of villages from which applications have been received every year during the last ten years for the opening of Branch Post Offices; and
- (iv) the number of Branch Post Offices which are worked voluntarily by Postmasters?

(b) In view of the fact that much the greater number of villages are not yet provided with Branch Post Offices, are Government prepared to consider the advisability of accelerating the rate of opening new Branch Post Offices?

The Honourable Sir Frank Noyce: (a) (i) and (iii). Government regret that they are unable to furnish the information required by the Honourable Member as its collection would involve an undue expenditure of time and labour, but I may state for the information of the Honourable Member that the total number of post offices at the end of the financial year 1923-24 was 19,490, and at the end of the year 1933-34 the number was 23,676, showing a net increase of 4,186 offices in ten years, or an average of about 419 per annum.

(a) (ii). New post offices are opened as and where justified and no definite number of new offices to be opened is fixed for each year in advance.

(a) (iv). It is presumed that the Honourable Member refers to the branch post offices in charge of extra departmental agents. The total number of such branch post offices on the 31st March, 1934, was 17,325.

(b) Government fully recognise the advisability of providing postal facilities in rural areas. On account of the financial position of the department the extension of postal facilities has had to be considerably restricted in recent years but for the year 1935-36 a provision of Rs. 50,000 has been made for the opening of new offices.

Prof. N. G. Ranga: Is it not a fact that, contrary to previous arrangements according to which Government used to pay some subvention for the maintenance of even village post offices, Government now have given up that practice?

Mr. G. V. Sreenivasulu: Will the Honourable Member please say what he means by "subvention"—to whom?

Prof. N. G. Ranga: Sir, in connection with experimental post offices. Government used to make certain contributions for the maintenance of village postmasters. Is it not a fact that Government have given up that particular practice of making contributions towards the maintenance of these temporary village post offices?

Mr. G. V. Sreenivasulu: The point raised by the Honourable Member has already been mentioned that, owing to the financial position of the Department, the extension of postal facilities has had to be considerably restricted in recent years. It is a fact that a grant was not made in recent years, but for the next year, 1935-36, a provision of Rs. 50,000 has been made for the opening of new post offices in rural areas.

Prof. N. G. Ranga: How many new post offices are proposed to be established?

The Honourable Sir Frank Noyce: About two hundred.

Prof. N. G. Ranga: How many village post offices were abolished during the last year?

The Honourable Sir Frank Noyce: I should have to ask for notice of that question.

Prof. N. G. Ranga: Is it not a fact that in the report of the Director General on the management of post offices and telegraphs for last year, it was mentioned that as many as fifteen hundred village post offices were abolished?

The Honourable Sir Frank Boyce: As the Honourable Member has studied the report and gathered the information, I am not quite clear why he should have put that question to me.

BUSES ENGAGED TO CARRY ROYAL MAILS.

1024. ***Prof. N. G. Ranga:** (a) Will Government be pleased to state:

- (i) in how many and in which places, buses have been availed of to carry Royal Mails to quicken the despatch of mails;
- (ii) at what rates they are being carried by buses; and
- (iii) subject to what rules and regulations they are doing this?

(b) Will Government be pleased to state whether:

- (i) it is not a fact that there are many places between which regular bus-services are being run;
- (ii) such bus-services are not availed of by the Postal Department for the despatch of mails; and
- (iii) Government will hereafter try to utilise the bus-services to an increasing extent for this purpose?

Mr. G. V. Bewoor: (a) (i) and (a) (ii). Government regret that they have no information and do not propose to collect it as it would involve undue labour. The rates are determined by competitive tenders and vary largely.

(a) (iii). The services are regulated according to the conditions of an agreement entered into by the Posts and Telegraphs Department and the contractor in each particular case.

(b) As regards parts (i) and (ii), Government have no information, but it is probable that there are cases such as are referred to by the Honourable Member. As regards part (iii), I may inform the Honourable Member that the Department is fully alive to the advantages likely to be secured by utilising such services for the conveyance of mails and has been actually utilising them to an increasing extent every year, subject to considerations of efficiency and economy, with the result that the distance over which mails are conveyed daily by motors has increased during the last ten years from 8,670 miles to over 19,000 miles.

Prof. N. G. Ranga: Will the Honourable Member consider the advisability of trying to overcome the difficulty of collecting information and supplying that information at the earliest possible opportunity?

Mr. G. V. Bewoor: No, Sir. It cannot be done.

RELEASE OF SEPOYS OF THE GARHWALI REGIMENT.

1025. ***Mr. Ghansham Singh Gupta:** (a) Is it a fact that some of the sepoys of what is commonly known as the Garhwali Regiment are still in jail?

(b) Will Government please state the names of those prisoners?

(c) Will Government please state the charge under which they were sentenced?

(d) When is their sentence going to expire?

(e) Do Government propose to release them in view of the suspension of the civil disobedience movement?

Mr. G. E. F. Tottenham: (a) to (d). If the Honourable Member is referring to certain ex-soldiers of the 2nd Battalion, 18th Royal Garhwal Rifles, who are still undergoing terms of imprisonment for mutiny, to which they were sentenced in June, 1930, their names are Chandar Sing Bhandari, Narain Sing Gurain, Keshar Sing Rawat and Jit Sing Rawat.

Mr. Ghansham Singh Gupta: A little louder, please. I cannot generally hear the Honourable Member. (Laughter.)

Mr. G. E. F. Tottenham: The sentences of the first two expire on the 6th June, 1950 and 1945 respectively and of the last two on the 6th June, 1940.

(e) No. The circumstances in which they were convicted had no connection with the civil disobedience movement.

Mr. Ghansham Singh Gupta: May I know the acts of mutiny committed by them?

Mr. G. E. F. Tottenham: Disobedience of orders, Sir.

Mr. Ghansham Singh Gupta: Is that classed under "mutiny"?

Mr. G. E. F. Tottenham: That particular disobedience of orders amounted to mutiny.

INDIANISATION OF THE POSTS OF AGENTS OF THE IMPERIAL BANK OF INDIA.

1026. ***Bhai Parma Nand:** (a) Is it a fact that the Imperial Bank of India is not following the policy of Indianisation in the matter of selection of its agents?

(b) Is it a fact that Indian agents are being replaced by European agents?

(c) If the answer to part (b) be in the affirmative, are there any Indian agents who have been replaced by Europeans as a result of this policy?

(d) If it was necessary to replace these Indian agents at certain places, were they given other branches for direct charge? If not, why not?

The Honourable Sir James Grigg: Government have no information regarding the domestic arrangements of the Imperial Bank of India.

Mr. B. Das: May I ask the Honourable Member whether it has not been the practice of his predecessors to supply such information about the Indianisation of the Imperial Bank of India?

The Honourable Sir James Grigg: I do not know and cannot say off-hand; evidently the Honourable Member knows more about the practice of my predecessors than I do.

Mr. Lalchand Navairai: May I know whether the Imperial Bank will continue to remain irresponsible to the Government as it is now, even under the new Constitution?

The Honourable Sir James Grigg: After the 1st April, a new agreement comes into force as provided for in the Reserve Bank Act.

TEMPORARY CLERKS IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

1027. ***Bhai Parma Nand:** (a) Will Government be pleased to state the number of temporary clerks in the office of the Accountant General, Central Revenues?

(b) Is it a fact that a majority of these clerks were employed as far back as 1927 and are still continuing in temporary service in spite of their having put in about eight years' continuous service?

(c) Will Government be pleased to state if there is any other office of the Government of India where there is such a large number of temporary posts and the staff thereof has continued to be temporary for such a long period?

(d) If the answer to part (c) be in the negative, will Government be pleased to state why differential treatment is being meted out to the staff of the Accountant General, Central Revenues?

The Honourable Sir James Grigg: (a) 132.

(b) Yes.

(c) Yes. Two examples are the office of the Audit Officer, Lloyd Barrage and Canals Construction and the temporary staff employed in the office of the Accountant-General, Punjab, in connection with the Sutlej Valley Project.

(d) Does not arise.

TEMPORARY CLERKS IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

1028. ***Bhai Parma Nand:** (a) Is it a fact that about 30 of the temporary posts of clerks in the Office of the Accountant General, Central Revenues, can be made permanent at once?

(b) Is it a fact that the Accountant General, Central Revenues, has suggested to the Auditor General to convert these clerical posts and a few more into those of Record and Routine clerks, and proposed very low scales of pay for these new types of clerks?

(c) Are Government aware that nine Record clerks were taken in the Office of the Accountant General, Central Revenues, in 1933 on an experimental basis against some of the clerical posts, and seven out of these nine

were such who had worked in the late Central Accounts Office, Public Works Department, under the present Deputy Accountant General, Central Revenues (Civil), New Delhi, and this scheme of Record clerks was introduced by the above officer?

(d) Is it a fact that it is contemplated to confirm these Record clerks and many more to come against the clerical posts in preference to the other temporary clerks who were recruited long before their existence in the Office of the Accountant General, Central Revenues?

(e) If the answer to the above be in the affirmative, are Government prepared to protect their staff who have served them for about eight years? If not, why not?

The Honourable Sir James Grigg: (a) No.

(b) Proposals for the conversion of some clerical posts into posts of Record Clerk and for the introduction of a separate grade of routine clerks on lower rates of pay are under consideration.

(c) Nine record clerks were appointed in 1933 in the office of the Accountant-General, Central Revenues, but they were not taken against clerical posts. Only three of the nine were formerly employed in the Central Accounts Office, Public Works Department. It is not a fact, as suggested by the Honourable Member, that the scheme was introduced in order to provide for these men. The employment of record clerks is not peculiar to the office of the Accountant-General, Central Revenues, but these posts are being introduced as a general measure of economy in all Civil Audit Offices under the Auditor-General.

(d) No. The Auditor-General has given instructions that in the offices where the scheme of employing record clerks has been approved, it should be introduced gradually.

(e) Does not arise.

TEMPORARY CLERKS IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

1029. *Bhai Parma Nand: (a) Will Government be pleased to lay on the table the orders under which members of the minority community in the Office of the Accountant General, Central Revenues, who were pretty junior on the waiting list or recruited very recently, have been confirmed in preference to those who have rendered eight years' continuous service in those posts?

(b) Are Government not prepared to safeguard the rights of those who have already served them for a very long period? If not, why not?

The Honourable Sir James Grigg: (a) and (b). The action to which the Honourable Member has referred was taken in accordance with the general instructions issued in 1926 with regard to recruitment of members of the minority communities. The purport of those orders was explained by my predecessor in his answer to question No. 1220 asked by Mr. Mukhtar Singh on the 27th of March, 1929.

**UNIFICATION OF THE KANARESE SPEAKING PARTS OF THE BOMBAY AND THE
MADRAS PRESIDENCIES AND OF COORG.**

1030. *Mr. S. K. Hosmani: (a) Is it a fact that a number of telegrams and letters were received by His Excellency the Viceroy from the people of the Karnatak in connection with the unification of the Kanarese speaking parts of the Bombay and the Madras Presidencies and of Coorg? If so, what is the number of the letters and the telegrams received by His Excellency the Viceroy?

(b) How many of them are from the Local Boards, Municipalities, public bodies and prominent citizens, and what are the names of those local and public bodies?

(c) Is there any letter or telegram against the unification?

(d) Are Government in receipt of the books called "United Karnatak", "A case for Karnatak Unification" by the Karnatak Unification Sabha and the Karnatak Unification Association, respectively?

(e) If so, have Government noticed that the authors of those books have established by statistics that the future Karnatak Province would be self-supporting?

(f) Is it a fact that the said Association submitted a memorial to His Excellency the Viceroy in this connection as directed by His Excellency?

(g) If so, what was the conclusion arrived at by His Excellency after considering the demands of the memorialists?

The Honourable Sir Nripendra Narayan: (a) and (b). A number of such communications have been received. They have not been enumerated or classified.

(c) Government have received no such letter or telegram.

(d) Yes.

(e) The authors may have done this to their own satisfaction. Government are not prepared to express any opinion in this matter.

(f) Yes.

(g) The Government of India are of opinion that any redistribution, on a linguistic or racial basis, of territories other than Sind and Orissa, should be governed by the provisions which the new Act may contain for the alteration of provincial boundaries. For a further statement of the views of the Government of India on this question I would refer the Honourable Member to the speech made by Sir Harry Haig in this House on the 26th July last.

Mr. S. K. Hosmani: May I know, Sir, what that speech was?

Mr. M. Ananthasayanam Ayyangar: May we know, Sir, what Sir Harry Haig said in this House?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better read the speech.

Mr. M. Ananthasayanam Ayyangar: With respect to the answer to clause (e), will Government be pleased to state whether they have satisfied themselves?

The Honourable Sir Nripendra Sircar: May I read out answer to part (e) again:

"The authors may have done this to their own satisfaction. Government are not prepared to express any opinion in this matter."

Mr. M. Ananthasayanam Ayyangar: Government may not express any opinion, but have they considered those statistics? Have they collected them?

The Honourable Sir Nripendra Sircar: They have read the views put forward by the authors.

Mr. M. Ananthasayanam Ayyangar: Have they made any independent investigation?

The Honourable Sir Nripendra Sircar: No, Sir.

INCOME-TAX ASSESSED ON REGISTERED COMPANIES AND FIRMS IN BIHAR AND ORISSA.

1031. ***Mr. Ram Narayan Singh:** Will Government be pleased to state the amounts of income-tax assessed in the preceding year on those registered companies and firms that are carrying on their business exclusively in the province of Bihar and Orissa but have got their registered offices outside the province?

Mr. A. H. Lloyd: If I were to read the Honourable Member's question literally, the answer would obviously be "nil", as any concern that had its registered office outside the Province would carry on part of its business, such as management and the making of contracts, at its registered office. On the assumption, however, that the question is meant to refer to industrial concerns which carry on the whole of their industrial operations in the Province but have their registered offices outside, I have made certain enquiries and am able to inform the Honourable Member that there are twenty-three companies and two firms at Calcutta and Bombay which satisfy this description. The amount of income-tax and super-tax collected from these concerns in 1933-34 was Rs. 2,86,000.

AGRICULTURAL AND INDUSTRIAL LABOURERS AND LABOURERS EMPLOYED IN COAL MINES.

1032. ***Mr. Ram Narayan Singh:** Will Government be pleased to state:

- (a) what is the approximate number of agricultural and industrial labourers, separately, in this country;
- (b) what is the number of labourers employed in coal mines and mica mines of the country;

- (c) what is the number of labour organisations in this country in general and in coal and mica mines in particular; and
- (d) what is the attitude of Government towards the labour organisations in this country?

The Honourable Sir Frank Noyce: (a) According to the Census of 1931 the number of workers employed in the exploitation of animals and vegetation was in that year approximately 108½ millions. The number of workers employed in the exploitation of minerals, in industry, and in transport, was 18 millions.

(b) The average number of persons employed daily in coal mines and mica mines, subject to the Indian Mines Act, was 144,707 and 12,559 respectively in the year 1933.

(c) In March, 1934, there were 189 trade unions and five federations registered under the Trade Unions Act, 1926. Three of these unions were connected with collieries and none with mica mines.

(d) Government would welcome the development of trade unionism along healthy lines.

Prof. N. G. Ranga: May I know, Sir, if these trade unions have been recognised by the Government of India?

Mr. President (The Honourable Sir Abdur Rahim): That question does not arise.

Prof. N. G. Ranga: Will the Government of India consider the advisability of collecting information about the scales of wages paid to the agricultural workers in different provinces from year to year?

The Honourable Sir Frank Noyce: If the Government of India were to do that, they would be embarking on an inquiry of vast magnitude. As I pointed out, the number of workers employed in the exploitation of animals and vegetation was in 1931 108½ millions. If you collect statistics about their wages, you are undertaking a big job.

Prof. N. G. Ranga: Is it not a fact that in several provinces there are Labour Commissioners and there are Economic Inquiry Boards which are collecting this information?

The Honourable Sir Frank Noyce: Those inquiries embrace rather a limited field. Their results are open to the inspection of my Honourable friend and he can gather the information from them in just the same way as anybody else.

Prof. N. G. Ranga: In view of the fact that there are collectors in different States who are collecting this information and supplying it to Provincial Governments, and as the information placed at the disposal of Provincial Governments is not available to every Member of this Assembly or to the public at large, is the Honourable Member prepared to consider the advisability of sending for this information and publishing it every year in an annual report?

The Honourable Sir Frank Noyce: No, Sir, not with regard to the wages of agricultural labour. As I have already pointed out, it would be a Herculean task and the Government of India have not got the staff for the compilation of detailed statistics of that character.

CONCLUSIONS REACHED BY GOVERNMENT AS REGARDS THE JOINT PARLIAMENTARY COMMITTEE REPORT.

1033. ***Mr. M. Asaf Ali:** (a) Will Government be pleased to state what conclusions they have reached as regards the result of the debate on the Joint Parliamentary Committee Report held on the 4th, 6th and 7th February in the Legislative Assembly, and whether they have communicated their conclusions to the Secretary of State?

(b) What conclusions have they reached as regards the results of similar debates in various Provincial Legislatures?

(c) What conclusions have they drawn from the opinions expressed in Indian edited English and Vernacular newspapers of India on the proposed Government of India Bill?

(d) What conclusion have they drawn from the resolution of the Indian National Congress, the All-India Liberal Federation and the All-India Muslim League relating to the same subject?

(e) Are Government prepared to lay on the table a copy of the despatch, if any, they have sent to the Secretary of State for India relating to parts (a), (b), (c), (d), and (e) of this question?

The Honourable Sir Wripendra Sircar: (a) to (d). The questions are directed to find out opinions or inferences drawn by Government of India, and they submit they are not bound to disclose those opinions. Moreover, it is impossible to answer the questions which proceed on the assumption that conclusions or opinions were formed separately on the separate items mentioned in the parts (a), (b), (c) and (d), which assumption is not admitted to be correct. Nor is it admitted that conclusions were formed only on the materials mentioned in (a) to (d).

(e) Government, in public interest, is not in a position to disclose the confidential communication which is the subject matter of this question.

Mr. M. Asaf Ali: Is it of a confidential nature? Are the conclusions you have reached of a confidential nature?

The Honourable Sir Wripendra Sircar: Apart from the fact that they are confidential, there is no document which contains only the conclusions, if any, and nothing else.

Mr. S. Satyamurti: Have Government come to any conclusions on matters included in (a) to (d), and other matters which they may have considered on this subject at all?

The Honourable Sir Wripendra Sircar: Does my Honourable friend want to know what is the conclusion formed, not only on materials mentioned in (a) to (d), but on every other possible material?

Mr. S. Satyamurti: Which they have considered.

The Honourable Sir Wripendra Sircar: We have very definite opinion on that.

Mr. S. Satyamurti: Have they come to any conclusion about (a) to (d)? That is what I want to know.

The Honourable Sir Wripendra Sircar: Yes, Sir, conclusion on all materials.

Mr. S. Satyamurti: Have they been included in the Despatch to the Secretary of State?

The Honourable Sir Wripendra Sircar: What we have written to the Secretary of State, I have already said, is a confidential communication, and it is the subject matter of this question.

Mr. S. Satyamurti: Does that document contain the conclusions of the Government of India?

The Honourable Sir Wripendra Sircar: That will be giving out part of the contents of the document which I am refusing to disclose, but I am prepared to tell my Honourable friend what our conclusion is.

Mr. S. Satyamurti: Yes, Sir.

The Honourable Sir Wripendra Sircar: The conclusion is that in spite of the disclaimers everybody will come and work the Constitution.

Mr. S. Satyamurti: Have the Government of India said so to the Secretary of State?

The Honourable Sir Wripendra Sircar: What we have told the Secretary of State is a confidential information which I cannot disclose. I have stated what our opinion is.

Mr. S. Satyamurti: But he has disclosed the conclusion. He has told the House what he has said to the Secretary of State, that everybody will come and work the Constitution. May I ask what are the grounds on which he has come to that conclusion?

The Honourable Sir Wripendra Sircar: The grounds are mentioned in parts (a) to (d) of the question. Besides these, there are about hundred other different items, for instance, other speeches made, the inference drawn from the speeches, whether the speeches are to be taken at their face value, and there are hundred other materials to be considered before any conclusion could be reached. I have not disclosed what the Secretary of State has been told.

Mr. S. Satyamurti: Sir

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member cannot have another debate on the Joint Parliamentary Committee Report.

Mr. S. Satyamurti: But this is of his own doing. He said what were the conclusions drawn.

Sardar Sant Singh: Will the Honourable Member say whether he sent any Despatch on part (e) of the question?

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

SENIORITY LIST OF TICKET COLLECTORS AND TRAVELLING TICKET EXAMINERS IN THE MORADABAD AND LUCKNOW DIVISIONS.

1084. ***Mr. A. K. Fazlul Huq:** (a) Will Government be pleased to enquire and state whether it is a fact that in the Moradabad and Lucknow Divisions of the East Indian Railway, the seniority list of the Ticket Collectors and the Travelling Ticket Examiners is still kept confidential from the employees concerned? If so, why? If not, will Government be pleased to state on what date it was supplied to the staff?

(b) Is it a fact that despite requests, the employees concerned are not given a copy of the seniority list?

(c) Is it a fact that in other divisions the seniority list has been communicated to the staff and they have been individually supplied with a copy of the same?

(d) Are Government prepared to see that seniority list is no more kept confidential from those concerned?

Mr. P. B. Rao: Government have no information, but are making enquiries, and I will lay a reply on the table of the House in due course.

RULES REGARDING CONDONATION OF BREAK IN SERVICE ON STATE RAILWAYS.

1035. ***Mr. A. K. Fazlul Huq:** Will Government be pleased to state:

(a) the rules regarding condonation of break in service on Indian State Railways;

(b) whether the condonation is admissible at the time of retirement only, or it can be done at an earlier stage; and

(c) whether on the condonation of break in service he can claim the rights and privileges that he was entitled to at the time of his initial appointment, i.e., before discharge from service?

Mr. P. B. Rao: (a) I would refer the Honourable Member to Rules 16 and 17 of the State Railway Gratuity Rules, a copy of which is available in the Library of the House.

(b) The question of condonation of a break in service for gratuity is under existing rules, to be fully considered at the time an employee is re-engaged.

(c) The condonation of breaks in service under the Gratuity Rules merely permits service before the break to be added to the subsequent service for purposes of calculating gratuity and does not automatically confer any other privilege.

TESTS IMPOSED ON THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY AT THE TIME OF PROMOTION.

1936. **Mr. A. K. Fazal Haq:** (a) Will Government be pleased to state if it is a fact that educational qualifications of an employee on State Railways are to be taken into account at the time of his appointment only?

(b) Is a Ticket Collector, grade III, on the East Indian Railway required to undergo a test in English dictation, failing which he is denied promotion to grade II?

(c) Is such a test permissible for promotion to the next time-scale as per orders of the Railway Board circulated by the Agent, East Indian Railway in his letter No. 548/A. E. 2460, dated the 1st October, 1932?

(d) Is an increment in a time-scale subject to a test of English language?

(e) Is it a fact that employees who have qualified in departmental examination of ticket checking duties, held triennially, are also subject to selection when a time for their promotion in the next time-scale comes, and the said triennial examination is not taken into account?

(f) Is it a fact that other commercial staff are neither subject to any triennial examination or dictation test? Is it a fact that they also have regular public dealings and they get promotion according to seniority?

(g) Is it a fact that in other branches of the Railway a test in the duties of the individual employees is taken at the time of promotion to the next time-scale? If so, why are such tests imposed on the ticket checking staff?

Mr. P. R. Das: (a) The requisite educational qualifications for appointment to subordinate posts are laid down in the Rules for the recruitment and training of subordinate staff on State-managed Railways, a copy of which is in the Library of the House.

(b), (d) and (e). The information is being obtained and will be laid on the table.

(c) The rules referred to by the Honourable Member require that Ticket Collectors should be given opportunities to attend promotion courses.

(f) Other subordinate commercial staff have to undergo periodical refresher courses every five years and promotion courses, as necessary, up to the age of 45. As regards the second part the answer is in the affirmative.

(g) Certain categories of subordinate staff in the other branches of railway service, such as guards, station masters, etc., have also to undergo refresher and promotion courses periodically.

RULES REGARDING FREE QUARTERS OR HOUSE RENT FOR THE EAST INDIAN RAILWAY AND OLD OUDH AND ROHILKUND RAILWAY EMPLOYEES.

1937. **Mr. A. K. Fazal Haq:** (a) Is it a fact that there are separate rules regarding free quarters, or house rent in lieu thereof, in respect of the old East Indian Railway and Oudh and Rohilkund Railway employees?

(b) Is it a fact that new rules were framed by Government, as published in State Railway Code in 1931 regarding house accommodation?

(c) Have these new rules superseded the old rules, or are the employees to elect them according to their choice or can they not elect them under any circumstances?

(d) Are these rules (in State Railway Code) applicable to Railway employees in general, or have different employees of different branches different rules?

Mr. P. R. Rau: (a) and (b). Separate rules regarding the classes of employees entitled to free quarters or house rent allowance existed on the old East Indian and Oudh and Rohilkund Railways. Under the new rules, regarding the residential buildings which were published as Chapter II of the State Railway Code (Revised) in 1933, members of non-gazetted staff who were in service on the date of introduction of revised rules and who, at any time in the course of their previous service, held in a substantive capacity a post which carried the privilege of rent-free quarters or a house allowance in lieu thereof, continue to enjoy this privilege subject to certain restrictions.

(c) The new rules supersede all previous rules on the subject in so far as the latter are inconsistent with them. The question of election does not, therefore, arise.

(d) The new rules apply generally to employees on State-managed Railways.

RECOVERY OF HOUSE RENT FROM TICKET COLLECTORS ON THE EAST INDIAN RAILWAY.

1938. ***Mr. A. K. Faisal Haq:** (a) Is it a fact that Ticket Collectors drawing salary below Rs. 50 are debited with house rent and directed to pay several hundred rupees each, because they were given rent-free quarters since 1925, which it has now been discovered they were not entitled to?

(b) Is it a fact that such debits have been raised on the East Indian Railway?

(c) Are Government prepared to look into the matter and see that no undue hardship is entailed on the staff concerned?

Mr. P. R. Rau: (a) Ticket Collectors, whatever their pay, who are appointed after 1925, are not entitled to rent-free quarters.

(b) Enquiries are being made and the information will be placed on the table of the House.

(c) Cases of real hardship will, I am sure, be examined carefully by the Railway Administration.

PASSES FOR INFERIOR STAFF AT MADHUPUR AND SAHEBGUNGE STATIONS ON THE EAST INDIAN RAILWAY.

1939. ***Mr. H. M. Joshi:** Will Government be pleased to state if it is a fact that the inferior staff of the East Indian Railway, stationed at Madhupur and Sahebgunge, have been denied the privilege of getting passes on the East Indian Railway? If so, why?

Mr. P. R. Rau: The Agent, East Indian Railway, states that no passes, for which they are eligible under the rules, have been denied to the inferior staff of these stations.

Mr. N. M. Joshi: Will the Honourable Member say whether these inferior servants are eligible for these passes?

Mr. P. R. Rau: The question was whether they were denied the privilege of these passes.

Mr. N. M. Joshi: Whether they have these privileges?

Mr. P. R. Rau: No, that was not the question.

Mr. N. M. Joshi: Then, I will put down another question.

HOUSING OF THE INFERIOR STAFF AT DHANBAD IN CONDEMNED WAGONS.

1040. **Mr. N. M. Joshi:** Will Government be pleased to state if it is a fact that the inferior staff on East Indian Railway at Dhanbad have been housed in condemned wagons? If so, why?

Mr. P. R. Rau: Inferior staff at Dhanbad are housed in the usual type of quarters. The only exceptions are:

- (a) One waterman temporarily accommodated in a wagon body, and
- (b) 70 gangmen under the Permanent Way Inspector, Dhanbad, who have been allotted wagon bodies.

The Agent explains that normally gangmen live in the villages along the line and are not provided with accommodation by the Railway, but, owing to the difficult conditions at Dhanbad, the railway have tried to help these men by providing some sort of accommodation for them.

Mr. N. M. Joshi: May I ask whether Government will consider the question of improvement of this accommodation?

Mr. P. R. Rau: Does my Honourable friend suggest that they should be turned out of the wagon bodies at once?

Mr. N. M. Joshi: My suggestion is that they should be provided with better houses.

Mr. P. R. Rau: I will send that suggestion to the Agent.

NON-GRANT OF HOUSE ALLOWANCE TO CERTAIN RELIEVING CLERKS ON THE EAST INDIAN RAILWAY.

1041. **Mr. N. M. Joshi:** Will Government be pleased to state if it is a fact that the relieving clerks appointed after 1925 on the East Indian Railway, are denied the privilege of house allowance in lieu of free quarters, whereas the other relieving staff of the same Railway are granted house allowance? If so, why?

Mr. P. B. Rau: The information has been called for and will be placed on the table of the House.

GRANT OF HIGHER GRADE OF PAY TO SWITCHMEN IN THE ASANSOL DIVISION.

1043. *Mr. N. M. Joshi: Will Government be pleased to state if it is a fact that switchmen in the Asansol Division of the East Indian Railway are granted higher grade of pay, whereas the switchmen in the Howrah Division are not given the higher grade, even when they draw the maximum of the lower grade? If so, why?

Mr. P. B. Rau: Government have no information. I am forwarding a copy of the question to the Agent, East Indian Railway, who is entirely competent to deal with such matters.

BOX *Khalasies* FOR EUROPEAN AND ANGLO-INDIAN DRIVERS ON STATE RAILWAYS.

1043. *Mr. N. M. Joshi: Will Government be pleased to state if it is a fact that on the State-managed Railways, box *khalasies* are sanctioned for European and Anglo-Indian Drivers but not for the Indian Drivers? If so, why?

Mr. P. B. Rau: So far as the East Indian Railway is concerned, I would refer the Honourable Member to the information laid on the table of the House on the 12th April, 1934, in reply to question No. 192 asked by Mr. S. G. Mitra, on 21st November, 1933. As regards the other State-managed Railways, information is being obtained and I will lay a reply on the table of the House in due course.

Mr. V. V. Giri: Will the Honourable Member read the reply to the previous question referred to by him?

Mr. P. B. Rau: That is a short answer which I will read:

"The Agent, East Indian Railway reports that box coolies are provided at other than a driver's home station for the carriage of boxes of drivers in Grades I and II irrespective of their nationality and that box coolies are not provided for drivers in Grades III and IV."

REFUSAL OF PASSES TO *ex*-INFERIOR EMPLOYEES ON STATE RAILWAYS.

1044. *Mr. N. M. Joshi: Will Government be pleased to state if it is a fact that the State-managed Railways grant passes to the *ex*-employees in the subordinate grade but not to the *ex*-employees of the inferior grade? If so, why?

Mr. P. B. Rau: The rules for the issue of passes to retired employees vary on the different State-managed Railways, both as regards the number of passes that may be issued and the period of qualifying service prior to retirement. All subordinates are, however, given passes after retirement

and those of inferior grades are also given such passes on the North Western and Great Indian Peninsula Railways, and on the Oudh and Rohilkund Section of the East Indian Railway, in the latter case, only to those who were employees of the old Oudh and Rohilkund Railway at the time of its amalgamation with the East Indian Railway. The question of uniformity in the pass rules is under examination.

NON-SUPPLY OF WATERPROOF CLOTHING TO STAFF DOING OUTDOOR WORK ON THE EASTERN BENGAL RAILWAY.

1045. *Mr. N. M. Joshi: Will Government be pleased to state if it is a fact that on the Eastern Bengal Railway shunting staff and the staff who are to do outdoor duty, are not all given waterproof clothing? If so, why?

Mr. P. R. Rau: I am sending a copy of the question to the Agent, Eastern Bengal Railway, for such action as he may consider necessary.

COLLISION OF GOODS TRAINS AT SHAMNAGAR ON THE EASTERN BENGAL RAILWAY.

1046. *Mr. N. M. Joshi: (a) Are Government aware that recently an accident occurred at Shamnagar on the Eastern Bengal Railway, where a goods train collided with another goods train, resulting in a heavy loss to the Railway? If so, what is the extent of damage to the rolling stock and permanent way, and what would be the approximate cost of the repairs?

(b) Is it a fact that the cabin was previously manned by Cabin Assistants, but at the time of the accident, it was under the charge of a Cabin Jemadar? If so, why were the Cabin Assistants withdrawn? Was it due to economy?

Mr. P. R. Rau: (a) If my Honourable friend is referring to the accident on the 5th February, 1935, the estimated cost of the damage to rolling stock and permanent way was Rs. 66,210.

(b) Yes, but the change was made over 25 years ago. The cabin was manned by cabin assistants prior to August, 1909, when they were replaced by cabin jemadars whose designation was subsequently altered to block signal men. The change was made, as it was considered that cabin jemadars were quite capable of working this class of cabin efficiently.

GRANT OF A COMPENSATORY ALLOWANCE TO CREWMEN AND CREWS IN CHARGE ON THE EASTERN BENGAL RAILWAY.

1047. *Mr. V. V. Giri: (a) Is it a fact that the Crewmen and Crews in charge on the Eastern Bengal Railway are required frequently to go out of headquarters in the course of the performance of their duties like other classes of running staff?

(b) Is it a fact that other ticket checking staff of the same railway are given compensatory allowance while out of headquarters, whereas the Crewmen and Crews in charge are denied this allowance?

(c) Are Government aware that the All-India Railwaymen's Federation has submitted a representation in this connection to extend the privilege of mileage or consolidated allowance to Eastern Bengal Railway, as now done on the East Indian Railway?

(d) Will Government be pleased to state whether they propose to sanction the necessary compensatory allowances without delay?

Mr. P. B. Rao: The representation referred to by the Honourable Member in part (c) of the question was received in January and is under examination.

APPOINTMENT OF INEXPERIENCED CREW INSPECTORS ON THE EASTERN BENGAL RAILWAY.

1048. ***Mr. V. V. Giri:** (a) Is it a fact that four persons who had not even previous railway experience were appointed as Crew Inspectors on Rs. 200 on the Eastern Bengal Railway last year?

(b) Is it a fact that due to these new appointments, the claims of senior staff have been overlooked, and are Government aware that there is discontent on account of such recruitment?

(c) Will Government be pleased to state whether these new appointments contravene instructions laid down by the Railway Board regarding re-employment of retrenched staff?

(d) Is it a fact that there is a proposal to appoint four more Crew Inspectors on Rs. 200 each on a similar basis on this Railway?

(e) Are Government prepared to ascertain whether any of the existing ticket checking staff on the Eastern Bengal Railway are qualified to be Crew Inspectors on this Railway?

Mr. P. B. Rao: (a), (b), (d) and (e). Recruitment for these posts is a matter entirely for the Agent to whom the question has been sent for consideration.

(c) Government will enquire into this allegation and lay a reply on the table in due course.

REMOVAL OUT OF INDIA OF CERTAIN BOTANICAL SPECIMENS OF GREAT SCIENTIFIC VALUE.

1049. ***Mr. T. S. Avinashlingam Chettiar:** (a) Will Government state whether there is a proposal to remove out of India certain irreplaceable botanical specimens of great scientific value, including type specimens, hitherto preserved in the Herbarium of the Royal Botanic Gardens at Sibpur (Calcutta)?

(b) Has the attention of Government been drawn to the resolutions of the Indian Botanical Society passed at its annual meeting on the 4th January, 1935, published in the *Current Science*, and *Indian Science Congress Special Supplement*, page 315?

(c) Has the Botanical Society at its annual meeting on the 4th January, 1935, protested against this removal and communicated this protest to the Government of India and the Government of Bengal?

(d) In view of these protests, have the Government of India given up this proposal? If not, what have the Government of India decided about this matter?

Mr. G. S. Bajpai: (a) to (c) Yes.

(d) Government never made any such proposal; it came from an outside source. They have no intention of allowing irreplaceable botanical specimens in the Herbarium of the Royal Botanic Gardens, Sibpur, to be transferred out of India.

Mr. T. S. Avinashilingam Chettiar: Is the Honourable Member aware that some specimen collections from the Coimbatore Agricultural College have been taken outside the country?

Mr. G. S. Bajpai: The Coimbatore Agricultural College is under the control of the Government of Madras.

NEW APPOINTMENTS MADE IN THE LUCKNOW DIVISION OF THE EAST INDIAN RAILWAY.

1005. ***Mr Muhammad Yakub:** (a) Will Government be pleased to state how many new appointments were made in the Lucknow Division of the East Indian Railway in its different offices and work-shops, including the Carriage and Wagon Shops at Alam Bagh, and how many of the new appointments were given to the Musalmans?

(b) What steps, if any, have Government taken to ensure the recruitment of 25 per cent Muslims in this Division?

(c) Is it a fact that a Select Committee, which employed coolies in the Carriage and Wagon Shops, Alam Bagh, Lucknow, consisted of one European, one Hindu and one Sikh, and that there was not a single Muslim on the Committee and that, out of 200 Muslim candidates for the jobs of coolies, only three Muslims were taken?

Mr. P. B. Rao: (a) The available information as regards communal composition of railway services is contained in the annual administration reports. Government are not prepared to obtain statistics relating to a particular branch of a service or to an individual unit of a railway.

(b) I would invite the Honourable Member's attention to the Railway Board's letter No. E.-84-C.M.-118, dated the 12th December, 1934, to the Agent, East Indian Railway, and to the Memorandum accompanying it, which explains how the reservation of 25 per cent. of vacancies for Muslims, in future direct recruitment in the subordinate railway services, is to be obtained on Railways as a whole. As regards inferior servants and labourers the policy is to reserve 83 1/8 per cent. of direct appointments for the redress of marked communal inequalities on each State-managed Railway as a whole and not by individual units. Copies of both the documents referred to above are in the Library of the House.

(c) Government have no information but it is not practicable to arrange that an official of each minority community shall be appointed to every Selection Committee.

CASES IN WHICH CINEMA POSTERS WERE FOUND OBJECTIONABLE.

1051. *Mr. N. V. Gadgil: (a) Will Government be pleased to state the total number of cases in which the posters of cinema were found objectionable?

(b) Will Government be pleased to state what is the criterion applied in judging posters as objectionable?

(c) Will Government be pleased to state how many posters other than posters for cinema films were held objectionable during the last three years?

(d) Will Government be pleased to state how many of the posters held objectionable were posters received from foreign countries and how many were posters printed in India?

(e) Will Government be pleased to state the number of cases in which prosecutions have been launched under the existing law in this connection?

The Honourable Sir Henry Craik: (a) and (d). Posters, used in connection with the exhibition of cinema films, are not at present subject to censorship and I have, therefore, no statistical information.

(b) There has been a good deal of public complaint in this matter and I hope to have an opportunity to satisfy the Honourable Member on this point in the course of the debate on the Bill to amend the Indian Cinematograph Act which will shortly come up for discussion.

(c) No complaints have, as far as I am aware, been made in regard to other posters.

(e) I have no information as prosecutions are instituted by local authorities. I would add, however, for the Honourable Member's information that prosecution under the law is restricted to "obscene" publications while the objection to many posters, in connection with cinema exhibitions, is that they are "suggestive" and "salacious" rather than "obscene".

RECOMMENDATIONS OF THE RAILWAY RETRENCHMENT COMMITTEE.

1052. *Mr. S. Satyamurti: Will Government be pleased to state:

(a) how many of the recommendations of the Railway Retrenchment Committee of this House have been carried out;

(b) the net savings to the Railway thereby;

(c) how many and what recommendations have not been carried out; and

(d) the reasons why they have not been carried out?

Mr. P. E. Rau: (a), (b), (c) and (d). The information asked for by the Honourable Member is given in the statements circulated to Members of the House on the 4th November, 1931, and also in the statement circulated in February, 1932, with the Budget Papers showing the further action taken on the Retrenchment Sub-Committee's Report.

Mr. S. Satyamurti: Since 1932, have any further recommendations been carried out?

Mr. P. B. Rau: No, Sir.

Mr. S. Satyamurti: What are the recommendations left over, and how many are yet to be carried out?

Mr. P. B. Rau: All the recommendations that have been considered by the Railway Board and that have been carried out will be contained in that Memorandum?

Mr. S. Satyamurti: May I know the reasons why other recommendations have not been considered, or, having been considered, why they have not been carried out by the Railway Board?

Mr. P. B. Rau: The reasons why some of the recommendations were not accepted by the Railway Board are contained in that Memorandum.

Mr. S. Satyamurti: Are Government considering at this stage the possibility or the desirability or both of carrying out those recommendations, which have not been carried out?

Mr. P. B. Rau: No, Sir. The reasons for the conclusions arrived at by the Government will be found in those statements which I referred to just now and I would ask my Honourable friend to read them at leisure.

Mr. S. Satyamurti: Is that the last word on the subject?

Mr. P. B. Rau: So far as the Government are concerned, yes.

ENQUIRY IN THE CASE OF STATE PRISONERS.

1053. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) the nature of the enquiry conducted by them in the case of State Prisoners twice every year;
- (b) who conducted the enquiry;
- (c) whether any judges take part in the enquiry;
- (d) the evidence oral or written, if any, considered during the enquiry;
- (e) whether any opportunity is given to the prisoners to state their cases, and, if not, why not;
- (f) whether the results of the enquiries are considered by the Government of India as a whole; and
- (g) whether the results of the enquiries will be placed on the table of this House; if not, why not?

The Honourable Sir Henry Craik: (a) to (d) and (f). I would refer the Honourable Member to section 3 of Regulation III of 1918, which requires a report to be made each half year to the Governor General in Council

to enable him to determine whether the orders of detention in each case should continue in force or should be modified. That procedure is followed and each case is examined by the Government of India in the light of the then existing conditions, and of the reasons which made the original order under Regulation III necessary, the question for consideration being whether orders of restraint in any particular case can be relaxed without detriment to the public safety or peace. No question of a judicial enquiry arises nor is any such enquiry required by the Regulation, and orders are passed by the Governor General in Council.

(e) Every State Prisoner is at liberty to submit at any time any representations he may desire to make to the Governor General in Council and every such representation receives full consideration.

(g) No, as the reports on which the decisions are reached and the decisions themselves are confidential.

Mr. S. Satyamurti: May I know approximately when, as a matter of fact, the last inquiry into the case of the State Prisoners was conducted by the Government of India?

The Honourable Sir Henry Craik: Approximately about the 30th June and 31st December in each year.

Mr. S. Satyamurti: May I know who constituted the tribunal, or the inquiry committee, or the board on the last occasion?

The Honourable Sir Henry Craik: There is no tribunal.

Mr. S. Satyamurti: May I know who conducted the inquiry? Is it the Home Member of the Government of India, or is it any independent person?

The Honourable Sir Henry Craik: I do not conduct the inquiry myself. If the Honourable Member will read the Regulation, he will find that it requires a reports to be made each year to the Governor General in Council.

Mr. S. Satyamurti: May I know who made the last report to the Governor General in Council?

The Honourable Sir Henry Craik: The various Local Governments concerned in whose custody these men are.

Mr. S. Satyamurti: May I take it, therefore, that this inquiry is conducted only by the Local Governments?

The Honourable Sir Henry Craik: No, Sir. The report is made in the first instance, I think, by the officer to whose custody the State Prisoner is committed. It is then considered by the Local Government who forward their report and their conclusions to the Governor General in Council, who in turn considers them and comes to a decision.

Mr. S. Satyamurti: May I take it, therefore, that there is no kind even of a quasi-judicial inquiry, but it is merely a departmental inquiry?

The Honourable Sir Henry Craik: The procedure is as I have stated and I have nothing to add.

Mr. S. Satyamurti: May I know if the persons who are detained are notified in advance, that an inquiry is going to be conducted into the necessity for their detention, and that they can, if they so choose, make any representations for being considered at the time of the inquiry?

The Honourable Sir Henry Craik: The Regulation states clearly that:

"Every officer in whose custody a State Prisoner is placed shall on the 1st January and 1st July each year submit a report.....in order that the Governor General in Council may determine whether the orders of the State Prisoner's detention shall continue in force or shall be modified."

The State Prisoners are presumably well aware of that.

Mr. S. Satyamurti: May I know if any evidence is considered by the Local Government or the officer in whose custody the State Prisoner is, concerning the need for detention of the State Prisoner?

The Honourable Sir Henry Craik: All relevant circumstances are taken into consideration.

Prof. N. G. Ranga: Will the Government of India consider the advisability of sending down one of their own officers to make these inquiries?

The Honourable Sir Henry Craik: No, Sir.

Mr. Ram Narayan Singh: What are the purposes of this inquiry?

The Honourable Sir Henry Craik: I have said that about four times and I have read the words of the section. It is in order that the Governor General in Council may determine whether the orders of detention shall continue in force or shall be modified.

Prof. N. G. Ranga: What is the reason for which they do not wish to send down their own officer to make these inquiries instead of depending upon the provinces?

The Honourable Sir Henry Craik: In the first place, it would involve considerable extra expenditure; in the second place, the Governor General in Council has no officer who can discharge such duties without detriment to his other work; and, in the third place, there is no reason to believe that the reports sent by the Local Governments are in any way defective or prejudiced.

Seth Govind Das: Have they ever differed from the recommendations and findings of the local officials or the Local Governments?

The Honourable Sir Henry Craik: It is obvious that I cannot reply to that question without going into the history of the last 60 or 70 years.

PLACING A COPY OF THE *STATESMAN* UNDER THE FOUNDATION STONE OF THE AGRICULTURAL RESEARCH INSTITUTE.

1054. *Mr. S. Satyamurti: Will Government be pleased to state:

- (a) whether a copy of the *Statesman* of the 19th February, 1935, was placed along with treasure under the foundation stone of the Agricultural Research Institute on the 19th; and
- (b) whether any other newspaper of Delhi were so placed; if not, why not?

The Honourable Sir Frank Noyce: (a) Yes.

(b) No. There was not room in the cylinder for more than one paper.

Mr. S. Satyamurti: If there was no room for more than one paper, what prevented them from making a bigger cylinder or choosing the *Hindustan Times* in preference to the *Statesman*?

The Honourable Sir Frank Noyce: I can only say that no one in the department had the bright idea which has struck my Honourable friend. It may comfort him to know that at another foundation-stone laying recently, that of the Y. M. C. A. Hostel, by my Honourable friend, the Commerce Member, matters were put right by placing under the stone a vernacular paper.

Sir Cowasji Jehangir: May I ask whether newspapers of all schools of thought were put in in order to strengthen the foundation? (Laughter.)

The Honourable Sir Frank Noyce: I have pointed out that in this case only one paper was put in.

Prof. N. G. Ranga: Why was this paper put in?

The Honourable Sir Frank Noyce: It is an old custom, so that future generations may know the wisdoms and follies of this one. (Laughter.)

Mr. S. Satyamurti: In view of that answer, how does the Honourable Member know that future generations will be more interested in the *Statesman* which is "His Master's Voice" of Government, than in the *Hindustan Times* which is the organ of the people of this country?

The Honourable Sir Nripendra Sircar: Sir, I rise to a point of order. I submit that that kind of insinuation about a certain paper being the "Master's Voice" of Government and so on cannot be allowed in a question. The Honourable Member can only ask for information.

Mr. S. Satyamurti: Why was that insinuation made about my "bright idea", and so on?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. All sorts of insinuation and sarcasm are prohibited.

Mr. S. Satyamurti: Sir, I submit that that remark about my "bright idea" was a sarcastic reflection at my expense.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member will go through the Standing Orders, he will find that the sort of remark that he made is not permissible

Mr. S. Satyamurti: May I know why the *Statesman* was chosen?

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks the Honourable Member has already answered that question.

OPENING OF THE TRANQUEBAR PORT PERMANENTLY.

1055. ***Mr. S. Satyamurti**: Will Government be pleased to state:

- (a) whether they have received any memorial from the Tanjore District Delta Mirasaders and Land-owners' Association, Mayavaram, for declaring the port of Tranquebar open permanently instead of temporarily;
- (b) whether Government are considering this question; and
- (c) when they propose to declare the Port permanently opened?

Mr. A. H. Lloyd: (a) The Government have received a copy of a Resolution passed at a meeting of the Mirasaders of Tranquebar, Porayar and suburbs held on the 17th December, 1934, to the effect that Government be asked to declare Tranquebar permanently open as a port.

(b) and (c). The only effect of a declaration under section 11 of the Sea Customs Act is that the shipment and landing of goods at a port so declared ceases to be a Customs offence. This in itself cannot attract trade to a port or induce ships to call at it unless there is some economic advantage. Tranquebar port was declared to be a port for the shipment and landing of goods for a period of one year on the 17th February, 1934. During this period no trade passed through the port. Government have now declared it open for another year. Actual experience of the trade that may be attracted to the port can alone indicate whether the port should be kept open permanently or not.

Prof. N. G. Ranga: Have Government received any other memorials about any other ports in the Madras Presidency?

Mr. A. H. Lloyd: I am not aware of any other memorial of the kind.

PROPOSAL TO INCREASE THE DUTY ON FOREIGN SALT.

1056. ***Mr. S. Satyamurti**: Will Government be pleased to state:

- (a) whether there is any proposal to increase the duty on foreign salt;
- (b) if so, the time from which it will be so imposed; and if not, why not?

The Honourable Sir James Grigg: I would refer the Honourable Member to what I said on this subject in the Budget speech.

RESULTS OF THE WORKING OF THE OTTAWA PACT.

1057. *Mr. S. Satyamurti: Will Government be pleased to state:

- (a) whether they received a representation from the Indian Chamber of Commerce, Calcutta, dated the 7th September, 1934, on the results of the working of the Ottawa Pact;
- (b) whether they have taken any action thereon; and
- (c) whether they will place before this House the statements of the working of these preferences; if so, when?

The Honourable Sir Joseph Shore: (a) Yes.

(b) No.

(c) A report on the working of the Ottawa Trade Agreement has already been placed on the table of the House.

LOSS TO GOVERNMENT AS A RESULT OF A PREFERENTIAL RATE OF DUTY ON IMPORTS OF KEROSENE OIL.

1058. *Mr. S. Satyamurti: Will Government be pleased to state:

- (a) whether it is a fact that as a result of a preferential rate of duty on imports of kerosene oil into India, Government lose a revenue of 88 lakhs of rupees per year;
- (b) whether Government have examined this position; and
- (c) whether they propose to take any steps to make up the loss of this revenue?

The Honourable Sir James Grigg: (a) There is no preferential rate of import duty on kerosene oil. The Honourable Member presumably refers to the difference of 11½ pias per imperial gallon between the excise duty on kerosene produced in India and the customs duty on kerosene imported into India. Whether this involves a loss of revenue can only be stated in relation to a proposal to equalise the two duties at a particular level. It is obviously not true in relation to all possible equal rates.

(b) Yes.

(c) This year's Finance Bill contains no proposal for equalising the excise and the import duties.

Mr. S. Satyamurti: Are Government considering that possibility for next year?

The Honourable Sir James Grigg: I am unable to go beyond the troubles of this year. (Laughter.)

Prof. N. G. Ranga: Are Government aware that this particular duty presses very hard upon the poor people?

Mr. S. Satyamurti: In view of the fact that Burma is going to be separated, will the Finance Member consider the possibility of getting more revenue out of this?

The Honourable Sir James Grigg: Obviously that is one of the considerations which arises in connection with the Indo-Burma Trade Agreement.

Mr. S. Satyamurti: Is it being considered now, as part of the Indo-Burma Trade Agreement?

The Honourable Sir James Grigg: Naturally, Sir.

Mr. S. Satyamurti: Is this consideration being borne in mind?

The Honourable Sir James Grigg: Yes.

MOTION FOR ADJOURNMENT.

FINANCIAL ADJUSTMENTS BETWEEN INDIA AND BURMA.

Mr. President (The Honourable Sir Abdur Rahim): I have received
12 Noon. notices of two motions for adjournment, one by Mr. Vissanji and the other by Mr. Satyamurti. Mr. Vissanji's notice is that he proposes to ask for leave of the House to make a motion for the adjournment of the Assembly to discuss a definite matter of urgent public importance, namely, the grave situation in regard to the financial adjustments between India and Burma as revealed in answers given by the Honourable the Finance Member in the Assembly on the 25th March, 1935.

The Honourable Sir James Grigg (Finance Member): Sir, as I have unintentionally brought this trouble on my own head and as I equally unintentionally slightly misled the House yesterday, perhaps I might correct something I said then. I had put into my hand, shortly before I came into the House, a letter from the Government of India representative in London on the subject of this tribunal. I read it hastily, and then, on the spur of the moment, answering supplementary questions from the Honourable Member opposite, I said that the Committee would finish its labours in two or three days. I should like to place the real position before the House, for that was not quite accurate. The real position is that the Committee has finished taking evidence from the official representatives of India and Burma in these negotiations and it is considering all the material before it, and it is expected to make its report early in April. I gave the impression then that there was no time for further representations to be sent to them. That is not quite accurate: there is time, although not very much time.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to press his motion for adjournment in view of the statement made by the Honourable the Finance Member?

Mr. Mathuradas Vissanji (Indian Merchants' Chamber and Bureau: Indian Commerce): Yes, Sir: really speaking, we wish the Government of India to place the views of this House before the Secretary of State, so that he can have a chance of knowing them and placing them before the Committee.

The Honourable Sir James Grigg: Then, I submit, Sir, that the question of urgency has disappeared, because the fact of the tribunal's existence has been known to this House for over a month.

Mr. President (The Honourable Sir Abdur Rahim): What has the Honourable Member got to say on the question of urgency?

Mr. Mathuradas Vissanji: The urgency is apparent from the fact that the answers were given only yesterday and we came to know only then about the imminent completion of the work which was entrusted to the tribunal, in such a short time as this. From the answers given on the 21st February last, we thought that the tribunal would be sitting for a fairly long time, and that all questions will be taken into consideration: we thought it would take a much longer time than we are now told, because it was then said that it would not be advisable to take Members of the Assembly to London and waste their time there and all that: under that impression, we were making preparations to place our case before the tribunal and we were considering ways of securing that object. In the meantime, this surprise was sprung upon this House. So, really speaking, this is the earliest opportunity that we had to bring up the matter. In that view, I personally feel that if this House is allowed to give an expression of its views, it might have some effect on the Tribunal, and on the Secretary of State who has been riding rough-shod in this matter. As mentioned in paragraph 482 of the Joint Parliamentary Committee Report, a pledge was practically given that an impartial tribunal will be created to deal with all these matters

Mr. President (The Honourable Sir Abdur Rahim): When was the tribunal constituted?

Mr. Mathuradas Vissanji: We were told that it was some time in February; and at the time we were told it was going to be a prolonged discussion as the matter was very complicated and that it will take a pretty long time: no one knew anything as to how long it would take, and now we are told that they have practically finished their job, and, within a week or so, they will report

Mr. President (The Honourable Sir Abdur Rahim): Was not the appointment of the tribunal announced?

The Honourable Sir James Grigg: It was announced on February 16th.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadian Urban): How was it announced?

The Honourable Sir James Grigg: By a communiqué by the Secretary of State in London.

Mr. President (The Honourable Sir Abdur Rahim): Why were no steps taken to make representations to the tribunal?

Mr. Mathuradas Vissanji: It was only announced to us on the 21st February here that a tribunal was sitting: and it was mentioned, at that time, that it was going to take a very long time to discuss the matter and take evidence and all that: and we were thinking of making a formal representation.

The Honourable Sir James Grigg: May I point out that this is not the first time that this tribunal has been discussed here: a debate has already

taken place and it has been already forwarded to the tribunal—the debate took place in 1963, I think—so that it is not as if all this has happened for the first time.

Mr. President (The Honourable Sir Abdur Rahim): But that was not this tribunal?

The Honourable Sir James Grigg: But it is only a question of the material to be submitted to this tribunal.

Mr. Mathuradas Vissanji: The other tribunal that the Honourable Member is talking about was dealing with the adjustment of other things. This tribunal is concerned with other matters, and, on this, we want our representations to be heard. This is a different thing altogether.

The Honourable Sir James Grigg: I am sorry, Sir, I did not make myself clear to the Honourable Member, in the correction of the statement I made: I suggested that provided there was no delay about the question, there was time to send forward representations, and I would undertake to do so.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): May I just supplement what Mr. Vissanji has said. The original idea, as given out by the Secretary of State, was that the representatives of the Legislature would be associated with this inquiry by the tribunal

Mr. President (The Honourable Sir Abdur Rahim): That was in the communiqué issued in February?

Pandit Govind Ballabh Pant: That was in the Round Table Conference. Then, on the 21st February, we were told by the Honourable the Finance Member that the Secretary of State had not been able to adhere to that original proposal as this inquiry was to be rather prolonged, and it was thought that the Members of this House would not be able to spare the time necessary for this prolonged inquiry. Naturally we thought, or those interested in the matter thought, that the question would be open for a considerable time and that it would be possible to debate it on the floor of this House now or hereafter for we know that "a considerable time" in the language of the Government means at least several months, for "shortly" in their answers always means some months. So, under that impression, we naturally expected that we would have a legitimate opportunity for discussing this matter in ordinary course; but a surprise was sprung on us yesterday when the Honourable the Finance Member told us that the tribunal would be finishing its labours in two or three days. He has slightly modified his statement today and told us that it may not be one or two days, but two weeks or so. He thinks, in fact, that it is now likely that the views that may be expressed now or hereafter could be communicated to the tribunal and they might be considered by them, so that there is time for it, and just enough time for it. Therefore, the question is really an urgent one, and if we do not discuss it now

Mr. President (The Honourable Sir Abdur Rahim): Is the object of the motion to consider the question of adjudication by the Tribunal?

Pandit Govind Ballabh Pant: The object of the motion is to press for the representation of the views of the public before this tribunal within the time available for that purpose. Sir, I submit that this is a most urgent question, and this is the only time when this can be done, otherwise we shall not get another opportunity.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has heard the facts bearing on the question of urgency. Under the special circumstances of this case, the Chair is inclined to hold that this is a fit motion to be taken up by the House. Is there any objection to the motion being heard? (No Honourable Member objected.) The motion will be taken up at 4 o'clock today.

The Honourable Sir James Grigg: Sir, may I ask your guidance as to the scope of the debate? The Honourable Member opposite said that the purpose of the debate was first of all to protest against the non-representation of their views—that is what I understood him to say,—and also, within the time available to express their views on the merits of the question. Is the second question in order, Sir?

Mr. President (The Honourable Sir Abdur Rahim): The second question will be in order so far as it bears on the first, as regards the importance of the question that the public here had not the chance of being represented.

ELECTION OF THE STANDING FINANCE COMMITTEE FOR 1935-36.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that the following Members have been elected to the Standing Finance Committee for the financial year 1935-36, namely:

- (1) Mr. H. A. Sathar H. Essak Sait,
- (2) Mr. Lalchand Navalrai,
- (3) Rai Bahadur Sir Satya Charan Mukherjee,
- (4) Mr. T. S. Avinashilingam Chettiar,
- (5) Mr. Shri Krishna Sinha.
- (6) Pandit Govind Ballabh Pant,
- (7) Mr. M. Asaf Ali,
- (8) Major Nawab Ahmad Nawaz Khan,
- (9) Mr. G. Morgan,
- (10) Dr. Ziauddin Ahmad,
- (11) Rai Bahadur Seth Bhagchand Soni,
- (12) Mr. N. V. Gadgil,
- (13) Sir Leslie Hudson, and
- (14) Mr. Amarendra Nath Chettopadhyaya.

ELECTION OF MEMBERS TO THE COURT OF THE UNIVERSITY OF DELHI.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that the following Members have been elected to be members of the Court of the University of Delhi, namely:

- (1) Dr. Khan Sahib,
- (2) Syed Ghulam Bhik Nairang,
- (3) Pandit Lakshmi Kanta Maitra, and
- (4) Mr. Ghansham Singh Gupta.

GOVERNMENT'S RIGHT TO MAKE ANY MODIFICATION IN THE BUSINESS OF THE HOUSE.

Mr. President (The Honourable Sir Abdur Rahim): Before asking the House to deal with the Demands for Supplementary Grants, the Chair wants to give its ruling as regards the point of order raised by the Honourable Mr. Satyamurti yesterday. The point of order was whether Government have got the right and the power to make any modification in the business of the House after it has been already announced. The Chair has considered the matter carefully, and it finds that Standing Order No. 7 is in general terms and gives power to the Governor General in Council to arrange the Order of Official Business in this House. The Chair quite sees the force of the contention of Mr. Satyamurti that once the Order of Business has been announced to this House, it is extremely inconvenient if that order is altered, but the point of order is whether Government have got the power and the right to do so. On that point the Chair has not the least hesitation in holding that the Government has such power. The Chair has also made inquiries and it is informed that in the past modifications in the list of business as announced have been made. At the same time, the Chair must point out that it must cause considerable inconvenience to the House if the Order Paper is materially altered without sufficient previous notice. But Mr. Satyamurti also urged that once the business is announced or the List of Business is placed before the House, the House has the seizure of it, and, therefore, no alteration can be made in it without the consent of the House, but, as a matter of fact, a motion, unless it is moved, is not in possession of the House, and any Honourable Member who has given notice of any motion can refrain from moving it. Therefore, it cannot be said that once a particular programme of business has been placed before the House, the Government is not in a position to alter it.

Sir Gowanji Jehangir (Bombay City: Non-Muhammadan Urban): In view of your ruling, Mr. President, may I once more make an appeal to the Honourable the Leader of the House to allow my item to come in after this. I won't take more than two or three minutes.

The Honourable Sir Wipendra Sircar (Leader of the House): May I make an appeal to my Honourable friend to renew his request the day after tomorrow?

DEMANDS FOR SUPPLEMENTARY GRANTS IN RESPECT OF RAILWAYS.

AUDIT.

Mr. P. R. Ban (Financial Commissioner, Railways): Sir, I beg to move:

"That a supplementary sum, not exceeding Rs. 80,000, 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, 1936, in respect of 'Audit'."

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

"That a supplementary sum, not exceeding Rs. 80,000, 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, 1936, in respect of 'Audit'."

The Chair does not think there are any amendments. The question is . . .

Pandit Nityanatha Das (Orissa Division: Non-Muhammadan): Sir, this supplementary sum refers to the appointment of more senior officers than originally contemplated. As it appears from the proceedings of the Standing Finance Committee, these appointments of new senior officers were not given out in detail, and, if these posts were not contemplated at the beginning of the year, I should like to know from the Honourable Member why it was necessary during the year to appoint more senior officers, especially when this department is directly under the Railway Board. This is a Central Department.

Then, again, with regard to the question of gratuities to retiring staff, they have exceeded the original estimates. The retiring staff must be known to the department. It is generally known when an officer is to retire, and, therefore, I want to know how it is that Rs. 80,000, which is practically 1/16th of the entire voted amount of the department, could remain unanticipated at the beginning of the year. I want information on these two points.

Mr. P. R. Ban: Sir, my Honourable friend is a Member of the Standing Finance Committee for Railways, and I should have thought that the more natural course for him would have been to ask these questions on points of detail, in the Committee Room rather than spend the time in this House for this purpose, but I have no objection to give him the information.

The first question he raised was regarding the appointment of more senior officers than originally contemplated. My Honourable friend is under a misapprehension in thinking that this grant is under the control of the Railway Board. The grant is administered by the Auditor General who is not under the control of the Railway Board. The difficulty with regard to anticipating who are the officers that will be in the Railway Audit Department is that the Department of Accounts and Audit is worked as a whole by the Auditor General, and it happens sometimes that officers are transferred from the civil offices of accounts and audit to railway offices of audit, and, consequently, it might happen that the programme in contemplation in the beginning of the year cannot be strictly adhered to. The net result is, however, that if there is an excess under this grant to the Railway Audit Department, there will be a corresponding reduction under the grant for Audit in the General Budget.

[Mr. P. R. Rau.]

My Honourable friend's second point is as regards gratuities. Here again my Honourable friend is quite right in thinking that ordinary gratuity is admissible to a man who retires and it is possible to foresee this at the time of the preparation of the budget. But, in the particular circumstances of the last two or three years, when a number of people have been retrenched with the consequence that they are paid gratuities earlier than they would have drawn them in the normal course, it has been found difficult to make proper estimates.

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

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

The motion was adopted.

Mr. P. R. Rau: I do not propose to move the next motion that stands in my name, because, since giving notice of this motion, I have received information from local administrations which leads to the conclusion that this demand is not necessary. The excess that is anticipated on the share of surplus profits payable to railway companies will be more than made up by a reduction in the net earnings payable to worked lines.

As I had already placed this demand before the Standing Finance Committee and as they had agreed to it, it was necessary for me to make this explanation for not moving this demand. With your permission, Sir, I shall move the next demand, No. 8.

WORKING EXPENSES—MAINTENANCE OF STRUCTURAL WORKS.

Sir, I move:

"That a supplementary sum, not exceeding Rs. 11,50,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Working Expenses—Maintenance of Structural Works'."

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

"That a supplementary sum, not exceeding Rs. 11,50,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Working Expenses—Maintenance of Structural Works'."

Dr. Shauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I understand that No. 2 is not moved by the Honourable Member. But since this amount is already shown in the revised estimates, there will be a net saving equivalent to this amount in the total of the budget?

Mr. P. R. Rau: Yes.

Permanent Way and Bridge Materials.

Pandit Nishantha Das: I have two different motions, namely, 1 and 2

Mr. President (The Honourable Sir Abdur Rahim): There are five motions in the Honourable Member's name.

Pandit Nilakantha Das: But I refer to motions Nos. 1 and 2 for the present. They are two different motions on two items in the demand. So, may I be allowed to move them one after another and speak on them together?

Mr. President (The Honourable Sir Abdur Rahim): Certainly.

Pandit Nilakantha Das: I move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 11,50,000 in respect of 'Working Expenses—Maintenance of Structural Works' be reduced by Rs. 3,00,000."

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Chair does not understand the Honourable Member clearly. His object is that it should be reduced by six lakhs—that is the idea?

Pandit Nilakantha Das: Yes.

Mr. President (The Honourable Sir Abdur Rahim): Then, the Honourable Member had better confine himself to the first motion.

Pandit Nilakantha Das: I have moved it. But the two motions are inter-related and I may speak on them together.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should move them separately.

Pandit Nilakantha Das: I move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 11,50,000 in respect of 'Working Expenses—Maintenance of Structural Works' be reduced by Rs. 3,00,000."

I refer to items Nos. (ii) and (iii). One is disposal of obsolete and unwanted permanent way materials on the Bengal Nagpur and Burma Railways—three lakhs, and the other is writing down the value of bridge material and other miscellaneous stores of the Frontier Railway Reserve to market prices on the North Western Railway—three lakhs. As to this, I hope the Honourable Member will not take shelter under the fact that I am a member of the Standing Finance Committee. In fact this year the whole budget, including supplementary grants was taken up and finished in one day, and I am sorry I could not go into all the details. This even in the Finance Committee I expressed to my Honourable friend. However, that is all private. I shall refer only to what I see from the proceedings of the Finance Committee. At page 77 of the report, you will find:

"One of the Members of the Committee (*Pandit Nilakantha Das*) desired that details should be furnished to him about the obsolete and surplus permanent way materials on the Bengal Nagpur Railway on account of which a loss of 3 lakhs was expected to be incurred during the current year."

At first, in the Finance Committee's proceedings, only the Bengal Nagpur Railway appeared, there was no mention of the Burma Railways, and it was three lakhs.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member wants this reduction by way of economy?

Pandit Nilakantha Das: Yes. The Burma Railways has been added afterwards, and it was not mentioned then. The Bengal Nagpur Railway and the North Western Railway are the two railways concerned in these two motions, and, if you see the stores balances report, you will find that these two railways are the worst culprits so far as reduction of stores balances is concerned. In 1922-28 when the stores balances went up to 23½ crores, the Bengal Nagpur Railway's was 161 or 162 lakhs, and they have reduced it to 97. Now, it is practically one crore. In the North Western Railway, it was three crores 98 lakhs. Now, it has been 1.65 or 1.66 lakhs. As compared with other lines, these two lines have been the slowest in reducing balance. I need not quote more figures. The Honourable Member knows it well. But this writing down the surplus bridge material to market price perhaps does not belong to this commercial section. It belongs to the military or the strategic section for it belongs to the North Western Railway reserve and, in that military section, just as for military stores, to which I am not referring here, the stores balance has been 57 lakhs 68 thousand in 1922-23, when the balance was highest. Now, in 1932-33, it rose up to one crore and two lakhs. Now, it is 98 lakhs 25 thousand. So it is quite probable that there is a very heavy pressure on these two lines for reducing the stores balances. Besides, I may enter into the history of these stores purchases, particularly of these two companies. So far as the Bengal Nagpur Railway is concerned, my Honourable friends in this House might remember how, during the last 15 years, which was referred to by my Honourable friend, the Finance Member, yesterday, 377 crores have been spent for the development of India, and, during this period, this Bengal Nagpur Railway particularly have spent on materials, if we look to the accounts, more in England than in India, unlike other railways.

The Honourable Sir Nripendra Sircar (Leader of the House): On a point of order. These are questions of policy which cannot be debated now.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member knows that questions of policy cannot be debated now.

Pandit Nilakantha Das: I simply want to show that these reductions should not be granted. Why was that surplus there? That is what I mean to prove.

Mr. President (The Honourable Sir Abdur Rahim): No question of policy can be debated.

Pandit Nilakantha Das: All I say is that this surplus should be examined into. That is what I wish to prove. If my friends do not want proof, then I shall simply move that these should not be given.

The Honourable Sir Nripendra Sircar: I never objected to that.

Mr. President (The Honourable Sir Abdur Rahim): So long as the Honourable Member does not debate any questions of policy.

Pandit Nilakantha Das: I never go into any policy. I refer to the heavy purchases from England by these two companies particularly and want to prove that there has been an excess in the stores balance. These two companies want to reduce it at any cost now. It is a fact that this Bengal Nagpur Railway were receiving patents from their own officials under some name, the name of Henry Williams in which the partners were their own officers, their Chief Engineers, their own Agents and from them this company used to purchase universal sleepers and other sleepers

Mr. P. R. Rao: On a point of order. May I point out that these sums are required purely for adjustments of accounts. The charge to revenue will be counterbalanced by a credit to capital and the only question is whether for correct accounting these stores should be held at the original value or should be reduced to the present market value. I think all these various other matters are quite out of order on this question.

Pandit Nilakantha Das: How am I to prove how these surpluses came to be there. It is their own fault—due to extravagance of the companies. We must inquire into the reason for these surpluses, whether they were necessary, whether they were ordered under the instructions of the Railway Board or whether the Agent who was then and is now

Mr. President (The Honourable Sir Abdur Rahim) The Chair understands the question here is only one of adjustment of accounts.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Does the Honourable Member mean to say that Item No. 2, where they talk of the disposal of obsolete and unwanted permanent way materials, is a mere book entry? The third I appreciate—writing down the value of bridge material—that you should debit it to revenue and credit to capital but does he mean to tell me, unless the words mean something quite different in his English language, that the disposal of obsolete and unwanted permanent way material is a matter of book entry?

Mr. P. R. Rao: The result of it is that the capital at charge will be reduced and the difference between the original cost and the amount we get by disposing of these materials will be charged to revenue.

Mr. Bhulabhai J. Desai: There is an intended sale at a less price, if it means anything at all?

Mr. P. R. Rao: Yes, there is, if we can find purchasers.

Mr. Bhulabhai J. Desai: Therefore it is not a mere question of book entry on either side. It cannot be.

Mr. P. R. Rao: This expenditure will be counterbalanced by a credit to capital.

Mr. Bhulabhai J. Desai: How can it be if you are disposing of the material at a lesser price?

Mr. P. R. Rau: I am afraid it is a technical question of accounting and it is not very easy to explain here.

Mr. Bhulabhai J. Desai: If this is the information to be given, I object to it. Either it should be explained or not explained. I object to the preface.

Mr. P. R. Rau: The point is that certain permanent way material was obtained some years ago in these railways. They are now obsolete. I do not know the price at which they were obtained. Assuming that the original price was ten lakhs and it is now sold at seven lakhs, the result will be that the capital will be reduced by 10 lakhs and the amount of seven lakhs that we are disposing them for will be credited to revenue and the reduction of capital will be counterbalanced by a charge to revenue of ten lakhs. The net result is that the revenue is charged with the difference between the original cost and the proceeds of the sale.

Pandit Nilakantha Das: Whatever that may mean, these obsolete materials are going to be scrapped or to be sold to other companies or disposed of in any other way. That explanation in detail is necessary. I am ready to discuss them and to show that this company has been guilty of purchasing things which are obsolete and it is not a question of three lakhs only. There may be other items and there may be other items in future too. So, we should like to know about the exact nature of this reduction—either scrapping or disposing of the material in any other way. So I propose that this money should not be granted now and there should be a proper inquiry about the details of these materials. Then and then alone it can be taken up for consideration. Then again, about these bridge materials, I find from the books that the North Western Railway were purchasing more than 50 per cent. bridge material from outside India, when bridge materials are made in this country. Sir, they are doing this year after year, and I may also point out that complaints have often been made that bridge materials are purchased unnecessarily . . .

Mr. President (The Honourable Sir Abdur Rahim): That has no bearing on the matter now in question.

Pandit Nilakantha Das: Sir, I am going to show why this bridge material was purchased at all. If it was purchased at the risk of the Agent or somebody else, they should be taken to task if it was unnecessarily purchased. Why should we write it down to the present market value? Was it under the orders of the Railway Board that these things were purchased? That is what I want to know. If I know the details, then I shall be satisfied. Otherwise, if I am told that these things should be written down to the present market value without any rhyme or reason, I shall not be satisfied. Sir, many things may be purchased, and at any future date they may be written down to the present market value, and it will be a book entry. I do not really understand the explanation. So I propose that proper details should be given to the House, and they should be properly examined, before these two grants are made. Otherwise the blame should be apportioned. So, I do not discuss the matter any more, but shall simply put this simple question on these two motions.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 11,50,000 in respect of 'Working Expenses—Maintenance of Structural Works' be reduced by Rs. 3,00,000."

Further amendment moved.

"That the demand for a supplementary grant of a sum not exceeding Rs. 11,50,000 in respect of 'Working Expenses—Maintenance of Structural Works' be reduced by Rs. 3,00,000."

Mr. Bhalabhai J. Desai: Sir, I should like to say a few words about this item and the next item No. 2. The question of asking for it does not arise now. After the materials are sold ultimately and that sale results in a loss, that is the proper time to ask for it. If I understand the explanation to have any meaning at all, it is that, the stores having been purchased, what is now stated is that, inasmuch as they have not been used but are in the hands of the railway companies and, when sold, are likely to result in a loss of Rs. 8 lakhs, therefore this grant is asked for. Now, it is premature to ask for that sum at all now; the only time to ask for that sum is when the materials have in fact been disposed of. As regards the second item, this is not a demand for actual money wanted—that is the short answer to it—this is not money that is required for "disbursements" but I understand the Honourable Member to explain, as far as I am able to understand his explanation, this. He has got a certain material that is going to be disposed off, but he anticipates that, on its disposal, there is likely to be a loss of Rs. 8 lakhs. That is the only explanation that he has vouchsafed to this House, and if that is so, it is premature to make that demand at all. No money is required for the purpose of actual disbursements. That is the first point. As regards the other—the writing down of the value of bridge material and other miscellaneous stores, if that means merely this that there is a book entry representing, I presume, the cost, but for some reason or other he wants to write down the material but showing it at a lesser cost because today the market value has gone down, if that is the explanation, again, in so far as the actual demand for money is concerned, actual money is not required. What is required is permission to debit it to revenue and credit it to capital. If I have still failed to appreciate these two points, then it is up to my Honourable friend to explain them to the House.

Mr. P. R. Rau: Sir, I quite appreciate the point of view laid down by the Honourable the Leader of the Opposition, but the only point about this is that it is quite contrary to all existing accounting principles. So far as the first point is concerned, though the actual loss is known, only after the bridge material and other miscellaneous stores have been sold, the point is that we are required, under the Constitution, to obtain from the Assembly a grant for the expenditure expected to be incurred during the year, and I submit that it would not be constitutionally correct to wait till the money is spent before coming to the Assembly for the grant. It would not be a supplementary grant, but would then be an excess grant. As we know that the expenditure is to be incurred, it is our plain business to come to the Assembly and ask for a grant likely to be required.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): What is the expenditure on?

Mr. P. R. Rau: The expenditure, Sir, is the charge to revenue in reduction of capital. I think it is sufficiently well-known to all businessmen here

[Mr. P. R. Rau.]

—that, when you reduce your capital at charge, you have to find the money somehow by charging to your current expenditure. As regards the second point, the writing down of the value of bridge material and other miscellaneous stores, the point there is exactly the same. Under the ordinary accounting procedure, we try to keep the value of our stores to market price, and I do not think it would be held to be correct from an accounting point of view—and I appeal on this point to the businessmen in this House—to show all your stores at higher prices than they would fetch if they are sold in the open market; that would not be giving to the House the true financial position of the Railways. That is all I have to say on this matter, Sir.

Prof. N. G. Ranga (Guntur cum Nellore Non-Muhammedan Rural): Sir, I wish to say a few things in this connection. I learn from Honourable Mr. Rau's explanation just now that he must ask for permission of this House for the expenditure of these three lakhs in order to dispose of certain unwanted permanent way and bridge materials, and so on. (Voices "No, no.") Now, I do not think he has to incur any additional expenditure actually, but just to employ his own staff for them to go into the market and sell these materials. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member does not appear to have followed the Honourable Mr. Rau.

Prof. N. G. Ranga: Sir, I am trying to answer his explanation. If, on the other hand, he thinks that he has got to buy some permanent way material and he must dispose of this and replace it by some other material. . . .

Mr. P. R. Rau: Not necessarily replace it, Sir.

Prof. N. G. Ranga: . . . and he expects to incur a loss of Rs. 3 lakhs; then, certainly he has a right to come to this House for permission to incur the expenditure of Rs. 3 lakhs. Otherwise, there is really no justification for his coming to this House for this particular grant of Rs. 3 lakhs. Coming to the other point of writing down the value of the bridge material and other miscellaneous stores, I ask, why has it become necessary? Because he has got this material on his hands. And he has this material on his hands evidently because when he was purchasing it, he knew that he would deal with this material on an emergent occasion. Therefore, he has purchased it. After having purchased it, he finds now that it is useless,—not that it is absolutely useless, at all events the market price has gone down, and, therefore, he thinks its value should also be brought down; and, if that is the case, I would like him to explain to me one or two relevant facts. The total value of the railway stores in this country was valued at Rs. 23 crores 67 lakhs in 1921-22, but here, during this year, as was stated in the Railway Budget, the present value of the railway stores has come down to 8½ crores. Now, I would like to know whether this reduction from 23 crores 67 lakhs to 8½ in the value of the stores that the Government of India in its Railways keep with them has been due to a similar procedure having been followed in the past either with or without the knowledge of the Legislative Assembly as is now followed in writing down the value of bridge material and other miscellaneous stores and so on. Sir, it is a well-known fact that the prices of railway materials as well as other materials have come down very considerably,—by fifty per cent. and so on. Is it because a certain procedure has been followed that this particular decrease has been shown in the value of the stores maintained by the railways?

Mr. P. E. Das: May I interrupt the Honourable Member? The decrease that he is referring to is certainly not due to revaluation. A very large part of the decrease is due to the fact that stocks have been consumed.

Prof. N. G. Ranga: This explanation also makes it perfectly clear that at one time they had too much of stores, instead of continuously purchasing stores and at the same time utilising their own stores and in that way reducing the total stock of stores in their own hands. Thus, the N. W. R. had at one time 8.94 lakhs of stores, and now by 1924-25 it came down to 1.65 lakhs. That shows also that they have found that their former policy or former programme was wrong in taking so much stores. Therefore, they were utilising the stores which they already had in their hands and they have now come down to the policy of reducing the stores. If that is the case, then it proves my contention that this Government, for some reason or other, have been following not the policy, but the wrong programme of having on their hands too much of stores? For what purpose did they have them? I suspect that it is because they have, from time to time, to make it convenient for private manufacturers in this country and also the manufacturers in England who are interested in manufacturing all these railway materials. Whenever those people were anxious to sell their stores and whenever they were anxious to go on with their building programme, according to my suspicion, they approached the Government of India and requested them to purchase something from them. Whether they needed them or not, the Government of India was continuing to purchase these stores and in this way this result has been achieved.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is simply repeating himself.

Prof. N. G. Ranga: And what is the result? The result is this that they have got too much of stores on their hands.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said that more than once.

Prof. N. G. Ranga: It is not out of order anyway.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is repeating himself.

Prof. N. G. Ranga: Excuse me, Sir, I do not propose to repeat myself in future. The result has been this that they have these surplus stores, useless stores, unwanted stores and they find it necessary to bring down the value of these stores to the market value. The market value of the stores has really gone down and they have no use for the stores which they have in their hands, and, therefore, they want to get rid of them. The only way to show us a satisfactory account of great reduction in the value of stores is to ask us to write down the value of these materials and other miscellaneous stores. Therefore, the present programme of the Government of India in these railways is not at all satisfactory. It is really ruinous and is uneconomical and results in continuous process of loss of financial resources of this country as well as the railways. Therefore, this House, I am sure, will be justified in refusing to pass this particular supplementary demand.

Sir Cowasji Jehangir: Mr. President, I wish to refer to item (ii)—disposal of obsolete and unwanted permanent way materials on the Bengal Nagpur and Burma Railways. So far as I understood the Honourable Member, he meant to say that this was a proposal to write down this material by three lakhs of rupees and that no money was asked for. Is that so?

Mr. P. B. Rau: The money has to be asked for under this demand because finally it will be accounted for as an additional expenditure under demand No. 6-A and a minus expenditure under another grant.

Sir Cowasji Jehangir: That is a book entry, but actually the money is not being spent from the revenues or from capital. This is merely a book entry to show that you expect that this material has depreciated by three lakhs or it has become obsolete to the extent of three lakhs. You will dispose of this material.

Mr. P. B. Rau: The real point is that if it is re-valued at moderate rates, the loss will be found to be equivalent to three lakhs. Whether it is disposed of or retained in stock, the loss in value is already there.

Sir Cowasji Jehangir: You cannot dispose of it?

Mr. P. B. Rau: If we can find purchasers, we shall dispose of it.

Sir Cowasji Jehangir: Then, I understand your proposal is that your material has depreciated in your own estimates by three lakhs. Whether it is correct or not can only be ascertained when you sell it or try to sell it, but in the meantime you want to make a book entry to the extent of three lakhs and you want the sanction of this House for the purpose of doing so.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): Sir, the Honourable Member says that the deficit is due to the disposal of obsolete and unwanted permanent way materials. But are they really obsolete or is it merely a book adjustment? The adjective "obsolete" clearly indicates that these articles cannot be in use any longer. They have either to be sold away or converted into raw material, and once again fresh material would be purchased for the purpose of new designs. I would like the Honourable Member to give us information about the total cost of materials that have now become obsolete. When were they purchased and how have they been allowed to become obsolete? What is the total loss? Who are likely to purchase it? I am afraid there is a likelihood of a fraud in this connection because many articles which are useful may be disposed of as obsolete articles and a loss incurred to the extent of three lakhs of rupees. What is the agency which purchases these articles? What are those obsolete and unwanted articles? If they were purchased a number of years ago, when was it discovered that they were obsolete and unwanted? If it is more than ten years that they have been allowed to become obsolete and unwanted . . .

Mr. President (The Honourable Sir Abdur Rahim): The Chair thought the Honourable Member wanted some information.

Mr. M. Ananthasayanam Ayyangar: And, then, whether it is likely . . .

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wants information, he ought to give the other side a chance to give the information.

Mr. P. E. Rau: If the House wants to have these details, I can read the information supplied by the Bengal Nagpur Railway. The total consists of eight items, aggregating Rs. 2,00,000, the details of which are as follows:

	Rs.
(1) 93 lb. and 85 lb. rails not fit for Main Line use, written down to equivalent value of 75 lb. rails	23,000
(2) Unwanted guard rails of level crossings.	2,000
(3) Short obsolete and unwanted check rails and crossing components	17,000
(4) Short switches and crossings of obsolete design	5,000
(5) Obsolete old rails and fish plates, such as double headed 62 lb. rails.	23,000

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not give all the items. These are matters on which information ought to have been obtained in the Standing Finance Committee.

Mr. S. Sabyamurti (Madras City: Non-Muhammadan Urban): May I invite your attention to this note which says that one of the members of the Committee, Pandit Nilakantha Das, wanted the details to be furnished to him about the obsolete and surplus permanent way material on the Bengal Nagpur Railway on account of which a loss of three lakhs was expected to be incurred during the current year.

Mr. President (The Honourable Sir Abdur Rahim): Those details have now been given.

Mr. P. E. Rau: That information was supplied to the Honourable Member.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 11,50,000 in respect of 'Working Expenses—Maintenance of Structural Works' be reduced by Rs. 3,00,000."

The motion was negatived.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 11,50,000 in respect of 'Working Expenses—Maintenance of Structural Works' be reduced by Rs. 3,00,000."

The motion was negatived.

Fencing on Burma Railways.

Pandit Nilakantha Das: Sir, in my amendment No. 5, I want information about these 108 miles of fencing on the Burma Railways. I should like to know when that was made and why it was made and why was that fencing dismantled? I want some detailed information about it.

Sardar Sant Singh (West Punjab: Sikh): Sir, I rise to a point of order. May I know that when supplementary demands are moved in this House, is it or is it not permissible for token cuts to be moved to discuss questions of policy to get information?

Mr. President (The Honourable Sir Abdur Rahim): Token cuts cannot be moved to discuss questions of policy.

Pandit Nilakantha Das: I want some information about fencing on the Burma Railways.

Mr. P. B. Rau: Sir, I understand that my Honourable friend does not wish to move his motion, but only wants some information on the question of dismantling of this fencing. The explanation is that some years ago, in 1928, to be exact, certain fencing on parts of the Burma Railways, which were inferior to the Indian State Railways pattern, has been so broken or destroyed, to a great extent by the act of the inhabitants of the adjoining areas, that it was useless as a fence. The renewal of the fencing was estimated to cost over six lakhs, but the expenditure was, however, not considered justified. The Railway Board, after consulting the Government Inspector of Railways, sanctioned the removal of the fencing in 1929, subject to the condition that it should be maintained along the railway boundary between the railway and the road or village for such distance as the road or village was within a distance of 300 feet from the centre line of the railway. This, I understand, was done in consultation with the civil authorities.

Pandit Nilakantha Das: I do not wish to move my next amendment No. 6*.

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

"That a supplementary sum, not exceeding Rs. 11,50,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st day of March, 1935, in respect of 'Working Expenses—Maintenance of Structural Works'."

The motion was adopted.

WORKING EXPENSES—MAINTENANCE OF CARRIAGE AND WAGON STOCK.

Mr. P. B. Rau (Financial Commissioner, Railways): Sir, I beg to move:

"That a supplementary sum, not exceeding Rs. 18,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st day of March, 1935, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

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

"That a supplementary sum, not exceeding Rs. 18,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st day of March, 1935, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

*"That the demand for a supplementary grant of a sum not exceeding Rs. 11,50,000 in respect of 'Working expenses—Maintenance of Structural Works' be reduced by Rs. 100 (Bridge material and other stores of the Frontier Railway Reserve)."

Pandit Nalakurtha Das: May I move my amendment No. 7*?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's amendment seeks to reduce the demand by Rs. 100.

Pandit Nalakurtha Das: Yes, Sir. Is it not allowed?

Mr. President (The Honourable Sir Abdur Rahim): Discussions of policy are not allowed. All token cuts are not allowed.

Mr. B. Satyamurti: I want to know if this expenditure has been incurred.

Mr. P. E. Rau: Seeing that today is the 26th day of March, most of it has probably been spent.

Mr. B. Satyamurti: If that is so, I rise to a point of order, and I want your ruling on that. I would refer you, Sir, to Rule 50 of the Indian Legislative Rules (Article 160 of the Manual of Business and Procedure) which says:

"An estimate shall be presented to the Assembly for a supplementary or additional grant when:

(i) the amount voted in the Budget of a Grant is found to be insufficient for the purposes of the current year, or

(ii) a need arises during the current year for expenditure for which the vote of the Assembly is necessary upon some new service not contemplated in the budget for that year."

There is a proviso which follows which is not relevant for the purpose of my present point of order.

Mr. President (The Honourable Sir Abdur Rahim): That is a new service.

Mr. B. Satyamurti: I am on the point that this expenditure, according to the statement of my Honourable friend who moved this demand, has been incurred. I submit that where expenditure has been incurred the proper procedure is to come to this House by way of a demand for excess grant, and not by way of a supplementary grant, because a supplementary grant implies a demand for expenditure to be incurred. I have also got a ruling governing this point, which I shall also place before you for your consideration. It is Case No. 509 in the Book, "A Selection from the Decisions from the Chair".

Mr. President (The Honourable Sir Abdur Rahim): What is laid down there is the correct parliamentary procedure, but the practice in this House has always been to treat such grants as supplementary grants.

*"That the demand for a supplementary grant of a sum not exceeding Rs. 18 lakhs in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock' be reduced by Rs. 100 (Purchase and Repairs—where and how made)."

Mr. S. Satyamurti: Your predecessor, Sir, said something else. I am now reading out that ruling:

"On a motion for a supplementary demand under Railways (Appropriation from Depreciation Fund), it was stated by Government that the total expenditure would exceed the original grant.

The President pointed out that for monies already spent motions in that form should not be made.

Sir George Hain explained that that had been the usual practice and that the greater part of the supplementary demand asked for had already been incurred.

The President thereupon observed: I think the Honourable Member will agree with me when I say that if money has been spent already in excess of the grant voted by this Assembly, the Government can only come by way of a motion for excess grant. That is, as I understand, the right Parliamentary procedure. However, as the Honourable Member points out that this practice has been in vogue for the last few years, I do not wish to raise any objection at this stage, but will see that the procedure is regularised in future."

Well, Sir, this took place on the 16th March, 1929

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member point out whether it was regularised?

Mr. S. Satyamurti: I was not here then. I submit, Mr. President, it is my duty and privilege to point out the defects, and I have to ask you to see that we establish right precedents, when a point of order is raised.

Mr. President (The Honourable Sir Abdur Rahim): What will be the substantial difference?

Mr. S. Satyamurti: The substantial difference is a great deal. If you look into these demands, they will come to nearly 1½ crores. All this huge sum, the Government go on spending without the previous consent of this House, as if this House does not exist at all. It is not a case of only one supplementary grant. If the financial procedure is properly followed, the Government ought not to incur a pie of expenditure without the previous vote of this House (Hear, hear), unless unforeseen circumstances compel them to come forward with an excess demand.

Indeed, I shall have to raise another point of order. According to May's Parliamentary Practice, supplementary demands can only be moved for meeting unforeseen contingencies, for example, a charge levied by statute which they could not have foreseen, or something like the Bihar earthquake disaster which the Government could not have foreseen. I submit, Mr. President, that the Government are going on as if supplementary budget is additional budget, and not a real supplementary budget as we would like it to be. I ask you, Sir, therefore, in the interests of the financial control of the House not being attenuated further than it is at present, to follow the procedure laid down by your predecessor, and to regularise the system of these supplementary and excess grants in future. I quite see that it may not be possible, here and now, for you to rule them out. But I am quite willing that you should give the Government notice that you will not allow them to put down, as supplementary demands, sums which have already been spent. I want you to lay down the procedure hereafter.

Mr. President (The Honourable Sir Abdur Rahim): The real question is not whether it is called excess grant or supplementary grant. The point raised really amounts to this, that it is an expenditure actually incurred in excess of the estimate that is sanctioned and upon that a much wider question has been raised. That is not really a question of procedure which only the Chair can regulate. It is for the House and for the Government to see that proper estimates are made and that excess expenditure on any large scale is not to be incurred. But that is a very different thing from the question of mere procedure.

Prof. N. G. Ranga: Sir, I should like to know what the real position is in regard to the maintenance of carriage and wagon stock of the Government of India. In the report of the proceedings of the Standing Finance Committee for Railways, Vol. IX, No. 4, it is stated that owing to decreased traffic, in the last few years, a large number of wagons have been scrapped without replacement and a large number are due for renewal. But no efforts were made to improve some of these wagons before they were scrapped. No attempt seems to have been made to find out whether, without scrapping them, Government could not have economised their expenditure by trying to improve them. And this scrapping was done in a very peculiar manner. The rolling stock programme, approved by the Committee at their meeting in January last in Simla, involved an expenditure of 278 lakhs. the expenditure to be met from the depreciation fund being three crores and so on. This programme did not include any general service wagons. The report runs:

"As I informed the Committee at the time, the question of the number required was then under investigation by the Railway Board."

They were then investigating about the number of wagons they would need. In the meanwhile, somehow,—whether it was in the meanwhile or a little in advance of that,—a large number of wagons had been scrapped because it was found that there was no use for them.

Mr. President (The Honourable Sir Abdur Rahim): What is the information that the Honourable Member wants? He is only giving certain information.

Prof. N. G. Ranga: All this information is in support of my question.

Mr. President (The Honourable Sir Abdur Rahim): What is the Honourable Member's question?

Prof. N. G. Ranga: I should like to know why it was that before all these wagons were scrapped there was no attempt made to maintain them by improving them. Secondly, the Government of India now come forward with this proposal to improve a large number of carriages and wagons at an enormous cost of 18 lakhs of rupees while, at the same time, ordering for a large number of wagons at a very much greater cost from the private firms. I wonder why the Government of India are not trying or have not tried to manufacture these wagons themselves and why the Government of India. . . .

Mr. President (The Honourable Sir Abdur Rahim): In raising the point about the manufacture of wagons, the Honourable Member is surely embarking on a very large question.

Prof. N. G. Ranga: I want to know why the Government of India have not tried to maintain and improve the old wagons before they were scrapped; and I should like them also to explain.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has put that question; let him take the answer.

Prof. N. G. Ranga: Have I to put one question after another or simply to put all questions together and take the answer at one time. If you want me to put one question after another, I have no objection.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member has more than one question, he can put them. What are the questions?

Prof. N. G. Ranga: Here is a demand for 18 lakhs for maintenance of carriage and wagon stock. They want to improve them. Before they have come to this particular decision they have scrapped a large number of wagons and they give the reason that they did not want those wagons because there was diminishing traffic. They scrapped them first; then they came to the conclusion that they wanted some more wagons and they wanted some of their existing wagons to be improved. I should like them to explain why they have not followed this particular policy of improving their old wagons before they scrapped them. Secondly, while they propose to carry out these particular improvements for these carriages and wagons, do they propose to carry out these improvements in their own railway workshops or do they propose to ask for tenders from private firms and so on. If they want private firms to place their tenders before them, are they sure that by getting these wagons improved by private firms they would not be incurring a very great loss?

Mr. P. E. Rau: Sir, most of my Honourable friend's speech might perhaps have been relevant when the question of the money required for the purchase of wagons next year was considered by the House a few days ago. At the present moment the demand that is made here is for repairs and maintenance of existing wagons and not for the purchase of new wagons. My Honourable friend has referred to the proceedings of the Standing Finance Committee where it has been stated that for two or three years, when traffic had been slack, we were able to refrain from buying new wagons in replacement of old wagons which had reached their normal life and were considered unfit to carry the traffic. I take it that is not a point on which my Honourable friend would like to condemn Government because, after all, what we did.

Pandit Nilakantha Das: Did all these wagons run out their normal life?

Mr. P. E. Rau: I am quite sure that these wagons which were scrapped were either damaged in accidents or were approaching the end of their normal life or for other reasons were quite unfit to run. But the point is that for the last two or three years we did not think it necessary to renew wagons because the traffic did not justify it. Now that traffic is improving, a certain number of wagons have to be renewed and a large number to be repaired. The expenditure which is referred to in this

demand is for the repairs and maintenance of our existing wagons. A large number of these had been kept in lines and not put in traffic; and when they had to be put in traffic naturally a considerable amount of expenditure has to be incurred on repairs.

As regards the other point raised whether we could not recondition the old wagons, that, as explained in the budget speech . . .

Pandit Nilakantha Das: Will the Honourable Member give me the number of wagons repaired?

Mr. P. B. Rau: As regards reconditioning the old wagons, my Honourable friend knows from the budget memorandum that we have already taken up that question, and in the Tatanagar workshops of the East Indian Railway we are proposing to recondition a thousand wagons to find out whether it is not cheaper to spend, say, a thousand rupees on each wagon which is nearing the expiry of normal life,—say a wagon between 25 to 30 years of age,—rather than buy new wagons each costing Rs. 4,000.

Pandit Nilakantha Das: Will the Honourable Member tell me what is the number of these wagons repaired with these 18 lakhs as compared with as many new wagons and their price?

Mr. P. B. Rau: I do not know. I think the repairs on each wagon might ordinarily cost about Rs. 200 or Rs. 300, but a new wagon would cost about Rs. 4,000.

Prof. N. G. Ranga: Sir,

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has made a speech already; he cannot have more than one speech.

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

"That a supplementary sum, not exceeding Rs. 18,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st day of March, 1935, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

The motion was adopted.

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 (The Honourable Sir Abdur Rahim) in the Chair.

MAINTENANCE OF PETTY STEAMERS AND HARBOURS.

Mr. P. B. Rau: Sir, I move:

"That a supplementary sum, not exceeding Rs. 3,90,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Maintenance of Ferry Steamers and Harbours'."

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

"That a supplementary sum, not exceeding Rs. 3,90,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Maintenance of Ferry Steamers and Harbours'."

The motion was adopted.

WORKING EXPENSES—TRAFFIC DEPARTMENT.

Mr. P. R. Rau: Sir, I move:

"That a supplementary sum, not exceeding Rs. 12,85,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Working Expenses—Traffic Department'."

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

"That a supplementary sum, not exceeding Rs. 12,85,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Working Expenses—Traffic Department'."

Mr. Ghanshiam Singh Gupta has given notice of a cut under this demand to discuss the grievances of the traders of Katni: that has nothing to do with this demand. The question is:

"That a supplementary sum, not exceeding Rs. 12,85,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Working Expenses—Traffic Department'."

The motion was adopted.

WORKING EXPENSES—MISCELLANEOUS EXPENSES.

Mr. P. R. Rau: Sir, I move:

"That a supplementary sum not exceeding Rs. 15,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Working Expenses—Miscellaneous Expenses'."

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

"That a supplementary sum not exceeding Rs. 15,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Working Expenses—Miscellaneous Expenses'."

There are two motions, one in the name of Professor Ranga and the other in the name of Pandit Nilakantha Das: both are apparently taken out.

Prof. N. G. Ranga: I do not move it, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member, Pandit Nilakantha Das, want to move his motion or does he want some information regarding it?

Inception of the Sterling Provident Fund.

Pandit Nilakantha Das: I want some information—I do not intend moving the motion. There is not much to speak. I want information regarding the inception of the Sterling Provident Fund as a result of which the retrospective bonuses to certain subscribers are to be calculated and credited to their account on the 1st April, 1934, instead of as previously at the time of their retirement. What is this Sterling Provident Fund and why is it given retrospective effect from the 1st April and not as usual? I want to know.

Mr. P. E. Rau: Sir, it is not the Sterling Provident Fund that has retrospective effect; these provident fund bonuses, which are admissible to railway staff, are now, at the rate of 100 per cent. of their contributions. When the bonus scheme was originally started, it was at varying percentages depending on the profits made by the railway in question. But some years ago it was considered that it was unfair that an employee belonging to a certain railway should get less than an employee belonging to another railway because of the fact that his railway was not making the same profits as the other railway; and it was decided that from the beginning of the inception of the provident fund system every subscriber should be deemed to have been credited by the railway with an amount representing 100 per cent. of his own contribution. It was, however, arranged at the time that the calculation for this purpose should be made only when he retires and that all the accounts of the existing provident fund subscribers need not be altered wholesale on that date. With the institution of the Sterling Provident Fund it has been found more convenient that accounts of all the members who are eligible to join the Sterling Provident Fund should be recalculated. There is no question of any extra payment involved; it is only a question of calculation and whether the account should be made up at the time the railway servant retires or on the 1st April, 1934. So these two lakhs is only credited to the provident fund earlier than it would otherwise be.

Pandit Nilakantha Das: Is there any distinction between the rupee and Sterling Provident Fund here? Is the calculation distinct from the rupee provident fund? That is what I want to know.

Mr. P. E. Rau: The orders of the Government of India are that certain of the staff will be allowed to have their accounts kept in sterling from the 1st April, 1934, instead of in rupees.

Pandit Nilakantha Das: What about other provident funds?

Mr. P. E. Rau: Retrospective bonus is also admissible to subscribers whose accounts are kept in rupees; but the accounts will be made up at the time of the retirement and not earlier.

Mr. B. Das (Orissa Division: Non-Muhammadian): We are already having a foretaste of the New Constitution!

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

"That a supplementary sum, not exceeding Rs. 15,30,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Working Expenses—Miscellaneous Expenses'."

The motion was adopted.

WORKING EXPENSES—ELECTRIC SERVICE DEPARTMENT.

Mr. P. B. Rau: Sir, I move:

"That a supplementary sum, not exceeding Rs. 2,35,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Working Expenses—Electric Service Department'."

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

"That a supplementary sum, not exceeding Rs. 2,35,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Working Expenses—Electric Service Department'."

Does the Honourable Member, Mr. Nilakantha Das, wish to move his amendment?

Repairs to Units and Locomotives.

Pandit Nilakantha Das: I am not moving my amendment, Sir, but I want some information. I want to know whether these repairs were carried out in respect of units and locomotives which ran their full course of life, and whether these repairs were carried out in some of our own Railway Workshops or somewhere else.

Mr. P. B. Rau: Sir, I can re-assure my Honourable friend on this point, all the repairs were undertaken in the workshops of the Great Indian Peninsula Railway.

Pandit Nilakantha Das: Had these units and locomotives run their full course of life like the wagons?

Mr. P. B. Rau: I am sorry I could not catch my Honourable friend's point.

Pandit Nilakantha Das: Sir, these units and locomotives have a certain course of life. I want to know if these repairs were made after they had run their full course of life or before that.

Mr. P. B. Rau: Sir, I am afraid my Honourable friend is confusing the question of renewals with that of repairs. There is no question of renewing these locomotives. As explained in the supplementary demand, the majority of the multiple unit stock coming in the shop had been on the line longer than the normal period of service and needed very heavy repairs, and so there was no question of premature repairs.

Mr. D. K. Lahiri Chandhuri (Bengal: Landholders): What type of locomotives?

Mr. P. B. Rau: Electric locomotives.

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

"That a supplementary sum, not exceeding Rs. 2,35,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Working Expenses—Electric Service Department'."

The motion was adopted.

APPROPRIATION TO DEPRECIATION FUND.

Mr. P. B. Rau: Sir, I beg to move:

"That a supplementary sum, not exceeding Rs. 8,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Appropriation to Depreciation Fund'."

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

"That a supplementary sum, not exceeding Rs. 8,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Appropriation to Depreciation Fund'."

Prof. N. G. Ranga: I would like to know

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands that the Honourable Member does not wish to move his motion.

Prof. N. G. Ranga: I would like to know how it is that the Honourable Member had forgotten all about the necessity for making provision in respect of Appropriation to Depreciation Fund all these years, ever since the Depreciation Fund was established, and what action they took or have taken since against the officer or officers who were responsible for this omission, since, because, of their fault, it has been found necessary, for the Government to make provision for such a big grant as Rs. 8,00,000.

Mr. P. B. Rau: Sir, I have already explained that it is due to an oversight, and to err, I believe, Sir, is human. I do not think that Government will be justified in going back 11 years to find out who was the clerk in question who made this mistake.

Prof. N. G. Ranga: Sir, is there no way by which a mistake could be rectified once it is made? Can't it be rectified either at the time of the discussions of the Public Accounts Committee or when the Government Accounts are audited by the Auditor General? I think such mistakes can be found out without so much lapse of time.

Mr. P. B. Rau: Sir, the process of keeping these accounts is such that once the mistake was originally made in 1925, it was difficult to discover it, because the contribution for the next year took as the starting point the

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contribution for the previous year. In future this sort of mistake cannot arise, because we are basing our calculations on the total capital charge, and are taking a proportion of 1/60 thereof as the contribution to the Depreciation Fund.

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

"That a supplementary sum, not exceeding Rs. 8,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Appropriation to Depreciation Fund'."

The motion was adopted.

OPEN LINE WORKS.

Mr. P. B. Rau: Sir, I beg to move:

"That a supplementary sum, not exceeding Rs. 1,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Open Line Works'."

In moving this motion I should explain that no excess is anticipated over the grant voted originally by the Legislative Assembly in February last for this demand, but expenditure has been incurred on certain new services which were not contemplated at the time the original grant was obtained, and a token grant is, therefore, required under the legislative rules. The expenditure was on account of certain urgent works which had to be undertaken for purposes of safety. They have been enumerated at page 10 of the Supplementary Demands for Grants.

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

"That a supplementary sum, not exceeding Rs. 1,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Open Line Works'."

Method of bringing in Supplementary Demands for Grants.

Mr. S. Satyamurti: Sir, I want to oppose this motion. I had almost raised a point of order on this, but in view of what fell from your lips this morning, I have decided to take more suitable opportunity to deal with it, but, in the meantime, I should like to draw the attention of the House, if I may, to the fact that these supplementary demands are being reduced to a farce by the Government. The rules and May's Parliamentary Practice alike contemplate that, whenever they feel a need for additional expenditure, Government should come to this House as early as possible. The Honourable the Finance Member has no use for our criticisms or suggestions, but may I gently ask him, if he will not be vulgar in replying . . .

The Honourable Sir James Grigg: If you will not be vulgar in asking.

Mr. S. Satyamurti: I have never been vulgar.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. That expression ought to be avoided.

Mr. S. Satyamurti: Yes, I quite agree, but the need for it should also be avoided. I was asking, if my friend, the Finance Member, has applied his mind to the way in which these supplementary demands are being brought before this House? Has he looked into this matter, has he looked into this particular Demand No. 12.—Railways? I should like to know from the Financial Commissioner, Railways, when the need for this expenditure arose, when the expenditure was actually incurred, what was there to prevent the Government from coming to this House, with a demand for a supplementary grant as early as they came to know of the need for this expenditure? Now, Sir, if you will kindly look into the items at page 10 of this Supplementary Demand for Railways, you will find under item (i) Additional stones for slopes of bund on the right upstream side of Kosi bridge. The river was cutting in behind this bund and it was found necessary to strengthen it by additional pitching with stones in order to prevent its being breached. I want to be told when the Government became conscious of the need for this expenditure, when they sanctioned the expenditure, and when this expenditure was incurred. Is there a person called the Auditor General in the Government of India? What are his duties? How was this expenditure sanctioned? Where was the vote of the House for it? There was nothing done. The expenditure is incurred, and the Financial Commissioner for Railways tells us there is no need to exceed the grant originally made, and, therefore, he says, he moves a token demand. Now, Sir, I put it to him that it is consistent with canons of financial propriety that as soon as the need for expenditure arises, unless there is a contingency under which it is impossible for the Government to come to the Assembly before incurring the expenditure, they ought to come to us and take our sanction . . .

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member confine himself to new services or to the supplementary demand for services that have already been sanctioned?

Mr. S. Satyamurti: My point is with regard to the new services which came into existence owing to circumstances arising after the last Budget was passed by this House. So far as the new services are concerned, the Government cannot spend money on new services which were in their mind or could have been in their mind at the time they presented the original Budget, but sometimes an earthquake may happen, sometimes a flood may happen, prices may suddenly rise, a war may happen, and Government may be compelled, owing to circumstances which they could not have foreseen or beyond their control, to incur expenditure beyond what was sanctioned by the House. In that case, I submit to you and to the House, that if there is a reasonable time for them to come to this House, they should come before incurring the expenditure. But if, owing to the House not being in Session, or to the very extreme urgency of the case, the Government feel that they cannot afford, without serious consequences to them or the country, to avoid spending money, they can spend the money and then they ought to come to us by means of an excess grant. In this case you will find every pie was spent already. . . .

Mr. P. B. Rao: Not every pie of it.

Mr. S. Satyamurti: But most of it no doubt. I can only go by the words, "Expenditure has been incurred on new services".

Mr. P. R. Rau: If my Honourable friend will read the Explanation at page 10, he will find that the expenditure proposed to be incurred on the first item, in 1934-35, is Rs. 1,18,000, while the total is Rs. 1,82,000. Part of the expenditure will be incurred next year.

Mr. S. Satyamurti: About Rs. 19,000?

Mr. P. R. Rau: Yes.

Mr. S. Satyamurti: My point still remains. So far as this first item is concerned, Rs. 1,18,000 has been already incurred. I submit that the Government must satisfy this House that they could not have come before this House, for sanction for this expenditure.

I come to the next item:

"Permanent retired alignment of the main line between Karagola and Kursela (estimated to cost Rs. 5,69,000). The Kosi river was cutting in very seriously in September, 1933, towards the railway line between Karagola and Kursela stations, and it appeared almost certain that the line would be breached in the next monsoon season. As the retired alignment entails very heavy earthwork throughout and the construction of two bridges, it was necessary to start work immediately to ensure completion by June, 1935."

The dates here are still more significant. This thing happened in September, 1933, that is, about six months before the presentation of the Budget to this House last year. May I know from the Honourable the Financial Commissioner for Railways when the Government came to be in possession of facts which made them feel that they should take up this work of retired alignment as they call it, why they did not put it in the budget of last year, and if they did not put it in the budget of last year, when they actually sanctioned the expenditure, who sanctioned the expenditure and under what authority the expenditure was sanctioned, and when the expenditure was actually incurred? Also why did they not come before the House much earlier than they have actually done? I come to the third item:

"Cut to divert the Mudgorge Nullah (estimated to cost Rs. 1,96,000). The Mudgorge tunnel is on the side of a steel hill and the Nullah at the bottom became so much deeper in the floods of 1933 that it was feared that the whole hill side would slip into the Nullah. Consequently, it was thought necessary to divert the Nullah at once."

When was it thought necessary? When did the Government get the information about the need for this work, and why did they not come to this House earlier than now? Also when did they sanction the expenditure, and when was the expenditure actually incurred? There is another matter that I should like to bring before you and the House. The Government are taking advantage of the proviso to Legislative Rule No. 50 which says:

"Provided that when funds to meet proposed expenditure on a new service can be made available by re-appropriation a demand for the grant of a token sum may be submitted to the vote of the Assembly and if the Assembly assents to the demand, funds may be so made available."

I should like to know the details of this re-appropriation. Did this re-appropriation have the sanction of the Finance Department? Did it come before the Public Accounts Committee, and, if so, what are the details of this re-appropriation? Are you satisfied, is this House satisfied

that the reappropriation has been made in a manner as not to defeat the purpose for which the original grant was made by this House? These are pertinent questions which are always raised and answered on the floor of any responsible House, before reappropriation is approved of by the House. But, as far as I can see, neither in this explanatory note, nor in the speech of my Honourable friend, to which I listened very carefully, is there any mention of how this expenditure is to be met by reappropriation. He simply says no excess is anticipated over the grant voted originally by the Legislative Assembly for this demand. I submit with some confidence that something more than that ought to be stated and proved by my Honourable friend, namely, that this expenditure can be met by reappropriation, and that is a matter, I think, again which requires sanction not only of the particular spending department but of the Finance Department and of the Public Accounts Committee, and ultimately this House must have some control over the manner in which this reappropriation is proposed to be made.

On the merits of this question, I have nothing particular to say against any of these items, because, as far as I can read them, they are urgent necessary works. But my simple point before you and before the House is that as soon as—as far as I can judge, the need for this expenditure arose long before today, and two of them arose in 1933 on the Government's own statement, it was either open to them to put them in the budget of last year, or if they could not, they should have come long before this time to this House. I wonder what my Honourable friend has got to say. If Honourable Members will add up the totals of these two supplementary demands, it comes roughly to between 11 and 12 crores, and I submit, including the surplus of Rs. 8½ crores which is being distributed to the various objects

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member mean the Railway as well as the General?

Mr. S. Satyamurti: Yes. Taking the whole thing together, I submit that it is really abusing the right of moving supplemental demands to ask the House to vote away such large sums of money, towards the end of March by way of supplemental demands. I will not re-state the point of order, it is for you and not for the House, but I do want to appeal to the House to exercise a very close scrutiny over these supplemental demands, and not to support them, unless the House is satisfied that these are new services which could not have been contemplated at the time the budget was introduced, or, in the alternative, the expenditure is necessary because the original estimates could not be as accurate as they should have been. I do not like the Treasury Benches to be encouraged in the belief that a supplemental demand is not a supplemental demand, but a kind of additional budget under which they can get large sums of money. After all, we are working, I know, under a very defective Constitution, but even that Constitution confers some powers upon us, and unless we are vigilant in the exercise of those powers and the Government at least co-operate to the extent of getting our vote at the earliest possible opportunity, I submit that even such attenuated powers as we have, will become still more attenuated. I, therefore, want answers to these three specific questions. What is the reappropriation proposed, and how is this money going to be met by reappropriation? When did the need for this expenditure come first to the notice of the Government? Why was it not

[Mr. B. Satyanurti.]

put in the last year's budget and why is it brought up so late as this? Again, if expenditure has been incurred, why is it not put forward as an excess grant, which really the rules contemplate in all cases, where expenditure has been incurred? Why is it brought forward as a supplemental demand, has it not in most cases been completely incurred? Though there may be some small amounts left over, still, on the whole, the bulk of the money is stated to be "expenditure has been incurred". I, therefore, think that the House should establish its own right, such as it has over this expenditure, and tell the Government that they must be scrupulous in spending public money, and not to imagine that they could come to the House towards the end of March when we are all pressed for time, and place supplemental demand after supplemental demand before us, except in the very specific exceptional categories which parliamentary practice elsewhere and our rules and standing orders have established.

Mr. P. B. Rao: Sir, I have no quarrel with my Honourable friend in his theoretical exposition of the proper duties of the executive in relation to the Legislative Assembly in this matter, and I am quite prepared to agree with him that it is part of the duty of the Government to bring forward motions for supplementary grants as soon as practicable after the necessity is known. But, I think when laying down principles of this sort, we must take into account the practical necessities of the situation. Each of these three works, which had to be started during the course of the year, were essential for the purpose of safety, and the Railway Department have, on grounds of practical convenience, to authorise, if necessary, Agents to start works of this sort as soon as they find it essential. In these particular cases, I am sorry I do not remember when exactly these were brought to our notice, but I must point out to the House that when the budget was passed last year for 1934-35 a special provision for emergent works of this sort was included in the budget—a special provision of Rs. 10 lakhs. I assume that the Assembly intended in making that special provision that it would be utilised for works of this nature which are essential. It is obvious that it would be impossible for us to wait, especially when the Assembly is not in Session, to start these urgent works till we get the prior sanction of the Assembly. On the second point as regards reappropriations, my Honourable friend wanted to know whether the reappropriations are possible. To that I can only say that the original estimate sanctioned by this Assembly was 18 crores and 24 lakhs and the revised estimate which we require is only 9 crores and 25 lakhs, so that the savings in other directions are ample enough to meet the small expenditure involved in this. The reappropriations have been duly sanctioned by the Financial Commissioner, who represents the Finance Member in this matter. As regards the point that no reappropriation should be made without the sanction of the Public Accounts Committee, I can only say that such a procedure is not contemplated in the legislative rules and it has not been the practice in the past. If the Auditor General considers that any of these reappropriations contravene the ordinary procedure he will bring it to the notice of the Public Accounts Committee in his Appropriation Report and it will then be for the Public Accounts Committee to examine it and see whether Government were justified in making the reappropriation. And finally my Honourable friend referred to the fact that as

regards the second work the original emergency arose in September, 1933. Apparently what happened was that the administration was considering whether the action of the Kosi river was emergent enough to require certain works to be carried out but we had no information at the time the budget was prepared to justify us in putting this work in our programme. It is only after the programme was prepared that the seriousness of the situation was appreciated by the Railway administration and then it became a question of saving the railway from being breached in the monsoon season. The total expenditure involved is 5 lakhs 69 thousand of which it is expected that 3 lakhs will be spent in the current year. In view of the fact that a grant for emergencies is specifically sanctioned by the Assembly every year for this purpose—and I may add that this procedure of obtaining a grant for emergencies was started on the recommendation of the Public Accounts Committee—I do think that the objections raised by my Honourable friend are not valid.

Mr. S. Satyamurti: In view of that statement, I raise a point of order. If you will look at the proviso, you will find that it reads like this:

"Provided that when funds to meet proposed expenditure on a new service can be made available by re-appropriation a demand for the grant of a token sum may be submitted to the vote of the Assembly and if the Assembly assents to the demand, funds may be so made available."

Now, the question I would submit to you, Mr. President, is whether the authority which can sanction the reappropriation has sanctioned it. It may be the Financial Commissioner or the Finance Member or both. I do not know who sanctions it, but the reappropriation has not yet been made.

Mr. President (The Honourable Sir Abdur Rahim): Supposing it has been sanctioned by a proper authority?

Mr. S. Satyamurti: If the reappropriation has been sanctioned by a proper authority, I submit it is perfectly consistent with the proviso as it stands, but, as I listened to my Honourable friend, he simply says that funds are available hereafter, which may be or may not be. We must have a definite statement by the Financial Commissioner or the Finance Member that this money has been reappropriated by the appropriate sanctioning authority. If it has been done, then this thing comes into force. Otherwise it comes to this, that the powers of this House are reduced, because only a token sum is placed before us. We want to be satisfied that the token sum represents merely a token demand for expenditure, which has been provided for by reappropriation by the appropriate sanctioning authority.

Mr. P. R. Rao: May I add a word of explanation in connection with what my Honourable friend has said—the funds have been sanctioned by the Railway Board with the concurrence of the Financial Commissioner out of the grant of ten lakhs which was made by the Assembly last year for the purpose of meeting expenditure of an emergent nature. Secondly, this proposal has been placed before the Standing Finance Committee, which is an elected Committee of this House, and has been approved by them.

Mr. S. Satyamurti: Has any reappropriation been made?

Mr. P. R. Rau: I have already explained that funds have been provided from a grant voted by the Assembly. It is only because these works are not in the programme that according to the legislative rules this new service has been brought to the notice of the Assembly at this time.

Mr. President (The Honourable Sir Abdur Rahim): That seems to be sufficient explanation, so far as the point raised by the Honourable Member is concerned.

The question is:

"That a supplementary sum, not exceeding Rs. 1,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Open Line Works'."

The motion was adopted.

DEMANDS FOR SUPPLEMENTARY GRANTS.

CUSTOMS.

The Honourable Sir James Grigg (Finance Member): Sir I beg to move:

"That a supplementary sum, not exceeding Rs. 11,01,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Customs'."

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

"That a supplementary sum, not exceeding Rs. 11,01,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Customs'."

There is an amendment in the name of Mr. Mohan Lal Saksena. That is apparently for discussing something which is outside the scope of this demand.

Mr. S. Satyamurti (Madras City: Non-Muhammadian Urban): In this connection, may I invite your attention to page 2 of the Explanatory Memorandum of the Supplementary Demands? On the top of that page, you will find: Charges on collection of excise duty on sugar Rs. 6,800. You will find in every province like that. I submit that, so long as the particular question raised is within the scope of the supplementary demand, the ordinary rule with regard to cuts will apply. It must be within the scope, I agree. We cannot raise questions outside the scope. You will find that in Madras, Bombay, Bengal and the United Provinces there are items for this purpose. I, therefore, submit that it is in order.

Mr. President (The Honourable Sir Abdur Rahim): The point really is whether it attempts to discuss a question of policy?

Mr. S. Satyamurti: May I invite your attention to ruling No. 510 reported in the Chair's rulings:

"A token cut was proposed under a supplementary grant and objection being raised on the ground that general questions of policy could not be raised on a supplementary demand:

The President ruled: In view of a large number of cuts that have been put down on these supplementary grants, I have taken some trouble to examine the question and I invite the attention of the House to a summary of the position as stated in May's 'Parliamentary Practice.'

Debate on supplementary and excess grants is restricted to the particulars contained in the estimates, on which those grants are sought and to the application of the items which compose those grants; and the debate cannot touch the policy or the expenditure sanctioned, on other heads, by the estimate on which the original grant was obtained, except so far as such policy or expenditure is brought before the Committee by the items contained in the supplementary or excess estimates.

That is the practice of the House of Commons and the President ruled that, in so far as they are included here, they will be in order."

Mr. A. H. Lloyd (Government of India: Nominated Official): May I suggest, Sir, that the inclusion in the supplementary demand of certain items of expenditure for the collection of a tax does not raise the question of the policy of having that tax at all, but merely raises the question whether the right machinery is employed or too expensive a machinery is employed for collecting that tax. I suggest that the question of abolishing the tax is entirely outside the scope of the issue raised by the entry in that demand.

Mr. President (The Honourable Sir Abdur Rahim): The expenditure is for the collection of the tax?

Mr. A. H. Lloyd: Yes, Sir.

Mr. S. Satyamurti: I must point out, Sir, that the words there are:

"except so far as such policy or expenditure is brought before the Committee by the items contained in the supplementary or excess estimates."

The Honourable Sir James Grigg: That policy could not have been brought before the Assembly because the heading of the estimate is "expenditure in connection with the collection of customs revenue"

Mr. President (The Honourable Sir Abdur Rahim): There is force in what is pointed out by the Honourable the Finance Member, but the Chair finds also that in the very ruling No. 510 it was held by the President:

"I now rule that no questions of policy can be raised on supplementary demands for grants except to the extent indicated in the summary I have read."

As regards the particulars of that particular demand. Now, what is the demand here? The demand is for the expenditure in connection with the collecting of all customs duties—the demand is not with respect to the particular tax—unless the contention be that there is no other tax to be collected excepting this. That is not so because the demand is in respect of expenditure in connection with the collection of customs duty, including excise and sugar excise. The Chair, therefore, holds that this motion is not in order. **Pandit Govind Ballabh Pant.**

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): Mine is ruled out, Sir, by the observations you have already made.

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

"That a supplementary sum, not exceeding Rs. 11,01,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Customs'."

The Assembly divided:

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

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadian Rural): Before you declare the result—I do not want a recount—I want the Chair to intimate that once the voting papers are returned, they cannot be taken back.

Mr. President (The Honourable Sir Abdur Rahim): Has anything like that been done?

Dr. T. S. S. Rajan (Tanjore and Trichinopoly: Non-Muhammadian Rural): For the information of the Chair, I may say that the lobby paper had been returned to the Secretary and it was handed over to him and the other lobby paper was actually taken from his hand. I noticed that and I protested against it. In fact, it was taken inside the lobby and one or two votes might have been recorded, and then it was returned back. I have already lodged my protest to the Secretary, because I actually saw the division list being taken in and then brought back from the lobby. We do not want any division again, but this fact I must certainly bring to the notice of the Chair.

Khan Bahadur Mian Abdur Aziz (Punjab: Nominated Official): Sir, there is nothing peculiar in this. On the occasion of the first Reserve Bank Bill, the voting had been counted and still a Member was allowed to vote with permission.

Mr. Bhulabhai J. Desai: Is it denied that the paper was taken back? I ask for an answer.

Several Honourable Members: Whom do you ask for an answer?

Mr. Bhulabhai J. Desai: If it is not denied by the Secretary that the paper was taken back I will assume that the paper was taken back irrespective of the fact whether further votes were recorded or not.

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands that the paper was taken back, but the votes were not recorded. The paper ought not to be taken back except with the Chair's permission.

Mr. Bhulabhai J. Desai: That is all we want. I am quite content.

AYRS—53.

Abdul Aziz, Khan Bahadur Miah.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Bakhsh Khan Tiwana, Khan
 Bahadur Nawab Malik.
 Ayyar, Rao Bahadur A. A.
 Venkatarama.
 Bajoria, Babu Rajnath.
 Bajpai, Mr. G. S.
 Bewoor, Mr. G. V.
 Bhagchand Soni, Rai Bahadur Seth.
 Bhoze, The Honourable Sir Joseph.
 Huss, Mr. L. C.
 Chatterji, Mr. J. M.
 Craik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 DeSouza, Dr. F. X.
 Drake, Mr. D. H. C.
 Gajapatiraj, Maharaj Kumar Vijaya
 Ananda.
 Ghiasuddin, Mr. M.
 Gidney, Lieut. Colonel Sir Henry.
 Graham, Sir Laurelot.
 Grigg, The Honourable Sir James.
 Hockenhuil, Mr. F. W.
 Hudson, Sir Leslie.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur
 Sardar Sir.
 Jehangir, Sir Gowsaji.
 Kirpalani Mr. Hiranand Khushiram.
 Lal Chand, Captain Rao Bahadur
 Chaudhri.

Lauchmy, Sir Darys.
 Lloyd, Mr. A. H.
 Meher Shah, Nawab Sahibzada Sir
 Sayad Muhammad.
 Metcalfe, Mr. H. A. F.
 Milligan, Mr. J. A.
 Mody, Mr. H. P.
 Monteath, Mr. J.
 Morgan, Mr. G.
 Mukerjee, Mr. N. R.
 Mukherjee, Rai Bahadur Sir Satya
 Charan.
 Nayar, Mr. G. Govindan.
 Noyce, The Honourable Sir, Frank.
 Owen, Mr. L.
 Rajah, Raja Sir Vasudeva.
 Rajah, Rao Bahadur M. O.
 Rajah Bakhsh Singh, Khan Bahadur
 Makhdum Syed.
 Rao, Mr. P. R.
 Row, Mr. K. Sanjiva.
 Sarma, Mr. R. S.
 Scott, Mr. J. Ramsay.
 Scott, Mr. W. L.
 Sher Muhammad Khan, Captain Sardar.
 Singh, Mr. Pradumna Prasad.
 Sircar, The Honourable Sir
 Nripendra.
 Sloan, Mr. T.
 Swithinbank, Mr. B. W.

NOES—54.

Aaron, Mr. Samuel.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Ba Si, U.
 Badi-uz-Zaman, Maulvi.
 Banerjee, Dr. P. N.
 Bardalot, Srijut N. C.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Venkatachalam.
 Das, Mr. B.
 Das, Mr. Basanta Kumar.
 Das, Pandit Nihakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Fakir Chand, Mr.
 Fazal Haq, Mr. A. K.
 Gadgil, Mr. N. V.
 Giri, Mr. V. V.
 Govind Das, Seth.
 Gupta, Mr. Ghanashyam Singh.
 Hosamani, Mr. S. K.
 Issar Suran, Munshi.
 Jodhe, Mr. K. M.
 Jogendra Singh, Sardar.
 Khare, Dr. N. B.

Lahiri Chaudhury, Mr. D. K.
 Maitra, Pandit Lakshmi Kanta.
 Mangal Singh, Sardar.
 Mudaliar, Mr. C. N. Muthuranga.
 Murtaza Sahib Bahadur, Maulvi
 Syed.
 Nagaswara Rao, Mr. K.
 Paliwal, Pandit Sri Krishna Datta.
 Pant, Pandit Govind Ballobh.
 Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Rajan, Dr. T. S. S.
 Raju, Mr. P. S. Kumaraswami.
 Ranga, Prof. N. G.
 Saksena, Mr. Mohan Lal.
 Satyanarai, Mr. S.
 Sham Lal, Mr.
 Sheodass Daga, Seth.
 Singh, Mr. Deep Narayan.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Anugrah Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Thein Maung, Dr.
 Thein Maung, U.
 Umar Aly Shah, Mr.
 Viswanji, Mr. Mathuradas.

The motion was negatived.

TAXES ON INCOME.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum, not exceeding Rs. 77,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Taxes on Income'."

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

"That a supplementary sum, not exceeding Rs. 77,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Taxes on Income'."

The motion was adopted.

SALT.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum, not exceeding Rs. 18,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Salt'."

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

"That a supplementary sum, not exceeding Rs. 18,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Salt'."

The motion was adopted.

STAMPS.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum, not exceeding Rs. 3,41,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Stamps'."

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

"That a supplementary sum, not exceeding Rs. 3,41,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Stamps'."

The motion was adopted.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT (INCLUDING WORKING EXPENSES).

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum, not exceeding Rs. 7,50,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Indian Posts and Telegraphs Department (including Working Expenses)'."

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

"That a supplementary sum, not exceeding Rs. 7,50,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Indian Posts and Telegraphs Department (including Working Expenses)'."

The motion was adopted.

INTEREST ON ORDINARY DEBT AND REDUCTION OR AVOIDANCE OF DEBT.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum, not exceeding Rs. 3,64,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Interest on Ordinary Debt and Reduction or Avoidance of Debt'."

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

"That a supplementary sum, not exceeding Rs. 3,64,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Interest on Ordinary Debt and Reduction or Avoidance of Debt'."

There is a motion in the name of Prof. N. G. Ranga for reducing this demand by Rs. 100. It is a token cut. The Chair wants to know if Prof. Ranga desires to move his amendment.

Floating of Loans in England and in India.

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadian Rural): No, Sir. I do not wish to move my amendment*. But I want to put a few questions. I find on page 8 of the Memorandum of Supplementary Grants that for the purpose of management of the rupee debt, the Government of India had to spend Rs. 1,000 whereas they spent one lakh two thousand in the management of the sterling debt. I should like to know why so much more had to be spent upon the management of the sterling debt in England than what they had to spend in the management of the rupee loan. Next, as regards brokerage, commission, etc., on loans, the Government have incurred an expenditure of Rs. 2,27,000 on the rupee debt loans and I should like to know who are the brokers employed by the Government of India, what is the rate of commission that is paid to them and the other expenses that have been incurred by the Government of India which go to make up this sum of Rs. 2,27,000? Then about the sterling debt in England, the Government of India spent Rs. 16,000 on other items. What are those other items? Why only Rs. 16,000 has been spent there whereas there is a miscellaneous expenditure of Rs. 17,000 which is spent in India? If details are not provided to us with regard to these items, it would mean that the management of the debt in India is certainly very much cheaper, many times cheaper than it is in England and that brokerage, commission, etc., on loans, are being paid here in India at a very high rate indeed.

Then there are other questions. I should like to know who manages the floating of the loans in India and in England?

The Honourable Sir James Grigg: Will the Honourable Member please speak up. I cannot hear except a few words.

*"That the demand for a supplementary grant of a sum not exceeding Rs. 3,64,000 in respect of 'Interest on Ordinary Debt and Reduction or Avoidance of Debt' be reduced by Rs. 100."

Prof. N. G. Ranga: I should like to know, Sir, who manages the floating of our loans in England and in India and on what basis is the management of the loans remunerated in England and in India? Who are the people who are engaged as brokers for the Government of India for floating the loan, and for the management of these loans in England and in India? What percentage of the loan raised is paid as commission in England and in India? Is there any difference in the commission paid in England and in India? If so, what is the difference and why?

Another point on which I want information is this: does it cost more to manage the floating of a loan in India than in England, for a corresponding debt? If so, what is the difference? What was the rate of interest payable on the sterling debt raised in England? I find here in the report of the Standing Finance Committee Vol. XIV, No. 2, that in India the rupee debt was raised at three per cent. while on the other hand the Government of India has raised a sterling loan in England, but no information is given as to the interest payable on that particular loan. Lastly I would ask the Honourable the Finance Member to tell us whether it is not a fact that the management of the debt and the floating of a debt in England is very much more costly than it is in India? If so, what is the percentage of difference between the cost of the management and floating of a debt in England and in India?

The Honourable Sir James Grigg: The management of the sterling debt is entrusted to the Bank of England. Up till the present, the management of the rupee debt has been shared between the Government of India and the Imperial Bank. The rates of commission paid on loan transactions are the same as have been paid for a good many years past in England and they are the same as those paid by all the Dominions.

Prof. N. G. Ranga: What is the rate?

The Honourable Sir James Grigg: It works out to about $1\frac{1}{2}$ per cent. The main reason why it is very much less in India, is that the Government themselves do a large part of the work. In India the actual brokerage only comes to about one-sixteenth per cent. Now, as regards this item "A-4,—Brokerage, Commission, etc. on loans", I think my predecessor made up his last year's budget estimates on the assumption that there would be no rupee loan in India during the financial year, i.e., the year which is just ending. In point of fact there have been two loans. As regards the sterling debt of Rs. 1,02,000, this excess is due to the fact that it was decided to take a sterling loan in London after my predecessor's budget estimates had been closed but before the end of the financial year. I think those are all the points that my Honourable friend raised, from all I could hear, and I hope I have satisfied him.

Prof. N. G. Ranga: Sir, arising out of the answer given by the Honourable Member

Mr. President (The Honourable Sir Abdur Rahim): This is not question time and the Honourable Member cannot go on asking questions.

Mr. S. Satyamurti: Sir, it is my painful duty again to draw your attention and that of the House to the financial impropriety of this supplemental grant. If you will kindly look at the note at the bottom of page 8, you will find this:

"An additional expenditure of Rs. 3,66,000 has been incurred, etc."

If it has been incurred, why should not the Government bring up an excess demand? Why should they bring up a supplemental demand for expenditure already incurred? Then, Sir, I want to know when this expenditure was incurred, when this expenditure was foreseen as being a liability on Government, and if this is the first opportunity on which Government could come up before this House. If it is not the first opportunity, why did they not come before us earlier? Then, Sir, regarding (1), I find that an excess of two lakhs was brought to the notice of the Standing Finance Committee and approved by them. May I know when this was brought to the notice of the Standing Finance Committee? And if it was brought to the notice of the Standing Finance Committee, is this the first opportunity after that meeting of the Standing Finance Committee, when the Honourable the Finance Member could come before this House? If it was brought before the Standing Finance Committee at an earlier stage, why was it not brought immediately before this House, unless this is the first opportunity which the Finance Member has of bringing it before this House? Then, Sir, I want to know when this increase of Rs. 45,000 arose owing to the subsequent flotation of another loan, i.e., three per cent. bonds, 1941. When was the loan floated, when was the expenditure incurred, when was the liability foreseen? Why was not the House taken into confidence as early as possible? Is this again the first opportunity when they could have come? Then, again, we are told that the sterling loan of Rs. 1,21,000—

"represents the carry over of expenditure on account of the sterling loan floated in England during the last financial year."

Does it mean the financial year 1933-34? If it means that, may I know if this is the first opportunity when this expenditure could have been brought up before this House? Why was it not brought up earlier? Why was it not put in the budget last year, if it was an expenditure on account of the sterling loan floated in England during the last financial year, that is, 1933-34? It says:

"It has been found possible to meet a small sum of Rs. 2,000 by reappropriation within the demand."

May I know the details of that reappropriation? It concludes by saying:

"A supplementary grant of Rs. 3,64,000 is, therefore, required."

It is not easy to speak with restraint on this outrage on all elementary canons of financial propriety. You go and incur expenditure beyond what is sanctioned to you, and you come gently along, as and when it suits you, and you come and tell us at the end of March that this expenditure has been incurred which you want to be sanctioned. It seems to me, Mr. President, that it is not right. They ought to come at the earliest possible opportunity, and I do hope that this House, with your help, will be able to assert itself so as to make the Treasury Bench realise that to the extent to which there are certain rules and standing orders, they must at least obey them, if they will not listen to us otherwise.

The Honourable Sir James Grigg: Sir, with your permission I will say,—because it is only with your permission that I may speak again,—that I am afraid the Honourable Member is again pushing his head into a mare's nest. It has been definitely recommended by the Public Accounts Committee that

[Sir James Grigg.]

demands for supplementary grants should only be brought to the House when it is quite certain that the extra expenditure cannot be met within the existing provision. And previous Public Accounts Committees have also recommended that supplementary grants should normally be brought only in March unless it is a case of a new service.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, when it is said that the sterling loan was floated in England during the last financial year, does it mean 1933-34?

The Honourable Sir James Grigg: I have already explained that the loan in question was issued after my predecessor had introduced his budget but before the end of the financial year.

Dr. P. N. Banerjee: In that case it should come in as an excess grant and it would be very irregular to bring it as a supplementary demand.

The Honourable Sir James Grigg: Not in the slightest degree. As is said at the bottom of the page, the expenditure was in respect of transactions which occurred during 1933-34 but the money was not paid till 1934-35.

Prof. N. G. Ranga: Sir, I want to know whether the other Governments, which float their loans in London, also get their loans managed and floated by the Bank of England.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, I rise to a point of order. On one occasion when I wanted to speak twice I was stopped on a very reasonable objection taken by my Honourable friend, Mr. Satyamurti. In the present case my Honourable friend, Mr. Ranga, has already spoken on this motion.

Mr. President (The Honourable Sir Abdur Rahim): Yes, the Honourable Member cannot speak again.

The question is:

"That a supplementary sum, not exceeding Rs. 3,64,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Interest on Ordinary Debt and Reduction or Avoidance of Debt'."

The motion was adopted.

INTEREST ON MISCELLANEOUS OBLIGATIONS.

The Honourable Sir James Grigg: Sir, I move:

"That a supplementary sum, not exceeding Rs. 5,92,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Interest on Miscellaneous Obligations'."

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

"That a supplementary sum, not exceeding Rs. 5,92,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Interest on Miscellaneous Obligations'."

The motion was adopted.

COUNCIL OF STATE.

The Honourable Sir James Grigg: Sir, I move:

"That a supplementary sum, not exceeding Rs. 36,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of the 'Council of State'."

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

"That a supplementary sum, not exceeding Rs. 36,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Council of State'."

Mr. S. Satyamurti: Sir, may I ask a question on this? I only want to know how it happened that the expenditure on the Council of State was under-estimated. The note says:

"This is required to meet excesses due mainly to under-estimation of expenditure in respect of the Spring Session, 1934, debitable to the current year's grant."

I only want to know the circumstances under which the expenditure was under-estimated.

Mr. F. E. James (Madras City: Non-Muhammadian Urban): The Assembly did what it is doing now.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadian Rural): Sir, I think I heard the criticism.

Mr. President (The Honourable Sir Abdur Rahim): Let that question be answered first.

Dr. Ziauddin Ahmad: I am going to answer the question, because I was a Member.

Mr. S. Satyamurti: I want the Honourable the Finance Member to answer.

Sir Lancelot Graham (Secretary, Legislative Department): Do I understand that the learned Doctor desires to answer the question?

Pandit Govind Ballabh Pant: I want an answer from the Government.

Sir Lancelot Graham: As far as I know, the explanation is that it is due to the fact that the budget was prepared in the hope that the Assembly would get through its work rather quicker than it did.

Dr. Ziauddin Ahmad: Sir, I heard various criticisms about the procedure in connection with the supplementary demands. There may be something in that criticism; but the present procedure is according to the practice of the last five years with which I am familiar: I think there is a good deal of room for improvement: what really happens is this. Each Department is asked to keep within the budget as far as possible: if they cannot do it, it comes before the Finance Committee which scrutinises the control of expenditure and afterwards it comes in one block before the

[Dr. Ziauddin Ahmad.]

Assembly. The Finance Committee scrutinises from time to time. I do not justify the practice as correct or that it cannot be improved. But it has been the practice during the last five years, and I say that the Honourable the Finance Member is simply following the traditions. If he is responsible for something, it can only be this, that he has not yet devised anything better: he has only followed the traditions of the last five years with which I have been acquainted. As regards this particular demand, I think I scrutinised it and we ourselves are responsible and I am mostly responsible for this additional expenditure, because I dragged on the Assembly last year for two weeks longer: it ought to have finished earlier. (Interruption.) This is nothing new, and my friends are doing the same thing. (Some Honourable Members: "No".) I was responsible for this expenditure last year—longer Session necessitated this extra expenditure both in the Council of State and the Legislative Assembly. I think the Government anticipated that we would finish by the 31st March and there would be no sitting in April and they budgeted accordingly. This year, I am sure, if they continue the work on for some time in April, additional expenditure would be required in the budget in 1936.

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

"That a supplementary sum, not exceeding Rs. 36,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of the 'Council of State'."

The motion was adopted.

LEGISLATIVE ASSEMBLY AND THE LEGISLATIVE ASSEMBLY DEPARTMENT.

The Honourable Sir James Grigg: Sir, I move:

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

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

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

Mr. Saksena has given notice of an amendment which I rule as being out of order. The amendment is to reduce the demand by Rs. 100 to censure the Government for having prolonged the Assembly Session last year and rushing with legislative measures which normally would have come before the new Assembly.

Mr. S. Satyamurti: Sir, this is a typical example of putting off a supplementary demand, long after the expenditure has been incurred, long after the Government knew the liability was incurred. No doubt, the Honourable the Finance Member has told me that he has got the authority of the Public Accounts Committee behind him. I hope the new Public Accounts Committee will change that wrong order. I suggest that, after all, the

Rules and Standing Orders govern us; and I am merely taking my stand on the well-known parliamentary practice with which I am sure the Honourable the Finance Member is familiar. . . .

The Honourable Sir James Grigg: Yes; but it is not as you state it.

Mr. S. Satyamurti: It is not what you do. It may not be as I state it, but it certainly is not what the Government does. . . .

The Honourable Sir James Grigg: Yes, it is.

Mr. S. Satyamurti: Perhaps, my friend is a greater authority than May. I have got May's Parliamentary Practice with me, and I will read from it:

"A supplementary estimate may be presented either for a further grant to a service already sanctioned by Parliament, in addition to the sum already demanded for the current financial year; or for a grant caused by a fresh occasion for expenditure that has arisen since the presentation of the sessional estimates, such as expenditure newly imposed upon the executive government by statute, or to meet the cost created by an unexpected emergency, such as an immediate addition to an existing service, or the purchase of land, or of a work of art. The need for a supplementary grant to an existing service is not infrequently caused by the system in force to ensure the control of Parliament over public expenditure. To provide for the early presentation of the annual estimates, the departments are obliged to compute in the month of November their anticipated expenditure for the ensuing financial year, dating from the coming 1st April. Fallibility must attend calculations which range over sixteen months in advance; and as too large a demand for money is a grave departmental error the official tendency is to make the demand too small."

Mr. F. E. James: Hear, hear.

Mr. S. Satyamurti: Will my friend kindly hear, what follows, before he says "Hear, hear".

"If the lesser error occurs, to avoid the still greater evil of excess expenditure, recourse of necessity must be had to a supplementary grant."

I put it to my friend, who is more loyal than the Finance Member, that this expenditure has been incurred, and May says—though Sir James Grigg may deny it—that it is the duty of the Parliament to avoid the still greater evil of excess expenditure, that recourse must be had to a supplementary grant. Our Rules and Standing Orders also provide for both the categories of supplementary and excess grants. On the merits of the question, perhaps the motion deserves passing and we will vote for it; but I want to know what is the financial propriety which waits long after the expenditure has been incurred and then comes along and tells this House when we are all here pressed for time, "You must now vote these demands". May says again in regard to excess grants.

"The need for an excess grant arises when a department has, by means of advances from the civil contingencies fund, or out of funds derived from 'extra receipts' carried expenditure upon a service beyond the amount granted to that service, during the financial year for which the grant was made. The title of this class of estimate attests the nature of the grants..."

Here we have got 70 demands, in almost every case of excess expenditure, and I should like to know what is the financial propriety on which these demands are hurled at our heads? Take this estimate. The Assembly sat last March or April a few days longer than according to some

[Mr. S. Satyamurti.]

Members it should have sat; and then again in August; and the Government knew it perfectly. Why did they not put the supplementary demand before that Assembly, and ask them to vote that expenditure? As my friend reminds me, there would have been no difficulty at all then. I put it to all the independent Members of this House, except those who think that whatever the King does must be right and that the King can do no wrong, the Pope can do no wrong, and the Finance Member also can do no wrong—unless that is the maxim on which we are all expected to act in this House. I feel that we will be making a farce of this House—even as it is—if we do not exercise our legitimate control over this excess expenditure. At any rate, I feel that this excess expenditure is expenditure which should have been easily foreseen by the Honourable the Finance Member, and should have been placed before this House. It is not right to use the machinery of supplementary demands which ought to be reserved for very definite purposes understood in Parliamentary practice

(It being Four of the Clock.)

Mr. President (The Honourable Sir Abdur Rahim): Order, order: the motion for adjournment will now be taken up.

MOTION FOR ADJOURNMENT.

FINANCIAL ADJUSTMENT BETWEEN INDIA AND BURMA.

Mr. Mathuradas Vissanji (Indian Merchants' Chamber and Bureau: Indian Commerce): Mr. President, I rise to move that the Assembly do now adjourn to consider the serious situation arising out of the answers given by the Finance Member in regard to the tribunal considering the problem of financial adjustment between India and Burma. . . .

The Honourable Sir James Grigg (Finance Member): Sir, I am very sorry to interrupt the Honourable Member, but I have not yet been able to hear a single word.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Mr. Vissanji kindly come lower down?

[At this stage, the Honourable Mr. Mathuradas Vissanji came and occupied a seat in one of the front Benches.]

Mr. Ghanshiyam Singh Gupta (Central Provinces Hindi Divisions: Non-Muhammadian): What about ourselves, Sir? We will not be able to hear Mr. Vissanji then.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadian): When we cannot hear Honourable Members on the Treasury Benches, will they come near our seats on this side and speak?

Mr. Mathuradas Vissanji: Sir, I rise to move that the Assembly do now adjourn to consider the serious situation arising out of the answers given by the Finance Member in regard to the tribunal considering the problem of financial adjustment between India and Burma.

This House, Sir, and the Indian and Burman people, have several reasons to feel seriously aggrieved by the action of the authorities in this matter. Though the question is one of admitted delicacy and complexity, involving grave considerations of finance as well as politics, and though repeated assurances had been given that the matter would not be disposed of without consultation with this House, or with its representatives on the tribunal, the Secretary of State has thought fit to disregard all those considerations; and has appointed a Committee on which there is no representative of India or Burma.

That is in itself, Sir, a serious cause for feeling aggrieved. Add to this the further consideration that the problem is by no means of our creation, that we do not desire to separate Burma, nor, I believe, does Burma desire that. If the parties mainly concerned had their say in this matter, perhaps the problem of financial adjustment would never have arisen at all. But now that the problem has been foisted upon us, a moment's reflection will show any impartial person the rank injustice of keeping no representative of either of the two parties principally concerned on the tribunal, despite repeated assurances to the contrary.

The absence of any Indian or Burman from this tribunal is not, Sir, the only reason why this House and the two countries concerned have a right to feel aggrieved. The actual personnel announced is in itself a reason for the gravest apprehension in this country. I have no desire, Sir, to cast any reflection on any distinguished public servant like Mr. Amery or Mr. Justice Rowlatt. But, Sir, the name of Rowlatt has but to be mentioned for any Indian of the Post-Jallianwalla Bagh era to conjure up long-forgotten ghosts of injustice and repression. The policy and outlook of Mr. Amery, again, one of the most reactionaries of British Tories, are too well known in the Colonies and Dependencies of the Empire, on which the sun never sets because God himself is afraid to trust an Englishman in the dark, to permit any hope of the rights and dues of subject races receiving a proper hearing.

In this connection, it is necessary to point out, Sir, that the parties concerned are not merely India and Burma. British interests are also vitally involved; and they cannot, therefore, claim to be so utterly impartial and disinterested in the matter as to leave their right to constitute such a tribunal beyond cavil. The suspicion is widespread in this country, Sir, and deeply founded, that Britain has for her own ends decided to separate Burma from India, so that the former could be more easily exploited, without the protection that the better organisation and stronger public opinion in this country might afford to any of its units. There is, likewise, reason to believe that in this very problem of apportioning assets and liabilities, British interests in Burma, and the still larger interests of British industry and commerce, are most vitally concerned. How then can the representatives of only one of the three parties concerned claim to be alone and exclusively impartial?

I need hardly point out, in support of this my main contention, the analogy of the Capitation Tribunal of two years ago. The parties there concerned were: The British War Office and the Government of India.

[Mr. Mathuradas Vissanji.]

The dispute there was also no less important, on financial grounds alone. And yet that tribunal was made up of high judicial representatives of both the parties concerned. In the present case, the issue is important on financial as well as on broad political grounds, which cannot be left to the tender mercies of a tribunal composed exclusively of representatives of one of the parties concerned. We are entitled to plead the gravity of the issue involved; we are entitled to urge promises given when the matter was first broached, that representatives of the countries concerned will find a place on any tribunal ultimately appointed to dispose of this question. We are entitled to point out that Britain is no less a party to the suit than India or Burma; and that, therefore, representatives of the two latter countries should have as much a place on the tribunal as those of Britain herself.

This, Sir, is my first demand. Even more important than this is our second demand, for a right of audience before that tribunal. Even if it be now too late to permit a reconstitution of the tribunal as demanded above,—a contingency, which I do not admit,—but cannot ignore,—it cannot be, and must not be allowed to be,—too late to afford us a right to be heard before the tribunal. I will not refer once again to the precedent of the Capitulation Tribunal, except just to point out that, had not Sir Shadi Lal and Sir Shah Suleman pointed out the Indian side of the case, most probably the very little relief obtained by India on that account would have been much smaller still. Such a danger is very much more to be apprehended in this case; and I, therefore, cannot agree that the reconstitution of the tribunal as demanded by us, and as had been promised, is too late. But granting for the sake of argument only, that that is too late now to be complied with, I cannot concede, even for the sake of argument, that it is too late even now to permit of the Indian and the Burman case being presented to the tribunal by competent representatives of public opinion in this country and in Burma. We have been told, Sir, that the Governments of India and of Burma have already been represented by Mr. Nixon and Sir Henry Howard. But, Sir, the Government of India do not represent the people of India, nor does that of Burma represent the people of that country. There is, besides, in all such matters a wide divergence of opinion and viewpoint between official spokesman in this country and its non-official representatives. Without, therefore, impeaching the good faith or competence of these official representatives, we may justly fear that there might be an unconscious bias in their representations of our case, an unconscious difference in outlook and viewpoint, which, if left unchecked, may result in incalculable mischief to the peoples of this country and of Burma.

That this danger is by no means imaginary may be illustrated and supported by a previous report on this subject by these very officials. Their report, Sir, has not yet been officially published; and so, I doubt if I would be quite in order, were I to quote from that document. But there are such radical divergences in their views on specific questions considered, that it is necessary to ask if the Government of India as such have issued any instructions to Mr. Nixon and Sir Henry, on which they are to prepare their case; or whether they would be preparing the case without instructions from their clients, or reference to them. Whether or not, however,

any instructions have been given to these official representatives before the tribunal. I demand that, in mere justice and decency, non-official representatives of the two countries principally concerned should be accorded the fullest hearing possible. And, for that purpose, not only should the Government of India furnish every necessary facility for organisations of public opinion in this country and in Burma to make their submission; but they must even prevail upon the British Government to make the tribunal stay its proceedings, pending the arrival of such of our representatives in Britain. I need not point out, Sir, in an Assembly whose President is a distinguished jurist, and whose Leaders are eminent advocates on either side, that it is but the most elementary principle of jurisprudence that no real justice can be done unless and until all the parties in a case are given a full hearing. The policy, however, adopted by the Government in this case appears to violate this most elementary principle of judicial propriety. I trust, Sir, this House will not suffer them, without raising its voice in emphatic protest, to perpetrate such a violation of the barest elements of justice and fair play.

I submit, Sir, that for these considerations we cannot remain content with only the official representatives appointed by Government to do justice to our case on either side. These official representatives are not only not sufficiently detached and sympathetic to make good representative for the parties principally concerned; they do not command that fullness of knowledge, that amplitude of data, which is indispensable for a full and proper representation of such a case. Their own previous essay, moreover, in this direction, reveals a margin of difference on certain specific questions which must give the strongest possible ground for apprehension. In calculating the liability of Burma—to give one example of the margin of difference in their expert findings and recommendations—Sir Henry admits an annual liability of only Rs. 85 lakhs, while Mr. Nixon calculates it at Rs. 105 lakhs, a difference of 200 per cent. Now, I put it to you, Sir, that, if two such experienced officials, absolutely free from any nationalist bias or political prejudice, could take such widely divergent views on a given subject, calculating from the same data and applying the same principles of reasoning, what difference there may quite likely be when representatives of Indian or Burman opinion discuss the same questions, and offer their views upon the same assets or liabilities.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only two minutes more. On an adjournment motion, the time limit is peremptory.

Mr. Mathuradas Vissanji: I shall now pass on to mention a few specific considerations which have led me to think that our case will not be adequately represented in fact as well as in argument, if we trust it entirely to official representatives. I have already mentioned the case of the Pensions charge in which these officials have differed widely in the past. Their difference argues one thing at least; the same facts might be made to yield varying results. Let me add further that in considering the allocation or apportionment of the currency, including the liability for the redemption of the rupee coins circulating in Burma at the date of separation, though the previous Committee of officials, considering this problem, has not differed as widely as they have in regard to Pensions, there is indisputable need of Indian as well as Burman points of view on this matter being submitted to the tribunal. The Howard-Nixon Committee, again, were strangely

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remies in calculating the Debt charge, and making its apportionment. Certain items, like deficits incurred on account of the local administration of Burma and met out of the Indian revenues; or those in connection with the railways in Burma, have either not been specifically mentioned at all, or not adequately allowed for. Certain other items, again, have either not been properly stated, as, for example, the War Contribution from India. It is stated there at £100 millions, while actually it was, I believe, over £125 millions. This, if admitted, would mean a difference to the total of 40 crores. Or again, certain items are altogether overlooked. While, for instance, they mentioned the losses on sales of silver, they have utterly ignored the much heavier losses on account of the Reverse Councils gamble of 1920. This would add another 40 or 50 crores to the total, if admitted. They have, moreover, resorted to an *ad hoc* principle of apportionment, on the simple excuse that the necessary records are lacking and that it is difficult to disentangle all the material necessary to arrive at accurate figures in regard to such matters as the aggregate of the Debt.

You will notice, Sir, that in these observations I have studiously avoided going into the merits of the case. This is neither the place nor the occasion for me to express any opinion on the merits of the case. I must leave it to experts. Nor have I entered into any consideration of those large issues of national policy.

Finally, Sir, before I conclude, let me make my position clearer in one respect. Throughout these remarks, Sir, I have spoken of the two countries,—India and Burma—separately. Wherever by context it was necessary to add Burma, I have taken care to add its name specifically lest I should be understood to be pleading the cause of India alone, and to the prejudice perhaps of Burma. No Indian, Sir, has any desire to do the slightest prejudice or harm to Burman interests; on the contrary, Sir, I know several who, if they can help it, would be prepared to put up with some sacrifice by India if we could have Burma and our Burmese brothers with us. You know, Sir, the idea of separating is not ours, nor, I would venture to add, is it originally or entirely the Burmans'. But, since the problem has been forced upon us, may we not, without the slightest injury or prejudice to all legitimate Burman claims, point out our side of the case? I see in such a demand neither greed nor injustice. And because I want nothing more than what is justly due to this country in the event of separation, I have asked for Burman as well as Indian representation on the tribunal.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would ask the Honourable Member to conclude his speech now.

Mr. Mathuradas Viswanji: I do not believe my demand is either unjust or unreasonable, and I trust its essential moderation would ensure its immediate and ungrudging acceptance. For only those could refuse to accept such a demand who have something to conceal, who fear to lose something if full investigation was made into the problem, and all relevant considerations placed before the tribunal appointed to adjudicate upon this. Have the Government of India anything to conceal in this deal, or do they apprehend anything unacceptable to them if they concede these demands? By their deeds shall we judge them. (Cheers.)

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

"That the Assembly do now Adjourn."

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, my Honourable friend, the Finance Member, very often has trotted out the sanctity of pledges on the floor of this House. Somehow, being unfamiliar with the treatment of the British Government towards India, he does not know that the British Government in India is built up on broken pledges. If his predecessor gave us an assurance on the floor of this House that members of the Standing Finance Committee would be associated with the tribunal that would be set up to discuss the financial implications of the Indo-Burma separation, my Honourable friend, the present Finance Member, is not bound by it. Although he assured this House, only this morning, that he is not a servant of the British Government, that he has not to obey the behests of the British Government or the Secretary of State and has not to see that the interests of Britishers are not in any way injured

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

It is not one pledge that has been broken. What about the pledges that were given to the first Burma Round Table Conference, one of the members of which, my Honourable friend, Mr. Mody, is present on the floor of this House and also Captain Sher Muhammad Khan. I hope both of them will speak this afternoon. There, Sir Bhupendra Nath Mitra, who represented no doubt the Government of India and not the people of India, insisted that the question of Indo-Burma finance should be referred to a tribunal and that tribunal should be the standing tribunal of the Imperial Conference, and, at that conference, it was assumed that such a tribunal exists. Again, alternately, Sir Bhupendra Nath Mitra also suggested that the whole question should be referred to a committee of the Privy Council and he did point out that in India people have great respect for a judicial tribunal. Sir Bhupendra Nath Mitra and my friend, Sir Joseph Bore, were signatories to the Government of India Despatch which said:

"In arriving at a financial settlement, the main point to be considered is the need for satisfying public opinion in both countries that each is being fairly treated. Indian public opinion would watch this aspect of the arrangements very jealously, more particularly the allocation of debt burdens."

This opinion of one of the Members who formed the Government of India Cabinet at the time was not accepted, nor was the tribunal that was suggested by the predecessor of the present Finance Member. The Secretary of State is so anxious that Burma should be separated from India! I know that the Government of India did not want the separation of Burma. The present Government of Burma do not want separation, nor the present Governor of Burma. Then, who wants separation, not even my friends, the separationists, who are present on the floor of this House, Dr. Thein Maung, U Thein Maung and U Ba Si want separation on the conditions laid down by the Joint Parliamentary Committee

The Honourable Sir Nripendra Sircar (Leader of the House): On a point of order. On an adjournment motion not more than one matter can be discussed on the same motion and the motion must be restricted to a

[Sir Nripendra Sircar.]

specific matter of recent occurrence. The question of whether the Government of India wanted separation from Burma, what was done by Sir Bhupendra Nath Mitra five years ago and so on are not relevant to the motion we are discussing now.

Mr. B. Das: I am incidentally referring the House to what was the opinion of the Government of India and the Government of Burma. If my Honourable friend will not disclose it, I have every right to disclose it.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has every right to deal with financial adjustments, as he has said, but the Chair is afraid he will not be in order in discussing the merits of the question of separation.

Mr. B. Das: Thank you, Sir. This issue was discussed in 1932, not in 1933, as my friend, the Finance Member, pointed out this morning. His predecessor pointed out that there are five points which the tribunal should consider; these are the questions of currency, pensions, military burdens, debts and the revenue position of the two countries, and, again, that revenue position of the two countries is so much dependent on that most important thing which has been done behind the back of this House, the Indo-Burma Trade Agreement. If the Indo-Burma Trade Convention materialises in the form in which the European Group desire it, then the surplus, which was referred to by the Howard-Nixon report, will vanish to nothing. Mr. Nixon was moderate all along, Sir Henry Howard was very partial to Burma. Look at the injustice of the case. While Burma enjoys a revenue of 10.5 per cent., in the Howard-Nixon report 21 per cent. of the gold reserve is demanded for Burma, 35 per cent. of the silver reserve is demanded for Burma. Under what principles of justice and equity does Sir Henry Howard demand it? Then, Sir Henry Howard wants that Burma should only pay five per cent. of the charges on pensions. Why not Burma pay 10.5 per cent. of the charges on pensions? Then, he wants that Burma should only pay Rs. 1½ crores of the military burden, while the Simon Commission recommended that Rs. 2½ crores of military burden should be borne by Burma in case it is separated, and if Burma demands 10.5 per cent. in receipts and other things, then why should not Burma pay ten per cent. of the military expenditure which will amount to Rs. 4½ crores and not 1½ crores? Although Mr. Nixon was the representative of the Government of India, I do not agree with some of the conclusions which he has reached in that conference. So he cannot represent the Government of India or the popular side before that tribunal.

About the debt position, the Howard-Nixon Report, in its modesty, assessed it at Rs. 62 crores as Burma's share, but Sir George Schuster came to the conclusion that it might be about 70 crores, but we, the people of India, think that it cannot be less than Rs. 100 crores, and that is the view of that great economist, Professor K. T. Shah, who estimated it at Rs. 100 crores. I do not think that my Honourable friend, the Finance Member, has analysed the position, but I hope he will agree with me. No Indian was allowed to participate as a member of the Joint Parliamentary Committee when the Burmese delegates were examined. This shows how dishonest the British Government were in their expression of views that Indians would participate in the deliberations when this question was discussed. They were excluded from the Joint Parliamentary Committee.

The Europeans of Burma want one thing: they want a minimum disturbance of trade relations, but the British Government want the separation of Burma, so that the Burma Oil Company can enjoy certain advantages at the cost of India, and enjoy—in the words of the present Finance Member—Rs. 80 lakhs of excise duty rebate on the kerosene oil, but, according to me—I gave those figures four years ago,—Rs. one crore and 25 lakhs in the shape of rebate in the excise duty on kerosene, petrol, etc. Now, the Europeans want that the trade relations should not be disturbed, but, at the same time, they opine that Burma should not be separated if the Burmese tax-payer will have to pay more in the shape of additional taxes, and, Sir, the tragedy, the conspiracy that is going on in England is to thrust on India a portion of the financial burden of Burma, so that, by this Indo-Burmese Trade Agreement or Convention, India will go on paying Burma a large subvention so that a few British Imperialist administrators would remain satisfied that they have got the chance to convert Burma into a colony, for her economic exploitation, while India is made to pay for Burma's defence and a permanent invisible subvention by the so-called Trade Convention. Therefore, I wish to assert emphatically on the floor of this House, both for myself and for those on whose behalf I speak, that I have no confidence in the tribunal that has been appointed. Sir, it is an insult to India to appoint a tribunal where Rowlatt can become a member (Hear, hear), and it is an insult to the financial genius of India that no Indian financier could be put in as a member, although, when my friend, Mr. Mody,—I find he has slipped out—rises, he will say that some of his colleagues, including Sir Bhupendra Nath Mitra, insisted that Indians should be assessors or members on that tribunal. Sir, we have a story of broken pledges all along

An Honourable Member: Indians and Burmans too.

Mr. B. Das: Yes, that is so; but I am not pleading the cause of Burmans because my stout-hearted friends of Burma will plead that; I am pleading the cause of India. Therefore, Sir, I wish to reaffirm the point emphatically and I would ask my Honourable friend, the Finance Member, to re-read the speech I delivered in 1932 (Hear, hear), where I said that we have no confidence in any tribunal unless a member of the League of Nations presides over it and unless the members of other nations, and not Britishers alone, happen to be on that tribunal. (Hear, hear.) Now, the question of the separation of Burma is one in which the Burmans themselves are not so much interested as the British Government and Britishers—probably incited by the Burma Oil Company—and the few persons that engage in the trade in the ruby mines of Burma.

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

Mr. B. Das: Thank you, Sir. The Honourable the Law Member took three minutes of mine. Sir, therefore, if England wants to have a colony for its surplus products to be sold in Burma, then England is welcome to have Burma, provided the Britishers can command the assent and the sanction of the people of Burma, but, whatever extra money will be required for good government of Burma, it should be paid by England and not by India, and India should not be asked to shoulder the military defence of the Eastern Frontier of Burma. Sir, the military advisers of the Government of India are building up a territory on the North-East Frontier of

[Mr. B. Das.]

India, and while they are spending ten crores of rupees annually on the North-West Frontier, they expect the Burmans to carry out the defence, not only of Burma, but of the North-East Frontier at the small, paltry sum of Rs. 1½ crores! So, I say, let the defence expenditure be properly allocated; let the pension charges, let the military burdens and the Currency Department burdens be all properly investigated and properly allocated. I have no faith in these English arbitrators; it must be referred to a body of arbitrators who have no direct interest in England and who are not swayed by the imperialistic dictators of England. With these few observations, Sir, I whole-heartedly support the motion. (Loud and Prolonged Cheers.)

U Thain Maung (Burma: Non-European): Mr. Deputy President (Loud Applause), we feel that we should explain our attitude at this stage of the debate. Sir, we, the people of Burma, have asked for separation as long ago as 1917, because we felt that it was only through separation that we could realise our political goal—the goal of full responsible government with dominion status. At the same time, we recognised the fact that we must part from India as friends and remain good neighbours ever ready and willing to help each other along the path of progress in all spheres of life. (Hear, hear.) Sir, we do not wish to start our political career, after separation, with the curse of any feeling of injustice or grievance as between India and Burma. We wish to start our new career with the blessing of India's goodwill and friendship. (Hear, hear.) Such being our attitude towards the question of separation and towards India, we recognise that a reasonable trade agreement as well as a just financial settlement between the two countries are essential. We also recognise that we cannot fully appreciate each other's case as regards the financial questions unless both India and Burma are represented on the tribunal to settle the financial affairs of the two countries. (Hear, hear.) We also feel that we shall never be satisfied with the ultimate award of the tribunal unless non-official representatives of both the countries have been associated with the tribunal throughout its proceedings. (Loud Applause.) This is the first reason, Sir, for our supporting the motion before the House. (Cheers.)

Our second reason for doing so is that the financial adjustment between India and Burma is not a matter in which only the Governments of the two countries are interested. It is a large financial problem closely concerning the people of both the countries, and it is but just that their representatives should be there before the tribunal, if not actually on the tribunal and, I submit, there has been a very strong and persistent public demand in my country that the Burmese people should be represented on the tribunal, or at least before the tribunal. As a matter of fact, there was a public meeting held as recently as January last repeating the demand that there should be such representation. The demand was repeated on account of a passage in the Joint Parliamentary Committee Report that a tribunal was about to be set up. In this connection, I wish to add that however clever and however efficient the official representatives may be, they cannot appreciate the non-official point of view and place it before the tribunal with such clearness and such force as can be done by non-officials in respect of their respective countries. For these reasons, we shall vote for the motion.

Masjums Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): Sir, I have very little to say in support of this motion. I only want

to remind my friend, the Mover, and the House that Burma and Zanzibar and most other places of that type have lost their independence simply under pretence of safeguarding the interests of the British Indian merchants in those countries. Whenever they wanted to declare war, Indian interests were trotted out, but it was the Indians who had to go and conquer the land. The same thing happened in Burma and the same thing happened in Zanzibar. I know both the cases very well, because I have visited both the places. My heart goes out to my Burman friends when they want that in their own country their voice should be the most prominent voice to be heard.

An Honourable Member: It should be the only voice.

Maulana Shankat Ali: When this question was mooted at the Round Table Conference and, when my brother, Muhammad Ali, was alive, he supported them from the very beginning, and said that if the Burmans really wanted the separation, everybody in India should satisfy their legitimate demand. There was in Delhi the other day a Burman deputation of responsible Indians who are working in Burma, whom I had met before when I went out on a tour in Burma, and they told us in very clear terms that they had no objection if the Burmans really wanted separation. But they were afraid, at the back of this movement, there were the British traders who were jealous of the position of Indian traders who competed with them and beat them too. The same story is told in South Africa, in Transvaal, in Kenya, Zanzibar, and in Cape Colony. In all these countries, it is the Indian trader who is successful, because he has got no top-heavy expenditure and he competes with the British traders fairly and squarely and beats them too. I was told when I was not allowed to enter South Africa and had to stop in Loranza Marques in Portuguese Africa that it was the Jews in Africa who objected to the Indian traders to compete with them. The same story I heard when I was in Burma. We know how Jamal Brothers were ruined by their own partners and how gradually their business passed into the hands of the British merchants who were settled down there. Let me tell my Burman brothers over there that they are a fine people, they are a picturesque people and very nice to deal with. But they are very fond of amusement, and any amusement or holiday the Burmans cannot miss. In fact, to enjoy themselves they will even neglect their offices and their business. They are not in business, and if the Indians are handicapped in this business struggle, I am afraid the poor Burmans will also lose themselves and the trade will practically pass into the hands of foreign merchants. If they want separation, notwithstanding the presence of this danger, I for one would support them. In the meantime, the Indian merchants who came here told us that it was their rights that they demanded to be safeguarded. They have invested over 125 crores in their business in Burma and they naturally do not desire to run any risks. I am not a financier, and I do not know what high and low finance is. With me the finance begins practically with a zero or on the minus side. Therefore, I have left this matter to the Honourable the Finance Member alone and have not said a single word to get the gibes or the praises of the House. With me, as a Muslim, the question of finance is a very simple thing. We understand only two extremes. If we have got money, we eat well and live well and are happy. Everyday is an *Eid*. If there is no money, we have our *Ramzan* and we fast and fast. (Laughter.) So, I do not complain that I do not know questions of finance. Somehow or other I do not worry

[Maulana Shaukat Ali.]

much and I get on all right without much knowledge of it, because, when there is money, we spend it all right, and when there is no money we wait. But I cannot understand the financier who has got the money and even then we find that the national constructive programmes have to be practically starved. When you make this Indo-Burma treaty, it should be your duty to see that the Indian trader, under no circumstances, gets an unfair deal. I hope the Finance Member, who is eating India's salt and who is showing such an interest in India, will see that its natural interests are not sacrificed in case Burma is separated.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore ~~own~~ North Arcot: Non-Muhammadian Rural): Sir, it is not necessary for me to make clear the point of view of the Congress about the separation of Burma. We have absolutely no objection to it. In fact, if the people of Burma want separation, we will not stand in their way. But we are certainly against the separation of Burma for the sake of leaving it to the exploitation of a foreigner.

The Honourable Sir Nripendra Sircar: May I raise a point of order? Is the Congress view of separation of Burma relevant?

Mr. T. S. Avinashilingam Chettiar: If the Honourable Member is going to raise points of order like that, there will be no end to them. So, Sir, we have the benefit of the presence of the Honourable Members from Burma who can say whether they want separation or not. What I submit is that when the trade relations of two big countries are under consideration and when the financial arrangements which will be arrived at between these two countries are under consideration, it is but just and proper that the representatives of these two countries should be taken into confidence. In the Round Table Conferences it was promised, not once, not twice, but even thrice, that the Legislatures of both these countries should be consulted and they should be consulted at every stage before any conclusion is reached over these matters. Even the other day when I put a short notice question to the Honourable the Finance Member, he accepted that those promises were made at the Round Table Conferences and made another statement which he contradicted today. When we asked him the reason why the Members of the Indian Legislature were not taken in the Committee, he replied that the Assembly was in Session now and the time that will be taken by this tribunal will be so long that it will not be possible for any member of the Finance Committee to go there, and so, the Secretary of State thought that it was not necessary to have any member from India. But today he says that it will be finished within a week. So, there is no consistency in his statements. They say now that the time is so short that it is no use making a representation. I will suggest to the Members of the Government that when they talk they should not talk for the sake of expediency but they should have some sense of responsibility. At least they should not make contradictory statements within a few days of each other. The statement that was made about the second week of February and the statement that is made within a month after that are quite contradictory to each other. Now that they are trying to come to a conclusion with such feverish haste and are not giving any opportunity to the representatives of India and Burma, what other motive can there be except other than *bond fide*. If they want to do good to us, nothing can be easier than to take us into their confidence.

Now, Sir, I wish to say a word about the Indo-Burman Trade Agreement.

(Interruption.)

The Honourable Sir James Grigg: Surely that, at any rate, is irrelevant to this debate.

Mr. T. S. Avinashilingam Chettiar: Surely, Sir, when the financial relations between the two countries are under investigation, the trade relations also should be discussed.

The Honourable Sir James Grigg: This is a case of a financial arbitration. The present discussion has nothing to do with the Indo-Burmese Trade Agreement.

Mr. Deputy President (Mr. Akhil Chandra Dutta): The Honourable Member has just mentioned the expression Indo-Burmese Trade Agreement. Let us see how he develops that subject.

Mr. T. S. Avinashilingam Chettiar: I am now talking about the financial aspect of the Trade Agreement between India and Burma. We were told the other day, in reply to a question, that the Honourable the Commerce Member was the representative of Commerce in this country, that the Honourable Sir Frank Noyce, who is anything but a labourer, represents the interests of labour in this country, and so the inference is that everybody who sits on the Treasury Benches represent some interest or other of this country. If that is the way in which representation is to come, then there is no need to consult the elected Members of the Legislatures and what I mean to say is that I cannot too strongly condemn this tendency that everybody on the side of the Government represents everything in this country. I was submitting, Sir, that this was the way in which the thing was rushed through in haste, in indecent haste. We are told that they are about to come to a final conclusion within a short time. If that is so, I suspect there is something brewing behind it all and I say it is not just, it is not honest and it is not fair for this country or for Burma.

I have not got much more to say except one point and that was the question which was very pertinently and very relevantly put by my Leader yesterday. We want the Government to tell us as to whom is the cost of the conquest of Burma being allocated. Burma is sought to be separated, not in the interest of the people of Burma, but it is solely in the interest of the Englishmen who are exploiting that country. Fortunately for us in India, we have awakened to this spirit of exploitation that has been going on in this country for the last several years and as the Englishmen are becoming nervous of any further being able to exploit India, they want to reserve Burma for their uninterrupted exploitation. (Hear, hear.) I submit, Sir, that the Englishmen do not want to tolerate the small, petty Indian traders who get bits here and there and that is the reason why the Government are pushing on with this discussion with such indecent haste. I now ask the Honourable the Finance Member what has been the cost of the conquest of Burma. It must be an immense amount. I am not here in a position today to give you the exact amount. I submit through this House and through you, Sir, to the tribunal that

[Mr. T. S. Avinashilingam Chettiar.]

is investigating this question, that the amount of the conquest of Burma should be paid by Great Britain and by nobody else. The conquest of Burma was effected from the Indian revenues and, if we take into consideration the fact that the conquest was made not in the interest of India nor in the interest of Burma, then the amount incurred in such a conquest should be incurred not from the Burmese people nor from India; but it should be recovered from England. I submit most emphatically that this amount should be paid down by the British Government, for, it is for the sake of Britain alone that this separation is made and these discussions about financial relations are going on. (Applause.)

Sir Cowasji Jehangir (Bombay City: Non-Muhammadian Urban): Sir, I trust that my Honourable friend, the Leader of the House, will not rise to a point of order. I promise him that I will not give him an opportunity of doing so. My Honourable friend, Maulana Shaukat Ali, when he spoke, was more or less out of order, but yet my Honourable friend, the Leader of the House, did not rise to a point of order. I think there are some advantages in having a big physical body in this Honourable House. Sir, I promise to keep to the point. The point at issue is a comparatively simple one. It is as follows: A tribunal has been appointed by the Secretary of State. The first issue is, is that tribunal in accordance with the promise given to this House and according to the recommendations of the Round Table Conference? I say it is not. I am going to prove that in a minute or two. Secondly, had we any notice, or were we given any warning that the tribunal would be appointed, not in accordance with the undertaking given at the Round Table Conference? No. Have we any information just now, any definite information as to what evidence beyond the Howard-Nixon Report will be placed or is being placed or has been placed before this tribunal? No, Sir.

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

The next issue is, has there been any opportunity for public opinion expressing itself before this tribunal through recognised associations such as Chambers of Commerce? No, Sir. A definite, no. All these points, Mr. President, I contend, are grounds for serious consideration by this side of the House.

Now, Sir, the Round Table Conference recommended in agreement with the Government of India Despatch that a tribunal should be appointed to consider the materials that may be worked up by the Government of India. The material that was worked up was the Howard-Nixon report. But the Conference also recommends that the representatives of these committees, namely the Finance Committee of this House and the Finance Committee of the Legislative Council of Burma, should be associated with the experts in the proceedings of the arbitral board. No such thing has been done. I think it has been admitted on the floor of the House that the Secretary of State has turned down this recommendation. Our complaint is that he has done so without any warning to us, he has done so without hearing our reasons for not taking such a decision. Sir, we, in this country, are vitally interested in this question. I would submit that there are three main parties vitally interested in this

question. Firstly, ourselves in India. Secondly, Burmians themselves, and, thirdly, Englishmen in Burma. If there are these three parties interested in the settlement of the financial relations between India and Burma, I should have thought that the tribunal, that was to have been appointed or that should have been appointed, would have been a tribunal on which at least all these three interests might have been represented. Well, Sir, this was not done and, therefore, we have strong grounds of complaint on this score. I may be told by my Honourable friend, the Finance Member, or by some other Member of Government that the Howard-Nixon report has considered our financial relations with Burma most carefully, so much so that there was a difference of opinion between these disinterested officials, the one serving Burma and the other serving India and that this difference of opinion was convincing evidence of the thoroughness with which they had investigated the matter. I admit it. I admit that they disagreed, they honestly disagreed, the one serving India and the other serving Burma. But there are issues which we consider of great importance and which the Howard-Nixon report does not touch upon. I think one of them has been mentioned by my Honourable friend, the Mover of this Adjournment Motion. We made a war gift to England, and Burma was included in the war gift. Was it 100 crores or was it 126 crores? It is only a question of 26 crores, a trifling sum for England, but certainly a very substantial amount for this poor country. Twenty six crores! Surely we ought to be represented when such a large sum is involved and there should be somebody who will really point out the actual facts.

Then, losses on silver, I think that was also mentioned. What are our losses on silver? If the question of losses on reverse council bills have been put before the tribunal in the proper way, it will really carry weight. The losses on silver may be only 20 million, but the losses in respect of reverse council bills were 50 crores of money. Yes, the Honourable the Finance Member may take it from me that it is more and not less. Then comes the question of deficits in the local administration of Burma from 1886 to 1920. Are these included in the Howard-Nixon report and have they been really carefully considered? We know Mr. Nixon found it very difficult to adjust all these conflicting interests and he was inclined to adopt a rough and ready method. Well, I think there ought to be somebody over and above Mr. Nixon and Sir Henry Howard to represent the interests of India. And surely when there have been such differences of opinion we should have been given a chance of at least representing our case to this tribunal, a tribunal with the composition of which we may not agree, but the appointment of which is an established fact. But here are we left in the lurch in India, not even being allowed to put our case clearly and emphatically before that tribunal. It is this against which we have come here to protest today.

Sir, then there is the question of the Burmese Railways. They are going to keep their railways after they are separated. I hope
 5 P.M. my Burmese friends will long continue to enjoy their railways, but I am sure my Burmese friends do not desire that we Indians should pay for those railways.

Ident. Colonel Sir Henry Gidney (Nominated Non-Official): They cost us seven or eight crores.

Sir Cowasji Jehangir: Seven or eight crores? They cost us nearly 30 to 40 crores! Well, Sir, those are the points which we want to be assured will be placed before this tribunal by our own representatives. There are many other points. Of course we have this complaint—and I have expressed my opinion very definitely,—that the promise given to us through the report of the Round Table Conference has not been carried out. Perhaps I may be too strong in my language if I call it a promise; it may not be construed as a promise. But even if you do not construe it as a promise, I contend that you had every reason and every ground to warn us before you adopted another policy; but we were never warned. The first thing we saw was a telegram, an ordinary Reuter's telegram, saying that the tribunal had been appointed and that the personnel of the tribunal was as has been announced in this House. We were not informed in that Reuter's telegram whether anybody was associated with this tribunal according to the undertaking or,—shall I say,—according to the recommendation of the Round Table Conference. It was on the 21st February, 1935, when an answer was given by my Honourable friend, the Finance Member, in this House, that the terms of reference were placed before us and it was then that we realised that things were not as we expected, that there were grave grounds for fear and doubt; and I am glad that we have had an opportunity today of expressing publicly on the floor of this House our fears and our apprehensions. Now, Sir, take a broader view of the question. If the reforms are to be a success, if Burma is to be separated from India,—even that is not an established fact as far as I know,—if Burma is to be separated, if the machine is to run smoothly, surely the preparation of the machine should be undertaken in a manner which is approved of by those most vitally interested. Even the method of the preparation of that machine is not approved of in this country; this tribunal is the machine that is preparing the ground. Is it not a short-sighted policy not to take us into your confidence? The Government of India, Sir, under the present Constitution have to be very secretive; they are not even to divulge to us policies adopted in contravention of recommendations made by conferences of the greatest importance appointed by themselves and to which they were themselves a party. I do not know, Mr. President, how much the Government of India know or do not know themselves. I have grave suspicions from the way the news was imparted to this country about the appointment of this tribunal that the Government of India are nearly as ignorant as ourselves. I have not the heart, therefore, to condemn them outright, realising that it is possible that my suspicions may be correct, that they are nearly as ignorant as ourselves, that,—shall I say in the language of Mr. B. Das,—they are nearly as impotent as ourselves. Well, Sir, in the circumstances all we can do is to voice our grievances on the floor of this House, trusting and hoping that they will reach across the wide area that divides us from the tribunal, that is sitting to settle the destinies of Burma and to a certain extent our financial destinies. I trust and hope that our voice will carry and that even if there are only a few days left for the work of this tribunal, Government will see that our public bodies do get an opportunity of representing their views. Now, Sir, I believe my Honourable friend, the Finance Member, is under the impression that our views have been represented before this tribunal by communications that public bodies may have made to the Government of India on this vital question. I honestly confess I am not very definite about my information, but so far as my information goes today, it is, that no public bodies such as Chambers of Commerce have communicated with the Government of

India on this question and, therefore, no communications could be before the tribunal. The only discussion that took place was in this House in 1932. The Finance Committee were seized of the Howard-Nixon report and they reported to this House. This House discussed that report and a copy of the debate was or is before the tribunal. I have been through that debate just now

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Sir Gomasji Jehangir: Yes Sir, I am going to finish. You, Sir, took an important part in that discussion and several other Members also. But it was in 1932 and most of the important points that the tribunal really ought to consider are not mentioned in that debate at all. And, if that is the only report or communication voicing public opinion in India that is before the tribunal, I consider we have the strongest grounds for complaint, the strongest grounds for protest; and I trust that Members of the Government will join with us in our protest, if not openly in this House, privately in their communications to the Secretary of State. We still hope and pray for justice, but if an injustice is done to us by this tribunal, we shall hold the Government of India and the Secretary of State responsible and we shall not in any way be committed to any decisions that may be arrived at.

There is just one more point that I would like to mention before I sit down. It is called a tribunal; I say that it is merely a committee to advise the Secretary of State, that nothing that this tribunal reports is final. Will the Government of India at least make sure that we get this report of the tribunal before the Secretary of State makes up his mind on the recommendations of this tribunal, that public opinion has an opportunity of expressing its views before the Secretary of State takes action on the decisions of this tribunal? I think the Government of India owe this at least to us that they will give us an assurance that if they do nothing else they will strongly place this point of view before the Secretary of State namely, that he should take no action until we have seen the report and have had time to study it and to express our opinion on it.

Some Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): Sir James Grigg.

The Honourable Sir James Grigg: The first part of this debate, Sir, was a complaint about the constitution of the tribunal and about the absence of representatives of the Standing Finance Committee on the two delegations appearing before the Committee

Dr. N. B. Khare (Nagpur Division: Non-Muhammadian): We cannot hear anything on this side. (Laughter.)

The Honourable Sir James Grigg: This was all perfectly well-known a month ago, and no question of urgency arises about that. Anyhow, in my answer to questions a month ago, I told the House that the Secretary of State had changed the previous decision on this point. As the Honourable the Baronet who spoke last said there was no formal promise in this matter: I think my predecessor's words were that the present view was

[Sir James Grigg.]

that members of the Standing Finance Committee might properly be associated with the delegations in arguing the case before the tribunal and he went on to say that, in the absence of any new decision, that decision would stand: so that, quite obviously, it was regarded by him as a question which was subject to review at a later stage; and, as I told the House when I announced. . . .

Sir Cowasji Jehangir: The recommendation of the Round Table Conference to which the British Government were parties: the Secretary of State himself was a party to it.

The Honourable Sir James Grigg: I announced in the House the composition of the tribunal. The Secretary of State has taken a new decision. And I think the House must assume that the Secretary of State's decision is final in that matter.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): It is a breach of promise.

The Honourable Sir James Grigg: No.

Sir Cowasji Jehangir: On a point of personal explanation, Sir: I did not ever say that the Government of India had broken their promise. I said that the recommendations of this Round Table Conference have not been carried out, to which the British Government including the Secretary of State were parties.

The Honourable Sir James Grigg: I quite understood it the first time. The second point raised in the debate was that there were a number of new points which Mr. Nixon had not been clever enough to spot, of which the Standing Finance Committee of the last Assembly were completely ignorant and which the last Assembly as a whole completely ignored, which ought to be put to the tribunal. Well, I am bound to say that my impression of this debate, added to my recollection of what occurred in the previous debate and what was set out in the report of the Standing Finance Committee and in the Howard-Nixon report, is that no serious new points have been raised; but in any case, I said this morning, that if there were any new points to put forward, I would, provided they were furnished to me quickly, ask that the Tribunal should not actually report until it had sent them. But even apart from all that, as the Honourable the Baronet has pointed out quite correctly, the tribunal is not a final arbitral body: it is an advisory body to the Secretary of State and the Secretary of State has to make his final conclusions after getting the report of this tribunal

An Honourable Member: Why do you call it tribunal then?

The Honourable Sir James Grigg: I did not call it a tribunal

Sir Cowasji Jehangir: Here it is called a tribunal: that is an inconsistency.

The Honourable Sir James Grigg: All that I meant to say was that I was not responsible for christening it. (Laughter.) As I said, the Secretary of State has to reach a final conclusion in the light of the report of this tribunal. In my answer on the previous occasion, or rather in the question which I was answering on the previous occasion, one of the points specifically raised by one of the Honourable Members from Madras was whether the report would be made available to Members of this House, during the current Session and whether the House would be afforded an opportunity for discussion of the report. I said that I did not know how soon the tribunal would be able to complete its examination and present its report; and I said that when the report was published and if Government find that there is a general demand for its discussion, they will endeavour to provide an opportunity. I am quite prepared to represent to the Secretary of State the desire of this House that the report should be published and debated in this House and that before reaching a final conclusion he should consider the views expressed in this House. I am quite prepared to do that.

For the rest, as regards the general sense of this debate, I am not quite sure whether Honourable Members realise the implication of what has been said in various quarters this afternoon. The first is that Mr. Nixon is a very inadequate representative of Indian interests and there are lots of better ones and that being an Englishman he cannot adequately represent Indian interests.

Sir Gowanji Jehangir: Who said that?

The Honourable Sir James Grigg: That was my impression, my very definite impression of the purport of the remarks of the Mover of the motion.

Some Honourable Members: Yes, yes.

The Honourable Sir James Grigg: And that suggestion I absolutely repudiate. The second suggestion made this afternoon by implication was that the Standing Finance Committee of the last Assembly of which my Honourable friend, Mr. B. Das, was a member. . . .

Mr. B. Das: No, I was not.

The Honourable Sir James Grigg: All right: that the Standing Finance Committee was so incompetent that it missed all the points that it ought to have raised; and the third implication is that the last Assembly of which the Honourable the Baronet was a Member also was extremely incompetent and that, therefore, in debating this question it was completely incapable of raising any point. . . .

Sir Gowanji Jehangir: The Honourable Member forgets or does not realise that that debate took place in 1962 and we are now in 1985 and that much water has flown under the bridge since 1962, that we were continually told that we should have other opportunities of expressing our opinion on this important matter between 1962 and the year of grace 1935.

The Honourable Sir James Grigg: As the Honourable Member points out, two years have flown since then, and yet, as he himself says, commercial opinion in India which is so anxious to express itself and has so many new points to raise, has been completely silent the whole time. (Interruption.) Surely the implication is that there are no new points of substance to raise and that this debate is merely another example of trying to make the easy assumption that no servant of the Government of India is capable of doing his job efficiently or sincerely (Interruption) and the only people who could really represent India are the people who have no responsibility whatever.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhamadan Rural): Mr. President

The Honourable Sir James Grigg: Has the Honourable Member any right to speak after the closure has been moved?

Mr. President (The Honourable Sir Abdur Rahim): I did not accept it.

Mr. Bhulabhai J. Desai: Sir, I regret very much and I think every Member of this House will join with me, in the manner in which this House was addressed today. I think the House deserves to be treated with certainly much greater courtesy. (*Opposition cries of "Hear, hear!"*) Argument is one thing; but assertion is certainly not very much appreciated. The points of view that I wish to place before this House are very brief. The question is not a mere technical constitutional proposition. It is not denied that it is a matter of constitution. Honourable Members of this House, sitting opposite, represent the broad interests which are allotted to them for the purposes of their portfolios. That is not the issue. The true issue before the House is that there are interests, not merely governmental interests but the interests of the country at large, both of public finances as well as the finances of the traders concerned in this issue. The only issue that I know that is before this Tribunal is how to allocate the past and future liabilities when Burma comes to be separated from India. It is an issue which has been neglected all the time, but it does not matter, I always face the issue. I may be told that it escaped the attention of others. It conveys no reflection in my mind of any kind whatever that it did escape. After all, if matters do not escape, there would not have been even in case of civil tribunals no less than three appeals right up to the Privy Council, and at the end of which too it may easily be found that the point was missed. Therefore, the mere argument that a point need not have or ought not to have escaped is no argument for saying that people who wish to be represented and whose interests are determined ought not to be represented. The short question before the House is this—for what valid reasons did the Secretary of State go back upon a representation,—I will not call it a promise,—for what valid reason did he go back upon a representation with which, according to Sir George Schuster, the Government of India was in agreement, that Indian interests would be represented,—and at least one of the forms of representation then contemplated was through the Members of the Standing Finance Committee of this House. It may easily happen that the then Members may not be present now. The one important question, which I attempted to raise yesterday at question time, was the main question which would have to come up before such a Tribunal if that name is to be given to this

rapporteurs, because I am told now that they are no better. It is not merely a question between India and Burma, and the very fact that it is made to be represented as a question between India and Burma is our first grievance, the idea being that all other claims ought to be thereby suppressed. The first and foremost question is the whole of the cost of the conquest of Burma was debited to the Indian revenues. I understand that throughout all these arguments the question has been, whenever the question of allocation has been raised,—“Oh, yes, as a result of these conquests India has become bigger and greater by reason of the annexation of these territories as part of India”, and that is the only way in which a justification has been given to put down to the debit of India the cost of the conquest of these countries, but if they are to be given up,—it does not matter whether they are to be given up at the request of the Burmans or they are to be given up for the convenience of the Britishers or for purposes of any Imperial policy,—but if they are to be given up,—who is to bear those charges which only, on the hypothesis that they form part of an extended India, were thrust upon us. I daresay that the Government of India, considering themselves as one entity, believe themselves to be Burmans, believe themselves to be Indians, believe themselves also to be Britishers. It is not a matter of honesty. It is a question of looking at it from a proper point of view. Has ever a question occurred to the Finance Member of India, either to the present Finance Member or to his predecessor, that a very important question involving crores of rupees is at stake not merely as between Burmans and Indians but as between Burmans and Indians both *vis-a-vis* the Britishers. That is the real question which we would have been entitled to raise. We would say that in so far as any allocation is concerned, inasmuch as it would refuse to listen to us it would not be doing justice. Therefore, the primary question is that the whole basis of that tribunal was never announced. I should like to know, though I did not hear from the Honourable the Finance Member at all, as to whether the Government of India was consulted before this tribunal was appointed a week before the question was answered in this House and the communiqué was issued. I am inclined to think from the absence of information that the Members opposite themselves were probably not aware as to what was happening during the interval. Therefore, it is no use complaining that two years have gone by, that there is a body to whom a case has to be presented, so that they are as much ignorant as ourselves. They have represented no case on behalf of India. It is not a question of the competence of Mr. Nixon that is in issue. The question is when was the Government of India informed about the constitution of that supposed Tribunal and its creation, what time does the Government gave to prepare the case at all events from the Indian point of view? It is not a question of competency or otherwise of Mr. Nixon, an officer who was appointed for the purpose merely of representing the views of the Government of India. He represents the opinion of nobody; their work is merely a preliminary preparation of materials—in so far as Mr. Nixon and Sir Henry Howard were concerned. The question, therefore, is that the Government of India and India ought to have been apprised that a tribunal was going to be appointed, and they should have been asked what they had to say as to its constitution. That was not done. Then, after the tribunal was appointed, sufficient notice ought to have been given to the Government of India and the Indian public generally, or at least to this House so as to ask them what case, if any, they had to present before this tribunal. This Report

[Mr. Bhulabhai J. Dessai.]

is no case of any kind, it is merely a collection of materials on which a case is to be based. Therefore, you always raise a wrong issue, and you think you have answered it by saying that Mr. Nixon is not dishonest. We are not here to tell such things. The whole question is, if we had a fair dealing first before the appointment or the constitution of this tribunal, after its appointment, and if there was sufficient time given to present the case both by the Government of India, and associated with the representatives of the Government of India, representatives of the Indian people in any form howsoever constituted. Then, the other question was not also raised as to whether or not this allocation was merely a matter of accounting between India and Burma, but also whether the British Government had not a certain amount of responsibility and liability. Inasmuch as all these three things have been omitted, this House is entitled to express its opinion in terms of the motion that has been moved.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): May I, Sir, trespass upon the precious time of the House, because I know there is probably a strong desire that a division ought to be taken on this motion, but, Sir, I do not propose to occupy more than a few minutes. May I, first of all, tell the Finance Member—please do not adopt this sort of militant attitude, please do not try to evade issues. I know you have your difficulties, but remember you are sitting there as a responsible Member in charge of Finance. Do not forget your position, therefore, and that you must not come down to the level of a back-Benchers.

Some Honourable Members: Back-Benchers are much better.

Mr. M. A. Jinnah: Sir, the Government of India do not realise in the first instance, I mean the Government of India in this sense that the Governor General in Council represented by the Front Bench here, do not realise that they owe some responsibility to this House. I know perfectly well that in several matters they are not even consulted probably, and in several matters they are overruled by the Secretary of State for India. But, Sir, we have no other course; we cannot separate the Governor General in Council from the Secretary of State for India, and we have got to get hold of some party with whom we can deal, and the only party with whom we can deal on the floor of the House is the Government of India as representing even the Secretary of State for India. Now, let us examine the question. I don't think really the Finance Member was justified in saying that it was suggested by the Mover of this motion that Mr. Nixon was dishonest. I have got his words here, and may I read them out to the House

The Honourable Sir James Grigg: He certainly said incompetent. Would you mind dealing with the question of incompetency?

Mr. M. A. Jinnah: Incompetency is a matter of opinion. That is not a word which ought to give such an offence to the Honourable Member. That is a matter of opinion. The Honourable Member could have got up and said that in his judgment that such and such a person was the most competent person. But, no, the Honourable Member tried to play with this word and he said that you call Mr. Nixon dishonest. It was not so stated by my Honourable friend, Mr. Vissanji. I have got his speech here, the very words here. On the contrary he says that he does not challenge the *bona fides* of Mr. Nixon. Let me read it. Or take my word for it, I do

not want to waste the time of the House. It is not a question of dishonesty, it is not the question that every Government official is dishonest. Nobody says that. Let us get to the issue. The Joint Parliamentary Committee have laid down that a tribunal will be appointed—the words are “an impartial tribunal”. When they used the expression “impartial tribunal” what did they mean? A tribunal is impartial not only because it is honest but because it commands that confidence and that respect, that the parties concerned, will feel after the decision is given, that justice is done. (“Hear, hear” from the Opposition Benches.) And that is the principle which I ask the Honourable the Finance Member to bear in mind. When the Round Table Conference came to an agreement to which the Secretary of State was a party—why did they say that Indians and Burmese should be associated with such a tribunal? Why? Did they think that Englishmen were so dishonest that they could not be trusted? No. But in order to assure, nay, doubly assure, that when their recommendation was made it would command the confidence and the respect of the bodies and parties concerned. When did the Secretary of State—I have not heard a single word,—and why did the Secretary of State change his mind? No reason has been given. Are these arrangements to be flouted in this fashion *ex parte*? I ask the Finance Member. Was he consulted, and if so,—I ask the Finance Member, remember you represent India, your responsibility is there—did you fight for that on our behalf? We do not know. Were you consulted as to what should be the terms of reference? Were you consulted as to what was to be the procedure?

An Honourable Member: Chair.

Mr. M. A. Jinnah: I am addressing the Chair. Don't you teach me. Did the Government then say on our behalf that “you must not infringe the arrangement that was arrived at?” Did the Government then insist that we should have a fair hearing before that body? I am told now it is not a tribunal. The words are “impartial tribunal”, the Joint Parliamentary Committee says, “impartial tribunal”. The Government of India give us no information, we are not told what the Government of India did. We are not told what they did on our behalf. Surely, for your own sake, for your own credit, cannot you tell us that you made some fight on our behalf but you were overruled? Why not say that frankly? Tell the House, that “We, as the Government of India, made this or that representation, but we were overruled by the Secretary of State, and, therefore, we are not able to do anything more”. Now that, your superior authority whose commands and whose orders you are bound to obey has decided what he has decided, and if this House rightly shows its resentment and rightly condemns all this, you, as the Government of India, should, in deference to our wishes, in deference to our desires, do your utmost now, even at this stage, to see that we secure some kind of hearing before that tribunal on behalf of India. No. What does the Honourable Member say? He says, after the report is made by this impartial tribunal (Laughter,) we will have an opportunity to discuss it in this House

Pandit Govind Ballabh Pant: He said we may have.

Mr. M. A. Jinnah: I beg your pardon. I stand corrected. He said that he will recommend that to the Secretary of State

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): To be overruled again!

Mr. M. A. Jinnah: I do not know what the answer of the Secretary of State will be. Really I assure you, and I assure the Government that it is not a pleasure to me to stand here and be a party to passing one vote of censure after another against Government. Believe me, if I may say so, I am as loath as anybody else, I am not doing it with a light heart, but I find that on every occasion we get no satisfaction, ("Hear, hear" from the Opposition Benches), we get no frankness, and we do not get one single word from this Government of India making us feel that they are our Government. I support the motion. (Applause.)

Several Honourable Members: Let the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The question is that the question be now put.

The motion was adopted.

Mr. Mathuradas Vissanji: I do not want to reply.

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

"That the Assembly do now adjourn."

The Assembly divided.

AYES—78.

Aaron, Mr. Samuel.
Abdul Matin Chaudhury, Mr.
Abdullah, Mr. H. M.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Ashar Ali, Mr. Muhammad.
Ba Si, U.
Badi-uz-Zaman, Maulvi.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Baqui, Mr. M. A.
Bardaloi, Srijet N. C.
Bhagavan Das, Dr.
Bhagchand Soni, Rai Bahadur Seth.
Chattopadhyaya, Mr. Amarendra Nath.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Venkatachalam.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Esak Sait, Mr. H. A. Sathar H.
Fakir Chand, Mr.
Fuzlul Huq, Mr. A. K.
Gadgil, Mr. N. V.
Gauba, Mr. K. L.
Ghiasuddin, Mr. M.
Giri, Mr. V. V.
Govind Das, Seth.
Gupta, Mr. Ghanashyam Singh.
Hidayatallah, Sir Ghulam Hussain.
Houmani, Mr. S. K.
Iwar Saran, Munshi.
Jedhe Mr. K. M.
Jehangir, Sir Cowasji.
Jinnah, Mr. M. A.
Jogendra Singh, Sardar.

Joishi, Mr. N. M.
Khare, Dr. N. B.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Mehar Shah, Nawab Sahibzada Sir
Fayad Muhammad.
Mody, Mr. H. P.
Mudaliar, Mr. C. N. Metheranga.
Muhammed Nazman, Mr.
Murtaza Sahib Bahadur, Maulvi Syed.
Nageswara Rao, Mr. K.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Rajah, Raja Sir Vasudeva.
Rajan Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Satyamurti, Mr. S.
Sham Lal, Mr.
Shankar Ali, Maulana.
Shoodass Daga, Seth.
Siddique Ali Khan, Khan Sahib
Nawab.
Singh, Mr. Deep Narayan.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narain.
Soen, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Thein Manng, Dr.
Thein Manng, U.
Umar Ali Shah, Mr.
Varma, Mr. B. B.
Vissanji, Mr. Mathuradas.
Ziauddin Ahmad, Dr.

NOES—36.

Abdul Aziz, Khao Bahadur Mian.
 Ahmad Nawas Khan Major Nawab.
 Allah Bakhsh Khan Tiwana, Khan
 Bahadur Nawab Malik.

Ayyar, Rao Bahadur A. A.
 Venkatarama.

Bajpai, Mr. G. S.

Bewoor, Mr. G. V.

Bhore, The Honourable Sir Joseph.

Chatarji, Mr. J. M.

Craik, The Honourable Sir Henry.

Dalal, Dr. R. D.

Drake, Mr. D. H. C.

Gajapatiraj, Maharaj Kumar Vijaya
 Ananda.

Gidney, Lieut.-Colonel Sir Henry.

Graham, Sir Lancelot.

Grigg, The Honourable Sir James.

Jawahar Singh, Sardar Bahadur
 Sardar Sir.

Kirpalani, Mr. Hiranand Khushiram.

Lal Chand, Captain Rao Bahadur
 Chaudhri.

Lloyd, Mr. A. H.

Metcalf, Mr. H. A. F.

Monteath, Mr. J.

Mukerje, Mr. N. R.

Mukherjee, Rai Bahadur Sir Satya.
 Charan.

Nayar, Mr. C. Govindan.

Noyce, The Honourable Sir Frank.

Owan, Mr. L.

Rajah, Rao Bahadur M. C.

Rau, Mr. P. R.

Row, Mr. K. Sanjiva.

Sarma, Mr. R. S.

Scott, Mr. W. L.

Sher Muhammad Khan, Captain Sardar.

Singh, Mr. Pradyumna Prashad.

Sircar, The Honourable Sir
 Nripendra.

Sloan, Mr. T.

Swithinbank, Mr. B. W.

The motion was adopted.

(Cries of "Shame" and "Resign and go home" from the Opposition Benches.)

Major Nawab Ahmad Nawas Khan: (Nominated Non-Official): Behave like gentlemen!

Several Honourable Members: Shut up.

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

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 27th March, 1935.