

LEGISLATIVE ASSEMBLY

DEBATES

FRIDAY, 4th MARCH, 1932

Vol. II—No. 10

OFFICIAL REPORT



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LEGISLATIVE ASSEMBLY.

Friday, 4th March, 1932.

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

QUESTIONS AND ANSWERS.

FUTURE ACTION IN REGARD TO THE ORDINANCES.

609. ***Sir Hari Singh Gour:** (a) Is it a fact, as suggested in the Sunday issue of newspapers, that Government propose to place before the Legislative Assembly all or any of the Ordinances issued against the civil disobedience movement? If so, when and in what form?

(b) Is it a fact that Government intend to refer the said Ordinances to a Select Committee in a special session of the House to be convened in June or thereabouts?

(c) Will Government be pleased to make a complete statement on the subject as early as possible?

The Honourable Sir James Crerar: (a), (b) and (c). The questions raised by the Honourable Member have not reached a stage at which it is practicable to reach a decision, for, as he will no doubt realise, it is not possible for Government to arrive at any conclusion, so far in advance, as to what measures, if any, will be necessary to meet the civil disobedience movement.

EXPORT OF GOLD FROM INDIA.

610. ***Sir Hari Singh Gour:** (a) Will Government be pleased to state whether they have any intention of checking the export of gold from this country?

(b) Is it a fact that South Africa, which is a gold-producing country, has placed an embargo upon the export of gold? Will Government please state whether they are aware that gold is exported to England from any part of the British Empire other than India? If so, in what quantity?

(c) Are Government prepared to give facilities to the members of this House to discuss the policy underlying the free export of gold from India? If so, when?

The Honourable Sir George Schuster: (a) Not at present.

(b) There are no restrictions on the export of gold from South Africa. Statistics of the weekly imports of gold into Great Britain are published in the London "Economist", from which the Honourable Member will be able to collect such figures as he requires. The latest statistics show that imports from South Africa average well over £1 million per week

and that imports from other parts of the British Empire *e.g.*, Australia, New Zealand, Straits Settlements, British West Africa and British East Africa are considerable.

(c) I shall deal with the subject in my Budget speech and Honourable Members will have an opportunity of discussing Government's policy during the general discussion on the Budget.

RISE IN RUPEE SECURITIES.

611. ***Sir Hari Singh Gour:** (a) Is it a fact that there has been a sudden rise in the value of rupee securities within the last few days? Are Government aware of the fact, as stated in the *Statesman*, Weekly Review, page 27, of the 21st February, 1932, column 4, that the present rise in the value of rupee securities was essentially due to the feeling that the Act (Income-tax Act) would be amended?

(b) If so, will Government make a clear statement on the subject?

The Honourable Sir George Schuster: From an examination of the course of the prices of Government securities no sort of connection can be traced between the rise in prices and the Income-tax Amendment Bill. Prices rose steadily from the middle of January until the 15th February the date on which this House declined to refer the Bill to a Select Committee. On the 16th February the price of 3½ per cent. paper in Bombay rose from Rs. 56-6 to Rs. 57-14 and thereafter continued to rise, the latest quotation being 63-6. Other Government securities have appreciated steadily since the middle of January.

APPOINTMENTS IN THE OFFICE OF THE COMMISSIONER OF INCOME-TAX, CALCUTTA.

612. ***Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Anwar-ul-Azim): Will the Honourable the Finance Member please state:

- (a) how many appointments have been made by the Commissioner of Income-tax, Calcutta, as Assessors and Examiners of Accounts in connection with the recent income-tax measures adopted by the Government of India and what their qualifications are;
- (b) whether it is a fact that ordinary graduates, both B. As. and M. As., have been appointed as Examiners of Accounts and Assessors to the exclusion of candidates who possess a Government diploma in accountancy and certificate of Divisional Accountant; if so, why;
- (c) whether it is a fact that B.As. and M.As. in Persian have been appointed as Examiners of Accounts and Assessors to the exclusion of candidates with B.Sc. and M.Sc. degrees with certificate of accountancy as G. D. A. and Divisional Accountants, if so, why and how many and what are their names and whether and how they are related to the Income-tax Officers and Assistant Commissioners;
- (d) how many clerks there are in the Head Office of the Income-tax Commissioner and the offices of the Assistant Income-tax Commissioners in Calcutta and how many of them are Muslims;

- (e) whether it is a fact that the distribution of the clerks in these three offices is not made in accordance with the circular reserving 33 per cent. posts for Muslims; and
- (f) what the percentage of Muslim clerks in the Income-tax Offices under the control of the Commissioner of Income-tax, Calcutta, is?

The Honourable Sir George Schuster: The information is being obtained and will be laid on the table in due course.

VOLUNTEERS FOR RETIREMENT IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

613. ***Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Anwar-ul-Azim): Will Government be pleased to state:

- (a) how many applications volunteering for retirement from service were received from the clerks, assistants, head clerks and Superintendents in the office of the Director General of Posts and Telegraphs; and
- (b) how many volunteers referred to at part (a) above have since been permitted to retire and what action Government intend to take in the case of remaining volunteers, if any?

The Honourable Sir Joseph Blore: (a) and (b). 35 such applications have been received, of these 20 have been accepted and the remainder are under consideration.

ABOLITION OF THE POSTS OF SUPERINTENDENTS OF WIRELESS AND CASH BRANCHES OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

614. ***Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Anwar-ul-Azim): (a) Is it a fact that the Director General of Posts and Telegraphs passed final orders during the last Simla season 1931 to give full effect to certain points of the Coburn Committee's Report?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state if that order of the Director General has been given effect to from the date, if any, mentioned in the said order; if not, why not?

(c) If the reply to part (a) above be in the negative, will Government be pleased to state the reasons for abolishing the posts of the Superintendents of the Wireless and Cash Branches?

The Honourable Sir Joseph Blore: (a) Yes, certain orders were passed by the Director General on the acceptance generally by the Government of the Committee's recommendations.

(b) No definite date was mentioned in the order, the latter part does not arise.

(c) It was considered that the work could be arranged so as to render these Superintendents unnecessary in the conditions then prevailing.

**APPOINTMENT OF SUPERINTENDENT, WIRELESS BRANCH, OFFICE OF THE
DIRECTOR GENERAL, POSTS AND TELEGRAPHS.**

615. ***Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Anwar-ul-Azim): (a) What are the reasons for abolishing the post of Superintendent, Wireless Branch, and again after a very short period sanctioning the same in the office of the Director General, Posts and Telegraphs?

(b) Is it a fact that the result of the action referred to at (a) above was to get rid of the former Superintendent of the Wireless Branch, who had experience of over 20 years in the disposal of cases of wireless technicalities and to provide for the Superintendent, Cash Branch, in the Wireless Branch who has had no previous experience in wireless or telegraph technical matters?

The Honourable Sir Joseph Bhore: (a) As to abolition, the Honourable Member is referred to the reply just given to his previous question; as to restoration, subsequently as a measure of retrenchment it was decided that the services of one of the superior officers in the Wireless Branch should be also utilised in the Traffic Branch and this change necessitated the restoration of the post of Superintendent in the Wireless Branch.

(b) The abolition of a post does not necessarily involve the retirement of the particular officer who may be holding it, but in this case the Superintendent of the Wireless Branch applied for permission to retire from the 18th July, 1931 and his application was accepted. On restoration of the post it was filled by an official who had held charge of the Cash Branch, and who was considered as generally most suitable. No technical experience is required of the Superintendent of the Wireless Branch.

EXEMPTION OF CERTAIN CLERKS FROM THE 10 PER CENT. CUT IN PAY.

616. ***Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Anwar-ul-Azim): Will Government be pleased to state if the clerks and peons, etc., in the office of the Director General, Posts and Telegraphs, who were deprived of the Calcutta-Delhi transfer concessions and not yet compensated by promotions or otherwise, have been exempted from the operation of 10 per cent. cut in their pay; if not, why not?

The Honourable Sir Joseph Bhore: The Honourable Member's attention is invited to part (b) of the reply given to Maulvi Muhammad Yakub's starred question No. 135 in this House on the 4th September, 1929, in which it was explained that the staff referred to were not entitled to any compensation. The question of exempting them from the emergency cut in pay does not therefore arise.

EXEMPTION OF CERTAIN CLERKS FROM THE 10 PER CENT. CUT IN PAY.

617. ***Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Anwar-ul-Azim): Will Government be pleased to state if the employees of the Imperial Secretariat and its Attached Offices, who are in receipt of pay up to Rs. 40 per mensem have been exempted from the operation of the 10 per cent. cut in their pay; if so, why such employees of the office of the Director General, Posts and Telegraphs, have not been exempted from the

10 per cent. cut in their pay and why they are differentially treated in this respect? Has not the office of the Director General, Posts and Telegraphs, been declared to be an attached office?

The Honourable Sir Joseph Bhoré: Yes, except in the cases of employees of the Railway Department (Railway Board) and of the Director-General, Posts and Telegraphs. It was considered that the employees in these offices should not be treated differently to employees on railways and in the Posts and Telegraphs.

The reply to the last part is in the affirmative.

DENIAL OF CALCUTTA-DELHI TRANSFER CONCESSIONS TO CERTAIN CLERKS AND PEONS OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

618. ***Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Anwarul-Azim): Will Government be pleased to refer to the 'cut motion' moved by Mr. M. Maswood Ahmad on the 13th March, 1931, in connection with the denial of Calcutta-Delhi transfer concessions to certain clerks and peons of the office of the Director-General, Posts and Telegraphs, and state if the matter has been favourably considered and the affected men have been suitably compensated; if not, why not, and when their grievances are likely to be redressed?

The Honourable Sir Joseph Bhoré: The Honourable Member's attention is invited to the reply given to his starred question No. 953 in this House on the 16th March, 1931. The staff in question have no reasonable claim to compensation.

MEMORIALS FROM ENGINEERING SUPERVISORS, TELEGRAPHS.

619. ***Mr. K. P. Thampan:** (a) Will Government be pleased to state whether they received memorials from certain Engineering Supervisors, Telegraphs, in August last and they were all rejected?

(b) Is it a fact that the Engineering Supervisors who submitted the above memorials were given only one chance while others had none at all for qualifying for promotion to the Deputy Assistant Engineers, Telegraphs; if so, what were the grounds on which Government declined to give these men two more chances for qualifying for promotions to the higher grade?

(c) Have the Government of India issued any orders that promotions to the next higher grade in the Posts and Telegraphs Department should be regulated by allowing the staff only one chance of appearing in the departmental examinations? If not, why were the Engineering Supervisors who submitted the memorials not allowed an opportunity of appearing for departmental examinations for promotions to the Deputy Assistant Engineers grade? Do Government propose to remove these hardships; if not, why not?

(d) Is it a fact that prior to 1927 there were two different methods of recruitment to the cadre of Engineering Supervisors in the Posts and Telegraphs Department? If so, what were the two different methods and why were these methods replaced in 1927? How is seniority for promotions to the higher grades fixed from these two different modes of appointment?

The Honourable Sir Joseph Bhore: (a) Yes, except that the memorials were received before August.

(b), (c) and (d). The points raised by the Honourable Member are under examination and the reply will be placed on the table of the House in due course.

NON-ISSUE OF ARMS LICENCES IN MALABAR.

620. ***Mr. K. P. Thampan:** (a) Will Government be pleased to state whether it is a fact that in issuing licences for arms in form XVI for protection and sport the licensing authorities exclude the district of Malabar from their validity and application, if so, why?

(b) Is there any other district or province in India which is so excluded?

(c) Do Government propose to discontinue this exclusion?

The Honourable Sir James Crerar: (a) and (b). Every all-India arms licence in form XVI is granted subject to such restrictions as may be imposed by a Local Government in respect of its own territory. I have not a copy of the orders issued by the Government of Madras, but I understand that a licensee who visits Malabar district has to get his licence endorsed by the District Magistrate of Malabar. This is not an unusual requirement, for I understand for example that the Local Governments of Assam and Central Provinces require a similar endorsement when licensees from other provinces visit any districts in these two provinces.

(c) This is a matter for the Local Government, who have the power under rule 33(3) of the arms rules to impose or remove restrictions in regard to their own province. I will however send a copy of the question and this reply to the Local Government.

MUSLIM REPRESENTATION IN THE NORTH WESTERN RAILWAY MEDICAL DEPARTMENT.

621. ***Mr. M. Maswood Ahmad** (on behalf of Shaikh Sadiq Hasan): (a) Will Government please state the date when the reorganization of the North Western Railway Medical Department was started?

(b) Were there any instructions by the Railway Board regarding safeguarding of Muslim representation on the North Western Railway?

(c) If so; when were such instructions issued?

(d) Were they followed by the North Western Railway Medical Department?

(e) If not, are Government prepared to take necessary action in this respect now?

Sir Alan Parsons: (a) 1st October, 1927.

(b) and (c). So far the instructions issued in respect of the redress of communal inequalities in recruitment have been of a general character and no specific provision has been made reserving any proportion of the vacancies for Muslims.

(d) Government have no information.

(e) The question will be considered in connection with the recommendations of Mr. Hassan.

MUSLIM REPRESENTATION IN THE NORTH WESTERN RAILWAY MEDICAL DEPARTMENT.

622. ***Mr. M. Maswood Ahmad** (on behalf of Shaikh Sadiq Hasan): (a) Will Government please state the total number of (1) Assistant Surgeons, (2) Sub-Assistant Surgeons, (3) Clerks and (4) Dispensers in the North Western Railway Medical Department, at its start and at present?

(b) Will Government please state the total number of Muslims in each cadre, both at start and at present?

Sir Alan Parsons: (a) and (b). I would refer the Honourable Member to me reply to his question No. 188 on the 10th February, 1932, which gives the available information.

Mr. Lalchand Navalrai: Will the Honourable Member please say what is the system of recruitment of medical officers for the railways, whether they recruit men from the civil medical side as before or they are also recruited direct or both systems are followed?

Sir Alan Parsons: I understand that they are selected on the recommendation of the Public Service Commission.

Mr. Lalchand Navalrai: Is it a fact that those who appear before the Public Service Commission are men drawn from the civil medical side?

Sir Alan Parsons: I understand their procedure is to advertise and consider the applications which they receive.

Mr. Lalchand Navalrai: Is the Honourable Member aware that the former system was that people from the civil medical side were recruited by the railways, and subsequently after the creation of a separate medical directorate for the railways they recruit men direct. Now what I want to know is whether the former system is also in vogue or not. If the Honourable Member is not prepared to give me a reply, I shall give notice of it.

Sir Alan Parsons: I am not entirely aware what the former system was or what are the exact arrangements existing now. So, I think the Honourable Member had better give notice of his question.

MUSLIM REPRESENTATION IN THE NORTH WESTERN RAILWAY MEDICAL DEPARTMENT.

623. ***Mr. M. Maswood Ahmad** (on behalf of Shaikh Sadiq Hasan): (a) Will Government please state the total number of clerks engaged since 1st April, 1930, on the North Western Railway Medical Department and of them the number of Muslims and non-Muslims?

(b) How many clerks have been (i) discharged (ii) subjected to stoppage of promotions and (iii) superseded, since 1st April, 1930, giving the number of Muslims and non-Muslims in each cadre?

Sir Alan Parsons: Government regret their inability to supply figures relating to the communal composition of, or to the discharges, promotion, etc., made in, individual departments or offices.

MUSLIM REPRESENTATION IN THE NORTH WESTERN RAILWAY MEDICAL DEPARTMENT.

624. ***Mr. M. Maswood Ahmad** (on behalf of Shaikh Sadiq Hasan): (a) Will Government please state whether the Assistant Surgeons, Sub-Assistant Surgeons and clerks were given more than the minimum pay of their grade, on their appointment in the Medical Department of the North Western Railway?

(b) If so, what were the reasons?

(c) What is the number of Muslims and non-Muslims so appointed in each cadre?

Sir Alan Parsons: (a) and (b). The matter is one within the discretion of the Agent, North Western Railway, and Government do not propose to make an inquiry.

(c) I would refer the Honourable Member to my reply to his previous question No. 623.

MUSLIM REPRESENTATION IN THE NORTH-WESTERN RAILWAY MEDICAL DEPARTMENT.

625. ***Mr. M. Maswood Ahmad** (on behalf of Shaikh Sadiq Hasan): (a) Are Government aware that articles in the public Press have been appearing from time to time regarding the paucity of Muslims on the North Western Railway Medical Department?

(b) If so, what action has been taken by the Railway authorities in this connection?

Sir Alan Parsons: (a) No.

(b) Does not arise.

MISUSE OF PASSES ON THE NORTH WESTERN RAILWAY.

626. ***Mr. M. Maswood Ahmad** (on behalf of Shaikh Sadiq Hasan): (a) Will the Honourable Member for Railways please state the procedure adopted in the case of misuse of railway passes on the North Western Railway?

(b) Are there any instances in which certain employees of the Railway were dismissed for the misuse of passes?

(c) Is it a fact that the Office Superintendent, Railway Medical Department, was charged with a similar offence?

(d) If so, what action was taken against him?

Sir Alan Parsons: (a) I am placing on the table an extract of paragraph 143 of the North Western Railway Pass Rules which details the penalties for misusing passes.

(b) to (d). Government have no information as the matter is one within the discretion of the Agent of the North Western Railway.

EXTRACT PARAGRAPH 143 OF THE NORTH WESTERN RAILWAY PASS RULES.

143. *Penalties for misusing passes and privilege tickets.*

Nature of irregularity or offence committed by railway employees.	Penalties.
(1) Travelling without a pass or ticket	<p>(a) To be fined one week's pay for the first offence.</p> <p>(b) To be fined one month's pay for the second offence.</p> <p>(c) To be summarily dismissed from the service for the third offence.</p> <p>In addition to the above recovery of full fares and usual penalties as recovered from the public are to be enforced.</p> <p>NOTE.—In the case of travelling on an unendorsed pass, the full fare and penalty only should be inflicted and not (a), (b) and (c).</p>
(2) Travelling in a higher class than that authorized by the pass or privilege ticket held.	<p>(a) <i>First offence.</i>—Recovery of full fares and the usual penalties as recovered from the public <i>plus</i> stoppage of the privilege of passes for six months over the home line and for one year over foreign lines.</p> <p>(b) <i>Second offence.</i>—Recovery as above <i>plus</i> stoppage of the privilege of passes for one year over the home and foreign lines.</p> <p>(c) <i>Third offence.</i>—Summary dismissal.</p>
(3) Travelling on a date on which the pass or privilege ticket is not available, i.e., before or after its available dates.	<p>(a) <i>First offence.</i>—Recovery of full fares and penalty for the entire journey.</p> <p>(b) <i>Second offence.</i>—Recovery of full fares and penalty for the entire journey with stoppage of the privilege of passes for six months over the home line and for one year over foreign lines.</p> <p>(c) <i>Third offence.</i>—Recovery of full fares and penalty for the entire journey with stoppage of the privilege of passes for one year over the home and foreign lines.</p>
(4) Travelling by a train for which the pass or privilege ticket is not available, such as mails, etc.	The same penalties as for travelling before or after the available dates.
(5) Using a pass for persons not included in it.	The same penalties as for travelling without a free pass or ticket.
(6) Travelling via wrong routes or by a route other than the one specified on the pass.	Difference in fare and penalty for the portion not covered by the pass with stoppage of the privilege of passes for six months over the home line and for one year over foreign lines.
(7) Over-riding on a pass or a privilege ticket.	Fare and penalty for the portion beyond the limit of the pass with stoppage of privilege of passes for six months over the home line and for one year over foreign lines.

Nature of irregularity or offence
committed
by railway employees.

Penalties.

- (8) Including on a pass as servants, persons other than *bona fide* servants of the employee. The same penalties as for travelling without a pass or ticket.
- (9) Transferring a pass or privilege ticket to an unauthorized person, or in any way fraudulently using a pass or a privilege ticket not covered by the above categories. All such cases should be reported to the Agent who will inflict suitable punishment according to the nature of the crime committed. In addition, the prosecution of the culprit will be ordered, if desired. Punishments of dismissal awarded in such cases will be notified in the *Weekly Gazette* for the information of the staff.

NOTE 1.—Railway officials will be held responsible for the misuse or abuse of privilege passes or tickets issued to the members of their own families.

NOTE 2.—Remission of penalties in all the above-noted cases will remain with the Agent alone, in deserving cases under special circumstances.

NOTE 3.—Illiterate railway employees have been found travelling on passes before or after the dates for which the passes were made available. Officers and subordinates under whom such men are employed should make it clear to them that it is their business to ascertain the date for which their pass is available, and that illiteracy or ignorance of the date will not be accepted as an excuse for the misuse of a pass.

NOTE 4.—When an employee is travelling on duty, disciplinary action should be taken by the officer under whom he is working, in place of the penalties laid down in cases Nos. (1), (3), (4), (6) and (7) only, the other penalties apply to both privilege and duty passes.

LOCAL PURCHASES BY THE NORTH WESTERN RAILWAY MEDICAL DEPARTMENT.

627. ***Mr. M. Maswood Ahmad** (on behalf of Shaikh Sadiq Hasan): (a) Will Government please state the total local purchases of the North Western Railway Medical Department during the last three years conducted by the Department itself?

(b) What was the value of the largest consignment purchased by the North Western Railway Medical Department without referring to the Controller of Stores?

(c) Is it a fact that the Controller of Stores, North Western Railway gave orders to the North Western Railway Medical Branch that all purchases exceeding Rs. 500 worth should be referred to him?

(d) Was this order carried out by the North Western Railway Medical Department both in action and spirit? If not, what were their reasons?

Sir Alan Parsons: (a) In my reply to the Honourable Member's next question I give the figures of local purchases of accident relief medical equipment during the last three years, which alone are available.

(b) Rs. 495.

(c) No.

(d) The rule requires the Chief Medical and Health Officer to obtain the Agent's sanction for individual purchases in excess of Rs. 500. The rule has been observed.

Mr. Lalchand Navalrai: Will the Honourable Member, in order to avoid delay on this question about the system of recruitment to the railway medical service, make enquiries and place the reply on the table of the House?

Sir Alan Parsons: In regard to this particular question, I have given all the information which is available; it relates, of course, to the purchase of stores.

Mr. Lalchand Navalrai: But on the other question which also arose out of this,—instead of delaying the matter will the Honourable Member make enquiries and place the result on the table?

Sir Alan Parsons: To what question is the Honourable Member referring? I am dealing at present moment with the question of purchase of medical equipment on the North Western Railway.

Mr. Lalchand Navalrai: I am referring to the question in which the Honourable Member was unable to give me a reply, that is in regard to the system of recruitment to the medical service in the railways.

The Honourable Sir George Rainy: On a point of order, Sir. Is an Honourable Member entitled on one question to put supplementary questions on a question which has already been answered?

Mr. Lalchand Navalrai: This question is connected with the Medical Department matter and therefore I asked.

Mr. President: Next question please.

PURCHASE OF EMERGENCY EQUIPMENT BY THE NORTH-WESTERN RAILWAY MEDICAL DEPARTMENT.

628. ***Mr. M. Maswood Ahmad** (on behalf of Shaikh Sadiq Hasan): (a) Will the Honourable Member for Railways please state the total amount spent in the purchase of accident emergency equipment on the North Western Railway Medical Department?

(b) What procedure was adopted in its purchase?

(c) Was the usual procedure of calling tenders observed in this case?

(d) Was it referred to the Controller of Stores? If not, why not?

(e) Is it a fact that the purchase was conducted piece-meal? If so, why?

(f) Will Government please state the number of contractors, giving the number of Muslims and non-Muslims, engaged to execute these orders?

(g) Will Government please state all the dates on which this consignment was purchased?

Sir Alan Parsons: (a) I lay on the table a statement giving the information required.

(b) and (c). Tenders were not called for, where direct purchases were made by the Chief Medical and Health Officer. Much of the equipment

which he was purchasing was being specially designed and made under his directions, as standard patterns were being developed.

(d) Any purchase in excess of Rs. 500 by the Chief Medical and Health Officer was referred to the Agent for sanction.

(e) Separate orders were placed for the equipment required for each station in consultation with the Controller of Stores.

(f) There were eight contractors who supplied equipment. Government have no knowledge of the communal composition of the firms who received the orders.

(g) I do not know to what consignment the Honourable Member refers.

Statement showing the approximate expenditure on Accident Relief Medical Equipment on the North Western Railway in the years 1928-29 to 1930-31.

Year.	Items obtained from			Total.
	Railway Stores and Government Medical Stores.	St. John Ambulance Stores.	Local Purchase.	
	Rs.	Rs.	Rs.	Rs.
1928-29	17,782	36	870	18,688
1929-30	18,550	12,800	22,650	54,000
1930-31	45,200	10,870	10,430	66,500

EMPLOYMENT IN NON-SIGNALLING POSTS OF TELEGRAPHIST POSTAL CLERKS.

629. ***Mr. Lalchand Navalrai** (on behalf of Bhai Parma Nand): (a) Is it a fact that Government have to incur extra expenditure in getting a postal clerk trained in telegraph work?

(b) Is it a fact that it is the intention of Government that telegraphist postal clerks be employed exclusively in such offices as perform telegraph work?

(c) Is it a fact that the Postmaster-General, Punjab and North-West Frontier Circle, Lahore, issued orders in his letter No. Staff B./A. T.-150, dated 1st/2nd July, 1930, to the effect that a combined hand (telegraph-knowing clerk) should not be employed in a Divisional Superintendent's office?

(d) Will Government be pleased to state the circumstances in which certain combined hands are posted on non-signalling appointments, e.g., in Ambala H. O. proper and the office of the Superintendent of Post Offices, Ambala Division?

(e) Do Government propose to take necessary action against the officers responsible for disregarding the order of the Postmaster-General, Lahore, referred to in part (c) above?

(f) If so, are Government prepared to order at once the transfer of combined hands from non-signalling duties?

The Honourable Sir Joseph Bhoré: (a) Yes.

(b) No.

(c) to (e). Government have no information. The matter is within the competence of the Postmaster-General, Punjab and North Western Frontier, to whom a copy of the question is being sent.

(f) Does not arise.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to place on the table the reply that he gets from the officer to whom the question is being sent?

The Honourable Sir Joseph Bhoré: I do not expect a reply. I merely propose to send a copy of this question so that he can take such action as he may deem fit upon it.

Mr. Lalchand Navalrai: When the Honourable Member has got no information and the matter he is sending out is one in which he has at least the power of supervision, why should not the information be obtained and placed on the table of the House for the use of Honourable Members?

The Honourable Sir Joseph Bhoré: Because in matters of minor administrative detail I do not propose to interfere with the discretion of the Postmaster-General.

Mr. Lalchand Navalrai: I did not refer to interference in his discretion. The question is one of giving information to Honourable Members, and that does not necessitate any interference with the officer concerned. Honourable Members want only information on the point.

The Honourable Sir Joseph Bhoré: I am afraid I have got nothing further to add to what I have already said.

Mr. Lalchand Navalrai: Perhaps the Honourable Member is not prepared to do his duty. (Laughter.)

Mr. President: Order, order.

APPOINTMENT OF APPRENTICES OF THE LILLOOAH RAILWAY WORKSHOPS.

630. ***Mr. Bhuput Sing:** (a) Will the Government please state whether in respect of the Indian apprentices who completed their training in 1930, they have acted in accordance with the procedure laid down in the reply to the starred question No. 472 (a) and (b) of the 5th March, 1930, which runs as follows:—"The posts were filled up by the technically trained mechanics who were all ex-apprentices, it being considered by the Agent that they had prior claims to their juniors who would be completing their apprenticeship at a later date."

(b) If the answer to part (a) be in the affirmative, will Government please state why Messrs. Smith, Sim, Platts, Gibbons and Nandi have been appointed in the Lillooah workshop in preference to the apprentices of 1930, who secured very high positions in the examination?

Sir Alan Parsons: The question is similar to starred question No. 1306 asked by Mr. Amar Nath Dutt on the 16th November, 1931. I have called for certain further information and will lay a reply on the table in due course.

APPOINTMENT OF LILLOOAH APPRENTICES AS ELECTRICIANS AND TRAIN EXAMINERS.

631. ***Mr. Bhuput Sing:** (a) Will Government be pleased to state whether the *ex*-apprentices of Lillooah workshop are qualified for the posts of electricians and train examiners under Divisional Superintendents and whether they have been taken in as such? If so, what are the number of Anglo-Indians and Indians taken in as such?

(b) Is it a fact that one Anglo-Indian has been appointed as train examiner in the Howrah Division, while no Indian has been appointed? Were qualified Indians available?

(c) Do Government propose to take such apprentices as electricians and train examiners and issue orders to Divisional Superintendents to this effect? If not, why not?

Sir Alan Parsons: (a) All *ex*-apprentices of Lillooah Workshop cannot be considered as qualified for posts of Electricians and Train Examiners, as this depends on whether they have received training in the Train Lighting, Carriage Repair or Wagon Repair Shops. One Anglo-Indian has so far been appointed as a Train Examiner.

(b) One time-expired Anglo-Indian apprentice of the Lillooah Shops was appointed as a Train Examiner. Government are not aware whether other qualified persons were available, but presumably the person considered to be best qualified was appointed.

(c) Orders have already been issued to the Divisional Superintendents to appoint in suitable posts qualified time-expired apprentices of the Lillooah Shops, if and when vacancies arise.

APPOINTMENT OF APPRENTICES OF THE LILLOOAH RAILWAY WORKSHOP.

632. ***Mr. Bhuput Sing:** (a) Is it a fact that all apprentices who have completed their apprenticeship training successfully from the Lillooah workshop and were not provided with posts, are all on the waiting list in the workshop establishment at Lillooah?

(b) If the answer to part (a) be in the affirmative, will Government please state why Messrs. Smith, Sim, Platts, Gibbons and Nandi were appointed ignoring the claims of senior apprentices of 1930?

Sir Alan Parsons: (a) A record is maintained at Lillooah of all apprentices who have completed their training successfully at that workshop.

(b) I have called for certain information and will lay a reply on the table.

APPOINTMENT OF LILLOOAH APPRENTICES IN THE INDIAN AIR FORCE AT KARACHI.

633. ***Mr. Bhuput Sing:** (a) Is it a fact that the Deputy Director, Railway Board, had written to the Agent, East Indian Railway, in a letter that he would see ways and means to provide the trained apprentices in the Indian Air Force wing of the Indian Technical and Follower Corps of the Indian Air Force, in Karachi?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether any information to this effect was given to ex-apprentices? If not, why not?

Sir Alan Parsons: (a) and (b). I would refer the Honourable Member to my reply to Mr. Amar Nath Dutt's question No. 1309, dated the 16th November, 1931, and might add that the Agent, East Indian Railway, was recently instructed to invite applications from apprentices who may have left the railway after completing their apprenticeship during the preceding 12 months for consideration for certain vacancies about to be filled.

LIMITING THE NUMBER OF APPRENTICES IN THE LILLOOAH RAILWAY WORKSHOP.

634. ***Mr. Bhuput Sing:** (a) With reference to the answer to starred question No. 297 (c) of the 10th September, 1929, will Government be pleased to state whether they have issued any detailed instruction in the matter of limiting the number of First Grade Bound apprentices in the East Indian Railway Workshop, Lillooah?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to lay a copy of the instruction on the table?

(c) Will Government please state how many apprentices have been taken in 1930 and 1931?

Sir Alan Parsons: (a) and (b). The attention of the Honourable Member is invited to the reply given to parts (a) and (b) of a similar question No. 1310, asked by Mr. Amar Nath Dutt in the Legislative Assembly on the 16th November, 1931.

(c) Three European or Anglo-Indian and three Indian apprentices were appointed for the Mechanical Department in 1930. As regards the year 1931, no apprentices were appointed for the Mechanical Department. Six European or Anglo-Indian and seven Indians were appointed to be trained as Train Examiners for the Operating Department.

LIMITING THE NUMBER OF APPRENTICES IN THE LILLOOAH RAILWAY WORKSHOP.

635. ***Mr. Bhuput Sing:** (a) Do Government propose to stop recruitment of First Grade Bound apprentices in the East Indian Railway Workshop, Lillooah, till all the apprentices are provided with posts?

(b) If the answer to part (a) be in the negative, will Government please state what endeavour is being made to provide the surplus ex-apprentices with posts in the East Indian Railway establishment?

Sir Alan Parsons: (a) No.

(b) No guarantee or promise of employment on completion of apprenticeship is given or implied by the Railway as it is impossible to say what vacancies will occur after the five year apprenticeship period. But when vacancies occur *ex*-apprentices are considered.

APPOINTMENT OF TRAINED APPRENTICES ON RAILWAYS.

636. ***Mr. Bhuput Sing:** (a) With reference to answer to starred question No. 472 (a) and (b) of the 5th March, 1930, will Government please state whether they have issued general orders applicable to all State-managed Railways relating to the recruitment, training, and appointment of apprentices after their workshop training? If not, why not?

(b) If the answer to part (a) be in the affirmative, will Government please lay a copy of such order on the table?

Sir Alan Parsons: With your permission, Sir, I propose to reply to questions Nos. 636 and 637 together. These questions are in identical terms to questions Nos. 1312 and 1313 asked by Mr. Amar Nath Dutt in the Legislative Assembly on the 16th November, 1931, and I would invite the attention of the Honourable Member to the replies given to those questions.

ALLEGED RACIAL DISCRIMINATION IN TRAINING OF APPRENTICES AT JAMALPUR.

†637. ***Mr. Bhuput Sing:** (a) Will Government please state whether Messrs. Smith and Sim were selected for heat treatment training at Jamalpur and no Indian was given that chance?

(b) Is it a fact that there were in the Lillooah Workshop Indian apprentices of sufficient education and training who could be selected for heat treatment training at Jamalpur?

(c) If the answer to part (b) be in the affirmative, will Government please state whether they made any endeavour to select the apprentices for heat treatment training at Jamalpur from among Indian apprentices as well? If not, why not?

(d) Will Government please state the reasons for not selecting the Indian apprentices and what were the grounds for selecting two Europeans and Anglo-Indians and what were their special qualifications?

(e) Will Government please state whether they propose to select apprentices in future for heat treatment training at Jamalpur according to their merits without any racial considerations or considerations of caste or creed? If not, why not?

APPOINTMENT OF APPRENTICES OF THE LILLOOAH RAILWAY WORKSHOPS.

638. ***Mr. Bhuput Sing:** Is it a fact that the reply given to starred question No. 467 of the 5th March, 1930, is incorrect in so far as Mr. Panna Lal Banerji did not complete his training in 1929; and that only one Indian (Mr. A. Beg.) and five Anglo-Indians were appointed in the Lillooah Workshop?

† For answer to this question see answer to question No. 636.

Sir Alan Parsons: It has been ascertained from the Agent, East Indian Railway, that Mr. Panna Lal Banerjee did actually complete his apprenticeship on 29th February, 1928, and not in 1929. Mr. Banerjee was on probation from 1st March, 1928 to 31st January, 1929 and was appointed to a permanent post on 1st February, 1929. Apart from him, one Indian and five Europeans or Anglo-Indians were appointed in the Lillooah Workshop in 1929.

APPOINTMENT AND PROMOTION OF AN "OUTSIDER" IN THE LILLOOAH RAILWAY WORKSHOP.

639. *Mr. Bhuput Sing: (a) Is it a fact that an outsider has been appointed as a mechanic in the Saw Mills, Lillooah Workshop, in the beginning of this year on Rs. 390?

(b) Is it a fact that the said gentleman is now officiating as Foreman in that shop?

(c) If the answer to part (a) be in the affirmative, will Government please state why the cases of the mechanics who were in service or of the successful *ex*-apprentices who are still unemployed were not taken into consideration for this post?

(d) If the answer to part (b) be in the affirmative, will Government please state whether the case of the promotion of the Assistant Foreman of that shop was considered? If so, why was he not promoted, but an outsider employed as Foreman?

Sir Alan Parsons: (a) It is a fact that an outsider was appointed as a Mechanic in the Saw Mills, Lillooah Workshops, on Rs. 350 per mensem early in 1931.

(b) Yes.

(c) and (d). A highly trained and experienced man was required to take the place of the Saw Mills Foreman and no one in the Lillooah Workshops, either European, Anglo-Indian or Indian, was considered suitable for it.

TRANSFER OF THE WORKS MANAGER, LILLOOAH WORKSHOP.

640. *Mr. Bhuput Sing: (a) Will Government please state if there is any limit to the maximum period of time for which one gazetted railway officer is allowed to remain in the East Indian Railway establishment, Lillooah?

(b) Will Government please state whether the post of Works Manager in the Lillooah Workshop is transferable or not?

(c) Will Government please state for how many years the present Works Manager has been holding his post in the East Indian Railway Workshop, Lillooah?

Sir Alan Parsons: (a) and (b). The attention of the Honourable Member is invited to the reply given by me to parts (a) and (b) of a similar question, No. 1316, asked by Mr. Amar Nath Dutt in the Legislative Assembly on the 16th November, 1931.

(c) The present incumbent of the post was appointed as Works Manager, Lillooah Shops, on 19th June, 1920. He was transferred to Dhanbad as District Carriage and Wagon Superintendent on 20th December, 1921, until 4th November, 1922, when he returned to Lillooah as

Works Manager. He has held the post of Works Manager at Lilloah since that date except from 18th June, 1926 to 6th December, 1926 when he officiated as Deputy Chief Mechanical Engineer, and from 14th September, 1924 to 30th November, 1924 and 6th March, 1928 to 31st October, 1928 when he was on leave.

**DANGER OF INFECTION FROM TUBERCULOSIS IN THE NEW CENTRAL JAIL,
MULTAN.**

641. *Mr. S. C. Mitra: (a) Is it a fact that a number of "A" and "B" Class prisoners from Delhi have been transferred to the New Central Jail, Multan?

(b) Are Government aware that a number of prisoners suffering from tuberculosis have been lodged in the same jail with these prisoners?

(c) Will Government please state what is the number of prisoners suffering from tuberculosis in the New Central Jail, Multan?

(d) Are Government aware of the manifest danger to the health of other prisoners by the retention of prisoners suffering from tuberculosis? Do Government propose to take immediate steps to remove these prisoners and to isolate them in a separate jail?

The Honourable Sir James Orerar: (a) Yes.

(b) Yes, but they are located far apart from each other.

(c) The number was 118 on the 3rd February, 1932.

(d) The separate jail for tubercular prisoners at Shahpur collapsed on account of the floods of 1929. The Punjab Government have under their consideration plans for the construction of a new jail for such prisoners.

PROVISION OF FANS FOR PRISONERS IN THE CENTRAL JAIL, MULTAN.

642. *Mr. S. C. Mitra: (a) Are Government aware that there is no provision for fans for "A" and "B" Class prisoners from Delhi in the Central Jail, Multan?

(b) Do Government propose to take steps to provide fans to "A" and "B" Class prisoners from Delhi lodged in the Central Jail, Multan?

(c) If the Punjab Government are not prepared to provide these facilities, do Government propose to order the return of Delhi prisoners to the District Jail, Delhi, and make necessary arrangements for fans for them during summer?

The Honourable Sir James Orerar: (a) Yes.

(b) Not at present.

(c) The matter is under the consideration of the Chief Commissioner, Delhi, in consultation with the Inspector-General of Prisons, Punjab.

**ALLEGED WRONGFUL DETENTION IN PRISON OF HAR DHIAN SINGH
CHANDIWALA.**

643. *Mr. S. C. Mitra: (a) Are Government aware that one Har Dhan Singh Chandiwalla was sentenced under section 17A, Criminal Law Amendment Act, in January by a Magistrate in Delhi to pay a fine of Rs. 100 or in lieu to undergo imprisonment for one month?

(b) Will Government please state on what date the fine of Mr. Har Dhian Singh was realised?

(c) Was Mr. Har Dhian Singh released on the same date or not?

(d) How long was Mr. Har Dhian Singh detained after the realisation of the fine, if so, under what law and on whose order?

(e) If Mr. Har Dhian Singh was detained for many days after the payment of his fine, what action, if any, has been taken by Government. If not, do Government propose to take any action against the authority responsible for this detention?

The Honourable Sir James Orerar: (a) Yes on the 14th January.

(b) The fine was realised on the 2nd February.

(c) No.

(d) He was released on the 13th February. Owing to a reprehensible omission on the part of the *Ahlmad* of the Court no intimation had been sent to the Jail of the recovery of the fine to enable him to be released earlier.

(e) The *Ahlmad* found to be at fault is being punished.

ALLEGED ROUGH HANDLING OF A WOMAN PRISONER.

644. ***Mr. S. O. Mitra:** (a) Has the attention of Government been drawn to the issue of the *Daily Tej*, dated the 6th February, 1932, to a report appearing on page 1, with regard to the arrest of Mrs. Desh Bandhu?

(b) Are Government aware that Mrs. Desh Bandhu was rudely treated, insulted, and roughly handled by the police officer-in-charge who effected her arrest?

(c) If so, will Government please state what action if any has been taken against the police officer in question?

The Honourable Sir James Orerar: I would refer the Honourable Member to the answer I gave on the 29th February to Mr. B. R. Puri's question on the same subject.

WOMEN PRISONERS TRANSFERRED TO LAHORE IN A THIRD CLASS COMPARTMENT.

645. ***Mr. S. O. Mitra:** (a) Is it a fact that women prisoners were transferred recently in a III class compartment to the Female Jail Lahore from Delhi unaccompanied by female escorts?

(b) Is it a fact that the Sub-Inspector in-charge of the escort insisted on sleeping in the same compartment with the women prisoners?

(c) Are Government aware that during the last civil disobedience movement prisoners as a rule were sent in higher class compartments accompanied by female escorts?

(d) Will Government please state why this practice has been given up and whether steps are proposed to be taken to transfer women prisoners of the above type in higher class compartments accompanied by female escorts only?

The Honourable Sir James Orerar: (a) Yes.

(b) The female prisoners, of whom there were eleven, objected to the head constable and constables travelling in the same compartment; but raised no objection to the Sub-Inspector doing so. No jail van was available, in which separate compartments are provided for prisoners and escort. In this case, the carriage being an ordinary third class carriage, the whole escort should have travelled with the prisoners. The Sub-Inspector, however, decided to escort the prisoners himself and put the rest of the escort in the next carriage.

(c) and (d). No. The ordinary practice in the United Provinces, Punjab, North West Frontier Province, Delhi and Assam is, I understand, to provide third class accommodation, but where suitable third class carriages with proper sanitary arrangements are not available intermediate class accommodation is allowed. Prisoners are permitted, however, to travel with their escorts in a higher class, if they pay the total additional costs. The usual practice is that female prisoners are accompanied by a female ward when there is only one prisoner.

CLASSIFICATION OF WOMEN POLITICAL PRISONERS.

646. ***Mr. S. C. Mitra:** (a) Will Government please state how many women in Delhi have been convicted or arrested for non-violent political offences since the 1st of January, 1932?

(b) Will Government please state how many of these women have been placed in the "C" class?

(c) Are Government aware that during the last civil disobedience movement, a strong public protest was made against the classification of such prisoners in the "C" class and that some women prisoners went on hunger-strike in the same connection?

(d) Do Government propose to issue instructions that in future no women political convicts guilty of non-violent offences should be placed in the "C" class?

The Honourable Sir James Orerar: (a) and (b). 51 women have so far been arrested in Delhi in connection with the civil disobedience movement and the Ordinances. Of these 50 have been convicted and 12 placed in "C" class.

(c) I am aware that some women went on hunger strike in 1930 because they were classified as "C" class prisoners.

(d) No, Sir. The women prisoners have been classified according to the rules and Government see no reason to exclude them from the operation of the rules.

UNSTARRED QUESTIONS AND ANSWERS.

CLERKS MAINTAINED ON THE FRONTIER OF NEPAL IN BENGAL AND NORTH-WESTERN RAILWAY STATIONS.

112. **Mr. N. R. Gunjal:** (a) Is it a fact that on the Bengal and North-Western Railway, at some stations, situated near or at the boundary of Nepal, Frontier Clerks are maintained to take a note of imports and exports from and to the land of Nepal for the information of Government?

(b) If so, will Government be pleased to state:

- (i) whether these clerks are under the administration of that railway;
- (ii) whether Government have to meet the expenses for their maintenance;
- (iii) if so, what sum of money Government have to spend towards their maintenance;
- (iv) what is the number of such clerks;
- (v) what are the rates of their salaries;
- (vi) what are the other conditions of their service; and
- (vii) whether their appointments are permanent?

Sir Alan Parsons: (a) and (b). Statistics relating to the movement of certain commodities are compiled by the Bengal and North-Western Railway Administration at the principal stations along the Nepal Frontier under arrangements made with the Director General of Commercial Intelligence and Statistics. It was agreed in 1925 that the Director General would pay the Bengal and North-Western Railway Rs. 300 per mensem for the compilation of these statistics, the actual arrangements to be made for obtaining the figures being left to the discretion of the Bengal and North-Western Railway. Government have no information as to what these arrangements are.

PRESSURE ON RAILWAY SUBORDINATES TO VOTE FOR A MUNICIPAL CANDIDATE AT GORAKHPUR.

113. Mr. N. B. Gunjal: (a) Are Government aware that the offices of the Bengal and North-Western Railway, at headquarters were ordered to be closed after 2 P.M. on 2nd December, 1931, and a circular was issued to the staff residing in the Alinagar Municipal Ward, Gorakhpur, to meet together in order to discuss positive means to return Pandit Krishna Gopal, a clerk of the Traffic Manager's office, in the election to the said municipality?

(b) If so, will Government be pleased to state:

- (i) the authority under which such orders could be issued and whether the authorities of the Railway could enter into the election campaign, bringing official pressure to bear upon the subordinates in a matter like this; and
- (ii) whether a number of clerks approached Rai Sahib Mr. Madhusudan Das, President of the Bengal and North-Western Railwaymen's Association and stated to him their grievance against this official pressure and he communicated it to the Agent to the Bengal and North-Western Railway requesting him to withdraw the orders?

(c) If the facts as stated in part (b) (ii) are correct, will Government be pleased to state whether or not the orders were withdrawn? If not, why not?

Sir Alan Parsons: Government have no information, but enquiries will be made.

NON-ISSUE OF RAILWAY PASSES TO THE REPRESENTATIVE OF THE ALL-INDIA RAILWAYMEN'S FEDERATION.

114. Mr. N. R. Gunjal: (a) Are Government aware of the following facts:

- (i) that the fourth half-yearly meeting between the representatives of the Railway Board and of the All-India Railwaymen's Federation was held in the 1st week of December, 1931;
- (ii) that Mr. Ram Prasad, Secretary, Bengal and North-Western Railwaymen's Association, was selected to represent the Bengal and North-Western Railway employees at this meeting and his name was communicated along with those of others to the Railway Board by the Federation for grant of passes to enable him to attend the meeting;
- (iii) that the Railway Board wired to the Agent, Bengal and North-Western Railway, directing him to issue the passes;
- (iv) that the passes were not issued and Mr. Ram Prasad did not attend the meeting as a protest against the non-issue?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state why passes were not issued and what was the cause for misunderstanding?

Sir Alan Parsons: (a) (i) to (iv). Yes.

(b) Companies' railways are not bound to issue free passes to representatives of the All-India Railwaymen's Federation on such occasions and the Bengal and North-Western Railway had declined to issue free passes to non-railway delegates. The request to that railway to issue a pass in this case was made through a mistake but an arrangement has now been entered into with the Bengal and North-Western Railway that free passes to the delegates over the railway will be issued by the Railway Board, who will however refund the equivalent fare to the railway.

EDUCATION OF THE CHILDREN OF RAILWAY EMPLOYEES AT GORAKHPUR.

115. Mr. N. R. Gunjal: (a) Has the attention of Government been drawn to:

- (i) the letter of the Secretary, Bengal and North-Western Railwaymen's Association, Gorakhpur, dated November 11th, published in the daily issue of the *Leader*, dated November 17th, 1930, at page 7, in the column of "Letters to the Editor"; and
- (ii) the editorial comment in that connection, at page 8?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state what action, if any, has been taken in regard to the following allegations as contained therein:

- (i) that the Bengal and North-Western Railway Administration have provided, for the education of children of their Indian employees, only one school teaching up to the 6th Anglo-Vernacular class, at Gorakhpur;
- (ii) that the said school is situated about 2½ miles off from the centre of the town;

- (iii) that only 202 children of Indian employees have been able to take advantage of the school;
 - (iv) that the majority of Indian employees, even at Gorakhpur, have not been able and are not in a position to derive any benefit out of this school;
 - (v) that the head master of the school, although he is a graduate, yet gets only Rs. 40 per mensem;
 - (vi) that the Railway contributes to this school only Rs. 100, while it contributes to the school of children of European employees and Indian officers, Rs. 225; and
 - (vii) that it has provided five schools, at different centres, for the education of children of European employees?
- (c) If so, (i) what are the reasons for discriminations, and (ii) whether things have improved since then; if so, in what respects?
- (d) If the reply to part (a) be in the negative, what action do Government propose to take to call for a copy of the paper under reference?

Sir Alan Parsons: I have called for certain information from the Agent, Bengal and North-Western Railway, and will lay a reply on the table in due course.

AGES OF WORKMEN SUPERANNUATED ON THE BENGAL AND NORTH-WESTERN RAILWAY.

116. Mr. N. R. Gunjal: (a) Has the attention of Government been drawn to the following facts:

- (i) that the Foremen of the Loco. and Carriage Workshops, Gorakhpur, Bengal and North-Western Railway, prepared different lists of workmen in 1925, showing ages of batches to complete 55 years of age earlier than they would have actually attained that age;
- (ii) that some of the workmen concerned approached the authorities to challenge the correctness of the lists and that they were referred to the Principal Medical Officer of that Railway (Col. Masson, I.M.S.);
- (iii) that the Principal Medical Officer examined them in April, 1930, and granted certificates in regard to their ages varying from 40 years to 53 years then;
- (iv) that in disregard of the certification of ages by the Principal Medical Officer, the lists prepared by the Foremen were approved of and the workmen concerned were definitely ordered to retire from the 1st July, 1931;
- (v) that the workmen concerned approached the Bengal and North-Western Railwaymen's Association who referred their case to the Agent of the Railway, for the first time, on the 22nd August, 1930, forwarding a copy of the same to the Railway Board and subsequently despatched a number of reminders, but to no effect;
- (vi) that failing to receive a reply, the Association had to approach the Government of India with their case in this respect, mentioning the above facts and praying for the appointment of a

Court of Inquiry, under the Trade Disputes Act, resulting in an inquiry being held by Government and admission by the Bengal and North-Western Railway Administration that the ages of the workmen concerned, as certified by the Principal Medical Officer, were accepted and that no action was being taken to discharge them on the 1st July, 1931;

- (vii) that about six months only after this those men were again given notice on the 1st December, 1931, for discharge, on account of reduction of staff, with effect from the 1st January, 1932;
- (viii) that the Bengal and North-Western Railwaymen's Association again referred their case to the Agent stating their intention of approaching the Government of India under the Trade Disputes Act; and
- (ix) that subsequent to this reference to the Agent, those men who were still in service were called for by the Loco. Carriage Superintendent and granted extension, for various periods of time, but not in keeping with the ages certified by the Principal Medical Officer, with the exception of five who were discharged on the 1st January, 1932?

(b) Will Government be pleased to state whether they propose to intervene in the matter of granting extensions of service to certain workmen of the Bengal and North-Western Railway in accordance with the ages certified by the Principal Medical Officer? If not, why not?

(c) Are Government aware of the fact that the Bengal and North-Western Railwaymen's Association have resolved to refer the matter to Government under the Trade Disputes Act? If so, have Government received a representation?

Sir Alan Parsons: Government are aware that the matters referred to in items (i) to (vi) of part (a) of the Honourable Member's question formed the subject of an application made by the Bengal and North-Western Railwaymen's Association to Government for the appointment of a Court of Inquiry under the Trade Disputes Act, but as regards the rest of the question they have no information, except for statements made in a further representation which has been received from the Association and which is under consideration.

REPORT OF THE ROYAL COMMISSION ON LABOUR.

117. Mr. N. R. Gunjal: Will Government be pleased to state:

- (a) what action is being taken by them on the Report of the Royal Commission on Labour in India; and
- (b) what they are going to do with the recommendations contained therein?

The Honourable Sir Joseph Bhoré: (a) and (b). A large number of the recommendations of the Commission involve action by authorities other than the Government of India. The attention of Local Governments has been drawn to those recommendations which require provincial action and they have been asked to bring to the notice of public bodies, employers and their organizations and trade unions the recommendations which are

addressed to them. The recommendations which are addressed primarily to the Government of India are being examined as expeditiously as possible. The Government of India have already laid before the Assembly in the present session two Bills based on the Commission's recommendations and I hope to introduce two more Bills before the session ends. The Government of India have passed orders on the recommendations relating to Labour in public works and they have made references to Local Governments or other authorities on several subjects, including employers' liability legislation, workmen's compensation in agriculture, the recruitment of seamen, and factory statistics. The recommendations relating to a number of other questions are at present under examination.

APPLICATIONS FOR APPOINTMENT OF TRIBUNALS UNDER THE TRADE DISPUTES ACT.

118. Mr. N. R. Gunjal: Will Government be pleased to state:

- (i) how many applications have been filed with the Government of India for appointment of tribunals under the Trade Disputes Act since its enforcement;
- (ii) how many of them were from Labour Unions;
- (iii) how they were dealt with;
- (iv) how many and which were rejected; and
- (v) what were the reasons for rejection, if any was rejected?

The Honourable Sir Joseph Bhoré: (i) Six.

(ii) All.

(iii) and (iv). One application for the appointment of a Board of Conciliation was granted, and in another case, where a labour organization applied for a Board of Conciliation, a Court of Inquiry was appointed. Four applications were rejected; they were from the following organizations:

- (1) Bombay, Baroda and Central India Railway Employees' Union,
- (2) North Western Railway Union,
- (3) Bengal and North Western Railwaymen's Association, and
- (4) All-India Railwaymen's Federation.

(v) The Governor General in Council did not consider that the nature of the trade disputes alleged in these four cases justified reference to a tribunal under the Trade Disputes Act.

INSTITUTES FOR EUROPEAN AND INDIAN STAFF ON THE BENGAL AND NORTH WESTERN RAILWAY.

119. Mr. N. R. Gunjal: (a) Will Government be pleased to state whether in the Bengal and North Western Railway institutes are provided for Indian and European staff? If so, how many are for Europeans and how many for Indians?

(b) Do the Railway Administrations contribute any fund towards their maintenance? If so, how much to the Indian institutes and how much to the European institutes?

(c) If contributions to the European institutes are higher than those to the Indian institutes, what are the reasons for this discrimination?

(d) Is there any scheme under consideration for extending the provision of institutes for Indian staff and workers?

(e) Are Government in communication with the Railway Administration on the subject?

Sir Alan Parsons: I have called for certain information and a reply will be laid on the table in due course.

ACCOMMODATION FOR CLERKS IN THE AUDIT OFFICE, BENGAL AND NORTH WESTERN RAILWAY.

120. Mr. N. R. Gunjal: Will Government be pleased to state:

- (a) whether they are aware that accommodation for clerks in the Audit Office of the Bengal and North Western Railway is congested; and
- (b) what is the number of clerks employed therein?

Sir Alan Parsons: Government have no information, but I will bring the Honourable Member's question to the notice of the Agent of the Bengal and North Western Railway.

MARKERS EMPLOYED IN THE BENGAL AND NORTH WESTERN RAILWAY.

121. Mr. N. R. Gunjal: (a) Will Government be pleased to state:

- (i) how many markers are employed with the Bengal and North Western Railway;
 - (ii) what is their maximum pay;
 - (iii) how many receive the maximum pay;
 - (iv) how many were promoted as Assistant Goods Clerks during the last two years; and
 - (v) whether they are eligible to gratuity and provident fund benefits; if so, how many of them got gratuity during the last five years and how many enjoy the provident fund benefit?
- (b) Is it a fact that they are literate and are engaged to work as clerks?
- (c) Is it not a fact that marking of goods is being done by the illiterate staff of the stations?

Sir Alan Parsons: I have called for information from the Agent of the Railway and will reply to the Honourable Member's question when it is received.

RECRUITMENT AND PROMOTIONS IN THE BENGAL AND NORTH WESTERN RAILWAY WORKSHOPS AT GORAKHPUR.

122. Mr. N. R. Gunjal: (a) Will Government be pleased to state:

- (i) whether in the Bengal and North Western Railway Workshops at Gorakhpur, vacancies caused by resignations and removal from employment were not filled up;
- (ii) how many workers resigned or were removed from employment during the last four years;

- (iii) how many workers were recruited during the same period; and
 (iv) if vacancies were not filled up, how work is being managed?
 (b) How were workers employed during December, 1930?
 (c) How many workers got increments in their wages during 1930?
 (d) What was the total sum of increments given in the wages of work-shops' workers in the same year (1930)?

Sir Alan Parsons: Government regret that they cannot undertake to collect the information required as it would entail a disproportionate expenditure of time and labour.

WORKING HOURS OF THE BENGAL AND NORTH WESTERN RAILWAY STAFF.

123. Mr. N. R. Gunjal: Has the attention of Government been drawn to a letter No. 33/90, dated 23rd May, 1929, of the Secretary, Bengal and North Western Railwaymen's Association, addressed to P. R. Rau, Esq., the then Financial Commissioner of Railways, criticising the reply given to unstarred question No. 340 in the Legislative Assembly on the 18th March, 1929, and making certain suggestions relative to the working hours of the Bengal and North Western Railway staff? If so, what action Government was pleased to take thereon?

Sir Alan Parsons: A copy of the letter referred to was forwarded to the Agent, Bengal and North Western Railway, and his reply to the criticisms of the Secretary, Bengal and North Western Railwaymen's Association showed that no action by Government was called for.

LEAVE FOR SUBORDINATES OF THE BENGAL AND NORTH WESTERN RAILWAY.

124. Mr. N. R. Gunjal: (a) Are Government aware that a sufficient number of relieving staff is not maintained on the Bengal and North Western Railway?

(b) Are Government aware that leave is hardly granted to the subordinate staff on the Railway and they are seldom allowed to avail themselves of the leave even if it is granted?

Sir Alan Parsons: I have called for information from the Agent, Bengal and North Western Railway, and a reply will be laid on the table in due course.

REPORT OF THE RAILWAY RETRENCHMENT SUB-COMMITTEE.

125. Mr. N. R. Gunjal: (a) Will Government be pleased to state if their attention has been drawn to paras. 27 to 32 of the Report of the Railway Retrenchment Sub-Committee of the Retrenchment Advisory Committee?

(b) If so, will Government be pleased to state if any action has been taken to give effect to the Sub-Committee's recommendation? If so to what extent? If not, why not?

Sir Alan Parsons: (a) and (b). I would refer the Honourable Member to the statement circulated to all Members of the House on the 4th November, 1931, and also to the statement circulated with the Budget papers showing the further action taken.

SEPARATION OF AUDIT AND ACCOUNTS DEPARTMENTS OF STATE RAILWAYS.

126. **Mr. N. R. Gunjal:** (a) Will Government be pleased to state if by separation of the Audit and Accounts Departments of State Railways, the working expenses of the Railways have been increased?

(b) If so, will Government be pleased to state the actual increase in 1930-31 over the figure of 1928-29?

(c) In view of the financial stringency through which the Railways are passing at present and with a view to strict economical working of the Railways, do Government propose to amalgamate the two Departments as recommended by the Railway Retrenchment Sub-Committee? If not, why not?

Sir Alan Parsons: (a) The separation of Audit and Accounts Department on State Railways is one but not the only nor the most important reason for the increase in expenditure on Audit and Accounts.

(b) The total expenditure on Audit and Accounts on State-managed railways in 1928-29 was Rs. 79,30,000 and in 1930-31 Rs. 92,60,000.

(c) It is not quite correct to say that the Railway Retrenchment Sub-Committee definitely recommended the amalgamation of the two departments. Their recommendation was that, unless the total cost of the Accounts and Audit organisations was reduced by a certain extent, the question of amalgamation should be taken up for consideration. The whole question is at present under the consideration of Government, but, as the Honourable Member will have observed from the Budget papers, the cost of the Accounts establishments has been reduced.

PUBLICITY DEPARTMENT OF THE EASTERN BENGAL RAILWAY.

127. **Mr. N. R. Gunjal:** (a) Will Government be pleased to state if the Publicity Department of the Eastern Bengal Railway is now working at a loss?

(b) If so, is it the intention of Government to curtail the expenditure of that Department to fit in with the income derived?

Sir Alan Parsons: (a) It is not practicable to estimate the return from expenditure on publicity.

(b) In view of the need for economy, the Agent, Eastern Bengal Railway, has reported that he has budgeted for an expenditure on publicity for 1932-33 of Rs. 51,000 as against Rs. 91,000 spent in 1930-31 and Rs. 61,000 which is estimated as the expenditure for 1931-32.

COST OF THE EASTERN BENGAL RAILWAY SUPPLEMENT TO THE INDIAN STATE RAILWAY MAGAZINE.

128. **Mr. N. R. Gunjal:** Will Government be pleased to lay on the table a statement showing separately the actual expenditure incurred and the actual income derived in conducting the Eastern Bengal Railway Supplement to the Indian State Railway Magazine for the years 1928-29, 1929-30 and 1930-31?

Sir Alan Parsons: Information is available only for 1930-31, when the expenditure was Rs 11,405 and the receipts Rs. 8,981.

CUTS IN PAY OF RAILWAY EMPLOYEES.

129. **Mr. N. B. Gunjal:** (a) Has the attention of Government been drawn to paragraph 184 of the Railway Retrenchment Sub-Committee's Report regarding cuts in pay?

(b) If so, will Government be pleased to state why instead of giving effect to the graduated cuts in pay as recommended by the Sub-Committee, the Railway Board have ordered a 10 per cent. cut in the pay of all Railway employees drawing above Rs. 83/5/4?

Sir Alan Parsons: (a) Yes.

(b) A cut of 10 per cent. in the pay of railway employees drawing above Rs. 83-5-4 per mensem was ordered by Government as in their opinion the rate of the cut should be uniform in the case of such employees.

THE MOODY-WARD AND CREW SYSTEMS OF TICKET CHECKING.

130. **Mr. N. B. Gunjal:** (a) Will Government be pleased to state if the "Moody" and "Crew" systems of ticket checking are in force side by side in the East Indian and Eastern Bengal Railways?

(b) If so, will Government be pleased to state briefly the relative financial aspect of the two systems?

Sir Alan Parsons: (a) On the East Indian Railway the system of checking tickets is that recommended in the Moody-Ward Committee's Report. On the Eastern Bengal Railway, on certain sections, a modified form of the crew system is in force, and on others, tickets are checked at stations by Ticket Collectors, and on some trains, by Travelling Ticket Examiners.

(b) It is not practicable to estimate the financial effect of either system, but the more intensive the check of tickets in trains the greater is the revenue realised. Both the crew system and the system recommended by the Moody-Ward Committee are forms of intensive checking, differing in degree.

RETRENCHMENT OF SUPERIOR OFFICERS ON STATE RAILWAYS.

131. **Mr. N. B. Gunjal:** (a) Will Government be pleased to state whether it was the intention of the Government of India, Railway Department, Railway Board, to retrench one hundred surplus superior officers from all the State Railways due to the economic crisis?

(b) If so, will Government be pleased to state how many superior officers from each State Railway have so far been retrenched and when Government propose to retrench the balance of surplus officers?

(c) Will Government be pleased to state how many superior officers have been recruited in State Railways and what are the reasons for the recruitment of superior officers? Is it a fact that a large number of subordinate employees have been retrenched due to the severe economic crisis through which the Indian Railways are passing at present?

Sir Alan Parsons: (a) No; the intention was to reduce the gazetted cadres of the State-managed railways by that number and to discharge surplus officers only to the extent necessary to bring actuals down to the reduced strength of the cadres.

(b) A statement giving the available information is laid on the table.

(c) The recruitment for the year 1931-32 is 19,—nine by promotion and ten by recruitment.

A considerable number of subordinate employees has had to be discharged; but Government cannot commit themselves to a complete suspension of fresh recruitment for the superior services though such recruitment will in present circumstances be made on a restricted scale.

Statement showing the number of Gazetted officers discharged on State-managed Railways.

Railway.	No.
Eastern Bengal	6
East Indian	11
Great Indian Peninsula	7
North Western	15
Burma	3

APPOINTMENT OF MEMBERS OF MINORITY COMMUNITIES IN THE RAILWAY MAIL SERVICE.

132. Rai Bahadur Lala Brij Kishore: Is it a fact that the Superintendent, Railway Mail Service A. Division issued a memo. on 27th January 1931 to the effect that all vacancies, either acting or permanent, should go to members of minority communities? Is it in contravention of the orders issued by the Director General of Posts and Telegraphs in one of his G. Os. in November 1927? If so, what action has been taken by the Department?

The Honourable Sir Joseph Bhore: The information wanted by the Honourable Member in the first part of his question has been called for and when it is received a reply to the whole question will be placed on the table of the House.

STATEMENT OF BUSINESS.

The Honourable Sir George Rainy (Leader of the House): With your permission, Sir, I desire to make a statement as to the probable course of business in the week beginning Monday, the 7th March. That day has been appointed by His Excellency for the presentation to the Legislature of the General Financial Statement. In order to give Honourable Members time to study the Statement, it is proposed, Sir, that on the conclusion of the delivery of the Statement you should adjourn the House to Wednesday, the 9th. That day and the following day have been allotted by the Governor General for the general discussion of the Financial Statement. Subject to your direction, Sir, the House will sit for the transaction of Government business on Friday, the 11th and Saturday, the 12th.

On Friday, the 11th, the following programme will be brought forward;

I. Motions for the election of members to:

- (1) the Standing Finance Committee,
- (2) the Standing Committee on Emigration,
- (3) the Standing Finance Committee for Railways,
- (4) the Central Advisory Council for Railways.

II. The Railway Supplementary Demands will next be presented.

III. These will be followed by the making of motions for leave to introduce—

- (1) a Bill to continue the Salt (Additional Import duty) Act, 1931,
- (2) a Bill to provide funds to enable Government to continue wireless broadcasting,
- (3) a Bill to amend the Merchant Shipping Act,
- (4) a Bill to amend the law relating to Assam labour.

IV. These will be followed by motions to take into consideration and pass—

- (1) the Bengal Criminal Law Amendment (Supplementary) Bill, as reported by Select Committee,
- (2) the Foreign Relations Bill, as reported by Select Committee.

On Saturday, the 12th, the election will take place for the remaining vacancy on the Standing Advisory Committee of the Department of Education, Health and Lands. This will be followed by any business left over from Friday's list and, on the conclusion of that business, motions will be made to take into consideration and pass the Bill providing protection for the sugar industry as reported by the Select Committee.

THE RAILWAY BUDGET—LIST OF DEMANDS—*concl'd.*

DEMAND No. 1—RAILWAY BOARD—*concl'd.*

Future of the Railway Board and the Constitutional Aspect—concl'd.

Mr. President: Further consideration of the cut motion of Mr. Ranga Iyer.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): I am grateful to you for giving me an opportunity to speak on this cut motion of Mr. Ranga Iyer, who has raised the question of the future of the Railway Board and the constitutional aspect in connection with it. I myself absented myself on last Tuesday, Wednesday and partly on Thursday, which is supposed to be very inauspicious to the Hindus in my part of the country, but the lengthy speeches convinced me that there must be some irregularities or something extraordinary, for this subject to come up for discussion in this House. Though my friend was not found in the same bed as Sir Henry Gidney, yet he was caught in the trap. Whatever that may be, I take the cue from the discussion which is taking place at the Viceregal Lodge, about which we are supposed to know nothing. It was raised by Mr. Benthall, who by an irony of fate or accident, got into the Round Table Conference. He is the *Burra Sahib* of Bird and Co. My friend, Mr. Clow, who is sitting in front of me representing Government, also knew something about him, and along with Mr. Benthall there were several Europeans representing several big firms in Calcutta. They were witnesses before the Royal Commission on Labour. You, Mr. President, cannot have forgotten those people who were examined and cross-examined before us. It was myself who cross-examined the contractors, middlemen, the blood suckers and the profiteers, who make some profit out of the income of the poor labourers of this country, the hewers of wood and the

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drawers of water; who earn their pittance by the sweat of their brow. My friend, Mr. Mody, Sir, represents the millowners of Bombay and he is one among the elected Members of this Assembly numbering 103 or 104, of which he is only one. Now he is supposed to be an elected Member voicing the opinion of a handful of millowners, and there arose a situation yesterday in which there was a good combination on this side of the House; and my friend who always answers these questions said that "Certainly, we are not going to give any controlling power in the future constitution of the Railway Board to the representatives of the third class passengers". Sir, I understand the income from the third class passengers which flows into the pockets of the Railway Board or the Railway Department of the Government of India comes to about 35 per cent.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhamadan Rural): 90 per cent.

Mr. K. Ahmed: That is the percentage of third class passengers. I am a practical man. 35 per cent. I think; I have got the figure right from the Labour Member; 35 per cent. of the total income from the trains. My friend, Dr. Ziauddin Ahmad, has got the wrong figure. Now Mr. Aggarwal was wondering what was the underlying policy in bringing forward such a motion and token cut as that initiated by Mr. Ranga Iyer. Now I may tell you without any fear of contradiction, after giving you the figure of 35 per cent. of the total railway income, the rest of the population of India among the masses called the agriculturists comprise 85 per cent., and, Sir, from their pockets the Railway Department make about 40 per cent. of their income; and therefore the major portion, 75 per cent. of the nett income comes from them; and leaving this 25 per cent., a fraction of which only comes from the pockets of the owners of the cargoes or goods represented by Mr. Mody's constituency of millowners and, Sir, he hopelessly failed to define who are the "first class politicians". He had not the courage to tell us who are the first class politicians who should be represented on the Railway Board of the future.

Mr. H. P. Mody (Bombay Millowners' Association: Indian Commerce): I know who the third class politicians are.

Mr. K. Ahmed: Now, Mr. Ranga Iyer had to criticize the speech and had to bring in a proposal for a new Railway Board and that was his conjecture,—instead of saying straight what difficulties the Railway Board have brought into this country, instead of telling us how many strikes they have provoked in every month and sometimes on almost every day, dislocating the railway lines, stopping passengers transferred from one place to the other, taking the water down from the engine. That is the situation. But Mr. Benthall in the other building, the Viceroy's House, has been preparing the ground for securing his own bread by saying that now-a-days Bird & Co. have not got enough income, the mills are running idle, the workers are not doing their work, and, Sir, the profiteers are not making any profit. (Laughter.) He is trying, Sir, under the shade of the Government and the Railway Board, to make something out of the coolie supply for a particular railway company, and so on. Now though these persons are not true elected representatives of the people of this country, nevertheless by the patronage of the Viceregal House or of the Secretary of

State they have got on to the Round Table Conference,—and, alas, Sir, the result of the Round Table Conference, it seems to me, may end in nothing but smoke. Sir, I am not a Brahmin or a member of a superior caste of the Hindus but I am a practical man (Hear, hear), and my feet are guided by the unfaltering light of experience; and if you will allow me, Sir, to take my stand upon the sayings of the great practical men, I can tell you at once that the so-called Federation would be a net work which the spiders are weaving all round,—and who are selecting such politicians on committees as do not represent the country? (Laughter.) I want to ask about one of these provinces, for example, Bengal,—have they selected any right man?

Now in connection with this token cut of Rs. 100 the politicians are all scattered, so that the Government might smuggle water from the desert of the Sahara. Some people are in jail; the picketing of the European cloth shops goes on; the supply from the mills is stimulated, and all this fight between Mr. Mody's millowners and the Lancashire millowners, who are represented by my Honourable friends on my right, goes on, and 85 per cent. of the masses of India are in trouble, because the trouble has come over there on account of the differences between these self-interested people on both sides

Mr. President: Will the Honourable Member please say what is the relevancy of his remarks to the subject of the Railway Board?

Mr. K. Ahmed: Sir, the subject is the future constitution of the Railway Board, the constitutional aspect

Mr. President: Yes, the constitutional aspect *as affecting the Railway Board*.

Mr. K. Ahmed: Yes, Sir, it is the self-interest, it is the money and it is a Department of the Government of India that has wasted all the substance of the politicians to-day on the floor of this House, and that is the relevancy. It is not myself who has come forward to propose bringing forward this token cut, but it has come up, Sir, surreptitiously all of a sudden through the agency of my friend, Mr. Ranga Iyer, who as it was found acted in the same way as Colonel Sir Henry Gidney, my Honourable friend; and it is on that ground that I made interjections yesterday, and my friend, Mr. Arthur Moore's paper has reported it to-day, Sir, and it is part and parcel of the debate, though it is not yet admitted by you officially, and there will be railway strike after strike if you are not careful in constituting the Railway Board of the future. It is not one Mr. Hayman or two or my friend, Sir Alan Parsons, who can save the situation. That being the position, I do not know how far the matter will be successful with regard to the attempt made by Mr. Benthall, whose cloak has fallen on Mr. Ranga Iyer and Sir Henry Gidney. (Laughter.) Well, Sir, we had yesterday about seven or eight speakers. I did not come here at all the last few days. I absented myself for two previous days because I neglected it, seeing the atmosphere on the floor of this House,—for instance, there are people who do not in practice represent their constituencies, and who happen to be here by some accident, and who do not discharge their duties at all. Sir, it is a great pity that the interests of the masses are neglected like this. Sir, I was myself instrumental in the passing of a Resolution in this Assembly in the year 1923, by virtue of which to-day

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the G. I. P. and the E. I. Railways were taken over by the State, on account of which I feel sure the country will be benefited. The Company-managed railways were conducted by officers who were living in London, and nobody was able to approach them. They had only a 5 per cent. interest, and the remaining 95 per cent. was represented by the masses of this country, and the Government was the benefactor on behalf of these poor masses. When Government have taken over the charge of these railways, Mr. Benthall has suggested in the Round Table Conference that they should go back to the previous arrangement. Sir, it is feared that the declaration of 1917 and other royal pronouncements which have been made from time to time are going to be withdrawn for the sake of a handful of people. If the Government are here simply to hear the opinion of the people of this country by means of this Legislature, may I ask Government how far they have shown their good-will in the matter of administering the railways of this country? If they say that their intention was a good one, then they ought not to have accepted the suggestion of the Round Table Conference, the representatives of which were not elected by this country. None of them could speak on behalf of the country. Most of them went in by the back door. Sir, in the year 1928 when the 7 members, leaving out for a second Sir John Simon, the Chairman, came to this country they passed a Resolution. But the Simon Commission lost the trend of their line of action, which was enunciated in their letter of the 7th February, 1928. Sir John Simon, who is a great lawyer of England, wrote a letter to Lord Irwin and his Lordship's speech of yesterday at Oxford has given palpitations to our friend Mr. Benthall. Sir, instead of acting according to the issues that were framed by the Chairman himself, Sir John Simon went back on his own decision. He said that he would see that the Members of this representative House were elected by one transferable vote, and after his arrival, he found that this Assembly had nothing to do with his Commission and everywhere he faced the flags saying, "Go Back Simon", because the people were not satisfied with his Commission.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. The Chair regrets to be obliged to interrupt the Honourable Member again. The Honourable Member is a distinguished lawyer and as such knows perfectly well what is relevant and what is not relevant. May I ask the Honourable Member to be good enough to restrict himself to the issue that is now before the House and to make all the observations he may have to make in regard to the issue of the Railway Board and its future constitution?

Mr. K. Ahmed: I am very much obliged to you, Sir, for reminding me again and again, but I have had sleepless nights and had to consider again and again what speech I was going to make to-day. Sir, it is not only myself who is having sleepless nights, but there are millions and millions of people of India who are also having sleepless nights. I may tell you, Sir, that the remarks that I am making are quite relevant. I may not be relevant according to the Evidence Act or the Civil Procedure Code, but I am sure I am relevant according to the common sense point of view. The subject is so vast that I can be always sure of being relevant.

Sir, a great mistake was made by this distinguished lawyer, Sir John Simon, because he wanted to take the people of India into his confidence

and they refused. As the Resolution was passed, Sir John Simon had to feel his ground. None of my friends either in the Assembly or outside it was satisfied with the state of affairs. Sir, some Provincial Governments also passed a Resolution saying that they had got everything to do with the Simon Commission, but some said just the reverse. Therefore, instead of taking the matter by the front door it was taken by the back door. But neither the back door intruders nor those who came by the front door found their passage out. Now, the Simon Commission have written out their Report. But what is the result? The Railway Board is certainly a subject for reform. We were told that a good many nice things would be done by this Railway Board, but look at the poor people in Bengal. I represent a constituency, Sir, where two-thirds are Muhammadans, and we had expected that we would get a sufficient number of posts according to our numbers. But I was shocked to read in the papers, because I did not come to the Assembly on last Tuesday and Wednesday, that it was pointed out by my friend Sir Abdur Rahim that there are only two Muhammadans from Bengal in the whole of the Government of India Secretariat. I am afraid, Sir, that the Government of India officials have forgotten the declaration that was made by Lord Reading in the year 1925.

My Honourable friend, Mr. Mody, was speaking yesterday about what the future of the Railway Board is to be. Its constitution should be so framed that the interests of the people will not suffer and its affairs so administered that it will be worth while to retain that body. I had the honour of going through the three volumes of Mr. Hassan's Report. This Special Officer was appointed to report on the representation of the minority communities in the railway services. As a matter of fact the Reports are disappointing and we should consider the money spent on this Special Officer is wasted because none of the people for whose benefit he was appointed derive any benefit from the Report. We, by a majority, appointed the Honourable Member for Labour, I mean Mr. Hayman to look after the interests of labour on the railways. Now the question is whether the Railway Board should be in future in the hands of the representatives of the people of this country or whether it is going to be administered by indigenous people or by commercial people, or by people brought from outside with a view to bring contentment and happiness to the people of this country. The cut motion of Mr. Ranga Iyer purports to discuss the future of the Railway Board and its constitutional aspect. My Honourable friend, Mr. Ranga Iyer, has not mentioned any grievance against the officers in the Railway Board nor against the establishment. If he is dissatisfied with the present staff of the Railway Board, how is he going to replace them? Does he mean to suggest that if we accept the recommendations of Brig.-General Hammond, we will have a better Railway Board?

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): On a point of order. I am very reluctant to interrupt the very interesting speech of my Honourable friend. But if I did not use any language or argument by way of censure on the Railway Board in regard to omissions and commissions, it was because I was not speaking on the censure motion moved by my Honourable friend Mr. Bhuput Sing but on my own, which was exclusively a token cut on the constitutional aspect.

Mr. President: This is not a point of order.

Mr. K. Ahmed: I am very glad to find that my Honourable friend Mr. Ranga Iyer has qualified himself as to why he did not take up the subject of attack on the Railway Board. So, he did not have any grievance against the Railway Board. He wanted to bring in the future constitution as enunciated by Brig.-General Hammond, about whom we knew nothing till yesterday morning. It was only after my Honourable friend, Mr. Joshi, a Member of the Consultative Committee, had brought here a copy of the memorandum on the Statutory Control of Railways by Brig.-General Hammond that we had the privilege of going through his memorandum. I ask what business had the Under Secretary of State for India to depute Brig.-General Hammond to go into a question of railways in India? Under what authority was a military man chosen for this task? The subject of railways was quite foreign to this gentleman and he has written out this memorandum at the cost of the Government of India. What does he want? Does he want dislocation of all the railways? Does he want disorder to prevail in this country? Does he want to kill all passengers day and night? Does he want to exploit the people of India by imposing on us a statutory body to administer the railways? Does he want this Assembly, which represents the people of this country, to pass a Resolution embodying the principles enunciated from Whitehall? The memorandum prepared by Brig.-General Hammond runs thus:

"I have the honour to forward this memorandum, which I have prepared in accordance with the instructions contained in your letter P. & L. (C) 607 of the 25th June, 1931.

That letter instructed me to prepare a 'memorandum showing the advantages and disadvantages to be expected from the establishment in India of a Statutory Railway Authority as a feature in the proposed Federal Constitution'.

The duty required of me was more fully explained in a letter from Sir Louis Kershaw, K.C.S.I., C.I.E., in which I was asked to set out in the memorandum 'the practice in other countries, foreign and Dominion, where there is a state railway system, including both those which have a Statutory Authority and those which have not, and the advantages and disadvantages to be expected from the establishment of a Statutory Authority, as indicated by experience in other countries, stated from the technical and not from the political point of view'. I was further asked to offer my views, so far as I might be in a position to do so, on the application to the special conditions of India of the experience of other countries, both as those conditions are at present and as they would be under the federal constitution now contemplated, including my ideas as to any special provisions that might be required for Company-managed and Indian State railways."

I may say that it is a very hasty step that the Under Secretary of State for India took in deputing Brig.-General Hammond to investigate the question of railways in India. I must warn Government that they will commit the most serious blunder if they destroy the present framework of the Railway Board and bring in a new constitution which might collapse. The Government should be forewarned of the consequences. They must take the bull by the horns and they should not commit the same mistake that they did in selecting members for the Round Table Conference. Men totally ignorant of the English alphabet were selected for the Round Table Conference. In the same way they selected in Brig.-General Hammond a gentleman who has never crossed the Mediterranean and he was expected to report on the suitability of the introduction of a statutory body for railways in India. He does not know the conditions prevailing in India.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): I cannot allow the Honourable Member to go on in the manner he has been doing, far removed from the subject matter which is now before the House. If the Honourable Member does not restrict himself now to the issue before the House, the Chair will be reluctantly forced to ask the Honourable Member to resume his seat.

Mr. K. Ahmed: No, Sir, if you will allow me I will not go beyond my sphere into irrelevant subjects, and you will allow me, 12 NOON. Sir, because I am bringing my remarks to a close. I know my time limit.

Then, Sir, having done that, having lost all that they had, now they are going through this back door and bringing a statutory authority to take away the power of the people of this country and go on with that reform in the administration of the railways by the so-called future Railway Board. They want to administer all the railways in this country, and that being so, there is nothing left, but it is quite a clear and vivid example. Sir, there is the Rates Committee, and this Rates Tribunal has certain nominees calculating that the fare of a bushel or maund of wheat is so much from Calcutta to Bombay and that a bushel of wheat coming from Australia to Calcutta costs so much, and what is the distance and the difference. Is there any man in this Assembly to conjecture, or is it not beyond the conjecture of a human being that the Rates Committee, —my friend the Leader of the House will say, “Well, that is all right but what have you got to do with the railways?” But, Sir, what is the fare and what is the distance from the Punjab to Calcutta for Indian wheat? In other countries have they not got national carriers? Have they not got their railways and steamships? Have they not got in this country railways called national railways? Have they not got the present Railway Board? How have they been acting? I know the Acworth Committee’s Report and I know about other countries, Germany, Canada, Australia, Belgium and France. Sir, when in 1923 I moved the Resolution about making the East Indian Railway and the Great Indian Peninsula Railway State-managed railways, did I not ask the present predecessor of the Railway Member, did I not ask even the present Chairman of the Rates Committee, Sir Narasinha Sarma, to get a copy from Germany, if they had any Railway Code? Did I not ask them to act according to those opinions? That Resolution is still in the debates of the Assembly. Is not that in the Railway Board or in the Railway Department? Have they fulfilled that desire that we wanted the Railway Board to carry out? Sir, the present Railway Board has done nothing whatever. And in spite of that, in the future constitution of the Railway Board the power of local authority will be transferred from the control and management of the representatives of the people of this country to that body in the form of a code and therefore our power will be taken away and will once for all rest in this handful of people. Sir, it will be certainly contradictory; it will be certainly not with the consent of the people of this country and their representatives that this arrangement for the future management of the Railway Board should be adopted on those lines. Lord Irwin in his speech yesterday at Oxford said,—and I am quoting his exact words—that today in India trouble is going on and unless people are allowed to manage their own affairs and something is done with

[Mr. K. Ahmed.]

the consent of the people we will be doing a great disservice to that country. It must be done, otherwise a disaster is expected in the country which cannot be saved by my friend Mr. Benthall or by our friends on my right or the people in high offices or the so-called politicians. Sir, unless and until Government are careful, unless and until Government come forward, if they have a little fight here and there with a few friends, whether they are Bombay mill-owners or whether they are

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. The Honourable Member has started again into what he has been repeatedly told not to do. This is the last warning the Chair wishes to give the Honourable Member that unless he is strictly relevant to the issue which is now before the House he will be asked to resume his seat. The Honourable Member ought to confine his observations to the motion before the House.

Mr. K. Ahmed: Sir, I am talking of the future constitution of the Railway Board and the constitutional aspect of that. There is a duty cast on every Member of the Assembly and on everybody else and if they do not discharge that duty they will bring the country to rack and ruin and they will bring disorder. Will the people of this country accept those back-benchers through the back door,—which will be like putting a square peg into a round hole,—and allow them to have their greedy desires satisfied? Certainly not. And if the people now come forward and put their heart into it, the constitution of the Railway Board and the other things which are now in the melting pot will be moulded properly.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Mr. President, I am afraid I shall have to introduce some seriousness into this discussion now. The subject that has been brought up by Mr. Ranga Iyer is one of the greatest importance, and I must say that when I read the summary of the proceedings of the Consultative Committee in today's issue of the *Statesman* I began to realise the full significance of what is being proposed. What is proposed with respect to this Railway Board or rather the administration of the railways and railway policy in the future constitution in the Report of Brigadier General Hammond is of a very far-reaching character indeed. It is not a question of whether the future Assembly or the future Legislature, by whatever name it may be called, is to interfere with the minor details of the railway administration. It covers a very wide ground indeed. According to the summary of the proposals as given, it amounts to this. The first proposal is that there is to be an effective separation of the railway from the general finances. I understand that there is some sort of separation at present; but the author of the Report is not satisfied with the present state of things; he wants a completer separation than the one which exists at present. That will affect, I venture to think, the supervision of this House over the finances of the railways. That is one.

Then the Constitution Act, I understand, is to provide that the goods rates and the passenger rates, all questions relating to them—very important questions indeed—are to be transferred to an independent tribunal. As I understand it this means a tribunal independent of the Legislature; that is to say, the Legislature will have nothing by way of control or

supervision to exercise over the proceedings of this independent tribunal. What would be the effect of it? The effect would be that on all these vital questions of freights and passenger rates, this Assembly will have nothing to say, and an independent tribunal will determine finally and conclusively all these matters of great public concern. In this House time after time complaints have been made that the freights that prevail on some parts of the railway system in India are extremely detrimental to the movements of goods, with the result that foreign goods that come thousands of miles across the seas are able to compete to the disadvantage of the products of the country. All this is to be taken out of the purview of the future Legislature.

The next proposal is that the Board is to consist of members representing commerce, industry, banking, agriculture and manufacture. Supposing each of these interests is represented by one member, that means at least five members; there may be more, but there will be at least five members. That, again, is one of the questions in which the Assembly has shown a great deal of interest, in the interests of economy. It is also therefore to be provided that the Assembly will hereafter have no voice in that.

Perhaps what is most important of all, it is to be laid down that the general policy is to be controlled by the Legislature, and I take it the implication is, not the administration. But it goes on further to provide that the Constitution Act itself will lay down the policy regarding provision for depreciation, maximum and minimum contributions to the Reserve Fund, provision for interest, sinking fund charges, contribution to general revenues, and the disposal of surplus profits. May I ask what is left? The whole field is covered—at any rate the most important portion of it,—that is to say, while the Legislature is given formal control over the policy of the future statutory Board, the Legislature can have nothing to say as regards these matters which involve most important questions of policy regarding the railway administration.

Thus, so far as policy is concerned, that is practically to be removed from the purview of the future Legislature. Then, the administration is not to be criticised—let alone the minor details of administration. I may say at once that I am entirely in agreement with my Honourable friend, Mr. Ranga Iyer, in so far as he says that this Legislature or any popular assembly like this, should not go into questions of detail in the administration of railways. Why railways alone? I go further. The Assembly is not in a position—no popular assembly is in a position—to examine the details of administration of any department of Government; and have we really ever presumed to do that? Then, why should railways be placed on a pedestal higher than the Government of India itself? Do you mean to say that this Assembly is expected to criticise in detail the administration of any department of the Government of India or they have ever professed to act on that basis? Most certainly not. Then why this discrimination in the case of railways? Is there anything so sacrosanct, something so peculiar about the railways that such a restriction must be laid down specifically in the statute? No. The object is apparent and is perfectly clear, from the provisions that the Report suggests should be laid down in the Constitution Act, and that is that railways should be removed entirely from the control of the Legislature. Is that a policy we are going to sanction?

[Sir Abdur Rahim.]

We do not know—and really it is very difficult to find out, it is almost impossible to find out—what goes on in the Consultative Committee; a certain communiqué is issued or some sort of official report is published, but the public have no access to its proceedings, and from these communiqués the public have to make the best estimate they can of what goes on there. In the most vital matters we are left absolutely in the dark. It is said the members are divided. How are they divided? There are members and members in every Assembly and in every body. Is it not in the interest of the public that we should know who are the members who hold one view and who are the members who hold a different view and what are their reasons in support of particular views?

We cannot find any such information from what appears in the papers regarding the proceedings of the Consultative Committee. We are entirely in the dark, and the language that was used yesterday as to the surreptitious manner in which the subject has been introduced and the whole thing is being dealt with is fully justified. Sir, this question of railways is not the only matter; the whole proceedings are like that. Now, what has been the sum total of all this? The result has been, as is announced by the *Statesman*, that since no agreement could be arrived at, His Majesty's Government will decide.

Mr. S. O. Mitra (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): That is the best solution.

Sir Abdur Rahim: And that is the conclusion reached at every important step as the result of the deliberations of the Consultative Committee. I have noticed that on all important and vital questions the decision arrived at has been that His Majesty's Government will decide. Sir, His Majesty's Government will ultimately decide; we all know it; there is no doubt about it; but what is the good then of wasting all this money? Let us see what has happened, what is the sum total? It is said that there is one general proposition which appears to have been generally agreed to as a result of yesterday's deliberations of the Consultative Committee, and it is this, that defence, finance, public services and Anglo-Indian community ("Hear, hear" from the Nationalist Benches) will continue to be subjects of parliamentary concern, and I take it, though it is not quite clear, that the railways, if they will not be subject to the control of Parliament, will be the concern of a statutory body, over whose actions this Legislature will have no real or effective control. The picture then is this, that in the general field of Government activity, whatever questions arise, all important issues are going to be decided by His Majesty's Government, because the members of the Consultative Committee are divided on the subject, because there is no unanimity amongst them. As regards other matters, railways for instance, which we are discussing now, they are to be handed over to a statutory body, and are to be removed from the purview of the future Legislature. If railways are to be so dealt with then possibly the Posts and Telegraphs will also be taken over by another statutory body and this House will have no real control over such important departments.

There is another matter, Sir, that I should like to mention. I find there are certain Muhammadan gentlemen who are members of the

Consultative Committee, and it appears that Mr. Zaffarullah Khan, whom I have not the privilege of knowing personally, but who, I understand, is a young man of ability, is a member of that Consultative Committee. It is stated by him that it has been decided by his Muslim colleagues that they would not take any part, or at any rate any definite part, in the deliberations of this and similar Committees until certain questions called communal questions have been settled by His Majesty's Government and an announcement is made to that effect. That, Sir, is a decision of which one heard when the second Conference was sitting in London. Now, what has been the result? What is the effect of a decision like this? The result is we do not know the views of the Muslim members of the Conference and of its various Committees on important questions affecting the entire constitution of the country. It is an obvious truth that what is good or bad for the whole of India must necessarily be good or bad for the 70 or 72 millions of Muhammadans of India ("Hear, hear" from the Nationalist Benches), and equally what is good or bad for 72 millions of Muhammadans, must necessarily be good or bad for the rest of the country

Mr. K. Ahmed: Not always, Sir. (Laughter.)

Sir Abdur Rahim: Sir, I take it that this is obvious, because the 70 million Muslims are a part of India. Then what is the result? These gentlemen, some of whom occupy prominent positions in public life, have sealed their lips throughout but the Secretary of State announced the day before yesterday that he was not going to make any announcement on the questions referred to him or to the British Government until the whole deliberations are closed. Sir, speaking for myself, I never thought that there could be any announcement in the meantime. Then do these gentlemen expect that when the deliberations are all over,—I suppose they must expect—that they will have a further opportunity of reviewing the whole thing

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): Yes, that is so.

Sir Abdur Rahim: Then the Honourable Member will be very much disappointed, as indeed he has been disappointed already.

Mr. A. H. Ghuznavi: I think the Honourable Member himself will be very much disappointed.

Sir Abdur Rahim: Sir, is it to be conceived for one moment that the whole of the proceedings will be rehearsed and recited for the benefit of these gentlemen? If the Honourable Member really believes that, he is under a great delusion.

Mr. A. H. Ghuznavi: That is the arrangement; it is not a question of belief.

Sir Abdur Rahim: The arrangement was—I did not want to mention it—but I read about it in the Press, that these gentlemen decided not to take any further part in the proceedings.

Mr. A. H. Ghuznavi: That is not so.

Sir Abdur Rahim: That is the report that came out, and the Honourable Member's name was prominently mentioned in that connection.

Sir, I am not speaking in anger, but I must say this that in the result so many Muhammadan delegates have had no opportunity to say anything regarding the biggest and most comprehensive constitutional issues affecting the future of the country. That is the position, Sir, in which they have landed themselves by what I must say was a hasty decision . . .

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan): May I ask the Honourable Member what is the remedy that he proposes?

Sir Abdur Rahim: The remedy which I propose, or rather the attitude which I suggest, they should have taken up, was that they should have gone on with the deliberations throughout; they should have played their fullest part and made the utmost contribution they could make to the shaping of the future constitution, and if at the end they found that on some vital matters in which the community was interested their voice was unheeded and the result arrived at was injurious to the community, then it was time for them to non-co-operate.

Maulvi Muhammad Shafee Daoodi: Is the Honourable gentleman aware that the Muslim community has given a mandate to the members of the Round Table Conference not to discuss central responsibility unless and until the communal question is decided?

Sir Abdullah Suhrawardy (Burdwan and Presidency Divisions: Muhammadan Rural): Does the Honourable the Leader of the Independent Party claim to be the spokesman of the Muslim community?

Sir Abdur Rahim: I am entitled to speak for my community at least just as much as any other Honourable Members who claim to speak on their behalf. ("Hear, hear" from the Nationalist and Independent Benches.) Every one knows that. But, Sir, what we are concerned with now, is not the question whether the Muslim members of the Consultative Committee are or are not entitled to represent the Muslim community. That is not the question. Let any impartial man, let any man who really understands the political situation, who knows how things are done—let him say whether the step which they have taken is for the benefit of the country or their own community. It cannot be for any body's benefit. I do not say that the decision of the British Government on the communal question or on any other question will not be right. That is not the point before us. The question is whether these gentlemen should or should not have made the contribution they were in a position to make to the solution of all these difficulties. That is the question. As regards my Honourable friend Maulvi Shafee Daoodi, I heard a rumour that he had resigned because the proceedings of the second Conference were not at all satisfactory to him.

Maulvi Muhammad Shafee Daoodi: On a point of order, Sir, I do not know how this question comes up here. I was going to ask whether the Honourable Member recognises the voice of an organised body in his community as the voice of the Muslims or not.

An Honourable Member: How is that a point of order?

Maulvi Muhammad Shafee Daoodi: I do not know why personalities should come in when questions of principle are discussed.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): It appears to the Chair that the discussion has, since this morning, drifted away from the main issue that is before the House. The main issue is the present Railway Board and its future constitution, and any points relevant to that issue can be debated. Incidentally, the discussion which took place at the Consultative Committee in regard to the future constitution of the Railway Board may be regarded as relevant. The Chair trusts that Honourable Members will restrict themselves to the issue that is now under the consideration of the House.

Sir Abdur Rahim: I only raised this question as I wanted to know the views of the Mussalman members on that Committee. That was all. We are not able to ascertain the views of the Honourable Members who are members of that Committee.

Mr. B. Das (Orissa Division: Non-Muhammadan): They had no views. Their brains were empty. (Laughter.)

Sir Abdur Rahim: I do not think it will be necessary for me to take up more time of the House in this connection but I should like to say one word more. I did not want to make the slightest personal reflection on my Honourable friend Maulvi Shafee Daoodi or anybody else.

Mr. K. Ahmed: Leave them alone. Go on with the Railway Budget.

Sir Abdur Rahim: I am sorry that he should have understood what I said in that light. I certainly disclaim any such intention; I have much respect for him, he is a valued member, an important member of my Party and I should be the last person to make any personal reflection upon him. I simply mentioned a rumour that I had heard because of what he had said on the floor of this House. Sir, I do not know what is the exact issue that has been placed by my Honourable friend Mr. Ranga Iyer before this House—whether we should accept the recommendations of Brigadier General Hammond . . .

Mr. C. S. Ranga Iyer: I differ from him completely.

Sir Abdur Rahim:or not. I understand my Honourable friend to say that we ought not to accept those recommendations. Then, in that case, he and we are really at one and there is no disagreement among us. I take it therefore that almost every one on this side of the House at any rate is convinced that any policy or any enactment, such as is proposed by Brigadier General Hammond, will not be acceptable to the people of the country, at any rate so far as we represent the people of this country. (Applause.)

Sir Edgar Wood (Madras European): Mr. President, I do not know if the Honourable the Mover of this motion Mr. Ranga Iyer will welcome support from these Benches, but generally speaking he has it. He can of course escape from the embarrassment of being coupled with these

[Sir Edgar Wood.]

Benches by withdrawing the motion before division! I interpret his position to be that there should be control by the Legislature in matters only of policy and capital expenditure; and of course the right of criticism would be there; but not in the matter of day-to-day administration. I think his idea is really embodied in his expression that the railways should be kept free from political control. The intention of those who disagree with him is probably not to go so far as control over rates, though the last speaker Sir Abdur Rahim apparently holds a contrary view. Of course, it would be extremely easy for a Party to be popular in the Assembly by voting for an enhancement of railway rates instead of for imposing additional taxation. That would be too easy, but that is exactly the sort of thing which might happen and it would be disastrous to the country. I dare say that Honourable Members who are opposed to this motion are aiming at Government having some sort of control over appointments to the railways and possibly control over appointments on the Board itself. That would constitute indirect control of the Board's executive actions; it must be so in practice. I am as jealous as any one of the rights of this House, but surely it is a little beneath the dignity of this House to interest itself in more than broad outlines of policy and control. I think that will be agreed, and if that is accepted, it must necessarily follow that the statutory Railway Board, like other provisions, should be created by the Statute of Constitution and not left in such an uncertain position that local political disagreements might jeopardise its actual existence from the start, or if started might cramp its actions. I do not think any body of this sort can work independently and fearlessly with such a possibility in sight. I hold, though I do not know if my Honourable colleagues on these Benches agree with me, that on any Board which is created, the public should be adequately represented, and this Honourable House.

Mr. S. C. Mitra: Why do you want to take it out of the hands of the Assembly? Was it abused in the past?

Sir Edgar Wood: I think we should remember that any clause of a constitution which is objected to *universally* can be altered or brought into disuse. There is no getting away from that fact, that a really objectionable clause in a constitution can be altered if the demand is sufficiently widespread and that it would remain virtually within the powers of this country eventually to alter portions of the statute with which it was out of agreement.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Will the Honourable Member state, as to who gave him this undertaking

Sir Edgar Wood: I think the Honourable Member must realise that in all constitutions, in the matter of convention or actual alteration of the constitution, the will of the people prevails ultimately.

We must not forget that on the cheap and efficient working of the railways depends the development of the country. This is vital to the country and it is only by commercialisation of the railways—and it is impossible to have effective commercialisation of the railways if there is legislative control of the administration—that cheapness of transport can be assured.

Some criticisms have been levelled at the present Railway Board. I was rather surprised to hear so many adverse remarks, but I think these remarks if analysed contain very little substance. Most of them indeed contain no substance at all and are merely a statement of opinion.

Mr. B. Das: They are based on facts.

Sir Edgar Wood: Adverse criticism it seems to me is very often closely connected with efficiency because efficiency usually means that some one does not quite get his own way! My Honourable friend Mr. Chetty did refer to the question of rates and the fact that there had been dissatisfaction in the past over this very complicated question. The Rates Advisory Committee has latterly assisted to some extent in that matter, and I think from our experience of that Committee, we should be perfectly justified in expecting that in the new provisions for a Board, some sort of Rates Advisory Committee should be provided, in which the public will have a large voice. (*An Honourable Member:* That Committee is already in existence. What has it done?")

Mr. S. C. Mitra: What is wrong with the present system?

Sir Edgar Wood: Looking back at the history of the Railway Board, one can say that the policy of development has been very marked since the Railway Board came into being and a great many abuses have been removed; and I know of some Administrations which have been improved beyond all recognition. Local Advisory Boards have been introduced and they have done excellent work. That is only one of the small things, but it shows the policy of introducing the public into matters of administration.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Without any functions?

Sir Edgar Wood: I have had considerable experience of these Boards for a number of years, and I have found that those who came with grievances have either received very adequate answers as to why their grievances cannot be met, or their grievances have been met. I have not known of a single instance where grievances represented to the Boards have not had proper attention.

Mr. Lalchand Navalrai: My personal experience is different.

Mr. S. C. Mitra: There is a difference between an Indian Member and an European Member.

Sir Edgar Wood: I think the public has been extremely fortunate in the personnel of the Railway Board.

Mr. K. Ahmed: Why do not the public support it?

Sir Edgar Wood: My friend has had his innings and I do not propose to give way to him. I consider that the Railway Board has served the public very faithfully. The main complaint about the Board that I have heard is that they give too much attention to details. I am rather inclined

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to think that it is because people like my friend Sir Henry Gidney bombard them with innumerable questions and keep the Board busy with microscopic details which take up some of the time which should be devoted to general policy.

I did not quite understand why my Honourable friend Mr. Chetty felt regret about the Report of Brigadier General Hammond. The R. T. C. (Interruption by Mr. K. Ahmed)—my friend Mr. Kabir-ud-din Ahmed was not on the Round Table Conference, the accommodation there was limited (Laughter)—the Round Table Conference expressed views about general policy and asked for data to enable them to get on with the details for a Board.

Mr. President: I should like to know how long the Honourable Member is likely to take?

Sir Edgar Wood: About three minutes more, Sir, I shall be very brief. The Round Table Conference asked for data regarding Railway Control Board, and I hold that it was not for Government to set up a committee in India to search for data, because a committee in India would have proved abortive; and I do hold that Government secured a most valuable report at a minimum of expense. So far as I am aware the Round Table Conference did not receive this Report before it left England and was therefore unable to examine the question any further; and it shows what a body of matured wisdom it was in that it refrained from formulating any opinions until it had very extensive data upon which to proceed. I personally saw that Report only yesterday. I take it that it is now for the Consultative Committee—or possibly it is too late for that Committee—or for the Round Table Conference or for an independent *ad hoc* committee—which personally I am inclined to think would suit everybody's wishes—to go further into this matter of recommending the best type of statutory Railway Board. It is a detail, in my opinion, as to who exactly is to examine the question further and make recommendations and I support generally the views of my Honourable friend the Mover.

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

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

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, in the first place, I must enter my protest along with my friend Sir Abdur Rahim that a question raising such an important constitutional issue should not have been left to be raised on this side of the House in a mere cut upon one item of the Budget and that the Government, if they wanted to consult this side of the House as to the course to follow in connection with the future constitution of the Railway Board and its functions, should have tabled a Resolution and formally come before this House for obtaining its views. As it is, Sir, I feel that now that the

debate has proceeded so far, we should be guilty of dereliction of our duty if we did not let the occupants of the Treasury Benches know as to what we on this side of the House feel upon the question that has been raised. Honourable Members will remember that this question was first adumbrated in the Government of India despatch on the reforms, and in para. 192 of their despatch they wrote as follows:

"The purposes in which Parliament must, we think, continue to be interested so far as the railways are concerned fall under the heads of defence, finance, the services and the Anglo-Indian community."

It is in consequence of this despatch of the Government of India that the Round Table Conference went into the question of the future constitution of the Indian Railway Board and it is in consequence of their Resolution that Brigadier-General Hammond was appointed to investigate the question and report to Government upon the feasibility of adopting all or any of the proposals of the Government of India. If the newspapers of the day have reported correctly, I find that this question was a subject-matter of a debate and decision in the Consultative Committee that held its sitting yesterday. Sir, the question would not have been so important as it has become were it not for the fact that a cumulative volume of opinion is being gathered in from various quarters to make it a *fait accompli* that the despatch of the Government of India may become as regards the future constitution of the Railway Board. Brigadier-General Hammond in his recommendation, and I would particularly draw the attention of the House to paragraph 111 of his recommendation printed at page 51 of his Memorandum. lays down as follows:

"The general policy to be followed by the Railways, it is agreed, should be controlled by the Legislature, subject to such checks as it may be considered necessary to give to the Governor-General for the purposes in which the British Parliament will continue to be interested. Many of the main lines of this policy could, it appears to me, be quite suitably laid down in advance such as the instructions as to the manner in which provision is to be made for depreciation, the limits, both maximum, and minimum, of the amounts to be set aside for reserves, the use and disposal of these funds as well as of any provident or other funds, the proportion of these that must be invested and the method of investment, the interest and sinking fund charges which the Railways have to meet against the capital at their charge, the amount which the Railways will be expected to pay over to general revenues in excess of this and the disposal of any surplus which may remain."

Honourable Members will find that the real genesis of this discussion arose from the fact that the investors in the British railways are now finding their investments coming to a vanishing point. Let me draw the attention of the Honourable Members to a passage which I find from a book written by Mr. Ray Morris in which he says this: 'It is on pages 252 and 253:

"In any business, as soon as non-productive work is charged to capital account, an unsound condition is created, and the British railroads now find themselves saddled with enormously high fixed capital charges which must be met annually, while these charges tend, on the whole to increase somewhat faster than the surplus earnings increase. Consequently, old railroad shares which have been regarded as the strongest kind of securities by their holders, have been falling off severely in value during the last ten years; the average dividend rate has declined, and the British railroad system, as a whole, seems to be drifting very slowly but quite surely towards final insolvency."

These are the investors who have invested in the Indian railway stock and naturally they are apprehensive that the fate of their investments in the

[Sir Hari Singh Gour.]

English railway security might be equalled by the fate that might overtake them in regard to their Indian railway stock. That apprehension has been voiced, though not in too vocal terms, by my friend Sir Edgar Wood, when he wants that the new Constitution Act relating to the future Government of India must provide for the establishment of a statutory Railway Board. We, on this side of the House, therefore, have to express our views whether we are in agreement with our friends who occupy the European Benches that the constitution of the new Railway Board should be an integral part of the Constitution Act. Sir, the question would be a simple one, indeed nothing could have been simpler were it not for the fact that any constitution enacted by the British Parliament, so far as I can see, would not be subject to revision or amendment by the Indian Parliament that is to be. If the constitution were to give the Government and the Parliament in India the power which the Dominion Parliaments now enjoy under the Statute of Westminster of repealing and amending any of the statutes passed by the British Parliament, the position would be and would have become a simpler one. But, if we are to assume that for sometime to come, nay perhaps for a long time to come, the paramountcy of the British Parliament would be postulated in the future constitution of this country, then, I think we, on this side of the House, have just reason for apprehending that anything that finds a place in the Constitution Act would bind the future Government of India and the Indian Parliament. If that be the case, I would ask this side of the House, and indeed, all sides of the House, to consider that with such a limited constitution, the Parliament of India will only have the power of legislation subject to the paramountcy of the British Parliament, and would that be in consonance with the repeated promises of the British Cabinet and of the Imperial Conference? But that question apart, we have to apply our minds to the narrower question before us; are we in favour of permitting the British Parliament to insert in the Constitution Act a reservation in favour of itself the right to determine to what extent the Indian Legislature would control not only the policy but the administration of the Indian railways? Judging from the recommendations of Brigadier-General Hammond it would seem that the new Board would be given such powers that we will not have even the privilege of voting the supplies to the railways from year to year as we have been doing under the present constitution. In other words, the future constitution of India would be narrower on this point than the present constitution under the Reforms Act of 1919. Lest I should have misunderstood him let me give you his exact words, culled from paragraph 114 at page 53 of his Memorandum. He says:

"The new Board would thus enjoy generally the powers of administration now possessed by the present Board together with the detailed powers over railway finance now exercised by the Finance Department, subject to any limitations which it might be considered advisable to leave in the hands of the Governor General."

Mark the words "Governor General", it is not Governor General in Council.

"They would present annually to the Legislature through the appropriate Member a full report and accounts, and, in addition to discussion on this, railway policy would come up for review in the Legislature on the contribution from the railways to the General Budget as well as on proposals for borrowing or for new construction."

This is the recommendation of Brigadier-General Hammond to the Secretary of State in response to the invitation of the Government of India and in

consonance with the policy which the Government of India formulated in their Reforms Despatch on the close of the Simon Commission. In this connection let me point out to this House that the recommendations of the Simon Commission were extremely narrow and unsatisfactory, and the people of India, therefore, revolted against the acceptance of any constitution based upon those recommendations.

Mr. K. Ahmed: But you co-operated.

Sir Hari Singh Gour: I may further point out that the Government of India in their despatch were then dealing with the narrow recommendations of the Simon Commission. They had not before them the prospect of a Round Table Conference, and of the larger measure of responsibility which became established as a result of that Conference a year ago. Therefore, I submit that all that the Government of India may have written in their Reforms Despatch must now be voted as entirely out of date. But in spite of that fact I still find that that despatch of the Government of India seems to be ever green and that so far as railway administration is concerned a serious examination is now taking place as to whether reservations on the four subjects which the Government of India recommended should or should not be made. I, therefore, feel constrained briefly to take the House into confidence and point out as to what these reservations mean and imply.

Let me take these recommendations in order. We have in the first place reservations classed under the head, defence. It is pointed out in the despatch of the Government of India that there had been losses on the strategic railways. Only the other day the Honourable the Commerce Member when presenting the Railway Budget pointed out to this House that the losses on strategic lines would amount to two crores. They have been more in years past, and the apprehension of the Government of India is whether these recurring losses on the strategic railways would be swallowed by the Indian Legislature without calling the Government to strict account. It may be that the future Parliament of India might ask the military authorities in this country to transfer the losses on the strategic lines from the civil to the military side of expenditure. Therefore that question as to whether these losses on strategic railways should or should not come within the comprehensive survey of the future Parliament of this country is a vital question, and I would say to this House that if you have a statutory Board enacted by an Act of Parliament and made a part of the Constitution Act you will be confronted with the difficulty that the only powers which you will be free to exercise will be such powers as are given you by the express terms of the Act of Parliament and all residuary powers will remain vested in the British Parliament. That would be the limited constitution which I foresee in view of the enquiries made and the recommendations proceeding either from the Consultative Committee or the expert advisers of the Secretary of State.

The next point to which reference has been made in the Government of India despatch is a very important one, namely, the question of finance. Now, it is on this point that the Europeans in this country and the British investing public naturally feel some anxiety as to the future of their investments and I, for one, sympathise with them when they ask the Secretary of State and those responsible for drawing up the future constitution of this country as to the security the future constitution would give them,

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security as regards return of their capital and guaranteed interest thereon. On this point I would draw the attention of the House to a statement contained in the Report of the Round Table Conference, Second Session, pages 25 and 26. On page 26 we find the following passage:

"Even as regards the productive assets included in the Memorandum, it will be observed that the figure against Railways, for instance, is not an estimate of their actual commercial value as a going concern, but represents merely the capital invested. The Railway proceeds in a normal year are sufficient for the payment of a contribution to general revenues of over 5 crores, in addition to meeting the whole of the interest charges on the railway debt. The capitalised value of this additional profit, though it cannot be estimated with exactitude, might well amount to as much as Rs. 100 crores."

Another passage worth quoting from this Report occurs at page 25:

"The borrowings of Government are, in the nature of things, not restricted to what is required for investment in commercial or productive undertakings, and it is probable that no important country, even at the time of its fullest prosperity, has been in a position to show the whole of its debt as covered by assets of this nature. It would be absurd to suggest that every country has therefore been continuously insolvent, as would be the case of a commercial company which showed a deficiency of assets in comparison with liabilities. A country's borrowing is conducted on the security of its credit and of its revenues, actual and potential."

The position, therefore so far as we are concerned, is this. The capital borrowings of the Government of India, commercial and non-commercial, are secured by the revenues, present and future, of this country, and if you are to earmark the capital invested in the railways as coming within the exclusive jurisdiction of the statutory Railway Board, you would be dividing up that general financial control which the Government of India exercises over the various departments including the railways. Brigadier-General Hammond would withdraw from the Finance Member the control which he now exercises over the railway finances and vest that control in the statutory body I have mentioned. Sir, so far as the European investors in the Indian stock are concerned there cannot be any shadow of doubt, as is pointed out in this Report of the Round Table Conference, that they are amply secured, and whatever may be the constitution of the future Government of this country there is not the slightest doubt that so far as their investments in this country are concerned, they are amply covered by the assets of the Government of India. Why then do they want a provision inserted in the Constitution Act transferring the real responsibility in respect of railways from the Parliament of India to a statutory Railway Board? Sir, I feel that if you were to treat the finances of this country in water-tight compartments, Railway and General, you would be dividing the responsibility which could not be conducive to the better government of this country. And I therefore submit that so far as we on this side of the House are concerned, we must resist with all the emphasis we can command any encroachment upon the rights and privileges of this Chamber and of its future successors.

I turn lastly to the services. So far as the services are concerned, these services are naturally connected with the claims of the Anglo-Indian community. There is no doubt that there is some apprehension on the part of Europeans and Anglo-Indians that in the future constitution they may not be able to have the lion's share of the loaves and fishes which they have been hitherto enjoying. My friend, Mr. S. C. Mitra, the other day read to you a long table of representation of the various communities. Sir, I have summed up the result of the four State-managed railways,

the Eastern Bengal Railway, the East Indian Railway, the Great Indian Peninsula Railway and the North Western Railway; and the result is significant. Let me give them to you. In all these railways—and I am only speaking of services drawing Rs. 150 or over—we have 1,734 Hindus, 412 Mussalmans, 2,162 Anglo-Indians, 1,758 Europeans, 286 Indian Christians, 166 Sikhs and 117 Parsis. Giving it to you in the terms of percentage, the Hindus are 26·1, *i.e.*, 1/3rd of what they are entitled to on a population basis, Muslims are 6·1, *i.e.*, 1/4th of what they are entitled to on a population basis, Anglo-Indians 32·5, *i.e.*, 30 times as much as they are entitled to on a population basis, Europeans 26·4, *i.e.*, 25 times as much as they are entitled to on a population basis. The rest of them, Indian Christians, Sikhs and Parsis, have obtained a fair representation. It is this inequality of communal representation that has been the subject of frequent allusions in this House. Both Hindus and Muslims have got a just grievance against their non-representation in the great services of the State, and if the services are to be transferred from the cognizance of this Assembly, or, indeed, of the future Federal Assembly, or by whatever name the future Parliament of India may be designated, it would perpetuate and crystallise this racial inequality against which the bulk of the community in this country have been fighting on the floor of this House and outside of it. Those who desire that the services should be taken out of the purview of the Indian Legislature do so for the purpose of preserving their privileges and rights to which on other grounds they have no justification.

Then, Sir, turning last to the Anglo-Indian community, I fail to understand what fundamental rights the Services or the Anglo-Indian community have upon the people of this country. Sir, I always believed that with regard to class, creed and nationality, following the memorable Proclamation of Queen Victoria, every person will be entitled to fair treatment and no favour. And I further believed that when the nationals of this country, the citizens of India, come into their own, they will at any rate have the same privileges which an Englishman enjoys in his own home land. Is it too much to ask that the future parliament of this country should be left free to decide as to what shall be the proportional representation in the public services of this country? But if the recommendation of the Government of India, followed up by the recommendation of Brigadier-General Hammond and followed up by the recommendations of an outside body, were to be translated into an Act of Parliament, you would be sowing the seed of that discontent against which any constitution you give to this country will afford no relief.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): With your permission, Sir * * * * *

Sir Hari Singh Gour: I will not yield to the Honourable Member.

Lieut.-Colonel Sir Henry Gidney: On a point of personal explanation, the percentages of employment of Europeans and Anglo-Indians in Government service mentioned is not a statement of fact except may be in regard to a few jobs.

Mr. President: Order, order.

Sir Hari Singh Gour: I therefore think that so far as the Parliamentary enactment is concerned, no one on this side of the House can be divided upon

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that question; and I know that when my Honourable friend, Mr. Ranga Iyer, tabled his motion and said what he did, he never intended to convey to this House any impression that he was in favour of devolution of power not from England to India, but from India to the British Parliament.

Mr. K. Ahmed: But he is your Deputy Leader.

Mr. President: Order, order.

Sir Hari Singh Gour: These are the four-fold grounds, the fundamental pillars of the Government of India upon which the recommendation for the constitution of a statutory Board rests, and if this House is not in favour of this four-fold preservation of these four-fold rights, I think there cannot be any question about the answer which we on this side of the House would have given if the question had been raised from the Treasury Benches in the more direct form in which, I say, it should have been raised if the Government of India wished to consult this side of the House on this momentous question.

Mr. K. Ahmed: But you cannot have a vote on it.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member is constantly interrupting and thereby disturbing the proceedings; he will have to take the consequences if he continues to do so.

Mr. K. Ahmed: What is the practice in the House of Commons, Sir?

Mr. President: Order, order.

Sir Hari Singh Gour: I pass on to another question of a very important character. I do not think there is anybody in this House, let alone the elected Members, who would cast his vote in favour of reservations, such as are contemplated, in the British Parliament; but assuming for the sake or argument that the Consultative Committee's recommendations which I see printed in a communique in the *Statesman* of today's date are given effect to, what is the result? We find the following ominous passage in the recommendation of the Consultative Committee; it says: "Some of the members insisted on safeguards not only as regards defence but also in respect of finances"

Mr. N. M. Joshi (Nominated Non-Official): May I inform the Honourable Member that this is not the conclusion of the Consultative Committee? This is only some members.

An Honourable Member: He also said "some members".

Sir Hari Singh Gour: I am just reading what I can get; I am not a member of the Consultative Committee, and therefore the only information that comes to me is such information as leaks out from that deliberative body through the medium of the Press. It says:

"Since there was no general agreement on this question it was decided to place the arguments urged on both sides before His Majesty's Government."

Is that the decision of the Consultative Committee?

Mr. N. M. Joshi: No.

Sir Hari Singh Gour: If that is the decision of the Consultative Committee, I can emphatically say that the Honourable members of that conference have signally failed to do their duty. (Opposition Cheers.) Whatever may be the differences between ourselves, whatever may be the differences between the various classes and communities, we are all united in one principle and that is that the government of this country in the next constitution should be an autonomous Government, and not a subordinate Government in any respect to the British Parliament.

Mr. K. Ahmed: Why were you not united in the Simmon Commission then?

Mr. President: If the Honourable Member continues to indulge in these interruptions he will have to take the consequences. This is the last warning the Chair wishes to give him.

Sir Hari Singh Gour: If this be the unanimous voice of this House, we would ask the Government of India to convey to His Majesty's Government in unmistakable terms that so far as the Legislative Assembly of India is concerned, it will not pause to consider any constitution that reserves to the British Parliament a right over the railways and gives to the Parliament of India only certain defined and subordinate rights. That is the first point.

Now, we pass on to the next question as to what should be the future constitution of the Railway Board. It has been decided—and if I understand aright from the newspapers—it has been decided with only two dissenting voices, that the constitution of the future Railway Board should be left to the Federal Assembly. Whether it is left to the Legislative Assembly or to the Federal Assembly, what we do desire is that the authors of the constitution of the future Railway Board should be the Indian Parliament and not any outside authority. A very large number of questions have been raised as to questions of policy and day-to-day administration. These are questions which it is premature for you and me to consider at this moment. These are questions which will come up when the Government bring forward a measure for the constitution of the Railway Board, giving the details which will be submitted to this House, and it will be impartially scrutinised clause by clause either by this House or by its accredited Select Committee. I do not wish to prejudice the discussion or the action of the Government of India by asking this House as to what extent we are prepared to assent to limitations in the matter of day-to-day administration and policy. I consider the question premature and at the present moment inopportune. I therefore refrain from criticising in detail the observations that have been made by several Honourable Members as to what should be the powers and functions of the revised Railway Board. But I venture to say this; that whatever are the powers and functions of the future Railway Board, they shall not be permitted to create an *imperium in imperio*, an independent body free from the control of the elected Members of the central Legislature. That, I submit, is the irreducible minimum, and as I read this Report of Brigadier-General Hammond, giving a summary of the various constitutions relating to railways, I find one common feature in them all; and that is that even if you

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are to accept the Canadian model which Brigadier-General Hammond recommends for acceptance, responsibility rests and ultimately rests, in the Government of the day. Let me give you what he says:

"The Governor in Council may at any time vary or rescind an order or decision of the Board, but such power, I am informed, has been rarely, if ever used."

The power is a power of this House. We have had that power before the convention into which we freely entered in 1924. We parted with that power. That shows, Sir, the measure of our responsibility when we are placed in a position of responsibility. If in future the Railway Board or the Government of the country come to us and say, "We do not want any interference on the part of the Legislature in the day-to-day administration of the Railways and we desire that there should be a convention definitely renouncing those powers and delegating them to the Railway Board", I am quite sure that as the past Assembly has done, and as has this Assembly, the future Assembly could not shirk its responsibility and fail to entrust the expert body of advisers whom it has set up to discharge those powers and carry on that administration unfettered by this House in regard to the day-to-day administration. But the question of convention is a different matter altogether to placing it as a matter of statutory compulsion. What we want is that when the Railway Board is constituted, all matters of policy and all matters of day-to-day administration must be set out in detail; they should not be left to casual speeches on my part, or on the part of my friend Sir Henry Gidney to tell you as to what is a matter of policy or what is a matter of day-to-day administration. These are intricate problems upon which we should be extremely glad to rely upon the expert knowledge and experience of the Members of the Railway Board, but these are matters which, as I have submitted, must ultimately be decided by this House and this House alone, and that is the fundamental difference between ourselves and the reported decision of the Consultative Committee

Mr. N. M. Joshi: It is a gross misrepresentation of actual facts.

Mr. B. Das: If that is a gross misrepresentation, why don't you state the facts? Why don't you make a statement giving the exact position?

Sir Hari Singh Gour: Sir, I do not wish to take up the time of this House, but I should be failing in my duty if I did not warn the Government as to the strength of feeling there is on this side of the House (Applause from the Nationalist Benches) against any curtailment of its power and privileges in the new constitution. Whether you call it a statutory body or a conventional body, the future constitution of this country will only be accepted by this House and by the people whom we represent only if our position and status approximates to that of the other large self-governing Dominions in the British Commonwealth. (Applause.)

Mr. M. Maswood Ahmad: The question may now be put, Sir.

Sir Hugh Cocke (Bombay: European): Sir, this House produces great eloquence on occasions, and particularly on those occasions when there is

any suggestion that the rights and privileges of Members are being interfered with or are likely to be interfered with in the future. I make no complaint about that. The Honourable Member, the Leader of the Opposition, addressed some of his earlier remarks to these Benches, and with the tone and temper of those remarks on this occasion I find no fault, although on other occasions, I think, that perhaps he has not addressed these Benches with that sense of fairness with which he would address them if he were less carried away by his eloquence. He took the line that, as the amount sunk in railways is safeguarded by the general revenues of the country, that therefore it does not matter very much what happens to the Railway Administration, because those who have lent money, which has been used in railways, have always got the general revenues to fall back upon. Well, that seems to me to be rather a short-sighted view. This discussion has ranged over a very wide field indeed, and I think if I may say so, speaker after speaker has got away from the main point. Let us go back to the start when Mr. Ranga Iyer enunciated the principle and in spite of some speeches, which appeared to contradict that principle, I doubt very much whether many Members differed from his view; Mr. Ranga Iyer enunciated the principle that so far as the power to interfere with the day-to-day administration of the railways was concerned, it should be taken out of the hands of the Legislature, but as regards the general policy and as regards the question of capital expenditure, the rights and privileges of this House should not be interfered with. Now, Sir, if that principle is accepted, I rather fail to understand the heat and eloquence that is introduced in this debate. In paragraph 107 of his Report, Brigadier-General Hammond says this:

"The Government of India, in dealing with the necessity of separating the commercial management from the direction of policy, expresses the opinion that, 'a continuance of the present system, under which the railways are directly administered by a branch of the executive Government, would, as soon as the legislature was in a position to assert its authority, develop tendencies leading directly to inefficiency and ultimately endangering the financial result of railway working', and spoke of a system of administration 'which, while leaving to Government and the legislature the control of broad questions of policy, would locate the commercial management elsewhere'."

Do we agree with that or do we not? That is really the principle for which Mr. Ranga Iyer spoke. It is a principle which was supported by Mr. Chetty and Mr. Mody, and I think by several other speakers too. (*Some Honourable Members*: "No, no.") Some Members have been so much carried away with the question of rates and fares, and even the Leader of the Opposition went into the question of favouritism for communities in the matter of appointments and so on, that the real issue, I think, has been rather obscured. If we are in favour of a statutory body, then the railways will be in the hands of a Board much in the same way as the Port Trust today is.

Mr. S. C. Mitra: That is it. We know what power we have in the Port Trust.

Mr. K. C. Neogy: That is your game.

Sir Hugh Gocke: I suggested something which has been taken away out of the political arena and which the administrative side of the Government does not administer. Representation is accorded on the Board

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but apparently the indirect representation obtained is not sufficient for some Members. This motion stands or falls, I take it, by Mr. Ranga Iyer's principle.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

Mr. K. C. Neogy: What is that principle?

Sir Hugh Cocke: I do not want to repeat what I have already said. The Honourable Member will find the motion on the paper, it is number 30, so far as the voting on this motion is concerned, I support what Mr. Ranga Iyer said, unless he is going to retract it in his reply under pressure. I support the general principle enunciated by Mr. Ranga Iyer and supported by other speakers. I do not know whether this subject is entirely relevant to the issue before us. We are here to vote supplies for the coming year. And I do not quite know what the Honourable Member in charge has got to reply to in this discussion. I do not know whether any part of the Railway Board grant for the coming year is being spent on the new constitution of the Railway Board; if not, I do not quite know why we are allowed to discuss a matter of this sort under this particular vote. But I am making no complaint under that head.

Sir Edgar Wood, speaking this morning, referred to the custom, in a new constitution, of having certain matters put in which, having regard to what has been done in the other countries of the world, may be regarded as changeable by convention. My Honourable friend, Sir Abdul Rahim, asked this morning, "Why put the railways on a pedestal higher than the Government of India?" I do not think they are to be put on a pedestal higher than the Government of India; I think they should be put on a pedestal which is fitting for a commercial organisation of their importance. If I refer to certain similar things—I may be received with acclamation, or the reverse by Honourable Members—but there are certain aspects of Government in connection with finance, railways, banking, etc., which are better outside the control of the House.

Mr. S. C. Mitra: Posts and Telegraphs also.

Sir Hugh Cocke: My Honourable friend, Sir Edgar Wood, referred to the necessity of starting the new constitution on the soundest lines, and this is one of the directions—Honourable Members may have their own ideas about it, but if they study history, they will be inclined to change their views.

An Honourable Member: They have studied it.

Sir Hugh Cocke: If they have studied it, I do not think they have studied it with diligence. My Honourable friend, Sir Edgar Wood, went on to say that it was possible, having regard to the history of other constitutions, that posterity might be able to alter some of these things which were settled in the original federating Act. That I believe is a well-known fact, and because you are bringing in something in your constitution which is to start things going, it does not follow that that is to remain unchanged for ever and ever. Members here often seem to be under the impression

that they are being let in. . . . (*An Honourable Member*: "Legislation of this House or the House of Commons?") I understand that although regulations are made when new constitutions are set up, conventions may change them when circumstances require it. Presumably that would not arise in the early days of a constitution. It is a big thing to say that everything that goes into the Act to-day will be exactly the same after 50 years. As time goes on, provided there is a universal request, things naturally tend to alter themselves in accordance with modern developments. I think that this Report by Brigadier-General Hammond, which unfortunately has not been in the hands of the House for very long, is a very valuable one as a historical document, but its object has been rather misinterpreted by some Members. The writer of this Report, General Hammond, was asked "to prepare a memorandum 'showing the advantages and disadvantages to be expected from the establishment in India of a Statutory Railway Authority as a feature in the proposed Federal Constitution'." Apparently, he was not asked for opinions, and if I had had to write it, I would have written it in a somewhat different language. Instead of saying "I include" or "I exclude" so and so, I would have put it in a way that it would be for the Round Table Conference to consider the respective advantages and disadvantages. Certainly there are one or two paragraphs which rather tend to force the conclusion of the writer upon those for whom the Report is intended. That is not the object of the Report, but its object was to present the history to those who have to consider this matter, and from that point of view I think the Report might have been differently phrased in certain respects, but that is a matter of detail. He says, "I have considered and rejected the idea of an owning company". We did not want General Hammond to consider and reject the idea. The whole point was, as I understand it, he was asked by the Secretary of State to prepare a historical summary of what had happened in other countries and set out the respective advantages and disadvantages of different schemes.

As regards the further consideration of this matter, several speakers have expressed a wish for an *ad hoc* committee. I see personally no objection to that course if it is going to satisfy this House. But we are rather overburdened with committees, and it seems a pity that some sub-committee of the Round Table Conference should not be able to deal with it satisfactorily. But that is a comparatively small point. To come back to the real issue, I do submit that in starting this constitution, it is essential that we should start it on absolutely correct lines in matters of railways, banks, and so on. The Honourable the Leader of the Opposition rather hinted that these Benches are always concerned only with the money outlook and they insist that their own loans be safeguarded. But that is not the only outlook in life. India and Britain have to hammer out a new constitution for this country. It is difficult in all conscience, with the large variety of views on a large variety of questions, to arrive at a thing which is going to please everybody. That is going to prove quite impossible, and therefore there has got to be a lot of give and take, and this is one of the matters in which some will be satisfied and some will not be satisfied. If this statutory Railway Board is formed on right lines, not necessarily on lines which are favoured by every section of this House, but on lines framed with regard to the historical lessons in connection with this matter and in connection with business principles—in accordance with the speeches we have heard from experienced Members like our Deputy President and Mr. Mody—I think we should be going on right lines, and I think

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the House will be wrong to endeavour to persuade any committee or any Government to keep the railways on exactly the same basis as they are to-day. (Applause.)

Mr. K. C. Neogy: I do not mind telling the House that my attitude towards its proceedings for some time has been one of amused indifference, and for very good reasons. It is quite evident that the people outside this House do not take us seriously; it is also quite evident that the Government do not. In the important field of legislation, in matters affecting the life and liberty of the people, the authority possessed by this House has definitely passed over to the Viceroy's House. Then, in regard to the important constitutional issues that are under discussion, that have been under discussion, both in England and in India, this House has always made it a grievance that it has been consistently ignored. Take the present issue itself. While dogs have been barking in this House since yesterday, the caravan is about to reach its destination. But it is the stimulating speeches of my Honourable friends, Mr. Kabiruddin Ahmed, Sir Edgar Wood, and last but not least Sir Hugh Cocke, that have persuaded me to overcome my indifference in this matter and to claim the indulgence of the House for a few moments.

Sir, my Honourable friend, Sir Hugh Cocke, found himself in complete agreement with my Honourable friend, Mr. Ranga Iyer, and he said he could not understand the reason of the heat generated and the eloquence caused by this debate when almost everybody had accepted the underlying principle of my Honourable friend's scheme. Now, has he taken the trouble to try and understand what that principle exactly is? I must confess that when I listened to my Honourable friend yesterday there was a good deal of misapprehension caused in my mind, but in order to do him justice, I had the full text of his speech before me and I have very carefully gone through it and I do not find anywhere in that speech any suggestion that there should be set up a statutory authority for the purposes of railway administration. Far less do I find any suggestion there that that authority, if it is ever to be established, should be set up by virtue of Parliamentary legislation. My Honourable friend, Sir Hugh Cocke, can draw any satisfaction he likes from the speech of my Honourable friend, Mr. Ranga Iyer, but I do not think my Honourable friend himself will question the correctness of the interpretation that I am putting on his speech.

Mr. C. S. Ranga Iyer: I am quite willing to state that there is no reference whatever in my speech either to the statutory Railway Board or to Parliamentary legislation. I confined myself to the token cut, namely, the future of the Railway Board and the constitutional aspect.

Mr. K. C. Neogy: Now, Sir, take another bit of evidence. My Honourable friend perhaps was a little partial to France. It may be that he is enamoured of more things than one associated with that beautiful country, and with that predilection in favour of France, my Honourable friend has hit upon the scheme as it operates in France with regard to railway management, and recommended it to the attention of this House for consideration in connection with the future railway administration of India. Now, Sir, what is it exactly that he wanted this House to approve of by way of appointment of a superior Railway Council as it is known in France. Again I have to depend upon this Memorandum by Brig.-General

Hammond for the functions and the position occupied by this Council in France. This is what the Brigadier-General says on page 25:

"This Council is primarily an advisory body but in certain cases is said to possess executive powers."

My Honourable friend was clearly therefore asking for the appointment of an advisory committee or in other words what he was seeking to achieve is a revision of the constitution of the Central Advisory Council. I do not think that there was anything more in his mind, and just as in the case of the present Central Advisory Council it can quite well be set up by a convention by the successor of this House.

Now, Sir, reference has been made to the manner in which this very recommendation regarding the statutory railway authority came to find a place in the Reports of the Round Table Conference. I had occasion last year to give the history of the whole thing from the proceedings of the Round Table Conference itself, and it seems to me that it might be just as well to place a few salient facts with regard to that matter before the House. My Honourable Leader, Sir Hari Singh Gour, has already placed before you certain extracts from the Government of India's despatch on the Simon Commission's Report, which really gives us the genesis of this proposal. Nobody, as the House is aware, troubled himself about the Simon Commission's Report, which was already out of date by the time the Round Table Conference was assembled, and for that very reason nobody ever troubled about the Government of India's despatch on that obsolete document either. The result was that there was no discussion at any stage of the Conference or the Committees of the Conference with regard to this proposal made by the Government of India in their despatch. Then when the stage of reporting came at the Federal Structure Committee, to the surprise of all assembled, the Lord Chancellor read out just a very short sentence which ran as follows:

"In this connection (*the connection being with regard to the financial safeguards as far as I recollect*) the Sub-Committee take note of the proposal that a statutory railway authority should be established and are of opinion that this should be done if after expert examination this course seems desirable."

Now, Sir, as soon as that draft report was read out, there were four Indian members of the Committee who one after another protested that there had been absolutely no discussion on the point and the four members were the Right Honourable Mr. Sastri, Mr. Jayakar, Mr. Jinnah and Sardar Ujjal Singh. The Lord Chancellor stated as follows:

"The subject was discussed. His Highness of Bikaner made a great number of remarks about it on one occasion and discussed the Statutory Board, and gave a long account of his own railways."

Thereupon came a disclaimer from His Highness of Bikaner in the following words:

"I never used the words statutory authority. I referred to the Railway Board exercising the functions it does now."

Moreover Mr. Jinnah said as follows:

"We definitely made a recommendation here and I doubt whether we discussed whether such a recommendation should be made."

The Lord Chancellor, who was the Chairman, said, "Very well, I will make a note of that". The result is that the recommendation still persists, and

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it has figured very largely ever since in the Round Table Conference Reports. At later stages, again when the Conference was in plenary session, some members of the Conference again raised objection that there had been no discussion with regard to this point, and that the members were not agreeable to the recommendation. Yet my Honourable friend, Sir Edgar Wood, who ought to know better, was complacently assuming that this Brigadier-General was placed on special duty at the instance of the Round Table Conference. He said that it is an irony of fate that the Report could not be considered by the Round Table Conference itself. Now there are one or two dates that are rather interesting and instructive in this connection. This Report of the Brigadier-General is dated the 5th August, 1931, long before the Indian members of the Second Round Table Conference left the shores of India, and long before they assembled in London. The Round Table Conference went on till the end of November and this Report was not even then placed at the disposal of the members. Perhaps authorities thought that the atmosphere of the Viceroy's House was more conducive to a favourable consideration of this proposal than the atmosphere of St. James Palace. But judging from the Report that we saw in the papers this morning they have not altogether succeeded in realising their expectations, for what the much abused Consultative Committee has done is to definitely rule out the idea of Parliamentary legislation in the matter, two members dissenting, and if I may let out a secret, one of them belongs to the same community as my Honourable friend, Sir Hugh Cocke, and he is their spokesman on that Committee.

Now, Sir, my Honourable friend, Sir Hugh Cocke, has said that it is essential that the new constitution should be placed on a very sound basis, and that it is for that reason that restrictions of this character should be placed on the Indian Legislature by the British Parliament itself. Now my Honourable friend, Sir Hari Singh Gour, has already stated the four objects with which these restrictions have been intended, and I was really waiting to hear from my Honourable friend, Sir Hugh Cocke, as to whether he did approve of the four objects set out in the Government of India memorandum. He talks of commercialization, he talks of railways as being a commercial department. Sir, that is cant to which every Honourable Member sitting in that Group has given expression. Now, when the Honourable Member goes through that list of the four heads under which Parliament is likely to feel interested, as the language of the despatch goes, can the Honourable Member say honestly that those restrictions are justified by commercial principles of working railways? I admit that, from the general point of view, you may say that if defence is not going to be transferred to the control of responsible Ministers straightaway, the Governor General may want to have some sort of authority to be able to commandeer the railways in national emergencies. But what about the other things? Finance! My Honourable friend, Mr. Chetty, dealt with the question of finance,—and here I have a mild quarrel with him when he said that he wanted to enter only a “mild protest” against it. Moreover, he had nothing to say with regard to the other three items under which these restrictions are sought to be justified. “The continued employment of a minimum proportion of Europeans”! Is that, I ask, a business proposition, irrespective of the fact as to whether Europeans would cost India more than equally qualified Indians would cost, for example, for the same job? Then, again, the guarantees to the Anglo-Indian community and

the continuance of the loaves and fishes on the railways for them. (*Mr. B. Das*: "For 30 years.") That is another matter; that is Col. Sir Henry Gidney's idea; I am now proceeding on the Government of India's own recommendations. Does that sound to my Honourable friend, Sir Hugh Cocke, as a very sound principle? If he has read Brigadier-General Hammond's book and what he says with regard to the South African system, he will see that one of the complaints against the system obtaining there is that it cannot be called a strictly commercial system on the ground that for political reasons the more costly white labour has to be employed in preference to natives, and Brigadier-General Hammond says that that is not a commercial proposition. Now I would like to know from my friend, Sir Hugh Cocke,—and I am prepared to give way to him in order to enable him to give us the answer—as to whether he honestly considers this particular provision in the Government of India's despatch to be based on sound commercial principles. (*Voices*: "Silent"!) (*Mr. B. Das*: "The Honourable the Railway Member will reply to that.") I find that my Honourable friend has no reply to give us; therefore, the less he talks about commercialization the better.

Now, Sir, I come to my Honourable friend, Sir Edgar Wood. He referred to the speech made by my Honourable friend, Sir Abdur Rahim, and criticized his remarks regarding the question of the control of the Legislature over the rates and fares. He said this would be a very popular measure, but it would lead to disaster. He inclines to the view that the question of rates and fares should be entirely left to an impartial tribunal. My Honourable friend is new to the House. If he would care to go through the proceedings of this House for the past few years, he would find that if there is one question in regard to railway matters on which this House has been very insistent, it is with regard to the setting up of a properly constituted railway rates tribunal, as was recommended by the Acworth Committee, but was not given effect to by the Government. So there is no quarrel with regard to the question of the setting up of a proper rates tribunal in this country, but my Honourable friend is not quite right when he says that the entire question of rates and fares can be left to that body. There is a good deal of difference between a rates policy and a rates structure: a rates policy is a matter which it is for the Legislature to lay down. (*Hear, hear.*) My Honourable friend, Mr. Ranga Iyer, himself told this House that he was anxious to see this country prosperous in the matter of industries and agriculture and he would so devise a system of railway administration as would help the industrial and agricultural development of this country. Is it for the railway Rates Tribunal to say as to what kind of rates should be granted to agricultural produce and to manufactured commodities? Or is it not for this House to lay down the policy—of course in a very broad manner—which this Assembly or its successor would like to be adopted in this connection, and within the limits of which policy it would be left to the Rates Tribunal to fix and operate the rates? Sir, my Honourable friend, Sir Edgar Wood, also referred to the policy of development that characterised the railway administration during the last few years. My Honourable friend has every reason to be pleased with that development, but those who have taken care to study the financial results of the railways, and those particularly who have studied the facts and figures laid before the Assembly in the Report of the Retrenchment Committee, would hesitate to accept the proposition that, because the

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railway policy has been one of break-neck development, it has necessarily led to financial efficiency or stability. I do not want to go into the details of this question because it opens up a very contentious and vast field of discussion, but, Sir, I would like my Honourable friend to refer to the debates that took place in this House, particularly in the year 1927. He will find that an exhaustive summary was given of the nature of the questions that were being asked in the House of Commons and the pressure that was being exerted in the British Parliament for speeding up the Indian railway programme, for the purpose of relieving unemployment in Great Britain. (Hear, hear.) I do not want to take up more time, Sir, than I can help, and I am not going to repeat all that was said in this House on the 22nd of February, 1927, in illustration of the attitude of the House of Commons in this matter; I may just refer to one statement made by a very responsible Member of the British Parliament, a British *Ex-Minister*, Sir Alfred Mond as he then was. He said:

"When I was Chairman of the Cabinet Unemployment Committee, a scheme was put forward and was under consideration by which by the use of the Indian Government credit, supplemented by our own, we could obtain orders for the Indian railway programme."

Then Earl Winterton, the Under-Secretary of State for India, tried to reassure the House that all that was possible to be done was being done. It is little wonder therefore that my Honourable friends should try to secure to the British Houses of Parliament the control which they seek to take away from the Indian Parliament on the score that political interference is bad for the management of a commercial undertaking. My Honourable friend's interpretation of the word "politics" does not appear to be the same as mine, when British "politics" is concerned and when the interference is made in the House of Commons on political grounds.

Sir Edgar Wood: On a point of personal explanation, Sir. I never suggested in the slightest degree, so far as I am aware, that there should be control of the Railway Board by the British Parliament. It is something quite new to me.

Mr. K. C. Neogy: My friend's suggestion went much further than that. It showed that he had greater confidence in the British Parliament to see that the favoured position of the Britishers continued, than he had in the Indian Legislature.

Sir Edgar Wood: Then the Honourable Member admits that his previous statement was incorrect, I take it.

Mr. K. C. Neogy: I say he goes much further. That is to say, he wants a permanent measure to be placed on the Statute-book by the British Parliament, which has been so very partial to the interests of his own countrymen, for the purpose of taking away the control from India, on the ground that it will lead to political interference, as if this was not so already.

Now, Sir, one more reference to the proceedings of that date and I have done. Sir Charles Innes, when he was Member-in-charge of Commerce, had an occasion to attend the Imperial Economic Conference in the year 1923, and I find that my Honourable friend Sir George Rainy is going to

follow in his footsteps. When Sir Charles Innes attended the Imperial Economic Conference, he was confronted with pressing demands that the Indian railway development should be speeded up and that England should get more and more of the Indian orders. He had to give some sort of assurance on that point, and when I drew the attention of the Honourable gentleman, who is now the Governor of Burma, to this fact, this is what he stated:

“Mr. Neogy referred to what I said at the Imperial Economic Conference in 1923. I wonder if Mr. Neogy realises the atmosphere of a conference of that kind and the difficulties that one has when one is in a conference of that kind. After all, we officers who serve India are anxious for nothing so much as that the name of India should stand high in the councils of the Empire; and I hope the House will realise that when, in a conference like that you have the Premiers of all the Dominions, all the Dominion Prime Ministers agreeing to a thing of this kind, it is very difficult for the representative of India at once to say ‘I will not do it.’”

Now, Sir, that shows the kind of commercial system that we have had so long in the administration of the railways, and I do not wonder that my Honourable friends of the European Group are so much enamoured of the continuance of this favoured system under which their countrymen derive so much benefit that they should insist on depriving the Indian Legislature of effective control.

Mr. N. N. Anklesaria (Bombay Northern Division: Non-Muhammadian Rural): Sir, the Honourable the last speaker, who is a Nationalist, said that the Honourable the Mover suggested no Statutory Board or anything like a Statutory body as under the French system. Well, if my Honourable friend is correct, then the Honourable the Leader of the Nationalist Party has been all along creating difficulties for the sole purpose of conquering them. The Honourable the Leader of the Nationalist Party said that the present discussion was premature and inopportune. However, the heated argument that he has addressed to this House completely proves that the present discussion is most pressing and most opportune. My Honourable friend Mr. Jagan Nath Aggarwal talked of his suspicions and his alarms. I think it would be natural for him to entertain suspicions and alarms when he hears the Honourable the Deputy Leader of the Nationalist Party suggesting the curtailment of the powers of the future Indian Legislature. However, Sir, there are more reasons than one to show that this House ought to be grateful to my Honourable friend, Mr. Ranga Iyer, for bringing this important topic up for discussion on the floor of this House here and now. Sir, it is said that our constitution is going to be democratised. The inherent tendency of all young democracies is to usurp the ordinary functions of the administrative authorities, and it is a service which Mr. Ranga Iyer has rendered to this House as well as to the country, by bringing to the notice of this House the necessity of taking account of the danger which the young democracy of India will be running if measures are not taken in time to see that it does not usurp the functions of the administrative authority. Sir, I have said that all young democracies have exhibited this tendency, and I would instance simply the case of France. During the second and third year of the First French Republic, the French Legislature had monopolised all administrative activities of the country to such an extent that France was governed by no Government at all but by its Legislature alone. You find the French Convention instituting committees from among its own members for the army, for agriculture, for communications and roads,

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etc. That usurpation of the functions of the administrative authorities resulted in a financial chaos and what is called the reign of assignats. The distrust and the jealousy with which the young democracy of the United States of America regarded the Executive is only a matter of history, and I do not want to give any details about it. Sir, in the present times we have got instances in the democracy of Russia and in the democracy of Spain and in the democracy of the Free State of Ireland with its notorious Shannon River Electric scheme. I submit it is therefore quite apparent that there is a real danger of the future proposed Legislature of India attempting to usurp the administrative functions of the administrative authorities, more especially so in the case of railways. As far back as 1921 the Acworth Committee warned us of the danger of mixing politics with railways and they said that, "Railways would corrupt Politics, Politics would corrupt Railways", and if I may say so, the ocular demonstration of the truth of that dictum was furnished by the debate in this House which took place for the last two days on the question of Indianisation. If my Honourable friend, Mr. Maswood Ahmad, were a Member of the predominant party in the future Legislative Assembly of India, to him Indianisation would mean more employment for Muslims.

Mr. M. Maswood Ahmad: No, no, Parsis.

Mr. N. N. Anklesaria: To my Honourable friend, Mr. DeSouza, Indianisation would mean more employment for Indian Christians, and last but not least to my Honourable friend Sir Henry Gidney the word Indianisation has quite a different signification. In fact in 1924 he actually complained that Indianisation to him means Ex-Anglo-Indianisation.

Mr. M. Maswood Ahmad: What would it mean for you?

Mr. N. N. Anklesaria: I am classed among the Hindus. Another example of this danger of leaving politicians to control the administration of railways is furnished by the instance cited by my Honourable friend Mr. Neogy. It is said that the policy with regard to rates must rest with the Legislature. Just imagine if my Honourable friend Sir Vasudeva were the Leader of the predominant party in this House. Would it not be natural to suppose, then, that the rates for agricultural produce would go down and the rates for manufactured produce would go up?

Sir Cowasji Jehangir (Bombay City: Non-Muhammadian Urban): That applies to every Parliament in the world.

Mr. N. N. Anklesaria: That is what I am pointing out.

Sir Abdullah Suhrawardy: What will happen if you were the Leader of the predominant party?

Mr. N. N. Anklesaria: I would do justice to the different communities in India. The Honourable Member has signalled the danger of the interference of the Legislature in railway matters but he did not suggest any

specific scheme. He, however, cited the illustrations of foreign countries, and I take it he wanted this House to gather his views from a consideration of those instances. I am afraid in the choice of those instances the Honourable the Mover was singularly unhappy. If he suggested that there should be constitutional safeguards to ensure that the Legislature did not interfere in the day-to-day administration of our railways, then his choice of England as a country where such constitutional safeguards existed is singularly unhappy. For, England has no constitution at all. The English Parliament is said to be omnipotent. It is said that "it can do everything except make a man a woman, or a woman a man, and the fact remains that under the English system constitutional safeguards for the management of railways do not and cannot exist, because as I said there is no constitution in England.

Then my Honourable friend cited the case of France. In spite of the Committee of Direction of Railways, and in spite of the Supreme Council of Railways in that country, the Legislature is one of the most interfering Legislatures among the civilised countries. In that very "Convention" mentioned by the Honourable the Mover the absolutism of the French Legislature has been preserved absolutely and the French Legislature is not slow in availing itself of this absolutism.

Then, the Honourable the Mover cited the case of the United States of America. In the constitution of that country there is absolutely no bar against the Legislature interfering with the railway administration. We know that the constitution of the United States is a written Constitution and there is an Act concerning the railway administration passed by the United States Legislature, but there is absolutely no constitutional safeguard against the interference of the Legislature in the day-to-day administration of the railways if it chooses to do so. It can only be prevented from so doing by an amendment of the constitution of the United States.

The case of Australia was then cited and I do not know exactly what constitutional arrangements there are there, but I know the result of those arrangements. I know that the Australian railways are the most extravagantly managed railways, possibly in the whole world, because in 1925 the ratio of their working costs to the gross earnings was 121 per cent., possibly the highest in the world, that is a deficit of 21 per cent., Sir.

4 P.M. Sir, I think the choice of these countries was singularly unhappy because of another reason which is that in all those countries the safeguards where they exist are provided by the Legislatures of those particular countries. Here the safeguards are to be provided by a body which is not the Legislature of this country, and that makes all the difference. On the other hand if my Honourable friend Mr. Ranga Iyer wants a statutory body intermediate between the management and the Legislature to be created by an Indian Legislature and by that means thinks he would prevent interference by the Legislature into the administration of the railways, I submit he is very much mistaken, as would be shown by the experience of the various countries of the world. In the first place, how would you define the limits of the statutory body proposed to be created by the supreme Legislature? It is said that it would be the worst kind of pedantry to attempt to define these limits between the powers of the Legislature and the Railway Administration.

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Sir, the Round Table-wallahs are piling safeguards upon safeguards. They have advocated the enactment of military safeguards, and thereby they want to withdraw the Army from the Indian Legislature; they have advocated the enactment of financial safeguards, and thereby they want to withdraw the finances from the purview of the Indian Legislature; they have advocated the enactment of safeguards in connection with Muhammadans, Anglo-Indians, Europeans and depressed classes, and thereby they want to remove these communities from the jurisdiction of the Indian Legislature. And now, Sir, my Honourable friend the Mover, if I have correctly understood him, would advocate a safeguard which would remove the railways from the Indian Legislature.

(At this stage Mr. President resumed the Chair.)

What would remain, Sir, except the Hindus and the Parsis, in the Indian Legislature to legislate about,—the Indian Legislature dominated by Muhammadans, Europeans, Anglo-Indians, depressed classes, and last but not the least, my Honourable friend Mr. Joshi representing the labouring classes? Sir, these are some of the difficulties which the topic discussed in the House has disclosed, and I quite agree with my Honourable friend the Deputy President that the matter should be left to a commission of experts. With these words, Sir, I would conclude.

Several Honourable Members: The question may now be put.

Mr. President: I accept the closure.

The question is that the question be now put.

The motion was adopted.

The Honourable Sir George Rainy (Member for Commerce and Railways): I did not intervene earlier in this debate, Mr. President, because it seemed to me pre-eminently a matter in which Government would desire to hear, and the House would desire to hear, the views of the unofficial Members. The attitude of the Government of India on this question was sufficiently defined in the despatch addressed to the Secretary of State some 18 months ago, and Honourable Members had before them for the purpose of criticism the line which the Government of India took at that stage of the constitutional discussions. It did not seem to me that by intervening earlier I could give any material help to the House.

My Honourable friend Sir Hari Singh Gour expressed his dissatisfaction with Government because they had left the matter to be raised on a cut in the Demands for grants and did not place a Resolution before the House. If, he said, they desired to have the opinion of the House, why did they not put down a Resolution? I think that question admits of a very simple and direct answer. When Government submitted their views to the Secretary of State on that question in anticipation of the meeting of the Round Table Conference, that question so to speak passed out of their immediate control and the Round Table Conference was seized of it. And until in one way or another it comes back under the control of the Government of India again, we are not in a position to put a Resolution before the House because we could hardly ask

the House to express a view about a matter on which we ourselves are to a large extent disabled from expressing an opinion of our own. That condition must continue so long as the matter remains a pending question before the Round Table Conference. For the unofficial Members of this House the question is not of course *sub judice* in any way and they are amply entitled to express their views; but for the Members of Government when they speak as Members of Government, it must remain to a large extent in the position of a subject which is *sub judice*. That is the explanation, Mr. President, why Government have not at any time thought of putting down a Resolution in this House. I would only add that, although the despatch of the Government of India was published, I think, sixteen months ago, I cannot recollect—I may be wrong, but I cannot recollect—in the list of Resolutions of which Honourable Members of this House have given notice from time to time that there has been a Resolution on this subject. If I am right, it would appear to show that there was no very keen desire on the part of Honourable Members of this House to discuss this question.

My Honourable friend, Mr. Ranga Iyer, in moving the motion, made it clear, what he had in view. He did not commit himself—save in so far as he expressed approval of the French system—he did not commit himself to any particular proposal, but he did express his recognition of the fact that it was important to the efficient and economical administration of the railways in future that there should be a separation between policy on the one hand and commercial administration on the other. I traced not only in speeches like those of the Honourable the Deputy President, who made his views very clear, but even in the speeches of others who were adverse in many respects to the position taken up by the Government of India, a recognition that there was a real point there which required to be safeguarded. I think that that is a very important fact, because there can be no doubt that, if we are entitled to be guided by the experience of what has taken place in other countries, there is always a danger, when you have State-managed railways and the Government are fully responsible to an elected Legislature, of pressure being brought to bear which would result in action very detrimental both to economy and efficiency. If any Member of this House were to ask me to give a concrete example of the kind of pressure to be deprecated, I must express my gratitude to my Honourable friend, Mr. Neogy, for reminding me of an example very much in point, namely, the questions put in the House of Commons, I think he said in 1927, and to the pressure Sir Charles Innes felt when he attended the Imperial Economic Conference. That, so to speak, was pressure at long range; questions in the House of Commons involved pressure from a Legislature sitting six thousand miles away to which the Government of India are only indirectly responsible

Mr. K. C. Neogy: Really?

Sir Cawasji Jehangir: Why indirectly? Directly responsible.

The Honourable Sir George Rainy: If even in these circumstances pressure which the Honourable Member pointed out was very undesirable can be brought to bear, is not that a very strong argument to show what might occur when the Legislature is not far away but is close at hand? And would not the position of Sir Charles Innes at the Imperial

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Conference have been a great deal easier if he had been in a position to say, "The railways are administered by a statutory body and I have no power of interference"? I must again express my indebtedness to the Honourable Member for the great help he has given.

My Honourable friend, Raja Bahadur Krishnamachariar, wanted to know what a politician was. I did think of Sir Christopher Wren's monument and the inscription on it—"If you want to see a monument, look round you." If you want to see a politician, this is a House in which there must be a large number of politicians. But if I were asked to define it a bit more closely, I think the definition I should be inclined to give is this. It is a definition by illustration. A minister whose retention of power is dependent on the vote of the House to which he is responsible is for this purpose a politician. An elected member of a House of Parliament whose re-election depends on his giving satisfaction to his constituents is a politician. And it is not because politicians are bad people, that their influence on commercial management is deprecated, but because inevitably from their situation they are placed in a position in which they cannot but do at certain times what they recognise will be detrimental to efficiency and economy, but they feel they have to do it because otherwise they disappear from the scene altogether. It is for reasons of that kind that political influence on commercial management is felt to be open to a great deal of objection.

I wonder if I might venture to give a concrete example of the kind of distinction that might be drawn between the sphere of policy on the one hand and the sphere of administration on the other. I say that with a great deal of hesitation, and I will ask the House to consider it as given more with the object of illustrating the point than with any particular desire to express views on the precise question that I propose to mention. It is one to which reference has been made by a number of Members, who have spoken, namely, the question of rates. My Honourable friend, Mr. Neogy, said that you could not leave complete control to a rates tribunal, and if I may paraphrase his words—I am not quoting him—I think it might be briefly put in the form, that if you have a tribunal, that tribunal must have a code to administer. On that point my own personal view is very much in agreement with his. Take the Rates Tribunal in the United Kingdom. There the code they have to administer is briefly this: that they should so fix freights and fares that the railway companies will earn a standard revenue; and the whole of their work must be regulated by this governing consideration. It would be an extremely difficult thing, I think, to create a tribunal and say to them, "You are the supreme authority; do the best you can." I should have thought that there must at least have been something of a guide in this sense, that in regulating rates they should aim either at making the railways fully solvent with a small surplus, or regulating rates in such a way as to earn a contribution to the general revenues. Nor do I shut out the possibility that other indications of policy might be given to them, namely, as to the need for giving concession rates where it was desired to introduce new industries. I am not expressing an opinion whether that would be a good thing to do or a bad thing to do. The point I want to bring out is this: that once the Legislature or the proper authority has fixed a policy, the proper course for the Legislature to follow thereafter is to pass a self-denying ordinance and leave the tribunal

to apply the policy. The kind of interference with rates which I should deprecate would be a motion on the floor of this House that the freight on wheat should be reduced. Let the Legislature in due time by all means fix its general policy as to what is to be done in these matters. The improper use of political influence comes when it is exercised directly upon the rates structure.

I do not wish to make a very long speech for the reason I have already given. I think the House will recognise that I am hardly in a position to do so. Since the Government of India submitted their despatch to the Secretary of State, there have been two meetings of the Round Table Conference and the declarations of the Prime Minister, and the whole framework of the constitution has now to be established in the light of these declarations. I am not, therefore, called upon at this stage to enter upon any elaborate defence of what the Government of India said towards the close of 1930, and before I sit down, all I wish to do is to refer briefly only to two or three points. I am not concerned today to argue the question what matters should be provided for in the Government of India Act, what matters should be left to rules made under that Act, or what matters should be left entirely to the Indian Legislature. On these matters Honourable Members have expressed their views with perfect freedom and, if I may say so, with great ability. It was important, I think, that this opportunity should have occurred so that before this important question is finally taken up for decision the views of prominent Members of this House should have been placed on record. If I may say so, we are indebted to the Honourable the Mover for having brought about this discussion, and to a very large extent, if I may venture to say so, it was a discussion of which this House has no cause to be ashamed; it has indeed been a very useful discussion.

I ought, however, to say something with reference to what fell from my Honourable friend, the Deputy President. One of his complaints was that we called in the assistance of Brigadier-General Hammond, and he remarked: "What does Brigadier-General Hammond know about the Indian railways?" I will only ask my friend this. Suppose we had called in someone who was really familiar with the working of the Indian railways at a recent date, I am afraid that from the other side there would have been a good deal of criticism of our calling in somebody who was biased in favour of certain views—I don't say that my Honourable friend would have raised this criticism, but I think some one on the Benches opposite would probably have taken that point. And in selecting an expert who had no previous experience of the Indian railways, the action taken was perfectly deliberate because, as we understood it, what the Round Table Conference desired to have was not opinions from India, but the opinion of some one who would be listened to with respect on account of his wide experience of railway working in different countries, and who was in a position to inform the Conference of what took place in different countries. We may have been wrong, I am not concerned with that, but that was the object we had in view. There was certainly no intention at that stage that any recommendation that Brigadier-General Hammond might make should be regarded as binding upon any one.

The other complaint my friend the Deputy President brought forward was that we had not initiated the inquiry to which we referred in our despatch to the Secretary of State. There again the reason was just this, that so long as the Round Table Conference is seized of the question, it is

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not possible for the Government of India to act entirely on its own as if it was a matter left in any way for its decision. No doubt, the recommendation of the Consultative Committee,—so far as appears from the newspapers—and I have no special source of information,—that recommendation no doubt in due course will come before the Government of India and will have to be considered, and speaking only for myself and giving purely as an individual opinion, I have seen no reason yet to change my view that there will have to be a detailed inquiry before we can work out a plan. It is not an easy matter; there is a lot of detail to be considered, and we shall require to have expert Members on the Committee—when I say experts, I mean men with practical experience of the working of railways. However, I cannot go further than that at present, but it is a matter to which the Government of India will certainly give their full attention as soon as the right moment arrives.

I would only like to refer, Sir, before sitting down, to one remark which fell from my friend Sir Hari Singh Gour. He said that my friend Sir Henry Gidney's community always wanted to get the lion's share of the loaves and fishes. Well, Sir, I am not a great student of zoology, and I imagine that a lion being a kind of cat might do something with the fish, but I am not so sure about the loaves, and if that community only gets the lion's share of the loaves it might turn out to be a very small share indeed. (Laughter.)

Mr. C. S. Ranga Iyer: Sir, I should not have ordinarily cared to exercise the right of reply which you have been so pleased to accord to the Opposition, and thus increase the rights of the Opposition on these important occasions, but for one fact that the debate took a turn different to the one with which I had started it and which I have mentioned in my token cut. Sir, as I noticed that my friend Mr. B. Das, the Chief Whip of my party, had given notice of a cut "Whether railways can be under a statutory body", I thought I must leave that question severely alone, and had it not been for a few minutes' difference between the giving of my notice of the cut motion and his notice of the cut motion, it would have been Mr. Das's motion which would have been discussed. Sir, the question of the Statutory Railway Board, I admit, can come under my comprehensive motion, and it has come, and when it came, Honourable gentlemen seated behind me lacked that common courtesy which should be shown to one whom they have put on the front Benches. Attacks have been made behind my back, especially by Mr. Aggarwal in a manner, I should think, unworthy of himself.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): He is not here; he has left.

Mr. C. S. Ranga Iyer: My friend, Mr. Amar Nath Dutt, says he is not here. Sir, Sir Frederick Whyte, your great predecessor, whose position you worthily occupy, laid down in one of his important rulings that when a Member makes a particularly offensive speech he should have the courtesy to wait for the reply.

Sir Abdulla Suhrawardy: And courage...

Mr. C. S. Ranga Iyer: And my friend Sir Abdullah Suhrawardy with his usual frankness and sense of humour says "and courage". I admit that Mr. Aggarwal is a man of abundant courage. But he has gone away as I am told by my Honourable friend Mr. Amar Nath Dutt, to a chamber in Lahore

Mr. Amar Nath Dutt: I did not tell you that.

Mr. C. S. Ranga Iyer: He has gone away to Lahore.

Mr. K. Ahmed: But what is your complaint?

Mr. C. S. Ranga Iyer: I do not propose in the brief time at my disposal to be side-tracked by my Honourable friend Mr. Kabiruddin Ahmed. I may have to take notice of his speech if he gives me an opportunity by not interrupting me and shows me the courtesy that I showed to him. Sir, I was saying that my Honourable friend Mr. Aggarwal has gone away to resume his chamber practice and other court practice in Lahore. Before his departure, he assumed a strange role on the floor of this Honourable House, this Chamber,—the role, Sir, of a maid whose business was to prepare a bed for political opponents, if personal friends. After preparing the bed the maid has gone away to another chamber leaving a mere hot water bottle behind. (Laughter.) The hottest of hot remarks that the Honourable gentleman from Lahore made was that I had entered into a sort of unholy alliance, into a sort of unseemly conspiracy with my Honourable friend Sir Henry Gidney in regard to bringing about, curiously enough, Company-management of railways. Not being a regular Member of this House in the past, not being regularly present when speeches are made, and not perhaps being a regular student of the debates on the floor of this House, perhaps not having heard the speech that I delivered yesterday, and not having read the speeches that I had delivered in the past,—though he said I as an old Member should have known better,—not having known exactly my position in regard to the State railways because he did not care to know, and where ignorance is bliss, in his case at any rate it would have been wise not to have been eloquent—in his ignorance he need not have been eloquent, but he chose to be eloquent on a matter on which if his advice were to be followed in regard to bringing the management of railways into the mid-current of political whirlpools, if his advice were to be followed in making the management of the railways something in the nature of potter's clay in the hands of politicians with axes of their own to grind, if that advice were to be followed in the self-governing India of the future abandoning the practice of the self-governing countries which run railways on commercial and business lines,—if that advice were to be followed, a situation would arise which Sir William Aeworth in his Report to the League of Nations stated in regard to Austria, namely, you may have to scrap not only State management but State control of railways and invite companies to take charge of them and run them. Therefore, I can as easily, if I were to follow his line of argument, state that he was playing into the hands of Sir Henry Gidney. I do not for a moment question the desire which is legitimate on the part of Sir Henry Gidney to go back to the halcyon days, according to him, of Company-management. He misses the favours, the advantages to his own community which he enjoyed in the past under Company-management; when you, Sir, as an old Member of the Imperial Legislative Council, in your usually eloquent and trenchant style, attacked

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Company-management, showing your own preference for State-management. Those days are gone,—good old days from Sir Henry's point of view, and bad old days from our own point of view. Therefore, if my Honourable friend Mr. Aggarwal only follows up his reasoning, he will be necessarily but unfortunately playing into the hands of Sir Henry Gidney.

Now, I come to the argument of my Honourable friend Mr. Neogy. He said, with his usual facility, or shall I say, felicity, of expression, that he has been viewing this Legislative Assembly, of which he has been an ornament, with amused indifference. It is a thankful thing that he did not say that he has been treating us with contemptuous tolerance. Sir, it is good to be told by one of us,—for candour is always refreshing—that he has been looking upon us and our activities on the floor of this House with a certain amount of amused indifference. Had I felt like Mr. Neogy, I would not have stayed on for a single day in the Legislative Assembly as my past record fully shows. I am proud of being in this Legislative Assembly, which I feel is not a whit inferior to any of its predecessors. It is true when I was promoted, in the days of those giant leaders and great controversies, when I was a member of the Swaraj Party, from the back Benches to the front Benches, I felt a glow of pride within me, but it is truer to-day that we are in this House to represent from the constitutional point of view what we think of the doings of the Government, their programme, their principles, their suggestions, their arguments, and their schemes. (Mr. B. Das: "Has it any effect on the Government?") My Honourable friend Mr. B. Das asks, has it any effect? I would ask him to answer that question himself, for we will have adequate opportunity to enlighten this House as to what we think of the Government policy in the days that are opening before us. I am quite willing to answer Mr. B. Das by saying that in certain matters our arguments, our speeches, and our opposition have had no better effect on the Government than pouring water on duck's back. (Laughter.) But, Sir, there has been a tremendous effect produced on the Honourable the Railway Member by this debate, when he said that Government were contemplating something in the nature of a detailed enquiry, which is exactly what my Honourable friend Mr. Mody wanted, which is exactly what my Honourable friend Mr. Chetty wanted. Therefore, within less than 24 hours. . . .

The Honourable Sir George Rainy: Sir, as the duck which has had the water poured over it (Laughter), I may say that this idea of a detailed enquiry originated in our minds about August or September of 1930, and you will find it in the Government of India's despatch. (Laughter.)

Mr. C. S. Ranga Iyer: I find that the Honourable the Railway Member is unwilling to take a certificate from this side of the House that within 24 hours our arguments have set him thinking; he would prefer the role of the duck. (Laughter.)

Now, Sir, coming to the remark of my Honourable friend Mr. Neogy, who spoke in his usual incisive style,—he said he treated us with amused indifference, and I am glad that my token cut made him treat us to some kind of indifferent amusement. (Laughter.) Incisiveness apart, Mr. Neogy was perfectly right when he said that I did not mention a word about the Statutory Board and I do not like to mention a word on the Statutory Board for the very simple reason the esteemed leader of my party, Sir

Hari Singh Gour, the eminent jurist that he is, has explored every avenue regarding that particular subject and he has simply left nothing for me to say. Sir Hari Singh Gour spoke with earnestness, as he always does, and with sincerity, in a manner worthy of the custodian of the powers and privileges not only of this House but also of its successors, and I should not go on expanding his arguments, or for that matter commenting upon them for the very simple reason that I am approaching the time of the guillotine.

My friend Mr. Anklesaria in his speech said that there was no such thing as an English constitution, I do not know if he knows that there is such a thing as a Railway Act in England. Surely he must have read the Railways Act of 1921. I do not know if he knows that there is the Board of Trade whose powers and duties in relation to Railways have been transferred to the Ministry for Transport. And I do not know if he knows what happened in England during the time of war when Parliament commandeered the railways. Being a barrister himself, I would ask him to make a fuller study on this matter. I do not suggest for a moment that he was denying the existence altogether of an English constitution, though he gave that impression.

Mr. N. N. Anklesaria: Read Dicey on English Constitution.

Mr. C. S. Ranga Iyer: I shall leave Mr. Anklesaria and Dicey just to settle the matter between themselves. (Laughter.)

I must straightaway say that I was not in agreement with the esteemed leader of the European Group when he said that he contemplated for the railways the same kind of treatment that is given to the Ports under the laws. He said we have a Port Trust. He did not say, "We shall give you a Railway Trust". We do not want a Railway Trust. (Hear, hear.)

Sir, I do not like the expression "Statutory Railway Board" for all Railway Boards are part of a statute. Whatever that might be, there can be no difference of opinion in regard to what Mr. Chetty said about "smuggling" this thing as he put it through the backdoors of the Round Table Conference. I have always felt that the Round Table Conference people were hardly the right kind of people to deal with this matter, and after the confession of Mr. Mody, "the noblest Roman of them all," I think there should be no dispute about that. I can only say that the Round Table Conference people in their treatment of this railway question have risen to my estimate of them. Blessed are they who have no expectations, because they shall not be disappointed and I am not disappointed to hear that they have dropped this question like hot potatoes. I am not disappointed because I had no expectation from these monkey gland statesmen presiding self-complacently over their own inglorious impotence. (Laughter.)

Sir, I need not proceed further with the subject except to pay a personal compliment to the Honourable the Railway Member, because this is the last debate, and perhaps we have very nearly heard his last speech on his subject. Throughout his career in this House as its Leader and as the Member for Railways and Commerce, the Opposition, even in the thickest of the fight, did not miss the fact that on his unembarrassed brow Nature has written "Gentleman". My last words in this debate, so

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far as the Railway Member is concerned, cannot be better put than what Shakespeare has said in "As you like it":

"Your gentleness shall force,

More than your force move us to gentleness."

With your permission, as I originally said, I beg leave to withdraw the motion.

Mr. President: Has the Honourable Member the leave of the House to withdraw his motion?

Several Honourable Members: No, no.

Mr. President: I must put the motion then. The question is:

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

The motion was negatived.

Indianisation of Superior Services.

Mr. C. S. Ranga Iyer: With your permission, Sir, I should like to move amendment No. 34, "That the Demand under the head 'Railway Board' be reduced by Rs. 100".

In doing so, I only want to put two definite questions to the Railway Member. I find in the Administration Report that the railway companies have not accepted the particular percentage that has been introduced in the State railways and I want to know why this discrepancy has been created.

Mr. A. M. Hayman (Government of India: Nominated Official): I think you will excuse me, Sir, if I say that I consider myself one of the most unfortunate Members of this House. It so happens that I come here for a few days every year and I have often the misfortune to have the guillotine falling on my head. Now, Sir, I expected that the Honourable Member, Mr. Ranga Iyer, would have put the point that he wished to make more precisely. Perhaps I did not hear him on account of a movement in the House, due to the coming in and going out of Members, but I take it that my Honourable friend wants to know why, although on our State-managed railways we have been able in the last few years to work up to the full 75 per cent. recruitment of Indians in filling vacancies in the superior services, the Company-managed railways have not been able to do so. I think there are several Members of this House to whom the question is perhaps new and that it is necessary for me to state precisely what the obligations of Government are in this matter. The declared policy of Government as regards the superior services was that Government, as regards the superior services, undertook at the time when the Lee Concessions were granted, that the extension of the existing training facilities should be pushed forward as expeditiously as possible, in order that the recruitment in India might be advanced as soon as practicable up to 75 per cent. of the total vacancies in the Railway Department as a whole, the remaining 25 per cent. being recruited in India. Well, that was I think about 1924-25 and since then considerable progress has been made. A great deal was done by the Railway Board immediately after in order to arrange for facilities for the training of Indians in order to secure that 75

per cent. of the vacancies would be filled by Indians, and from 1929-30 we have been able to fill 75 per cent. Now the Railway Board themselves are not altogether satisfied with the progress that has been made in Indianization on Company-managed railways, but in saying this I do wish that the House would not understand that the Companies have not been doing anything at all. For a time, at the beginning, i.e., soon after the policy of Government was declared, the Companies I think waited for Government to take the lead; and Government having taken the lead and having advanced the recruitment of Indians, Government themselves were then in a strong position to go to the Companies and say, "Well, we have done so and so and we have advanced the recruitment and we are assured of getting our 75 per cent., now it is time for you to quicken your pace and recruit 75 per cent. too". And, Sir, it is by taking action on those lines and also because Members of the Railway Board, the Chief Commissioner, the Financial Commissioner and the other Members, have from time to time, whenever they met Agents of Railway Companies, impressed on them that this was one of the important things which Government expected of them that good progress has been made. Sir, I think, therefore, we have some reason to congratulate ourselves, for, whereas the percentage of Indian recruitment on Company-managed railways in 1928-29 was 50·8 per cent., it has risen in the year 1930-31 to 61·5 per cent. I have not been able to get the up-to-date figures, that is, I mean for the year 1931-32, but from the knowledge that I have obtained from my conversation with Agents, I should be surprised if there has not been a fairly good increase over the last figure, viz., 61·5 for the year 1930-31. Now I would like to say that the Railway Board has not left the question even there. It has examined the question in detail to ascertain exactly where the difficulties at the present moment of the Company-managed railways lie with a view to giving them advice as to how to get over those difficulties, and if possible to help them in a practical way. And, Sir, I would crave the indulgence of the House to read a passage from our annual Report for 1930-31, which states exactly what we have done in this direction, that is, to help the Companies in a practical way to advance their recruitment of Indians as quickly as they possibly can to 75 per cent. This is what we say:

"The progress made in the Indianization of the superior services on company-managed railways falls short of that on State-managed railways. Companies have agreed to fall into line with the policy of Government as indicated in para. 73 of this report. But they have not yet been able to do so owing to various reasons."

The South Indian Railway so far has been the only one that has reached the full percentage. During the year under report the Companies were reminded of their obligation to fill as quickly as possible 75 per cent. of all vacancies in all the departments taken together by persons of Indian domicile. They were also advised,—and here it is where we have put practical suggestions before them,—that, judging by the experience of the last five years, it appeared that the only department in which there was some difficulty in obtaining suitable recruits in India was the Mechanical Department, and that the Railway Board would be prepared to assist them in obtaining suitable candidates for every other department in case they found any difficulty. Then with regard to the Mechanical Department we said that:

"The Railway Board would be prepared to place at their disposal the overflow of the apprentices on State-managed railways who would complete their training in 1933."

[Mr. A. M. Hayman.]

There is a word of explanation there. We have trained twice the number of apprentices which we require for our State-managed railways, and if all the candidates that we have already sent to England to complete their training do complete their training, then we shall in the first year have an overflow and we shall do our best to get those Indian young men appointments on the Company-managed railways. I think we shall be successful because we shall be able to go to the Companies and say, "Here you are, we are offering you men thoroughly trained—4 years in India in mechanical engineering workshops and 2 years in England—men who are competent to take up the duties of assistant officers of the Mechanical Engineering Department." Then in the last year or two, while we were waiting for the trained apprentices to complete their courses, we have advertised in India for persons of Indian domicile for our Mechanical Engineering and Transportation (Power) Departments, and we have done everything to make it possible for us to get such mechanical engineers as were available in this country. We removed the age limit and we are also prepared to take on younger men who were not fully qualified and give them a year or two years' training in order to make them qualified. Well, in our indents on the High Commissioner for India for Indians who had those qualifications and in our demands on the Public Service Commission for persons who had those qualifications, we have always asked for more candidates to be recommended than the number of vacancies we had on our State-managed railways, and this year we got more than we wanted (last year we asked for 8, but between the High Commissioner and the Public Service Commission only 7 were recommended). We have passed on the names of those recommended but for whom we could not find vacancies to the Company-managed railways. I am in the happy position to say that one railway at least has made an inquiry from me and asked me to send them the names of two or three of those young Indians as it desired to appoint an Indian to a vacancy on that railway: (*Mr. C. S. Ranga Iyer*: "What is that railway?") It is the Assam-Bengal Railway. Sir, that is not all that we have done. We have made it clear to the Company-managed railways that the policy which the Government have adopted is that there must be 75 per cent. recruitment in all the departments taken together, and we have said that if any Company-managed railway still finds it difficult to get into its Mechanical Department the full quota of Indians, then it is incumbent on that railway to fill up a greater number of vacancies in some other departments so that, on the whole, 75 per cent. recruitment would be secured. We know from past experience that it is quite possible for most of our railways in India to find suitable candidates for our Transportation, Traffic and Commercial Department, also for our Accounts and Audit Department, and it is due to the Agent of the South Indian Railway, following closely this policy which we have enunciated that he has been able to work up the total recruitment to 75 per cent.

Mr. President: Order, order. (It being Five of the Clock.) The question is:

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

The motion was negatived.

Mr. President: The question is:

"That a sum not exceeding Rs. 7,75,000 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 1933, in respect of 'Railway Board'."

The motion was adopted.

DEMAND No. 2.—INSPECTION.

Mr. President: The question is:

"That a sum not exceeding Rs. 70,000 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 1933, in respect of 'Inspection'."

The motion was adopted.

DEMAND No. 3.—AUDIT

Mr. President: The question is:

"That a sum not exceeding Rs. 12,00,000 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 1933, in respect of 'Audit'."

The motion was adopted.

DEMAND No. 4.—WORKING EXPENSES: ADMINISTRATION.

Mr. President: The question is:

"That a sum not exceeding Rs. 9,97,00,000 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 1933, in respect of 'Working Expenses: Administration'."

The motion was adopted.

DEMAND No. 5.—WORKING EXPENSES: REPAIRS AND MAINTENANCE AND OPERATION.

Mr. President: The question is:

"That a sum not exceeding Rs. 36,76,00,000 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 1933, in respect of 'Working Expenses: Repairs and Maintenance and Operation'."

The motion was adopted.

DEMAND No. 6.—COMPANIES AND INDIAN STATES' SHARE OF SURPLUS PROFITS AND NET EARNINGS.

Mr. President: The question is:

"That a sum not exceeding Rs. 80,00,000 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, 1933, in respect of 'Companies and Indian States' share of surplus profits and net earnings'."

The motion was adopted

DEMAND No. 9.—APPROPRIATION TO DEPRECIATION FUND.

Mr. President: The question is:

"That a sum not exceeding Rs. 13,25,00,000 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 1933, in respect of 'Appropriation to Depreciation Fund'."

The motion was adopted.

DEMAND No. 11.—MISCELLANEOUS EXPENDITURE.

Mr. President: The question is:

"That a sum not exceeding Rs. 6,50,000 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 1933, in respect of 'Miscellaneous Expenditure'."

The motion was adopted.

DEMAND No. 14.—STRATEGIC RAILWAYS—WORKING EXPENSES (INCLUDING APPROPRIATION TO DEPRECIATION FUND AND MISCELLANEOUS EXPENDITURE).

Mr. President: The question is:

"That a sum not exceeding Rs. 1,85,00,000 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 1933, in respect of 'Working Expenses (including Appropriation to Depreciation Fund and Miscellaneous Expenditure)'."

The motion was adopted.

Expenditure charged to Capital.

DEMAND No. 7.—NEW CONSTRUCTION.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,00,60,000 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 1933, in respect of 'New Construction'."

The motion was adopted.

DEMAND No. 8.—OPEN LINE WORKS.

Mr. President: The question is:

"That a sum not exceeding Rs. 3,05,50,000 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 1933, in respect of 'Open Line Works'."

The motion was adopted.

DEMAND No. 15.—STRATEGIC RAILWAYS—NEW CONSTRUCTION AND OPEN LINE WORKS.

Mr. President: The question is:

“That a 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 1933, in respect of ‘New Construction and Open Line Works’.”

The motion was adopted.

Other Expenditure

DEMAND No. 10.—APPROPRIATION FROM DEPRECIATION FUND.

Mr. President: The question is:

“That a sum not exceeding Rs. 13,18,79,000 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 1933, in respect of ‘Appropriation from Depreciation Fund (*Commercial and Strategic*)’.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 7th March, 1932.