

3rd February 1937

**THE
LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

Volume I, 1937

(25th January to 19th February, 1937)

FIFTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,

1937



**PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.
1937**

M89LAD

Legislative Assembly.

President :

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

Deputy President :

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

Panel of Chairmen :

SIR MUHAMMAD YAKUB, KT., M.L.A.

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

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

SIR COWASJI JEHANGIR, BART., K.C.I.E., O.B.E., M.L.A.

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistant of the Secretary :

RAI BAHADUR D. DUTT.

Marshal :

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

Committee on Petitions :

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

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

SARDAR SANT SINGH, M.L.A.

MR. M. GHILASUDDIN, M.L.A.

MR. MATHURADAS VISSANJI, M.L.A.

CONTENTS.

VOLUME I.—25th January to 19th February, 1937.

	PAGES.		PAGES.
MONDAY, 25TH JANUARY, 1937,—		MONDAY, 26TH JANUARY, 1937,—<i>contd.</i>	
Members Sworn	1	The Land Customs (Amendment) Bill—Introduced	184
Questions and Answers	2—117	The Code of Civil Procedure (Second Amendment) Bill (Insertion of new section 44-A)—Recommitted to Select Committee	184—85
Unstarred Questions and Answers	117—25	The Arbitration (Protocol and Convention) Bill—Referred to Select Committee	185
Statements laid on the Table	125—57	The Indian Lac Cess (Second Amendment) Bill—Passed	185—86
Deaths of Maulvi Badi-uz-Zaman and U Ba Si	157—58	The Hindu Women's Rights to Property Bill—Presentation of the Report of the Select Committee	186
Motion for Adjournment <i>re</i> Official interference in elections at Moradabad—Ruled out of order	158—59		
Report of the Government Delegates at the twentieth session of the International Labour Conference, laid on the table	159—81	TUESDAY, 26TH JANUARY, 1937,—	
Panel of chairmen	182	Questions and Answers	187—226
The Durgah Khawaja Saheb Bill	182	Unstarred Questions and Answers	226—31
Loyal congratulations to His Majesty King George VI, Emperor of India, upon His accession and an assurance of devotion to His Royal Person	182	The Insurance Bill—Introduced	232
Motion <i>re</i> Election of the Standing Committee for the Department of Commerce—Adopted	182—83	Resolution <i>re</i> —	
The Repealing and Amending Bill—Withdrawn	183	Draft Convention of the International Labour Conference <i>re</i> maintenance of rights under invalidity, old-age and widows' and orphans' Insurance—Adopted	232—33
The Indian Boilers (Amendment) Bill—Introduced	183	Draft Convention of the International Labour Conference <i>re</i> annual holidays with pay—Adopted	233—49
The Indian Electricity (Amendment) Bill—Introduced	183		

	PAGES.		PAGES.
WEDNESDAY, 27TH JANUARY, 1937,—		MONDAY, 1st FEBRUARY, 1937,—<i>contd.</i>	
Statements laid on the table	251—52	The Contempt of Courts (Amendment) Bill—Introduced	340
Demands for Supplementary Grants	252—64	The Indian Income-tax (Amendment) Bill—Introduced	340
THURSDAY, 28TH JANUARY, 1937,—		Amendment of Indian Legislative Rules—Referred to a Committee	341—87
Short Notice Question and Answer	265—68	The Land Customs (Amendment) Bill—Passed	387—92
The Arya Marriage Validation Bill—Postponed	268—70	The Indian Boilers (Amendment) Bill—Referred to Select Committee	392—94
The Hindu Marriage Validity Bill—Discussion on the motion to refer to Select Committee not concluded	270—320	The Indian Electricity (Amendment) Bill—Referred to Select Committee	394—96
FRIDAY, 29TH JANUARY, 1937,—		TUESDAY, 2ND FEBRUARY, 1937,—	
Short Notice Question and Answer	321	Members Sworn	397
Governor General's assent to Bills	321—22	Questions and Answers	397—402
The Code of Civil Procedure (Second Amendment) Bill—Presentation of the report of the Select Committee	322	The Insurance Bill—Referred to Select Committee	402—16
The Arbitration (Protocol and Convention) Bill—Presentation of the report of the Select Committee	322	The Indian Railways (Amendment) Bill—Referred to Select Committee	416—28
Resolution <i>re</i> interference from Public Servants in the ensuing Elections—Adopted, as amended	322—23	WEDNESDAY, 3RD FEBRUARY, 1937,—	
Statement of Business	323—25	Questions and Answers	429—39
MONDAY, 1ST FEBRUARY, 1937,—		Demands for Supplementary Grants in respect of Railways	437—66
Member Sworn	327	THURSDAY, 4TH FEBRUARY, 1937,—	
Message from H. E. The Governor General	327	Members Sworn	467
Questions and Answers	327—37	Amendment of Indian Legislative Rules—Presentation of the Report of the Assembly Committee	467
Statements laid on the Table	337—38	The Hindu Marriage Validity Bill—Motion to refer to Select Committee, negatived	467—85
Election of the Standing Committee for the Department of Education, Health and Lands	338—40		

	PAGES.
THURSDAY, 4TH FEBRUARY, 1937,—contd.	
The Hindu Women's Rights to Property Bill—Passed	485—515
The Code of Criminal Procedure (Amendment) Bill (Amendment of sections 30, 34, 34A and 35)—Discussion on the motion to refer to Select Committee not concluded	515—20
Appendix "A"	521—28
FRIDAY, 5TH FEBRUARY, 1937,—	
Questions and Answers	529—33
Statements laid on the table	533—46
Message from H. E. the Governor General	547
Statement of Business	547—48
MONDAY, 8TH FEBRUARY, 1937,—	
Member Sworn	549
Questions and Answers	549—50
The Indian Naval Armament (Amendment) Bill—Introduced	550
Amendment of the Indian Legislative rules	551—607
TUESDAY, 9TH FEBRUARY, 1937,—	
Members Sworn	609
Questions and Answers	609—12
The Indian Boilers (Amendment) Bill—Presentation of the Report of the Select Committee	612
The Indian Electricity (Amendment) Bill—Presentation of the Report of the Select Committee	612
Amendment of the Indian Legislative Rules	612—16
The Indian Income-tax (Amendment) Bill—Passed as Amended	617—38
The Contempt of Courts (Amendment) Bill—Passed	638—41

	PAGES.
TUESDAY, 9TH FEBRUARY, 1937,—contd.	
The Code of Civil Procedure (Second Amendment) Bill—Insertion of new section 44A—Passed as amended	641—47
The Arbitration (Protocol and Convention) Bill—Passed	647—60
The Code of Civil Procedure (Third Amendment) Bill—Amendment of section 60—Passed as amended	650—58
WEDNESDAY, 10TH FEBRUARY, 1937,—	
Member Sworn	650
Message from H. E. the Governor General	650
Election of Members to the Standing Committee on Emigration	659—60
The Repealing and Amending Bill—Introduced	660
The Workmen's Compensation (Amendment) Bill—Introduced	660
Resolution re creation of a separate Road Fund for the purposes of Road Development—Adopted as amended	660—714
The Manœuvres Field Firing and Artillery Practice Bill—Referred to Select Committee	714—15
THURSDAY, 11TH FEBRUARY, 1937,—	
The Code of Criminal Procedure (Amendment) Bill (Amendment of sections 30, 34, 34A and 35)—Motion to refer to Select Committee, negatived	717—56
The Indian Arms (Amendment) Bill—Discussion on the motion to refer to Select Committee not concluded	757—66

	PAGES.		PAGES.
FRIDAY, 12TH FEBRUARY, 1937,—		FRIDAY, 19TH FEBRUARY, 1937,—	
Questions and Answers	767—72	Questions and Answers	879—88
Statements laid on the Table	772—74	Unstarred Questions and Answers	886—91
Message from H. E. the Governor General	774	Notification referred to in the Resolution <i>re</i> Emigration to Burma	891
Statement of Business	774—75	Statement of Business	891
Resolution <i>re</i> Revision of Pension Rules for Inferior Services—Withdrawn	775—87	The Indian Limitation (Amendment) Bill—Introduced	891
TUESDAY, 16TH FEBRUARY, 1937,—		The Indian Tea Cess (Amendment) Bill—Introduced	891—92
Member Sworn	789	The Indian Army (Amendment) Bill—Introduced	892
Questions and Answers	789—801	The Agricultural Produce (Grading and Marking) Bill—Passed as amended	892—97
Unstarred Questions and Answers	801—03	The Indian Boilers (Amendment) Bill—Passed as amended	898—99
Message from H. E. the Governor General	803	The Indian Electricity (Amendment) Bill—Passed as amended	899—900
Presentation of the Railway Budget for 1937-38	804—12	The Indian Naval Armament (Amendment) Bill—Passed	900—02
Committee on Petitions	812—13	The Workmen's Compensation (Amendment) Bill—Passed	902—03
Election of the Standing Committee for the Department of Industries and Labour	813—14	Resolution <i>re</i> Emigration to Burma—Adopted	903—04
The Agricultural Produce (Grading and Marking) Bill—Introduced	814		
THURSDAY, 18TH FEBRUARY, 1937,—			
Statements laid on the Table	815—16		
The Railway Budget—General Discussion	816—78		

LEGISLATIVE ASSEMBLY.

Wednesday, 3rd February, 1937.

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

QUESTIONS AND ANSWERS.

SALARIES OF THE ROMAN CATHOLIC MILITARY CHAPLAINS.

349. *Qazi Muhammad Ahmad Kazmi: (a) Are Government aware that the Defence Department pays the salaries of the Roman Catholic Military Chaplains engaged for ministering to the spiritual welfare of the British soldiers in India?

(b) Is the Defence Department making this payment ever since British Roman Catholic soldiers were stationed in India?

(c) Is it a fact that the Archbishop, or the Bishop of each Archdiocese or Diocese in India, took half the salary of these Military Chaplains when they received it every month from the Controller, Military Accounts?

(d) If the answer to part (c) be in the affirmative, will Government be pleased to state since when they had this knowledge?

(e) Is it a fact that the Defence Department is paying since April 1927 the salaries of the Roman Catholic Military Chaplains in a lump sum yearly to the Archbishop or Bishop within whose Archdiocese or Diocese they are serving?

(f) Is it a fact that the Archbishop or Bishop, who receives the said amount from the Defence Department, keeps half of it to himself and distributes the other half to the Chaplains concerned?

(g) Are Government aware of this fact and, if so, since when?

(h) Will Government be pleased to state what amount has been paid to the Roman Catholic Military Chaplains in India from November 1911 up till now?

(i) Is it a fact that only half of this amount was received by the Roman Catholic Military Chaplains?

(j) Are Government prepared to ask the Archbishops or Bishops in India to refund the amount they have retained to the Defence Department? If not, why not?

(k) Are Government prepared in future to reduce the amount paid to the Roman Catholic Military Chaplains in India to half?

Mr. G. R. F. Tottenham: The Honourable Member is referred to the answer I gave to Mr. Asaf Ali's starred questions Nos. 174 and 175 on the 25th January, 1937, on this subject. As regards part (h) of his question, the time and labour involved in collecting the information will not be commensurate with the result achieved.

SALARIES OF THE ROMAN CATHOLIC MILITARY CHAPLAINS.

350. ***Qazi Muhammad Ahmad Kazmi:** (a) Is it a fact that the Roman Catholic Archbishops and Bishops in India sent memorials in 1856 and 1874 to the Government of India, stating that a Roman Catholic Military Chaplain cannot live under Rs. 400 per mensem?

(b) Is it a fact that up till now the Defence Department has not paid more than Rs. 350 per month to any Roman Catholic Military Chaplain in India?

(c) Is it a fact that since April 1927 the Defence Department has paid at the rate of Rs. 300 per mensem per Military Chaplain?

(d) Are Government aware that the Roman Catholic Archbishops and Bishops were asking and receiving from the Government of India an increased pay for the Roman Catholic Military Chaplains on the one hand and keeping half the amount to themselves on the other?

(e) Is it a fact that most of the Roman Catholic Military Chaplains in India are under a Vow of Poverty? If not, what is their proportion?

(f) Is it a fact that the Roman Catholic Archbishops and Bishops, who sent a memorial to Government in 1874 and demanded a pay of Rs. 400 per mensem for Roman Catholic Military Chaplains, were mostly themselves and the R. C. Military Chaplains concerned under the Vow of Poverty?

(g) Is it a fact that since April 1927, the Government in the Defence Department is paying the Archbishops and Bishops (R. C.) of India at the rate of Rs. 800 per mensem per Military Chaplain serving in the Army, and the Roman Catholic Military Chaplains concerned are actually receiving from them Rs. 150 per mensem?

Mr. G. R. F. Tottenham: I would preface my answer with the general remark that there are no Roman Catholic *Military Chaplains* in India.

(a), (d), (e), (f) and the second part of (g). Government have no information.

(b), (c) and the first part of (g). Yes, but there are no Roman Catholic *Military Chaplains* in India.

PAYMENTS MADE TO THE ROMAN CATHOLIC ARCHBISHOPS AND BISHOPS.

351. ***Qazi Muhammad Ahmad Kazmi:** Is the Defence Department paying to the Roman Catholic Archbishops and Bishops in India at the rate of Rs. 7 yearly per British soldier as rent for a seat in the Church, commonly called "Church Sittings Compensation"?

Mr. G. R. F. Tottenham: A fee of Rs. 7 per annum is paid to the Roman Catholic Ecclesiastical authority concerned for each seat that is reserved for a Roman Catholic British soldier in any Roman Catholic Church which neither belongs to nor is rented by Government.

CAPITAL INVESTED IN THE SHAHDARA SAHARANPUR LIGHT RAILWAY.

352. *Qazi Muhammad Ahmad Kazmi: Will Government be pleased to state:

- (a) the approximate or correct amount of capital invested in Shahdara Saharanpur Light Railway by the Company;
- (b) the working expenses per year during the last five years; and
- (c) the gross and actual income per year during the last five years?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). I would refer the Honourable Member to statement No. 5 on page 45 of Volume II of the Reports by the Railway Board, for 1931-32, 1932-33, and 1934-35, copies of which are in the Library of the House. The report for 1935-36 will, I hope, be available very shortly.

SUGAR-CANE TRAFFIC ON THE SHAHDARA SAHARANPUR LIGHT RAILWAY.

353. *Qazi Muhammad Ahmad Kazmi: Will Government be pleased to state:

- (a) if they are aware that on the Shahdara Saharanpur Railway, four passenger trains and seven to ten specials for sugar-cane are run daily; if not, what is the correct number;
- (b) if they are aware that the whole traffic is managed by only ten engines—two of which are mostly under repairs in the workshop; if not, what is the correct number;
- (c) whether it is a fact that this number of engines was considered necessary and was actually under use when only four trains were run on this line, prior to the development of sugar-cane traffic; if not, what the number of engines and of daily trains was six years ago;
- (d) whether it is a fact that there has been no increase in the Loco. and traffic staff since the increase in traffic due to sugar-cane; if there has been an increase, what is the percentage of increase; and
- (e) whether they are aware that the Loco. and traffic staff are over-worked since the development of sugar-cane traffic?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I propose to reply to this and question No. 355 together.

These are matters of detailed administration on which Government have no information. I am, however, sending a copy of these questions to the Managing Agents of the Railway Company for such action as they may consider necessary.

ENFORCEMENT OF THE HOURS OF EMPLOYMENT RULES ON THE SHAHDARA SAHARANPUR LIGHT RAILWAY.

354. *Qazi Muhammad Ahmad Kazmi: (a) Will Government be pleased to state whether the 'Hours of Employment' Rules are in force on the Shahdara Saharanpur Railway? If not, why not?

(b) If the answer to part (a) be in the affirmative, what measures do Government propose to adopt for finding out whether the 'Hours of Employment' Rules are actually enforced on this Railway?

(c) What is the extent of daily duties for the Loco. and traffic staff on this railway?

(d) Are the running staff given any off days in a week? If so, how many?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Hours of Employment regulations have not been applied to the Shahdara Saharanpur Light Railway. The regulations are being extended gradually to the larger railways and have so far been applied to six of the Class I Railways. After the regulations have been extended to the principal Railways, their application to smaller railways will be considered.

(b) Does not arise.

(c) and (d). These are matters of detailed administration on which Government have no information.

STOPPAGE OF THE NIGHT PASSENGER TRAIN AT BARAUT, SHAHDARA SAHARANPUR LIGHT RAILWAY.

†355. *Qazi Muhammad Ahmad Kasmi: (a) Will Government be pleased to state whether it is a fact that the passenger train which leaves Shahdara at about 19.30, reaches Baraut at about 21.30 and is stopped there till 3.30 A.M.?

(b) Is it or is it not a fact that during the six hours that the train is stopped at Baraut, the lights are put out and the passengers are put to great inconvenience?

(c) Is it or is it not a fact that during these six hours the engine of the train is utilised for sugar-cane specials? If not so utilised, why is the train stopped for such a long time at Baraut?

(d) If the answer to part (b) be in the affirmative, have Government considered the advisability of impressing upon the Shahdara Saharanpur Railway authorities the need for removing this grievance of the travelling public?

(e) Is it or is it not a fact that, during the stoppage of the passenger train at Baraut at the night time, many cases of theft take place? If so, what steps do Government propose to stop such cases?

NON-GRANT OF OVERTIME OR SPECIAL ALLOWANCE TO THE TRAFFIC OR LOCO. STAFF ON THE SHAHDARA SAHARANPUR LIGHT RAILWAY.

356. *Qazi Muhammad Ahmad Kasmi: (a) Is it or is it not a fact that during the six hours the passenger train on the Shahdara Saharanpur Railway is stopped at Baraut at night, and the engine utilized for carrying sugar-cane specials, as mentioned in the preceding question, the engine staff are paid no overtime or allowance for this extra work?

(b) Is it or is it not a fact that during the sugar-cane season, when the work of traffic is more than doubled, no overtime or special allowance is given to traffic or Loco. staff?

†For answer to this question, see answer to question No. 353.

(c) Is it or is it not a fact that of the whole Shahdara Saharanpur Railway subordinate staff only two persons are given an extra allowance, one being the son of the Assistant Loco. Superintendent and the other an electrician?

The Honourable Sir Muhammad Zafrullah Khan: The matter concerns the administration of the Railway Company and is within its competence.

SUBORDINATE AND MENIAL STAFF ON THE SHAHDARA SAHARANPUR LIGHT RAILWAY.

357. *Qazi Muhammad Ahmad Kazmi: (a) Is it or is it not a fact that on the Shahdara Saharanpur Railway the menial and subordinate staff are entitled to a leave of only 15 days on all counts in one year? Can they get no other leave? If not, what is the extent of leave they can get?

(b) Is it or is it not a fact that the subordinate and menial staff have as a general rule been given no promotions during the last nine years?

(c) What is the total number of subordinate and menial staff, respectively, on the Shahdara Saharanpur Railway and how many of them were reduced during the last five years?

(d) Have Government considered the advisability of bringing pressure to bear on the Shahdara Saharanpur Railway Company for giving a better treatment to the subordinate and menial staff? If so, what measures have they taken in the matter? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (d). These are matters of detailed administration on which Government have no information. I am, however, sending a copy of the question to the Manager and Engineer-in-Chief, Shahdara Saharanpur Light Railway, for such action as he may consider necessary. I may also add for the information of the Honourable Member that the staff employed on this Railway are not Government servants, but are the servants of the Shahdara Saharanpur Light Railway Company.

PROVISION OF LATRINE FITTED COACHES ON NIGHT TRAINS ON THE SHAHDARA SAHARANPUR LIGHT RAILWAY.

358. *Qazi Muhammad Ahmad Kazmi: What steps have been taken by the Shahdara Saharanpur Railway administration to increase the proportion of latrine fitted coaches on night trains since the assurance kindly given by the Honourable the Commerce Member in reply to my question No. 405, replied to on the 16th September, 1936?

The Honourable Sir Muhammad Zafrullah Khan: The information is being collected and will be placed on the table of the House in due course.

BROADENING OF THIRD CLASS SEATS ON THE SHAHDARA SAHARANPUR LIGHT RAILWAY.

359. *Qazi Muhammad Ahmad Kazmi: (a) Will Government be pleased to state if they are aware that the recent steps taken by the Shahdara Saharanpur Railway administration in broadening the seats of intermediate class and raising the seats of the intermediate and second class compartments, have removed the grievance of the public?

(b) Are Government aware that the seats of the third class compartments still continue to be very narrow, viz., 16 inches in old coaches and 14 inches in new coaches, and are quite inadequate for the needs of the passengers, and prove very uncomfortable?

(c) Have Government considered the advisability of persuading the Shabdara Saharanpur Railway administration to look to the convenience of the third class passengers and make the seats broad enough for passengers to sit on?

The Honourable Sir Muhammad Zafrullah Khan: The information is being collected and will be placed on the table of the House in due course.

ISSUE OF PASSES TO THE REFRESHMENT ROOM CONTRACTORS ON THE NORTH WESTERN RAILWAY.

360. ***Pandit Nilakantha Das:** (a) Will Government be pleased to state whether it is a fact that the North Western Railway authorities have decided to change their existing policy concerning the issue of free passes to the Indian refreshment room contractors, with effect from the 1st February, 1937?

(b) Is it contemplated to withdraw passes in the case of all Indian contractors with the exception of only those cases where the contracts are not paying?

(c) Is it a fact that the European refreshment room contractors are entirely exempted from the operations of this new policy to the extent that in their cases the passes will continue to be issued as before?

(d) Is it a fact that free passes will be issued in the case of those Indian contractors whose contracts are not paying? If so, does not this principle also apply to European refreshment room contractors?

(e) Have the Railway authorities satisfied themselves that the European refreshment room contracts are not paying enough and that they should consequently continue to enjoy the concession of free passes, which is to be stopped in the case of Indian refreshment room contractors?

(f) Will Government be pleased to lay on the table a copy of the new rules governing the issue of passes to the Indian refreshment room contractors which are to come in force, with effect from the 1st February, 1937; and also state the reasons for exempting the European refreshment room and bookstall contractors from the operations of the new policy?

(g) Is it contemplated to introduce racial differences and preference in the matter of issuing passes to contractors?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (c). Yes.

(b) Yes, but only in regard to those refreshment rooms for which the issue of passes cannot be justified.

(d) The reply to the first part is in the affirmative. As regards the latter part, the Agent states that there is only one contractor for all European refreshment rooms, whereas Indian refreshment rooms are generally worked by separate individual contractors. In a few instances

where the same contractor has two or more refreshment rooms, each is in most cases, managed by a member of the principal's family residing at the place where the refreshment room is located.

(e) In view of my reply to part (d), this questions does not arise.

(f) I am placing on the table a copy of the instructions issued by the Agent to the Divisional Superintendents.

The bookstall contract for the whole line is, as in the case of the European refreshment rooms contract, held by one firm. Both these firms require passes to enable them to exercise effective supervision over their work.

(g) No.

Copy of the instructions issued by the Agent, North Western Railway to the Divisional Superintendents.

Indian Refreshment Room Contractors: No passes will ordinarily be allowed to contractors or their inspectors. In very special cases where a contractor has refreshment rooms at two or more stations at which the sales are not deemed to be sufficiently remunerative a pass between such stations may be allowed. The issue of such passes, which will be rare, will be decided by this office. *Third class crockery card passes* will be allowed as heretofore and will be issued by Divisional Superintendents who will see that the number of such passes and the length of sections for which they are made available are restricted to what is actually necessary.

Third class provision card passes will be allowed by Divisional Superintendents only at stations where fresh provisions are not obtainable locally and will be made available upto the nearest station where such supplies are obtainable, and not in any case beyond the nearest centre of supply fixed by this office from time to time. One provision pass for the staff of contractors at each station is considered ample. Two such passes should only be allowed when absolutely necessary; never more. These passes will be kept in the custody of the Station Master and issued only when required.

Indian Restaurant Car Contractors.—It is not proposed to make any change in the present policy which allows a second class or inter class card pass for the Contractor, one inter class card per Inspector and letter of identification for the Manager and servants for section of line on which Restaurant Car runs. These passes will be issued by this office.

SYSTEM OF SELLING VENDING CONTRACTS ON CERTAIN RAILWAYS.

361. *Pandit Nilakantha Das: (a) Is it a fact that Sir Guthrie Russell, as Agent of the Great Indian Peninsula Railway, stopped the system of selling vending contracts after a fairly long experiment?

(b) Is it a fact that the Bengal Nagpur Railway authorities tried a similar experiment and found it very defective?

The Honourable Sir Muhammad Zafrullah Khan: (a) The system of auctioning licences for vending was abolished on the Great Indian Peninsula Railway several years ago.

(b) Precise information as regards the previous practice on the Bengal Nagpur Railway is not readily available.

SALE OF VENDING CONTRACTS ON THE NORTH WESTERN RAILWAY.

362. *Pandit Nilakantha Das: (a) Has the attention of Government been drawn to the statements in the *Daily Herald*, Lahore, dated the 20th November, Nos. 25, 26 and 30, regarding the sale of vending contracts?

(b) Is it a fact that the members of the North Western Railway Advisory Committee were taken by surprise by the Agent and were not given enough time to consider and weigh carefully the proposal to tax food-stuff of the passengers?

(c) Is it not a fact that some members have subsequently sent in a notice of a motion to rescind the former resolution of the Committee?

(d) Is it not a fact that Lieutenant P. S. Sodhbans, lately a member of the North Western Railway Advisory Committee, has written to the press, (*Civil and Military Gazette, Lahore, dated the 5th December, 1936*) condemning the proposal to call vending contracts through tenders, and expressing the fear that the quality of food-stuffs would deteriorate and that corruption in the form of *dasturi* to officials will start?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have seen certain of the articles that have appeared in the paper referred to.

(b) I understand that at a meeting of the Advisory Committee the matter was brought up by the Agent for discussion. It was open to the Committee to ask for consideration to be deferred.

(c) Government have no information.

(d) Yes.

AUCTION OF CATERING CONTRACTS FOR EUROPEAN REFRESHMENT ROOMS ON RAILWAYS HELD BY SPENCER AND COMPANY.

363. ***Pandit Nilakantha Das:** (a) Will the catering contracts for European Refreshment Rooms on Railways at present held by Spencer and Co., be also auctioned?

(b) Will these contracts be auctioned station by station?

(c) Are Government aware that Spencer & Co. charge rates much higher than bazar rates and make considerable profits and are in a better position to be taxed than contractors catering to the needs of poor lower class passengers?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I am not aware of any such proposal being under consideration.

(c) No.

LORRY AND RAILWAY TRAFFIC.

364. ***Pandit Nilakantha Das:** (a) Do Government accept the complaint that the lorry traffic is gaining strength as against the railways because of the so many facilities that the lorry owners provide to the passengers?

(b) Are Government aware that the recommendation of the Advisory Committee, if accepted, would simply add to the existing grievances of the passengers and divert traffic to the lorries?

The Honourable Sir Muhammad Zafrullah Khan: (a) This is a matter of opinion.

(b) Government are not aware of any recommendation having been made by the North Western Railway's Advisory Committee, if this is the Committee referred to, which would have the effect suggested by the Honourable Member.

COMPLAINTS AGAINST VENDING OF BAD STUFF ON RAILWAY PLATFORMS.

365. *Pandit Nilakantha Das: (a) Will Government state what arrangements exist at present for redressing public complaints against vending of bad stuff on railway platforms?

(b) Is it a fact that Divisional Superintendents are the final authorities of appeal by the travelling public?

The Honourable Sir Muhammad Zafrullah Khan: (a) Every complaint is enquired into by or under the orders of the Divisional Superintendent concerned.

(b) No, representations may also be made to the Agent.

TENDERS FOR CONTRACTS OF HINDU TEA AND REFRESHMENT ROOM, ETC., AT THE DELHI RAILWAY STATION.

366. *Pandit Nilakantha Das: (a) Has the attention of Government been drawn to the notice issued by the Divisional Superintendent, North Western Railway, Delhi, calling for tenders for the contracts of Hindu sweetmeats and bread and Hindu tea and Hindu refreshment room at Delhi, in the face of comments in leading papers of the Punjab?

(b) Will Government state why tenders were not invited for a station where business could be normal all the year round?

(c) Will Government state why these particular contracts have been singled out and why tenders have not been invited for other contracts at Delhi, such as, European refreshment room, bookstalls held by A. H. Wheeler & Co. and other supplies at that station, and what is the reason for this distinction?

The Honourable Sir Muhammad Zafrullah Khan: (a) I have not seen the notice referred to, but understand that tenders were called for.

(b) and (c). I would refer the Honourable Member to the reply I gave to Mr. Sham Lal's unstarred question No. 11 on the 25th January, 1937.

HIGH PRICES CHARGED FOR BOOKS AND MAGAZINES, ETC., BY A. H. WHEELER AND COMPANY, LIMITED.

367. *Pandit Nilakantha Das: (a) Will Government state the amount realised from A. H. Wheeler & Co., Ltd., for their contract of bookstalls on the entire North Western Railway system, and what concessions are allowed to them in the shape of passes and concession in freight, and how do these concessions compare with the amount realised from this firm?

(b) Are Government aware that A. H. Wheeler & Co., is charging much higher prices for books, foreign magazines, and other wares sold at their various stalls than those prevalent in the bazar?

(c) If the reply to the above be in the affirmative, what steps do Government propose to take to bring their prices to the level of the bazar prices?

The Honourable Sir Muhammad Zafrullah Khan: (a) I would refer the Honourable Member to the agreement with Messrs. A. H. Wheeler & Co., a copy of which is in the Library of the House. Particulars of the extent to which passes and freight concessions are utilised are not available.

(b) and (c). I would refer the Honourable Member to the reply given by Mr. P. R. Rau, to Pandit Sri Krishna Dutta Paliwal's starred question No. 522 on the 19th September, 1935, and to the reply I gave to Mr. Joshi's unstarred question No. 88 on the 8th October, 1936. If the Honourable Member will let me have a comparative list of the other articles to which he refers, the question of taking further action will be considered.

CONCESSIONS ALLOWED TO SPENCER AND COMPANY AND INDIAN REFRESHMENT ROOM AND DINING CAR CONTRACTORS ON THE NORTH WESTERN RAILWAY.

368. ***Pandit Nilakantha Das:** (a) Will Government state the amount of subsidy allowed to Spencer & Co., for their dining cars on the North Western Railway and other concessions allowed to this firm?

(b) Are similar concessions allowed to Indian refreshment room and dining car contractors? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I am placing on the table a statement giving the information required.

— — — — —
Statement.

(a) No subsidy is paid to Messrs. Spencer & Co., for dining cars on the North Western Railway.

The following concessions are allowed to this firm in connection with their contract for dining cars and refreshment rooms:

- (1) They are allowed free use of dining cars, refreshment rooms, cellars and other offices connected therewith.
- (2) Cleaners engaged by them to work in their dining cars are paid by the railway at the maximum rate of Rs. 15 per man per mensem. The total number of cleaners is fixed at eight—for the eight dining cars, or one cleaner per car.
- (3) Cooking stoves and lamps are provided free by the railway.
- (4) A sum of Rs. 25 per car per mensem is paid to the contractor for the supply and maintenance of utensils and table equipment in dining cars. The Railway is not responsible for any replacements of crockery broken in the dining cars.
- (5) Free passes are allowed for the carriage of all articles for the first equipment of refreshment rooms and dining cars.
- (6) Free passes are also allowed by the Railway for a suitable number of supervising and subordinate employees of the contractor for the proper and efficient conduct of business of the refreshment rooms and dining cars.
- (7) Articles for *bona fide* use in the refreshment rooms and dining car services of the North Western Railway are charged over the North Western Railway at the following reduced rates by goods trains at owner's risk:

Aerated water	Empty crates and bottles	At revenue rate.
Beer, wines and spirits	At half tariff rates.
Oilman stores, etc.	Ditto.

(8) The following commodities are carried by the Railway free of charge:

- (i) Twenty seers of fresh bazar provisions and poultry daily from determined sources of supply for each refreshment room when necessary.
- (ii) All the ice used in refreshment rooms and dining cars.

- (iii) All return empty boxes, baskets and other coverings in which the articles mentioned in (i) and (ii) above were carried.
- (iv) All fish in ice sent from Karachi and other stations or game for the use of dining cars and for Lahore and other large rooms provided such provisions are for the *bona fide* use for meals served in these rooms or cars.
- (b) With regard to Indian Refreshment Rooms and Dining Car contractors, the concessions allowed to them compare as under :
- (1) Yes.
 - (2) No.
 - (3) Lamps are provided free but not stoves, the reason being that stoves are not ordinarily used for cooking of Indian meals.
 - (4) No.
 - (5) No.
 - (6) Indian Dining Car contractors are allowed passes, but passes have been withdrawn from Indian Refreshment Room contractors with effect from 1st February, 1937. The reason for their withdrawal is that there is no Indian Refreshment Room contractor that has a large number of refreshment rooms to manage whereas Messrs. Spencer & Co., have Refreshment Rooms all over the Railway. There is thus not the same necessity for such constant travelling for the contractors of Indian Refreshment Rooms.
 - (7) No; except that aerated water for *bona fide* use of the Refreshment Rooms is booked at the first class goods rate.
 - (8) Items (i) and (iii) are allowed but not items (ii) and (iv).
- In addition to the above, the following concession is allowed to contractors of Indian Refreshment Rooms :

In the case of a refreshment room situated at a station where fresh provisions are not obtainable locally, the Railway allows a third class free pass to the contractor or his servant, with 20 seers of fresh bazar provisions or oilmanstores for the refreshment room, available between that station and the nearest source of supply, which will be determined by the Divisional Superintendent.

DEMANDS FOR SUPPLEMENTARY GRANTS IN RESPECT OF RAILWAYS.

AUDIT.

Sir Raghavendra Rau (Financial Commissioner, Railways): Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 20,000 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, 1937, in respect of 'Audit'."

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

"That a supplementary sum not exceeding Rs. 20,000 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, 1937, in respect of 'Audit'."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I should like to know the reasons for this supplementary grant. The reasons, given in the foot note at page 1 of the Book of Supplementary Demands, are very scanty. They do not give us any idea as to why this additional sum is required.

Mr. N. M. Joshi (Nominated Non-Official): Please see the Standing Finance Committee report.

Dr. Ziauddin Ahmad: Even in that report, I could not find any valid reasons. Will it be possible for the Honourable Member to give us some idea why this thing was not foreseen at the time of the Budget? I do not want to say that the sum is not needed. But what I would like to know is, why it was not foreseen at the time when the original Budget proposals were laid? Why did these things come afterwards? After all whenever any demand is made by way of supplementary grants a case ought to be made out giving valid reasons for the same and why those things had not been included in the ordinary Budget? What were the circumstances under which this appointment was necessitated?

Sir Raghavendra Rau: I have given as much detail as was available in this office in the explanation to the supplementary demand. As my Honourable friend would have noticed, the excess is only Rs. 20,000 out of a total grant of 16 lakhs which is about one per cent. At least half of it was due to the payment of a gratuity which was provided for last year but which was actually paid only this year.

Dr. Ziauddin Ahmad: My point is not that the sum is not needed. My point is why it was not foreseen at the time of the regular Budget.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): The Honourable Member himself has something to do with budgets and could he assure the House that he has always foreseen everything right down to one per cent. of the total? If he says, yes, then I admit we were to blame. If he has failed to budget correctly down to one per cent of the total, surely he can realise that an excess of Rs. 20,000—it is really only Rs. 9,000, because Rs. 11,000 is a transfer of liability from last year into this year—in a grant of over 16 lakhs is nothing to raise an objection about.

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

“That a supplementary sum not exceeding Rs. 20,000 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, 1937, in respect of ‘Audit’.”

The motion was adopted.

MISCELLANEOUS EXPENSES.

Sir Raghavendra Rau: Sir, I beg to move:

“That a supplementary sum not exceeding Rs. 1,47,000 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, 1937, in respect of ‘Miscellaneous Expenses’.”

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

“That a supplementary sum not exceeding Rs. 1,47,000 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, 1937, in respect of ‘Miscellaneous Expenses’.”

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, I should like to know why no Indian was appointed in the Railway Enquiry Committee and why foreign experts have been brought in. Why are Government so much enamoured of foreign experts? Have they no experts in India on railway matters? I would also like to know what is the monthly salary which each expert is paid? When are they expected to finish their work? I would also like to know whether their terms of reference include revision of goods tariff rates.

Sardar Sant Singh (West Punjab: Sikh): Sir, from the accounts published about this grant under Demand No. 3, the House will know that about Rs. 2,18,000 are required for the purpose of the expenditure which has been incurred on the Railway Enquiry Committee. In this committee, three Members are working. Two are from England and one from South Africa. Here it is stated that this Enquiry Committee was appointed because the Public Accounts Committee demanded that such enquiry should take place in order to find out ways and means of increasing the revenues from railways. The Public Accounts Committee recommended that one expert should be called to go into this question. Instead of that, three experts have been invited from foreign countries to deal with this matter. Naturally, Sir, the question divides itself into two parts, the first is the question of policy and the second is the question of financial liability incurred in making such an enquiry. As regards the question of policy, the Honourable the Railway Member and the Railway Department are expected to enlighten this House on the main point whether the railways which are probably more in mileage here in India than in England or South Africa have not been able, during the last so many years of their working, to produce experts of the capacity and calibre which England or even South Africa can afford. By the appointment of foreign experts, the implication is that India has not been able to produce such experts in such a vast department where we spend about 90 crores annually on its maintenance. The second point is why, if the recommendation of the Public Accounts Committee was accepted, why was it not accepted in its letter? Why was not one expert called for, instead of three? The Honourable the Mover of this Motion has not yet given an insight into the question of policy which led the Government of India to depart from the recommendation of the Public Accounts Committee. Then, there is a serious omission, as pointed out by my Honourable friend, Babu Baijnath Bajoria, that not a single Indian was associated with this Committee of Enquiry. I think the Government could not have forgotten the boycott movement which was inaugurated when the Simon Commission came out to India to make enquiries about the constitutional position of this country. Then, all our public bodies, whether belonging to the extreme left or to moderate sections, resented this attitude of His Majesty's Government in appointing a Commission without associating any Indians with it. In the case of the present enquiry too, the voice of the people has been both from the press and the platform why no Indian was associated with this Enquiry Committee. Though there is no question of boycotting this Committee because I find that commercial bodies have been sending in representations to the Enquiry Committee, still the feeling of resentment is there in the country. I hope the Honourable the Commerce Member who is an Indian himself and who must have been consulted when the personnel of this Committee was decided upon will enlighten this House as to why he did

[Sardar Sant Singh.]

not recommend the association of commercial bodies in this country with the Enquiry Committee which mainly concerns the vital interests of commerce and industry in this country.

The Honourable Sir Muhammad Zafrullah Khan: Recommend to whom?

Sardar Sant Singh: I am sure, the Honourable Member can get gentlemen in this country who are more competent than those who have been imported from abroad. Change places with me, and I will show how the personnel could be appointed.

The Honourable Sir Muhammad Zafrullah Khan: You are welcome.

Sardar Sant Singh: Now, coming to the financial side of the question, at my request my Honourable friend, Sir Raghavendra Rau, has been pleased to furnish the members of the Standing Finance Committee with a statement showing the expenditure on the Railway Enquiry Committee. I find that Sir R. Wedgwood, Chairman, gets £6,400, Mr. Stanier, Member, £3,400, Mr. Cheadle, Member, £840, Mr. Forbes Smith, Assistant to the Chairman for Rates and Statistics, £1,200, Mr. Kirkness, Joint Secretary, Rs. 15,000, Mr. Strouts, Joint Secretary, £600, Miss Thompson, Private Secretary to Chairman, £400, cost of passages Rs. 12,000, office staff,—pay Rs. 6,000, allowances and contingencies Rs. 15,000. Total £12,840, and Rs. 48,000, Grand Total Rs. 2,18,000. We have not been supplied with further information as to what time will be taken by this Committee to investigate and go into the matter and present their report so that we may be able to judge whether the huge sums that have been given to the members of the Committee are justified by the length of the time that they have to take and the services that they are required to render in order to write their report. I will, at the same time, ask the Honourable the Mover of this motion to enlighten this House as to whether the office staff which costs Rs. 6,000 consists of Indian personnel or foreign personnel.

Sir Raghavendra Rau: All Indians.

Mr. N. M. Joshi: As *chaprasis*.

Sardar Sant Singh: Stenographers and *chaprasis* probably. One point more. I want to know whether it was the decision of the Government of India that these esteemed friends of ours, the experts, who have come from foreign countries should bring their own Joint Secretaries and Private Secretaries at the expense of this country, and whether the Railway Board could not furnish them even with this personnel.

Sir Raghavendra Rau: One of the Joint Secretaries was from India—Mr. Kirkness.

Sardar Sant Singh: Thank you. May I ask why others also could not have been furnished by the Railway Board?

Mr. F. E. James (Madras: European): There is one small point which I should like to raise. I did try to raise it in the Standing Finance Committee, but failed to get a satisfactory reply for quite obvious reasons. The point is why this charge should be debited to the Railway Budget and not to general revenues. The Committee was appointed largely on account of the failure of the railway finances to contribute to the general revenues; its terms of reference were certainly wide. I believe they included a reference to the general problem of road-rail transport and it seems to me that this amount should properly be debitable to general revenues and not to railway revenues. I wonder whether anybody on the Government side could explain what was not explained to me in the Standing Finance Committee. I do not want to indulge in the pleasant pastime of criticising any Committee that is appointed for lack of Indian members, and I should like to say that, so far as this Committee is concerned, it is difficult to conceive under the circumstances a better Committee for the particular purpose for which it was chosen. But this question of debiting this amount to the railway revenues is one that I should like to hear more about. Is it to form a precedent in future when such Committees are appointed,—for instance if a Banking Committee be appointed, will the expense of such a Committee be debitable to the Reserve Bank, and so on?

Mr. Lalchand Navairai (Sind: Non-Muhammadan Rural): I will add a few remarks to what has fallen from my Honourable friend, Sardar Sant Singh. I share fully his remarks with regard to the importation of experts from England. I do not think that there are not men in this country who are competent to have joined this Committee. As one at least has been associated, it means that we have got experts in India, though I do hold that there are experts in the country who could have worked exclusively without foreign aid. The second thing that I desire to say is as regards the procedure adopted by this Committee. They have issued no regular questionnaire. Ordinarily, Committees issue questionnaires and they are answered by those concerned. The Honourable the Commerce Member said the other day that any man could send in his representation and it would be considered. That is not proper. The more regular thing would have been to issue a questionnaire and then also to examine witnesses. After all, the questions that the Committee are considering have been brought forward and agitated by the commercial bodies and the public from a very long time and therefore on such an important matter there should be no witnesses examined is another defect. I also submit that in this matter it was very necessary that the members of the Railway Federation or of the railway unions, who have all along been making representations to the Railway Board and pointing out defects, should have been called and examined.

Sir Baghavendra Rau: The Committee met the Railwaymen's Federation on the 1st.

Mr. Lalchand Navairai: I am glad to hear that, but I do not know if they were regularly examined. Some of them should have been examined on certain points so that we might have known what they actually placed before the Committee. I think it is, therefore, a very serious matter that such an important Committee should do things so perfunctorily.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Sir, I would like to know if the Committee are examining freight rates, and if they are to advise the Government on this very important aspect of Railway Administration, whether the Honourable Member will place its report before this House for their consideration before he applies his own mind to it, and whether he will take the views of this House into consideration before any decisions are taken. I must also echo the sentiments expressed here that it might have been advisable to associate an Indian financier with this Committee.....

The Honourable Sir Muhammad Zafrullah Khan : Nobody has so far given expression to that sentiment; other Honourable Members have so far suggested railway experts?

Sir Cowasji Jehangir : There may be just that slight difference, but an Indian, at any rate, who could have seen and explained the Indian point of view, should have been associated with this Committee. These gentlemen or most of them come to India for the first time and are to consider a very intricate problem, a problem which has baffled several Finance Members

The Honourable Sir Muhammad Zafrullah Khan : I am not objecting to what the Honourable Member is saying, I merely stated that no other Honourable Member has so far suggested a financier

Sir Cowasji Jehangir : The Honourable Member, I think, was making a mis-statement, when he said

The Honourable Sir Muhammad Zafrullah Khan : I was not. I said that no previous Honourable Member had said that a financier should have been associated.

Sir Cowasji Jehangir : If the Honourable Member will sit down and not interrupt me, I shall finish in two minutes. What I did say was that I echoed the sentiment that an Indian should have been associated with this Committee, and then I said that I think an Indian financier might have been associated with this Committee, if a railway expert in India was not to be found—and I can understand that—two railway experts have had a hand in this now and they have been advising Government but they could certainly have found an Indian financier to be associated with this Committee who would have looked at the whole question from the Indian point of view and explained to his colleagues what the feelings, in India, have been on the railway question. Of course, I should have thought that from past experience such a suggestion might have occurred to Honourable Members of Government and they need not have been reminded of it after it was too late. I do not mean to make any reflections on the personnel of this Committee. I have no doubt that it is the best Committee that the Honourable Member could have got for the purpose but that does not in any way decrease the validity of the argument that an Indian, whether he be a railway expert or he be one with financial experience, might have been associated, in order, if not for the benefit of the Government, at least to inspire confidence in the Indian public in the report that will be received. I should be glad to have an answer to this question that I have already put to the Honourable Member, *viz.*, whether the Committee's report will be placed before this House for their consideration.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, although I may be guilty of repetition, I cannot record a silent vote on this important question before the House. Sir, I must associate myself with the general feeling of resentment that prevails in this country over the exclusion of Indians from the Railway Enquiry Committee. I do not object to the inclusion of one or two foreign experts from England or other countries but there is no reason why an Indian could not have been associated with the Committee. In the first place, the Honourable the Financial Commissioner for Railways—whom I wish to congratulate on his being recently knighted—has not explained to the House why no Indian was available. He has also not explained what is the past experience of the Members who have been appointed to this Committee, as regards railways in India. Have they ever travelled in India? Do they know the climate of the various provinces of India? Do they know the conditions in which the rail-road motor competition is going on in the country? Do they know the conditions of the slump in trade in this country which has reduced the tariff receipts of the railways? I do not doubt that these gentlemen are experts in their own countries, that they know their jobs very well, but I cannot agree with my friend, Sir Cowasji Jehangir, when he says that it is the best Committee which could have been selected. . . .

Sir Cowasji Jehangir: I did not say it was the best; I said I assume so—since these Honourable Members are in the best position to know. I cannot guarantee that it is the best Committee.

Sir Muhammad Yakub: I am glad you have explained your position, but then there is one thing to which I must give expression and it is the feeling that we, in India, strongly resent the inclusion of a gentleman from South Africa in this Committee. We know how the South African Government have been treating Indians; we know what laws are being enacted in South Africa derogatory to the position and status of Indians there. Just at present, we find that there is a piece of legislation before the South African Parliament which prevents inter-marriages between Europeans and Indians. So if a country has been treating Indians so shabbily, it is adding insult to injury if a man from that country is taken on this Committee and I strongly protest against the inclusion of a gentleman from South Africa. I do not say anything derogatory to the gentleman himself. I think personally he must be a very good man; but when these are the feelings of people in South Africa against Indians, I think it is against our self-respect that we should invite a gentleman, however great an expert he may be, from South Africa to India to sit on any Committee in our country. It is really a great pity that the British Administration of 150 years in this country has failed to produce any prominent expert to give opinions on railway matters. We are not responsible for this. It is, in fact, the responsibility of the British Government that they have brought such inefficient men into the country or that they have not been able to train men, even after 150 years of British administration, who can be called experts. There is one more point which I would like to know from the Honourable the Financial Commissioner for Railways and the Honourable the Railway Member and it is this. Why was this sum not included in the annual Budget? When was it decided that such a Committee would be appointed? Before the Railway Budget was presented to the House last year, I think it had been decided that such a Committee would be appointed and that

[Sir Muhammad Yakub.]

INDEX BELIEVED TO BE

people would come from outside. So on a matter of such great importance, why was it not included in the proper Budget in order that the full House could have got a greater opportunity to discuss this question? With these remarks, I enter my protest against the way in which this matter has been dealt with.

Mr. N. M. Joshi: Mr. President, in the first place I would like to know from the Honourable Member in charge of the Railways whether this Railway Enquiry Committee is considering the question of the treatment given to the third class passengers and how the neglect of the third class traffic and how the undue favour shown to the second class and first class passengers adversely affects the revenues of the Indian railways. You know, Sir, I have been trying my very best for several years to make the Government of India realise that their best customer from the point of view of passenger traffic is the third class passenger and how I have been pointing out how the Government of India have been neglecting this traffic and it is on that account how the Indian Railways are suffering in their revenues. I would like to know whether this Committee is considering this question of passenger traffic and the question of the partiality shown by the Government of India towards second class and first class passengers and the neglect of the third class passengers. I would like this Committee to go thoroughly into this question and find out in what direction the neglect shown by the Government of India so far for the comforts of the third class passengers can be removed. Secondly, I would like to say a word about the habit which is growing on the Government of India of bringing experts from outside whenever we want any problem to be investigated. I am not suggesting for a moment that we should not secure the advice of an expert from outside on any occasion. I have also no desire to criticise the personnel of this Railway Enquiry Committee from the point of view of their knowledge of railway affairs in Great Britain. But I do feel that it is a wrong practice and it is not to the interest of this country that we should follow the practice of bringing experts whenever we have to make any inquiry in this country. I would like you to remember, Sir, how many experts are, at present, touring in this country at the cost of the Government of India on various kinds of inquiries. If we want to investigate the problem of education we want to bring an expert from outside. If we want to investigate the problem of agriculture, we must bring an expert from Great Britain. Take any problem which we want to investigate and you will find that foreign experts are brought to solve it. In this country a number of foreign experts have been brought from outside as if there are no experts in this country. I feel it is the duty of the Government of India to make out a case when they bring an expert from outside as to why that expert was brought from outside. The country suffers in two ways when we bring experts from outside. In the first place, however eminent an expert from outside may be, that expert has very little knowledge of the conditions prevailing in this country. After all, if that expert is going to help us satisfactorily in solving our problem, it is absolutely necessary that that expert should have knowledge of our country. If he first tries to secure knowledge of our country and then do his work, then certainly we have to pay much more than we ought to pay for an inquiry of this kind. Secondly, when an expert from outside investigates a problem and he gets knowledge of that problem, the country does not get any continued benefit from his knowledge. That expert returns to his country

and his country benefits at our expense. But if we have experts from our own country and if they get any knowledge of the Indian railways, their knowledge will be available to us even in the future. I, therefore, feel that the practice, which the Government of India are following at present, of bringing experts from outside is harmful to the interests of this country because, as I said, we suffer in two ways. Moreover, I feel that if it is quite necessary sometimes for the proper knowledge of our own problems that we should have some knowledge of the conditions outside in that case, what I would suggest to the Government of India is that they should send our own experts to foreign countries. Let them learn there the conditions of the railway management or of any other problem in that country and come back. They will come back and remain in this country and we shall get the advantage of their knowledge not only on that particular occasion but always in the future. I, therefore, hope that the Government of India will change the policy which they have been following. There is no doubt that it is a question of policy. If you find out the number of experts who have come out to this country this year, you will recognise that we are not objecting to one particular expert being brought but we are objecting to the policy of bringing experts from outside on every occasion when we want to investigate any problem. I hope the Government of India will change their policy.

Mr. J. Ramsay Scott (United Provinces: European): Sir, part of the terms of reference of this Committee is road-rail competition. The report of a Railway Committee on this matter must be prejudiced in favour of the Railways. I would like to see the Road side on this question fully examined and put before us.

Dr. Ziauddin Ahmad: Sir, in the year 1931, when we were discussing the questions relating to railways in the Retrenchment Committee, we had the opportunity at that time to discuss this matter only with the Railway Board. When the members of the Committee desired to go to the running lines and discuss the matter with the Agents, we were given to understand that it was a very big problem and the whole thing will be examined in all its details by an expert committee which will be brought out in the year 1931. Instead of bringing out the expert committee in 1931 the Government of India brought out only one person, Mr. Pope, and he examined the railway questions from a very narrow point of view, that is to say, only the job work and a few other things related to it. But the bigger problem of the railways with which we were concerned at that time was not examined. When this question was again taken up this year when the Government were going to appoint another Expert committee, then also we contemplated that this committee will be of the type of the Acworth Committee which was appointed in 1920, and it will examine the entire question of railway policy which the Acworth Committee did sixteen years ago. But when I looked at the terms of reference of this committee, I found that they were vague, very limited and the committee was not going to examine all the aspects of the railway problem. No doubt, the Acworth Committee's report is a landmark in the history of the Indian Railways because that committee laid down a certain policy after a good deal of discussion and the Government of India accepted the major portion of their recommendations which they have been following since that time. We are now on the eve of a big change in our railway administration. We are going to hand over

[Dr. Ziauddin Ahmad.]

the whole of the railway administration to a small committee with a managing agent, who will be the Chief Commissioner, and I am afraid all the troubles which are associated with the managing agents will be reproduced in our future railway administration. Therefore, I expected that there will be some investigation of these bigger problems by an expert committee whose members are familiar with the working of the administration of the railways in different countries and their advice will be very valuable to us. But instead of attacking the bigger problem and the broad principles of administration, their terms of reference are limited to only a few questions which we could have solved without their assistance and perhaps in a better way. Had their attention been invited to bigger problems, then certainly their experience would have been of great value to us. But their terms of reference have been so much narrowed down that, really speaking, we do not gain so much as we ought to have gained by the experience which these gentlemen possess. So, my first point is that the terms of reference of this Committee are exceedingly narrow. The terms of reference ought to have been much wider; at least they should have been the same as the terms of reference of the Acworth Committee, and this Committee ought to have reviewed the entire policy of the Railways, they ought to have examined the present position carefully in order to prepare us for the future step which we are going to take in the coming year.

Sir, India is becoming exceedingly nervous at the present moment about the contemplated change in the policy of the Indian Railways. We do not know what we are going to do; we are certainly taking a leap in the dark. The Parliament has passed an enactment for us, but we do not know how it will work out in practice. At present, the responsibility rests with the Governor General in Council and also to a certain extent with the Legislature as representatives of tax payers. In future that responsibility in regard to railways will be handed over to a body of directors like the Company Directors who will come to attend meetings, draw daily allowance and then go away, and the entire work will be done by a single individual who will be called the Chief Commissioner of Railways and who will be like the managing agent of the company. This is really a question on which we should very much have liked to get the advice of experts; that is to say, what should be the constitution of the new Railway Authority. Now, these gentlemen have got the experience of the working of railways not only in England, but all over the world, and on this question their advice would have been extremely useful to us. We expected that they would examine this question and discuss it with us and consider our point of view as well, but they are not going to do it. After all, Sir, the deficits of the Railways in India will fall on the Indian taxpayer, and he will have to pay for all the follies and mistakes of the future Railway Authority, and, therefore, I feel that we, as the representatives of the Indian taxpayer, have every right to be heard, and that we should not be taxed without being heard, without giving us an opportunity to express our opinion on this point. This is really one of the biggest issues which I think this Committee should consider and give their mature opinion, but their terms of reference preclude them from expressing their views on this momentous question.

Then, the second question on which we expected they would express an opinion is the purchase of the railways. Of course, opinions differ as

circumstances differ, but the opinion of the Committee would have been very useful. The Acworth Committee definitely stated that we ought to purchase the Indian Railways as and when their contracts terminated. This policy was negatived, in practice, by the Government in 1931 and again this year. I do not suggest that they were wrong this year, because opinions change with the change of circumstances, but at any rate we ought to have had the opinion of this Committee as to whether we should adopt the suggestions made by the Acworth Committee or we should now change our policy. If so, why?

The third important thing which should have been included in the terms of reference is the question of the amalgamation of the Railways. These gentlemen have got the experience of the working of their own railway lines in their country, and they have seen the working of the four amalgamated Railways, in England, and with their experience they could advise us what we should do. What was good for England would or would not be good for this country. Anyway, we ought to have some kind of advice from these experts and they may tell us the reasons why they recommend a policy different from that which they follow in England or in other countries.

Then, the next important thing, is the question of the safety of the passengers. In this matter, our railways are, at present, placed in a very difficult position. They have retrenched the staff to such an extent that travelling on railways has become rather dangerous. I myself had been a victim of an accident and that, to my mind, was entirely due to the retrenchment policy pursued by the Railways. They have reduced the staff to an extent that Railway running has ceased to be efficient. Let these experts who are now in India remember one fact. If they will examine this point, they will find that, man for man, we are inefficient, but money for money we are more efficient. Whatever amount of work one man may do in England, one single man in India cannot do the same, but consider the expenditure, what can be achieved by paying certain amount, we achieve the same thing by smaller expenditure; they will find we are far cheaper and more economical. This is really one of the problems they ought to have examined, as to how far economy has been effected and whether it has not touched the fringe affecting the safety of the passengers, and this question ought to have been included in the terms of reference.

Then, the next point, which is very important, and which was alluded to by my friend, Mr. Joshi, is about the amenities to passengers. The experts ought not only to investigate the extent of competition between the rail and road, but they should also examine the causes that have led to the diversion of the railway traffic to road, and I do not know whether this Committee would examine all these points.

In addition to these things there are several other problems they should have examined; at least, they ought to have examined the view point of the Members of the Legislature who have been discussing these matters, year after year, in times of deficit budgets. We do not know whether our point of view has been placed before the experts, but it would certainly give better satisfaction to the Members of the Legislature if they know that their point of view has been placed before the experts and that it has been considered by them. My friend said that every member has a right to send his opinion? Sir, I have been a member of several Committees, and my

[Dr. Ziauddin Ahmad.]

friends over there have also been members of several Committees, and we know the value which is attached to these written opinions. If every member receives large volumes of literature to read, they only pick out a thing which is of pressing nature, unless their attention is drawn by one of the members of the Committee to other points of view as well.

This brings me, Sir, to the question of non-appointment of an Indian on the Committee. It has been repeatedly pointed out that not a single Indian was found competent to serve on this Committee who could be called a railway expert. Sir, this question of railway experts is as humbug as the question of educational experts. (Laughter.) Really, you want a man with common sense, a man who has enough intelligence. Put such a man on to any job and he will do it. This is exactly the position with the I. C. S. people. An I. C. S. is not an expert, but as soon as you put him on to any job he becomes an expert in it, and he does the work nicely, because he has got the intelligence to do it. Of course, a man may not be able to build bridges or design locomotives unless he has had experience and training in engineering, but a man with sound common sense will be able to chalk out a policy to be pursued by a technical person. . . .

The Honourable Sir Nripendra Sircar (Law Member): You are an expert in education. Don't cry down experts.

Dr. Ziauddin Ahmad: Just as much an expert in education as you are in law. (Hear, hear.)

Sir Muhammad Yakub: But he thinks that all experts are humbugs.

Dr. Ziauddin Ahmad: I may also point out that in 1920, when the Acworth Committee was appointed, there were Indians available in this country who were associated with his Committee. That Committee wrote a really very good report. Now, if persons could be found in 1920 to serve on that Committee with Mr. Acworth, I fail to see why no Indian could be found competent enough throughout the length and breadth of India to be associated with these experts who are now in India. Several Members who served on the Acworth Committee are still alive and are still working for the good of the public, and they could still have been asked to serve on the Committee. Therefore, I do not agree with the argument of the Government that no Indian gentlemen who may be called Railway experts could be found in this country. If the desire to appoint an Indian is not wanting, they will always be found; but if you don't wish to put Indians on any committee, then you can advance some arguments against the inclusion of Indians. If you do appoint Indians on any Committee, you will find that they do come up to your expectations and they will be useful members of the Committee. Therefore, this question of leaving out Indians will not appeal to any Indian. One of the reasons is, as pointed out by previous speakers, that we do require in this country some persons who know these railway problems, and the only way in which experience can be gained is to give them opportunities to gain experience. One can learn a great deal in these committees and such persons will be useful to the country in future.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Why have a Railway Board?

Dr. Ziauddin Ahmad: I suppose the Railway Board will not exist in future and it will soon be a back number.

One point which has been dealt with by previous speakers and which I want to emphasise is that if you give opportunities to an Indian to serve on this Committee he will rise to the occasion and he will be an useful asset in future, because by coming in contact with the experts of the world he will gain and he will be always available to the Railway Department whenever his services are needed. If we appoint another committee it will not be possible to bring out the same experts who are here. They may not have the time to come again, but if we have somebody in the country, his services will always be available for all problems. Therefore, I think it is a great mistake which the Government of India have done in not associating any Indian on the slender excuse that no suitable Indian is available.

The next thing that I should like to mention in this connection is that if you have a committee consisting of experts from outside, their whole programme, their whole point of view, is regulated by the Railway Board and Government, and the other side of the question will not be prominently brought to their notice. They get a series of papers to read; these papers are selected naturally by the Railway Board; they look into the problem in the same manner

The Honourable Sir Muhammad Zafrullah Khan: The Railway Board have nothing to do with the selection of papers which they should or should not read.

Dr. Ziauddin Ahmad: How will they read papers not sent to them? I wonder whether any Member of the Assembly was ever asked to send them all this literature which was sent to them. I understood that all this literature was sent to them either by Government or by the Railway Board and not by a Non-Official Member of the Legislature or by a commercial body.

The Honourable Sir Muhammad Zafrullah Khan: Commercial bodies all over the country and other people who are interested in this question sent up papers.

Dr. Ziauddin Ahmad: Did they send these papers to England?

The Honourable Sir Muhammad Zafrullah Khan: Does any particular charm attach to anything which is sent to England?

Dr. Ziauddin Ahmad: The thing is that they do not hear all sides of the question, and the general public would have greater satisfaction if all sides of the question were clearly considered by them before they gave their judgment.

There are two more points to which I should like to refer. One is the question of tariff. It is a very important question and I do not remember just now whether it is or it is not included in the terms of reference.

The Honourable Sir Muhammad Zafrullah Khan: It is a question of the construction of the terms of reference. I cannot give any opinion to the Honourable Member off-hand.

Dr. Ziauddin Ahmad: Who drafted the terms of reference?

The Honourable Sir Muhammad Zafrullah Khan: Sir, I intended to deal with that matter when my turn came, but as the question has been put in the middle of the debate, I may point out to Honourable Members that the terms of reference are in very close accord with what the Public Accounts Committee suggested.

Sir Cowasji Jehangir: May I ask just one question? Does my Honourable friend mean to say that he cannot give us his own interpretation of these terms of reference?

The Honourable Sir Muhammad Zafrullah Khan: Surely Honourable Members will realise that it would not be proper on my part to say, "This is what the Committee must have considered or should consider or are bound to consider". They were themselves in the best position to put and interpret their terms of reference; and I have not the slightest doubt that everything relevant to the terms of reference will be examined by the Committee.

Dr. Ziauddin Ahmad: I will not enter into any details about tariff, but there is one point which I would emphasise at the present moment, and that is that the fixation of tariff should never be left to the railway authorities alone. It should be done by Government, because the railways are commercial bodies. They will consider only one point and that is the point of maximum profits. In fixing the rates we have, of course, to consider in the first place the profits of the railways, but we have also to consider the development of industries. And the development of industries can only be considered by Government which really has every point of view in consideration. Therefore, this is one point which I should like to emphasise, that the fixation of rates must be left to Government and never to the railway authorities themselves. At present they say that Government have fixed the maxima and the minima, and they have left the railway authorities to fix anything between the maxima and minima. But the maxima and minima are so wide that, as was said by our old friend, Mr. (now Sir) Ramaswami Mudaliar, who is now in the India Office, that even an elephant can pass through these two limits, i.e., the maximum is about 18 times the minimum. Of course the difference between the maxima and minima should be very narrow, say 5 to 10 per cent. on this side or that side, but to make it 18 times, i.e., 1,800 per cent., is really not fixing of limits but leaving it to be settled in an arbitrary manner. Therefore, whatever may be said about it, I hope this Committee will consider,—and it is not too late to emphasise this fact now,—that the fixation of rates should be left to Government and the railway authorities may be allowed to arrange it only between certain limits.

Before I finish with this question of rates and come to my next point of road and rail competition, I should like to know very definitely from the Honourable Member, because I should like to make some remarks upon it, whether the question of fixation of rates is or is not within the terms of reference of this Committee, because my speech depends upon this fact.

The Honourable Sir Muhammad Zafrullah Khan: Then the Honourable Member should have started his speech after he obtained the information.

Dr. Ziauddin Ahmad: Will the Honourable Member be good enough to give me that information now? As Government refuse to give us that information on the floor of the House as to whether

The Honourable Sir Muhammad Zafrullah Khan: I have already stated that it is for the Committee to construe their terms of reference. Their terms of reference are almost exactly those that were laid down by the Public Accounts Committee. Surely, it cannot be made a grievance that they have not been narrowed down and Government have not put down certain specific questions to be considered by this Committee. A grievance has already been made that the terms of reference are very narrow, by the Honourable Member himself; and when I point out to him that the Committee have been left to interpret them in any manner they choose and that whatever is relevant to those terms of reference they are at liberty to inquire into, he turns round and makes a grievance of it. I do not know what his position is.

Dr. Ziauddin Ahmad: This question of fixation of rates is one of the most fundamental questions in the whole discussion. And when we are told that the Committee are free to interpret the terms of reference in any way they like, we are in an exceedingly difficult position. I shall not press this particular point.

I now come to the next issue, rail road competition. My Honourable
12 Noon. friend, Mr. Scott, pointed out that the deliberation of this problem by a committee of railway persons alone will not be very satisfactory; they will examine the question only from one point of view. Before coming to any judgment on this matter, we ought to take into consideration the view points both of road and rail, and any committee appointed to consider this problem must include representatives both of road and rail: and in the absence of any representation on the roads side, the deliberations of the committee will not satisfy the general public and they will believe that it is a one-sided report. One chief difficulty which the members of this committee may have is that it is difficult to have any co-ordination because of the fact that the railways are owned by the Government of India—in future they will be owned by the Federal Government—while the roads will always be regulated by the Provincial Governments. Any kind of co-ordination between these two is exceedingly difficult to obtain. My province has passed a Resolution establishing a board of co-ordination between rail and road, and I said then that that would be no better than a board of co-ordination between the police and the Indian Army, because the police would be regulated by the Provincial Government, while the Army is regulated by the Indian Government. The same is the case here: unless you provincialise the railways it will not be possible to have any satisfactory board of co-ordination between the roads and rail. The second point is that the difficulties of travelling by road have not been realised: and that is a point on which the Indians can give better advice than foreigners who have never seen the country side, they do not know the condition of the roads here and the problem of the villagers in bringing their articles to towns: there are a large number of villages which are shut out from

[**Dr. Ziauddin Ahmad**]: traffic for about three or four months in the year and they have no roads whatever. A foreigner cannot even conceive that there are appreciable number of villages in this country which are shut out altogether for any wheeled traffic for several months in a year. There are a large number of other problems which really require consideration; perhaps it is premature for me to express an opinion now on them. But I would very much like that these questions should be examined in greater detail and in sympathy with the problems which are facing our country; and the most important of them is the question of unemployment: a large number of persons who drive these motor cars get just sufficient wages to live, and they are thrown out of employment, then . . .

The Honourable Sir Muhammad Zafrullah Khan: With all respect to the Honourable Member who is addressing the House, may I point out that the general questions he is discussing have really nothing to do with the motion now before the House? Starting with what should have been the terms of reference, the Honourable Member has gone on to express his views on certain aspects of some very general questions, such as the question of unemployment.

Sir Muhammad Yakub: Were the Honourable Members on this side of the House given any opportunity to express their opinion on this extremely important question?

The Honourable Sir Muhammad Zafrullah Khan: The Public Accounts Committee formulated the terms of reference.

Sir Muhammad Yakub: Not the Public Accounts Committee: I say the Members of this Honourable House.

The Honourable Sir Muhammad Zafrullah Khan: But that is no reason for the discussion to travel beyond the scope of the grant.

Mr. President (The Honourable Sir Abdur Rahim): Since a point of order has been raised, the Chair quite realises that the Honourable Member is now and then touching on questions which perhaps are a bit outside the scope of the motion. But, at the same time, this being a new service, and as it is an important question that is being raised, it will perhaps be very difficult, especially having regard to the terms of reference to which reference has been made, to limit the discussion in the way which is desired by the Honourable Member in charge of the motion.

Dr. Ziauddin Ahmad: I think I am suffering from extreme tyranny. The Honourable gentleman takes shelter under the findings of the Public Accounts Committee. The Public Accounts Committee Report ought to have been discussed on the floor of this House. The Government never gave us an opportunity . . .

The Honourable Sir James Grigg (Finance Member): That is not true, if I may say so with all respect. The reports of the Public Accounts Committee have been put down on at least three occasions and postponed in accordance with the desire of Honourable Members of this House and not of Members of the Government.

Dr. Ziauddin Ahmad: That was only at the fag end of the Session at Simla, when the Government consulted the Leader of the Opposition and the Leader of the Opposition thought that this thing should be postponed and brought up this Session. But in this Session it has never been brought. That is about the last year's report. The report of the year before last was not discussed either by the Assembly. So for the last two years, for some reason or other, the report has not been discussed: I do not blame the Government. I do not blame the Opposition. Therefore, it amounts to this: my Honourable friend takes shelter behind the report of the Public Accounts Committee which we have never had an opportunity to discuss and express our opinion upon. Had this report been discussed we would have been able to give better terms of reference and certainly clearer terms of reference than has been done. So that, really speaking, the whole thing has been deliberately shut out from the Members of this Assembly so that we may not be able to express our opinion on this particular point. And now we are not going to have any opportunity to express an opinion. No doubt the Assembly is only an advisory body: it is open to the Government to take our advice or not: and if the advice is given, it is open to the Government to follow it or not to follow it. In this case, they are not even prepared to listen to us and so I sit down.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions; Non-Muhammadan Rural): Sir, the question has been discussed threadbare, but it is of such importance that I should not be justified in casting a mere silent vote. The feeling of resentment against the exclusion of Indians from this Committee has been so deep, so intense and so universal, that I feel I should be failing in my duty if I did not support our friends in giving expression to our feeling of resentment. What I wonder is, what is, after all, the definition of an expert, not in the abstract sense of the term—an expert for the investigation of Indian problems and for the solution of Indian problems. I feel there is something fundamentally wrong in the conception of bringing out experts from outside for the solution of Indian problems. One may be an expert in his own country with regard to the state of affairs in his own country. At the same time, it does not follow necessarily that he will be an expert elsewhere. An expert may not always be a humbug.

Mr. N. M. Joshi: But sometimes he is?

Mr. Akhil Chandra Datta: But there is at least some truth in this, that an expert in South Africa may possibly be a humbug in India with regard to Indian problems. Of course, a prophet is never honoured in his own country: that is true all over the world. But that sin is a besetting sin in India where an Indian is not only not honoured in his own country, but I should think he is dishonoured. It is a disqualification in India to be a child of the soil and to be an Indian. If you say "Oh, he is an Indian", the presumption is he must be incompetent, but if you say, "he comes from outside, from England or America", or for that matter, from any uncivilized country, the presumption is he must be an expert. It is high time that there was a change in the mentality of the Government in regard to the conception of an expert. In fact, the complaint is, wherever a Committee is to be formed, it must get an expert from outside. As I have said, I do

[Mr. Akhil Chandra Datta.]

not wish to dilate on this aspect of the question and take up the time of the House on this occasion, but there is one very important matter about which I am very keen, and that was referred to by my friend, Sir Cowasji Jehangir, and that is this. We are all over keen that the Report of the Inquiry must be placed before this Assembly and we must be given an opportunity to express our opinion on it

The Honourable Sir Nripendra Sircar: As experts?

Mr. Akhil Chandra Datta: If that is the idea, let this House be dissolved. Let there be only experts from outside, and let there be no Legislature and no Assembly.

Sir Cowasji Jehangir: May I point out, Sir, that there is no Indian on this Committee, and these observations are only justified.

Mr. Akhil Chandra Datta: The complaint here is two-fold. In the first place, experts are invited from outside. That is complaint No. 1. Then complaint No. 2 is that no Indian is associated with it. Even an expert requires information on material points. Therefore, there is this twofold complaint, namely, about getting out experts from abroad and about the non-inclusion of Indians on the Committee. This is a very important matter, and I do not think that it will be denied by any Member of the Government that the feeling of resentment is universal amongst Indians on these two points.

The Honourable Sir Muhammad Zafrullah Khan: Sir, before I take up the various questions raised on this motion, may I say one word with regard to my having unfortunately caused some irritation to Sir Cowasji Jehangir during the course of his speech. I was not in any way taking objection to the validity, or otherwise, of the point he was seeking to make. I merely tried to point out, and I believe, I was right in that,—though the Honourable Member had a different recollection of the matter,—that when he referred to echoing the sentiments of other Honourable Members in that no Indian financier had been associated with this Committee, he was in error and that the objection taken by other Honourable Members was that no Indian railway expert had been associated with the Committee. That is all that I wanted to make clear to the Honourable Member on that occasion.

Now, Sir, the criticism put forward on this motion might be divided into two main heads,—the personnel of the Committee and the terms of reference of the Committee. One or two other points were also raised to which I shall advert later, but those are the two categories under which the main criticism has been put forward. Some reference to appointing an expert or an expert committee to look into the finances of the Indian Railways was made as early as the budget discussions of last year. I cannot vouch for the correctness of my memory on this particular matter, but I do believe that it was Mr. B. Das who said that some super-expert like Sir Josiah Stamp or some one of that kind should be asked to come out and

make an inquiry into railway finances. Subsequently this matter was taken up by the Public Accounts Committee, and the Public Accounts Committee recorded an opinion with regard to this matter in these words:

"This is an alarming prospect and in our view things cannot be left where they now are. We would urge therefore that the Government of India should immediately obtain the services of an acknowledged expert in Railway management to conduct an examination of the whole field and recommend steps which will secure definite (i.e., other than mere hopes of increased revenue due to improving trade) improvements in railway finances to the extent of something like 3 crores a year immediately and ultimately of such magnitude as is required to maintain full solvency on a strict accounting basis. And to avoid misconception we add that the terms of reference should exclude the possibility of securing this end by a mere transfer of liabilities to general revenues.

In making this recommendation that there should be such an inquiry, we do not wish to imply for a moment that railway administrations have made no attempt to restore railways to a position of financial stability. We are satisfied from the evidence which has been placed before us that strenuous efforts have been made during the past few years to effect economies and to stimulate railway revenues, but we feel that nothing should be left undone to secure a re-establishment of the commercial solvency of railways, and we consider that an independent inquiry conducted by a railway expert which we have suggested will be of great value in attaining the object we have in view."

Now, in pursuance of that recommendation, this Committee was set up

Sir Muhammad Yakub: Instead of a Railway expert.

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member is impatient. When he discovers a lapse of memory on my part indicating that I have forgotten one of the main criticisms of this matter, I shall be very grateful to him if he draws my attention to it, and then I shall attempt to deal with it. Sir, as I have just read out this extract from the proceedings of the Committee and it is fresh in the minds of Honourable Members, I might perhaps here draw attention to the terms of reference of the Committee in order to show that the terms of reference follow very closely the recommendation of the Public Accounts Committee. The terms of reference of the Wedgwood Committee are as follows:

"To examine the position of Indian State-owned railways and to suggest such measures as may, otherwise than at the expense of the general Budget,

(i) secure an improvement in net earnings, due regard being paid to the question of establishing such effective co-ordination between road and rail transport as will safeguard public investment in railway while providing adequate services by both means of transport; and

(ii) at a reasonably early date place railway finance on a sound and remunerative basis."

The first objection taken is, if this is a Committee that was appointed in pursuance of the recommendation of the Public Accounts Committee, why have you construed the expression "a railway expert" as meaning a Committee of experts. It has not been suggested that the appointment of a Committee consisting of three members was in any way a sinister evasion of the recommendation of the Public Accounts Committee; it is merely raised as a matter of objection. Now, Sir, if it had been the other way about and the Public Accounts Committee had recommended an expert Committee and Government had found that the most feasible way of carrying out the recommendation was to appoint a single expert, I can

[Sir Muhammad Zafrullah Khan.]

equally well visualise the kind of criticism that might have been put forward. Here is the Committee's recommendation. You choose one particular man who cannot possibly have all the requisite experience of the many-sided problem he has to deal with, and, because you think that one man may be amenable to your wishes in this matter, you have discarded the recommendation and appointed a one-man Committee instead of say, a committee of 3 or 4 or 5 as the case may be. Today the criticism is "The expression used is 'a railway expert' and you have appointed three experts, what is your explanation?" The explanation is this. There was no desire on the part of Government to depart even in that respect from the recommendation of the Public Accounts Committee, though it might well be construed as meaning an expert, or experts, in the sense that if a single expert could not be found who would be willing to undertake this enquiry in all its aspects without assistance, that

Sardar Sant Singh: May I point out to the Honourable Member what the comment is

Some Honourable Members: The Honourable Member is not giving way.

The Honourable Sir Muhammad Zafrullah Khan: That is the second aspect of the question. I am quite conscious of the second part of the criticism, namely, if you eventually decided to have more persons than one, why did you not appoint any Indian?

Sardar Sant Singh: That is so.

Sir Muhammad Yakub: Male also includes a female

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will go on.

The Honourable Sir Muhammad Zafrullah Khan: I do not think that it is the point of Honourable Members that if a female is found to be an expert on any particular subject she is not to be appointed, simply because she is a female, to conduct an enquiry into that subject. The point I was making was this. Government had no desire to depart from the recommendation of the Committee even with regard to the numbers, but when they took up the question of the selection of an expert, they found that, having regard to the problem that had to be investigated, there was no escape from the position that more people than one would have to be appointed in order that they might pool together all their previous experience as well as the observations of Indian conditions which they would conjointly carry out in order to make useful recommendations in this respect. There was no question of policy whatsoever involved in the question of the number of people to be selected. Government's only anxiety was to select a person or persons, one if such could be found, more than one if that became necessary, who would be able to bring by himself or among themselves the necessary experience to bear upon the problem that had been formulated by the Public Accounts Committee. There is nothing whatsoever beyond that in Government having appointed three persons instead of one to conduct this enquiry.

The next piece of criticism was, having appointed three, why did you not select an Indian as a member of the Committee, or, as some Honourable Members have said, to be associated with the Committee because the Committee would require information of all kinds which would have to be supplied to it. One Honourable Member said that Government should have been conscious of the resentment aroused in the country on the occasion of the appointment of the Simon Commission because no Indians were appointed as members of the Simon Commission. Without entering into the merits of the question whether the resentment occasioned by the appointment of the Simon Commission on which no Indians were appointed was or was not justified, may I use that very illustration to show that no questions of the kind that were raised in connection with the Simon Commission could possibly arise in connection with this Committee? The Simon Commission was appointed by His Majesty on the recommendation of Parliament and was to report to Parliament and was, more or less, to make an award. That is to say, though Parliament would still have the final authority to decide what the next stage of constitutional advance in the country should be, nevertheless, the report of the Commission was to be somewhat in the nature of an award between Indian aspirations and the practical possibilities of the situation. India was one party to the matter upon which the Simon Commission had to pronounce an opinion. The character of this Committee is entirely different. To begin with, no political or racial question whatsoever arises in this connection, it is purely an expert Committee. It is a Committee that is to give advice to the Government of India, not to an outside body. For the purposes of the final decision on this matter all available advice in India would be considered and Government would come to a decision not merely on the report of the Committee but upon the whole material available to them contained in this report and otherwise available. So that it is wholly illogical to try to institute a comparison between the composition of the Simon Commission and the composition of this Committee. The Public Accounts Committee themselves quite obviously were reconciled to the situation, as a matter of fact, contemplated the situation, as the second paragraph which I have read out indicates, that the person or persons who may be selected to carry out this investigation may be an outsider or outsiders. The criticism, therefore, that the moment you found that the requisite experience was more likely to be found in two or three persons than in a single person you were committed to the proposition that you must appoint an Indian on the Committee really loses its force. All the advice and all the experience within India are, nevertheless, available to Government and will certainly be kept in view when final decisions are arrived at.

What was the problem before the Public Accounts Committee and why was the appointment of this Committee recommended? The problem was this. It was felt that the finances of Indian railways, in spite of all the experience available inside India, had reached a stage which was causing a great deal of anxiety to Government as well as to Members of this House and the public and it was considered desirable to obtain expert outside advice, ask somebody to diagnose what in their opinion was wrong with the finances of the railways and to give advice with regard to their improvement. That is the sort of thing that the Public Accounts Committee visualised. Well, the Committee has been appointed for that purpose, to give advice after examining the conditions here. That advice along with other material available to Government, will be fully considered

[Sir Muhammad Zafrullah Khan.]

by Government before they arrive at decisions on their side. I need not repeat that in the composition of this Committee there was no question of Indian *versus* anybody else which need cause any anxiety to Honourable Members that factors might be ignored which might have been brought to the notice of the Committee if an Indian had been on the Committee. There was no exclusion of Indians from the Committee; there was no question of exclusion or inclusion; the object is to obtain the advice of these experts, to consider it along with such other material as might be available and then to arrive at decisions. With regard to the question of association with the Committee, apart from the personnel of the Committee, Honourable Members are aware that among those officers who were associated with the Committee during the greater part of their tour there was a very distinguished Indian officer, Sir Raghavandra Rau.

Then, objection has been taken to the procedure that was adopted by this Committee. It has been said—what is the use of telling us that any material that was forwarded to this Committee would be considered by them? But, after all, when a Committee is set up, unless something is done by that Committee to justify the suspicion that they have been indifferent to or have neglected material that was placed before them, the presumption should be that any material that is forwarded to them or placed before them will receive due consideration. The moment the Chairman of the Committee landed in India he issued an invitation to all commercial bodies and individuals interested in this matter to forward their views to him, and a very large volume of views has been forwarded to him. The Committee has taken the opportunity to discuss various aspects of the problem with railway people, with commercial people and other people interested in the question and I have not the slightest doubt that the views that have been placed before the Committee will be fully considered by it. As a matter of fact one Honourable Member who has spoken has told us that he himself has sent his views to the Committee. Of course, nobody can foretell to what extent the Committee might find themselves in accord with any particular view, but I am perfectly certain that any views that have been submitted to the Committee will be fully considered. I do not see why it should have been thought that a general invitation of that kind was not sufficient. The same Honourable Member has enumerated a list of subjects which he thinks ought to have been specifically included in the terms of reference. As I have pointed out, the terms of reference are in accord with what the Public Accounts Committee themselves said that this Committee should inquire into. That being so, I think that, if Government had proceeded to limit these terms of reference by saying that they were to inquire into certain matters and only into certain matters, and that they should pay particular attention to certain questions, it might have been a valid piece of criticism to say—“when the Public Accounts Committee said themselves that this body should be left at liberty to investigate whatever problems they considered necessary, why did you limit their discretion in any manner”. I do not for one moment wish to be understood to mean that the Committee have been debarred from entering into the questions to which Honourable Members have made a reference. All I mean is that Government have not specifically said “you must look into this and you must not look into that”, and I can only express the hope at this stage that the Committee are considering such aspects of all these questions as bear directly upon the state of the finances of Indian Railways, and to that extent, all these

matters, I am quite sure, will receive their attention; but, obviously I am not in a position to stand up and say—not being in possession of the minds of the Committee—that they are considering this matter, that they will consider that matter and express an opinion upon a third matter and that they will formulate certain conclusions upon a fourth.

Sir, another objection raised was—why was this estimate not included in last year's Budget estimates? Why was it left to be brought up by way of a supplementary grant? I hope I have made it clear that it was in the Budget discussions last year, after the Budget had been presented, that the necessity was urged upon Government of appointing a Committee of this kind and a definite recommendation was made as late as September, 1936, by the Public Accounts Committee. It was, therefore, impossible to make a provision in last year's Budget estimates merely upon the assumption that it was possible that certain Honourable Members might urge upon the Government the necessity of appointing a Committee to look into this and that therefore during the course of the year Government might have to appoint a Committee. Surely Honourable Members must realize that that was out of the question. References have been made to certain matters, e.g., rail-road co-ordination, the comfort of third-class passengers, the amalgamation of Railways, the safety of passengers, maxima and minima rates, and so on. This is not the occasion for me to express any opinion on these points and all I can say concerning these matters is that I have no doubt that the reports of this debate as well as previous debates on this question will be available to the Committee and that the Committee will pay such regard to these matters as the problems that they have to investigate into might necessitate. A reference was also made to the cost of the Committee. It was asked—what were the salaries that these gentlemen were receiving? Babu Baijnath Bajoria, I think, used the word "salaries". I do not know whether he meant the allowances to be paid to them in respect of their work on this Committee, or whether he desired to know the amount of the salaries that they receive in their own countries, but may I assure him that the Government of India have shown no generosity to these gentlemen in fixing their allowances. The position that the Chairman of the Committee occupies in England carries a very high salary indeed, and the allowances that have been fixed here have been fixed at the lowest possible limit at which they could be fixed having regard to the remuneration drawn by the Chairman and the members of the Committee.

The last question that was specifically addressed to me was—what was the procedure that Government intended to adopt with regard to the report of this Committee and whether Government would undertake, here and now, to place this report before the House and to obtain the views of the House before any action was taken on this report. Well, Sir, I am afraid I am not in a position just now to say what the exact procedure will be, nor can I give an undertaking that before any action whatsoever is taken upon any of the recommendations that might be contained in this report, the views of this House will be ascertained, though I imagine that an opportunity would be found to place the report of the Committee before the House and to obtain the views of the House on it, but until the report is received and one is aware of the character of the recommendations made and so on, I am afraid it would be out of the question to give an undertaking that Government would do nothing on this report till the report had been discussed in the House.

Babu Baijnath Bajoria: May I know when the report is expected to be published?

The Honourable Sir Muhammad Zafrullah Khan: I understand that the Chairman and the members are sailing on the 20th of February but I do not know the exact date by which the report might become available, possibly towards the end of April or the beginning of May.

Sir Muhammad Yakub: Not during the course of this Session?

The Honourable Sir Muhammad Zafrullah Khan: I do not think that likely, but if it is, Government will then consider whether it may be possible in some manner to obtain the views of the House on the report during the Session.

Dr. Ziauddin Ahmad: May I know when this Committee is likely to come to Delhi?

The Honourable Sir Muhammad Zafrullah Khan: The Committee is now in Delhi.

Mr. F. E. James: May I ask the Honourable Member if he will, perhaps, answer the question raised by me?

The Honourable Sir Muhammad Zafrullah Khan: Mr. James raised the question why the cost of this Committee was debited to Railways rather than to general revenues? He said that for obvious reasons he was unable to obtain a reply to this question in the Standing Finance Committee. The same obvious reasons still hold good. The Committee have been appointed on the railway side to look into railway finances and it is expected that the benefit of any recommendations that the Committee might make would accrue to railway revenues, naturally, therefore, the Railways are paying for the Committee.

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

"That a supplementary sum not exceeding Rs. 1,47,000, 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, 1937, in respect of 'Miscellaneous Expenses'."

The motion was adopted.

REFUNDS.

Sir Raghavendra Rau: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 3,35,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Refunds'."

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

"That a supplementary sum not exceeding Rs. 3,35,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Refunds'."

Babu Baijnath Bajoria: Sir, I would like to know whether the Government have issued instructions and directions to the various railway administrations about the grant of refunds promptly and speedily in case of overcharges in terms of my Resolution which the Honourable the Railway Member was very kind enough to accept in the Central Advisory Council for Railways. This question of refunds is a great grievance of the public in general and of the commercial community in particular and I would like to know whether the Government has acted in terms of that Resolution. Sir, I also take this opportunity of congratulating my Honourable friend, Sir Raghavendra Rau, on the high honour which has been bestowed upon him in the New Year's Honours List.

The Honourable Sir Muhammad Zafrullah Khan: And express the hope that the refunds should be made more speedily!

Babu Baijnath Bajoria: I would also like to say that my Honourable friend, Sir Raghavendra Rau, would have been a proper person to adorn the Railway Inquiry Committee with distinction and credit to himself and to the country. Instead of playing the second fiddle only to the Railway Inquiry Committee, he ought to have been one of its personnel and then he would have met the point raised by Sir Cowasji Jehangir. He is a financier and he knows the finances of the railways and he is also an expert in all railway matters. I am sure his help would have been very much appreciated by the Railway Inquiry Committee.

The Honourable Sir Muhammad Zafrullah Khan: He has been helping the Committee all the time.

Babu Baijnath Bajoria: He is only advising.

Sir Raghavendra Rau: Sir, I have really nothing to say in addition to what has been mentioned in the note to this supplementary demand but I can assure my Honourable friend, Mr. Bajoria, that if instructions have not already been issued as regards speedier refunds, they will be issued as soon as possible.

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

"That a supplementary sum not exceeding Rs. 3,35,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Refunds'."

The motion was adopted.

PAYMENTS TO INDIAN STATES AND COMPANIES.

Sir Raghavendra Rau: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 29,73,000, 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, 1937, in respect of 'Payments to Indian States and Companies'."

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

"That a supplementary sum not exceeding Rs. 29,73,000, 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, 1937, in respect of 'Payments to Indian States and Companies'."

The motion was adopted.

WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER.

Sir Raghavendra Rau; Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 3,75,000, 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, 1937, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

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

"That a supplementary sum not exceeding Rs. 3,75,000, 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, 1937, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

Dr. Ziauddin Ahmad: Sir, I should like to put one question. In the Note on page 5, it is mentioned:

"this is required to meet an excess due to more expenditure on cost and freight on coal."

I should like to know whether consumption has increased on account of which we have to pay more money in price and more money in freight or whether it is due to the fact that the prices have increased, the quantity remaining the same. If the quantity has also increased, then this means there is more traffic which means really more income. I should like to know whether this is a fact.

Babu Baijnath Bajoria: Sir, this House passed a Resolution in Simla Session that steps should be taken to manufacture locomotives in this country.

Sir Raghavendra Rau: That has nothing to do with this Demand.

Mr. President (The Honourable Sir Abdur Rahim): The question of policy cannot be discussed now.

Sir Raghavendra Rau: With reference to the question put by my Honourable friend, Dr. Ziauddin Ahmad, I am sure he is aware from the statements published in the papers that our earnings have up to date been about 3½ crores ahead of last year and naturally to carry extra traffic we have to use more coal.

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

"That a supplementary sum not exceeding Rs. 3,75,000, 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, 1937, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

The motion was adopted.

WORKING EXPENSES: TRAFFIC DEPARTMENT.

Sir Raghavendra Rau: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 7,25,000, 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, 1937, in respect of 'Working Expenses—Traffic Department'."

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

"That a supplementary sum not exceeding Rs. 7,25,000, 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, 1937, in respect of 'Working Expenses—Traffic Department'."

The motion was adopted.

WORKING EXPENSES: MISCELLANEOUS EXPENSES.

Sir Raghavendra Rau: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 12,75,000, 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, 1937, in respect of 'Working Expenses—Miscellaneous Expenses'."

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

"That a supplementary sum not exceeding Rs. 12,75,000, 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, 1937, in respect of 'Working Expenses—Miscellaneous Expenses'."

Babu Baijnath Bajoria: Sir, I should like to know the explanation for item (d) on page 7 of the Supplementary Grants:

"More gratuity payments and compensation to colliery lessors for loss of interest and royalty due to restricted working of colliery."

I am not able to understand this.

Mr. C. H. Witherington (Assam: European): Sir, I should like some information with regard to the Eastern Bengal Railway, a railway which operates in my Province. The excess expenditure is explained in page 7 of the list of Supplementary Grants as due to more gratuity payments, more rates and taxes and adjustment of share of sleeper control office. I should like some information about the gratuities and how they are arrived at. On page 55 para. 3 of the proceedings of the Standing Finance Committee on Railways, it is mentioned that "an increase of five lakhs is due to more gratuity payments". In para. 4 on the same page, it is stated: "the budget provision for gratuity has proved to be far out, the difference between the revised and the original estimate being 11 lakhs". I should like to have some information on these two points from the Honourable the Mover.

Sir Raghavendra Rau: Sir, the first question that has been put to me is with regard to the compensation to the colliery lessors for loss of interest and royalty due to restricted working of colliery. This is due to the fact that there was a suit against, I believe, the East Indian Railway, with regard to compensation for coal which the Railway could not afford to allow to be extracted because of the risk to the railway line above. It was a case that went up to the Court and this is the decree of the Court which has to be honoured. As regards the gratuity payments, I am afraid that this is a matter in which accurate estimating is almost impossible. These payments vary from year to year and there is no certain mathematical rule by which we may say how many people will retire in the course of the year to whom gratuities will be due. The payments in the last few years have been a little bit higher than usual owing to the fact that retrenchments were taking place. We had anticipated that as a result of the slowing down of retrenchment, the payments would come down much more steeply than they have actually come down.

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

"That a supplementary sum not exceeding Rs. 12,75,000, 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, 1937, in respect of 'Working Expenses—Miscellaneous Expenses'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 4th February, 1937.