

10th November 1938

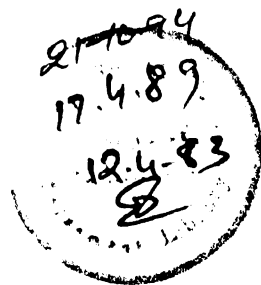
# THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume VII, 1938

*(10th November to 2nd December, 1938)*

## EIGHTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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1939

M437LAD

# Legislative Assembly.

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

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# LEGISLATIVE ASSEMBLY.

*Thursday, 10th November, 1938.*

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

## MEMBERS SWORN.

- Mr. Bernard Richard Townsend Greer, M.L.A. (Bombay: European);  
Mr. Ranendra Nath Basu, M.L.A. (Cities of the United Provinces: Non-Muhammadan Urban);  
Mr. George Hemming Spence, C.S.I., C.I.E., M.L.A. (Secretary, Legislative Department);  
Mr. Kodikal Sanjiva Row, C.I.E., M.L.A. (Government of India: Nominated Official);  
Mr. Jatindra Nath Talukdar, M.L.A. (Government of India: Nominated Official);  
Mr. Astad Dinshaw Gorwala, M.L.A. (Government of India: Nominated Official);  
Mr. Subimal Dutt, M.L.A. (Government of India: Nominated Official);  
Mr. Parakat Madhava Menon, M.L.A. (Government of India: Nominated Official);  
Mr. Parakat Achutha Menon, M.L.A. (Government of India: Nominated Official); and  
Khan Bahadur Shaikh Nur Muhammad, M.L.A. (Punjab: Nominated Official).

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

#### POLITICAL SITUATION IN WAZIRISTAN.

1180. \*Mr. Abdul Qayum: Will the Foreign Secretary please state:

- (a) the latest political situation in Waziristan;
- (b) whether normal conditions have been restored; if not, the reasons therefor;
- (c) whether military operations are still in progress in that region; if so, how long they are likely to last; and
- (d) whether Government have fixed any peace terms for the tribes; if so, the nature of such terms?

**Sir Aubrey Metcalfe:** (a) The Faqir of Ipi and other hostile leaders still decline to make peace. There are a few small gangs moving about Waziristan making sporadic attacks on Government forces and property and raiding into the adjoining British districts.

(b) No; the hostility of the Faqir of Ipi and his followers is the main obstacle to the restoration of normal conditions.

(c) There are no actual operations in progress at the moment, but it is still necessary to maintain military forces additional to normal garrisons in Waziristan and these will be maintained until normal conditions are restored.

(d) The tribes as a whole are not at war with Government. Responsibility for the continuation of hostilities lies solely with the Faqir of Ipi and his followers who represent small disaffected elements in some of the tribes. It has been made known to the tribes that no further punishment will be exacted from the Faqir and his followers provided they cease their activities and settle down peacefully and surrender all persons kidnapped without payment of ransom.

**Mr. Abdul Qaiyum:** May I know what it is that the Faqir of Ipi wants? I want to know the point at issue between the Faqir of Ipi and the Government of India?

**Sir Aubrey Metcalfe:** I should be very glad to know that myself.

**Mr. Abdul Qaiyum:** May I know if the Government forces are fighting the Faqir of Ipi without knowing what the difference is that exists between the two?

**Sir Aubrey Metcalfe:** The Faqir of Ipi, as I have already explained, is attacking the Government forces or is instigating attacks upon them. Government are taking no aggressive action whatever.

**Mr. Abdul Qaiyum:** May I know why he is attacking the Government forces?

**Sir Aubrey Metcalfe:** That is a thing which I should very much like to know. Perhaps the Honourable Member can find out.

**Mr. Abdul Qaiyum:** May I know if it is due to the fact that the Government forces are encroaching upon the territory which the Wazirs claim as their own and, therefore, the Faqir of Ipi is resisting it; it is a defensive war on his part.

**Sir Aubrey Metcalfe:** That is an insinuation, and not a question.

**Mr. Abdul Qaiyum:** May I know from the Honourable Member whether the Faqir of Ipi's war is a defensive war, and that his only difference with the Government of India is that he wants the Government of India to take their hands off Waziristan, and that will bring peace to Waziristan?

**Sir Aubrey Metcalfe:** I have already stated that the Government of India are doing no aggression whatsoever. The aggression comes entirely from the Faqir of Ipi and his followers.

**Sardar Sant Singh:** May I know if there is any truth in the rumour that the Faqir of Ipi is being supported by some foreign powers?

**Sir Aubrey Metcalfe:** I have not heard the rumour, and there is no foundation for it so far as I am aware.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member if in the British operations there bombs are still being used, and, if not, may I know when they were last used?

**Sir Aubrey Metcalfe:** I have just said that no operations are in progress at the moment.

**Mr. Abdul Qaiyum:** Is it not a fact that bombing is being regularly resorted to in these operations against the tribes?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has said that there are no operations now.

**Mr. Abdul Qaiyum:** Whatever punitive measures are being adopted by the Government of India skirmishes if operations does not suit them.

**Sir Aubrey Metcalfe:** I submit that that does not arise out of this question. I have explained what the position is, and that was all that I was asked to do.

**Maulana Zafar Ali Khan:** Are Government aware that the impression is abroad that the defence policy of the Government of India is making the question of defence a very complicated one, and are Government prepared to reconsider their defence policy?

**Sir Aubrey Metcalfe:** That does not arise out of this question.

**Mr. M. Asaf Ali:** The External Affairs Secretary said that Government were not committing any act of aggression in Waziristan. Is it not a fact that the agencies in Wana and Tochi and garrisons in Razmak and various other places are all in independent territory. Who is committing aggression—the Government or the Faqir of Ipi?

**Mr. President** (The Honourable Sir Abdur Rahim): That is a matter of argument.

**Sir Aubrey Metcalfe:** I would like to correct a mistake, namely that the territory mentioned is independent. It is not independent. It is a part of India.

**Mr. M. Asaf Ali:** May I know when exactly it became part of India, whether tribes in independent territory were consulted and when exactly it was declared that this was not independent territory, but really part of Indian territory?

**Sir Aubrey Metcalfe:** If the Honourable Member would take the trouble to read published documents on the subject, he would find that we have agreements with all these tribes.

**Mr. M. Asaf Ali:** I have studied every published document that is available, and I have always found this particular territory described as independent territory.

**OUTLAWS FROM BRITISH INDIA TAKING REFUGE IN TRIBAL TERRITORY,**

**1131. \*Mr. Abdul Qaiyum:** Will the Foreign Secretary please state:

- (a) whether a large number of outlaws from British India have taken refuge in the tribal belt; if so, what is their total number;
- (b) whether many such outlaws annually descend to the settled districts in the beginning of winter; if so, how many have so crept back this year;
- (c) whether serious crimes are committed by such outlaws when they come down to the settled districts;
- (d) what step or steps the authorities in charge of the tribal belt have taken to control these outlaws and to prevent their return to British India; and
- (e) whether *mawajibs* are still being paid to persons who are harbouring such outlaws?

**Sir Aubrey Metcalfe:** (a) Yes, about 275.

(b) Some of them probably return secretly to the settled districts at the beginning of winter, but it is impossible to quote any figures.

(c) Such cases have occurred.

(d) The steps taken depend usually on the nature of the agreements between the tribes concerned and the Government of India. In some cases tribes are persuaded to send up outlaws for trial and in other cases to remove them further away from the settled districts. Forceful pressure has occasionally been brought on the tribe concerned to compel compliance with our demands.

(e) Allowances are as a rule withheld from any persons harbouring outlaws who give trouble in the settled districts.

**Mr. Abdul Qaiyum:** May I know whether Government will consider the desirability of informing Political Officers that the coming back of outlaws would be considered as a mark against them in the matter of promotions?

**Sir Aubrey Metcalfe:** Political officers are perfectly well aware of their responsibilities in connection with outlaws, and they do their best to fulfil them.

**Mr. T. S. Avinashilingam Chettiar:** In view of the fact that Government's policy in the tribal areas has not been successful, will they consider the advisability, in the interests of better management, of handing them over to the Provincial Government?

**Sir Aubrey Metcalfe:** That contains an insinuation of non-success which I am not prepared to admit.

**Mr. Abdul Qaiyum:** Is the Honourable Member aware that the Premier of the North-West Frontier Province stated only two days ago that it is impossible to govern the province properly without control of the tribal areas? Does he or does he not agree with that statement?

**Sir Aubrey Metcalfe:** That question asks me for an expression of opinion which I am not prepared to give.

**Mr. T. S. Avinashilingam Chettiar:** May I know if Government have received any representation from the Premier of the North-West Frontier Province that he should have control of these tribal areas?

**Sir Aubrey Metcalfe:** I certainly have received no such representation.

**Mr. M. Asaf Ali:** May I know if it is not a fact that all these tribal areas, which are not independent territory, are within the political control of the Deputy Commissioners? Where is the difficulty in making these Deputy Commissioners answerable to the Local Government and not to the Political Department?

**Sir Aubrey Metcalfe:** That is a large question of policy which I cannot be expected to answer in reply to a supplementary question.

**Mr. Abdul Qaiyum:** May I know if the same Deputy Commissioner is responsible to the Provincial Government for the districts, and to the Central Government for the tribal areas which he administers, and that this has created a lot of trouble for the Provincial Government?

**Sir Aubrey Metcalfe:** The Honourable Member is again asking for an expression of opinion which I have already said I am not prepared to give.

**An Honourable Member:** May I know whether the policy enunciated by Mr. Chamberlain cannot be successfully followed in Waziristan?

(No answer.)

#### OPENING OF A FLAG STATION AT JASSOWAL, NORTH WESTERN RAILWAY.

**1182. \*Sardar Mangal Singh:** Will the Honourable Member for Railways please state:

- (a) whether the proposal to open a new flag station at Jassowal on the Ludhiana-Dhuri-Jakkhal-Hissar Line (North Western Railway) is still under consideration; and
- (b) if so, when a decision is likely to be arrived at?

**The Honourable Sir Thomas Stewart:** (a) There is no proposal to open a flag station at Jassowal, but the question of providing an unmanned halt between Giff and Kila Raipur near Jassowal was examined in April, 1938, and found not to be commercially justifiable.

(b) Does not arise.

**Sardar Mangal Singh:** Does the Honourable Member know that this station has already been opened on the 1st of November?

(No answer.)

## TRADE NEGOTIATIONS WITH THE UNITED STATES OF AMERICA.

1183. \*Sardar Mangal Singh: Will the Foreign Secretary please state:

- (a) whether trade negotiations with the United States of America have been formally opened;
- (b) if the answer to part (a) be in the affirmative, how far they have proceeded;
- (c) whether the Government of India are directly carrying on the negotiations, or through the United Kingdom Government; and
- (d) in case, the negotiations have not yet started, when they are expected to be started?

**Sir Aubrey Metcalfe:** The Honourable Member's attention is invited to the replies given to question No. 162 and supplementaries asked by Mr. T. S. Avinashilingam Chettiar on the 12th August, 1938. There have been no further developments since then, and the Government of India cannot say when formal negotiations will be started.

**Mr. Manu Subedar:** Has the Honourable Member seen an intimation in the press to the effect that the negotiations between the United Kingdom and the United States will all be settled in a week's time?

**Sir Aubrey Metcalfe:** I submit that it is not a matter within my competence to answer.

**Mr. Manu Subedar:** We were told in reply to the previous answer that correspondence is at present taking place between the Government of India and His Majesty's Government with a view to have a commercial treaty between India and the United States of America. I should like to know whether independent negotiations with regard to India would take place?

**Sir Aubrey Metcalfe:** The Honourable Member has misunderstood my previous answer. The question which he then asked was:

"Will the Honourable Member assure this House that there should be no apprehension that Indian interests will be sacrificed in the negotiations which are at present going on between His Majesty's Government in England and the Government of the United States?"

To that, I replied:

"So far as I know Indian interests are not involved in the negotiations."

**Mr. T. S. Avinashilingam Chettiar:** May I know the exact position in regard to the negotiations between the United States and this country?

**Sir Aubrey Metcalfe:** I have nothing to add to the answer which I gave before, because there have been no subsequent developments.

## WAZIRISTAN OPERATIONS.

1184. \*Sardar Mangal Singh: Will the Foreign Secretary please state:

- (a) what extra expenditure has, so far, been incurred in connection with the Waziristan operations since 1st April, 1938;

(b) whether there is any possibility of a lasting settlement with the tribesmen; and

(c) whether any effort is being made in this direction?

**Sir Aubrey Metcalfe:** (a) The extra expenditure incurred between 1st April and 30th September, 1938, amounts to Rs. 20 lakhs approximately.

(b) and (c). The Honourable Member is referred to the reply given to part (d) of question No. 1180 asked by Mr. Abdul Qaiyum in the present Session.

**Prof. N. G. Ranga:** Have the Government of India made any effort to ascertain for what particular purposes the Faqir of Ipi is carrying on this aggressive war as the Government themselves have put it, so that some settlement may be effected?

**Mr. President** (The Honourable Sir Abdur Rahim): That has already been answered.

**Prof. N. G. Ranga:** This particular question has not been answered. I want to know for what particular purpose he is making this aggression according to the Government?

**Mr. President** (The Honourable Sir Abdur Rahim): The substance of it has been answered.

**Prof. N. G. Ranga:** I want to know whether Government have taken any particular steps to find out the reason for this aggression.

**Mr. President** (The Honourable Sir Abdur Rahim): That has already been answered.

**Mr. Abdul Qaiyum:** May I know if the principle of self-determination is being extended to Waziristan?

**Sir Aubrey Metcalfe:** That is a question of policy on which I am not prepared to enter into a discussion.

**Mr. Abdul Qaiyum:** If the Faqir of Ipi is as strong as Hitler, will the principle be extended?

**Mr. M. Asaf Ali:** With reference to (b) and (c), may I know if the solution, which was tried in the case of Swat, cannot also be tried in the case of Waziristan? Swat used to be as troublesome as Waziristan is today. You recognised the *Badshah* (as he calls himself) of Swat and now he is a friendly and good neighbour. Can you not also recognise and consolidate the position of Ipi and secure him as a good and friendly neighbour?

**Sir Aubrey Metcalfe:** Sir, if you wish me to indulge in a debate on the question, I can very easily answer that question . . .

**Mr. President** (The Honourable Sir Abdur Rahim): It is not necessary.



**Sir Aubrey Metcalfe:** but a supplementary question is not a suitable occasion for doing so.

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

**CONSULTATION OF THE GOVERNMENT OF INDIA DURING THE EUROPEAN CRISIS.**

**1185. \*Sardar Mangal Singh:** Will the Foreign Secretary please state:

- (a) whether the Government of India were consulted on any matter during the European crisis in the end of September; and
- (b) what view Government expressed in the matter?

**Sir Aubrey Metcalfe:** (a) Yes.

(b) The Honourable Member has not stated to what matter he refers and I am not therefore able to give him an answer.

**Mr. S. Satyamurti:** May I know whether Government are not aware of the European crisis at the end of September, and whether Government say that they are ignorant of the fact of the crisis referred to concerning Czechoslovakia and the surrender of Czechoslovakia to Hitler by Chamberlain?

**Sir Aubrey Metcalfe:** Sir, if the Honourable Member will look at the form of the question, he will find that it merely says "during the European crisis". That lasted for about a month, and there were a great many matters on which the Government of India were consulted during that period.

**Mr. S. Satyamurti:** Sir, the question is specifically asked whether Government were consulted during the Czechoslovakian crisis, and on the surrender of Czechoslovakia to Hitler and to Chamberlain, the Premier of a British "democratic" Government.

**Sir Aubrey Metcalfe:** Sir, I submit for your consideration that that is a question which concerns the relations of His Majesty's Government and a foreign power, and, therefore, requires the consent of the Governor General which has not been obtained.

**Mr. S. Satyamurti:** On that matter, Sir, I submit that the question is specifically asked, and it has been admitted, *viz.*, whether the Government of India were consulted on any matters during the recent European crisis. "Any matters". I submit, includes one of the matters which were most important during the European crisis, *viz.*, the future of Czechoslovakia.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member's supplementary question is one which clearly affects the relations between the United Kingdom and a foreign power.

**Mr. S. Satyamurti:** But, Sir, a question concerning a European crisis must involve such a question.

**Mr. President** (The Honourable Sir Abdur Rahim): But it must be put in a manner which does not affect such relations.

**Mr. S. Satyamurti:** I am asking whether they were consulted on any matter during the European crisis at the end of September, and, if so, what the matter was?

**Sir Aubrey Metcalfe:** I would point out that the question is not relating to, or in connection with, that crisis: it merely says "during"—which is a period of time.

**Mr. S. Satyamurti:** I want to know whether at the end of September the Government of India were consulted on any European crisis.

**Sir Aubrey Metcalfe:** That, Sir, is a question, which, as I have already explained, requires, in my opinion, the consent of the Governor General, which has not been obtained.

**Mr. S. Satyamurti:** Sir, my friend says, "there were many matters on which we were consulted"

**Mr. President** (The Honourable Sir Abdur Rahim): The difficulty is that the question as framed is "during the European crisis": it is not a question relating to the matter of the European crisis.

**Mr. S. Satyamurti:** Sir, the question has to be judiciously considered: at the end of September, the only major question was the Czechoslovakian crisis.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is ignoring the fact that the question was whether the Government of India were consulted on any matter during the European crisis—not in relation to any European crisis, or concerning the European crisis.

**Mr. Manu Subedar:** May I inquire whether consultations like what took place between the Dominion Ministers and His Majesty's Government on the issue of peace or war and defence did take place between the Government of India and His Majesty's Government.

**Mr. President** (The Honourable Sir Abdur Rahim): That, again, is not the question.

**Mr. K. Santhanam:** May I know whether there were any consultations regarding "federation" during that period . . . . .

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

#### INDIANS IN CZECHOSLOVAKIA.

1186. \***Sardar Mangal Singh:** Will the Foreign Secretary please state:

- (a) whether there were any Indians in Czechoslovakia at the time of German occupation of Sudetan Land; and
- (b) if so, how their interests have been affected by this change?

**Sir Aubrey Metcalfe:** (a) and (b). The Government of India have no information.

**Sardar Mangal Singh:** Did the Government of India make any efforts to find out whether there were any Indians concerned?

**Sir Aubrey Metcalfe:** The occasion did not arise to do so, but no complaints had been received.

**Mr. Lalchand Navalrai:** Are the Government of India prepared to make inquiries in the interests of any Indians concerned so as to find out whether any help is needed by them?

(No answer.)

#### INCOME AND EXPENDITURE, ETC., OF THE KALKA-SIMLA RAILWAY.

**1187. \*Mr. Badri Dutt Pande:** Will the Honourable Member for Railways be pleased to state the following figures for the Simla-Kalka Railway:

- (i) the total outlay on the line;
- (ii) the total income for the last five years; and
- (iii) the total expenditure during the last five years?

**The Honourable Sir Thomas Stewart:** (i) Rs. 2,30,14,195 on 31st March, 1938.

(ii) and (iii). I am placing on the table a statement giving the information required.

#### *Statement.*

Year.	Statement.	
	Gross earnings.	Working expenses.
	Rs.	Rs.
1933-34 . . . . .	13,08,510	14,00,859
1934-35 . . . . .	14,82,856	12,65,060
1935-36 . . . . .	14,82,643	12,57,325
1936-37 . . . . .	15,58,043	12,54,643
1937-38 . . . . .	14,67,229	12,79,844

**Mr. Badri Dutt Pande:** May I know if the Kalka-Simla Railway is considered to be a productive one, a paying proposition, or otherwise?

**The Honourable Sir Thomas Stewart:** If the Honourable Member will look at the figures in the statement I have laid on the table, he can draw his own deductions.

**Mr. Badri Dutt Pande:** May I know if any Government official travels on that line?

**The Honourable Sir Thomas Stewart:** Yes, Sir.

#### BAMRAULI TRAIN DISASTER.

**1188. \*Mr. Badri Dutt Pande:** (a) Will the Honourable Member for Railways be pleased to state if Government have received the report of the Senior Government Inspector of Railways on Bamrauli train disaster? If so, will a copy be available for the use of Honourable Members?

(b) Is it a fact that the accident was due to heavy fog and there being no fog signals?

(c) Whose mistake was it that there were no fog signals for being put on the line?

**The Honourable Sir Thomas Stewart:** (a) Yes. The report has been published in the Railway Board's Accident Report No. 23, for the half year ending 31st March 1938, a copy of which is in the Library of the House.

(b) I would refer the Honourable Member to paragraph 11 of the Report referred to above.

(c) Fog signals were available. Apparently they were not put down for this train under the circumstances explained in paragraphs 7, 8, 9 and 10 of the Senior Government Inspector's Report.

**Mr. Badri Dutt Pande:** May I know what action Government have taken on this report?

**The Honourable Sir Thomas Stewart:** Government have not felt called upon to take any action on the report.

**Mr. Badri Dutt Pande:** May I know if any compensation has been given to those who have been injured or who died?

**The Honourable Sir Thomas Stewart:** I would ask for notice.

#### RETRENCHMENT ON RAILWAYS.

1189. **\*Mr. Manu Subedar:** (a) Will the Honourable Member for Communications please state whether his Department has received a circular from the Finance Department urging retrenchment and preventing the employment of any new person to any post which may fall vacant?

(b) Was any circular sent round by the Railway Board to the State Railways? If so, will a copy of this circular be made available to Members of this House?

(c) What are the results of the efforts made and what is the amount of saving on expenditure on each line effected as the result of these efforts?

**The Honourable Sir Thomas Stewart:** (a), (b) and (c). The Railway Department have seen the circular to which the Honourable Member refers. Government however consider that its terms cannot be made generally applicable to railway establishments without detriment to the revenue-earning capacity of railways and to their efficiency as a public utility service. They are examining the extent to which it can be applied to particular offices or posts on railways. The latter part of (b) of the question and part (c) do not, therefore, arise.

**Mr. Lalchand Navalrai:** May I know if the Railway Board has issued any orders in consequence of that circular, viz., that these officers and subordinates who are on leave should be called back and no new men should be appointed?

**The Honourable Sir Thomas Stewart:** No, Sir, no such order has issued.

**Mr. Manu Subedar:** But why, may I ask, have Government not placed a copy of this circular on the table of this House?

**The Honourable Sir Thomas Stewart:** The Honourable Member might ask my Honourable colleague, the Finance Member, who is more responsible in regard to that circular than I am.

**Mr. Manu Subedar:** May I enquire if State Railways are also doing the same thing as other Departments of Government are represented to be doing, *viz.*, cutting down ruthlessly what is technically called "temporary staff" in spite of the fact that these men have in some cases done five, ten and fifteen years' service?

**The Honourable Sir Thomas Stewart:** No, Sir, I am not aware that any Railway Administration is engaged in any such ruthless process.

**Mr. Manu Subedar:** May I inquire if length of service of a man will be taken into account and not merely what is technically called "temporary service" in which a man may happen to be?

**The Honourable Sir Thomas Stewart:** The Honourable Member, I think, is assuming that certain processes are taking place; for this there is no justification.

**Dr. Sir Ziauddin Ahmad:** Has the Railway Board drawn the attention of the Agents to the fact that retrenchment should not be proceeded with to such an extent as to make the lives of the travelling public dangerous, because we find that a number of accidents have taken place on account of the retrenchment policy of the Government of India?

**The Honourable Sir Thomas Stewart:** I have already said in my answer that it is the view of the Government of India that this circular enjoining economy is not wholly applicable to the Railways, since undue economy may affect efficiency,—and in "efficiency" is included the factor of "safety". They do not consider that the process should be carried to the extent where the efficiency of the railway organizations will be affected.

**Mr. Manu Subedar:** May I know when the Honourable Member expects to supply the information desired in clause (c) of the question?

**The Honourable Sir Thomas Stewart:** I am afraid I could give no estimate of the time within which I may be able to supply this information.

**Prof. N. G. Ranga:** With reference to this circular, do the Government of India expect to achieve any substantial economies by the end of the financial year?

**The Honourable Sir Thomas Stewart:** That, Sir, is a question I could not possibly answer.

INDIANS IN CZECHOSLOVAKIA.

1190. **Mr. Mann Subedar:** Will the Secretary for External Affairs state:

- (a) whether any losses have been incurred by Indians dealing with Czechoslovakia, or living in, or travelling through the lands recently occupied, or in connection with the occupation of Austria by Germany;
- (b) whether any complaints or representations have been received by Government;
- (c) what is the machinery to safeguard the interests of Indian nationals; and
- (d) whether there is any proposal to strengthen such machinery after the advent of Federation in India?

**Sir Aubrey Metcalfe:** (a) Government have no information.

(b) No.

(c) The interests of all British subjects, including British Indian nationals, are safeguarded in foreign countries by His Majesty's Diplomatic and Consular Representatives.

(d) No.

**Mr. Lalchand Navalrai:** My question with regard to the same subject was not fully answered. May I ask what was done to protect the interests of Indians there? Will the Honourable Member make inquiries and give the information to the public?

**Sir Aubrey Metcalfe:** I have never observed any reluctance on the part of Indians to make complaints when they do suffer. So, the assumption must be that when no complaints are received, no damage is done.

**Maulvi Abdur Rasheed Chaudhury:** May I ask when they expect the advent of the Federation?

**Sir Aubrey Metcalfe:** That does not arise out of this question.

**Mr. Mann Subedar:** May I ask whether there is a proposal to put Indian attachés to His Majesty's Diplomatic Representatives in important centres in order to safeguard the Indian interests?

**Mr. President** (The Honourable Sir Abdur Rahim): That is a larger question, and it does not arise.

**Mr. Mann Subedar:** It does arise, Sir, in the sense that when there is the Federation, whether the same position of Indians will remain in the foreign countries or whether some new machinery will be set up to safeguard the Indian interests?

**Mr. President** (The Honourable Sir Abdur Rahim): That is a hypothetical question.

## DRIVERS ON THE BENGAL NAGPUR RAILWAY.

1191. \*Mr. P. R. Damson: Will the Honourable Member for Railways state:

- (a) whether the number of locomotive drivers employed on the Bengal Nagpur Railway is adequate to deal with the work;
- (b) whether privilege leave is being refused to drivers on some sections on the plea that there is a shortage of drivers; and
- (c) whether the question of increasing the number of drivers on all sections will receive the attention of the Railway Administration, so that sufficient staff is maintained to supply the demands of traffic and allow leave to be granted to those drivers who are entitled to leave, when applied for by them?

**The Honourable Sir Thomas Stewart:** With your permission, Sir, I propose to reply to starred questions Nos. 1191, 1192 and 1198 together.

These relate to matters of detailed administration on which Government have no information. I may 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 Bengal Nagpur Railway, which is Company-managed. I am, however, sending copies of these questions to the Agent and General Manager for such action as he may consider necessary.

**Mr. Mohan Lal Saksena:** Is it not the duty of the Government to see that proper staff is provided by the Company-managed Railways to look to the safety of life of the travelling public?

**The Honourable Sir Thomas Stewart:** No, Sir, The Railway Administrations are autonomous.

**Mr. K. Santhanam:** May I ask whether any hours of work have been prescribed for these drivers of locomotives?

**The Honourable Sir Thomas Stewart:** I ask for notice of that question.

**Mr. Mohan Lal Saksena:** In this very question it is given that some of these drivers have to work 42 days as over-time. Is that allowed under the Government rules?

**The Honourable Sir Thomas Stewart:** I must ask for notice of this question. It is a question that is related to the one asked by the Honourable Member opposite.

**Prof. N. G. Ranga:** Is not the safety of the travelling public one of the major concerns of the Government of India and of the Railway Board?

(No answer.)

**DRIVERS ON THE BENGAL NAGPUR RAILWAY.**

†1192. \***Mr. P. R. Damzen**: Will the Honourable Member for Railways state:

- (a) whether it is a fact that the Chief Mechanical Engineer of the Bengal Nagpur Railway has issued a circular to the effect that employees who earn privilege leave cannot expect to be granted this leave, even if the necessary rules governing the period of application and other regulations are complied with by the applicants;
- (b) whether he is aware that this circular has been necessitated by the insufficient number of drivers who are employed by the Bengal Nagpur Railway Administration; and
- (c) whether the Honourable Member will give this matter his consideration and protect the employees from this injustice?

**DRIVERS ON THE BENGAL NAGPUR RAILWAY.**

†1193. \***Mr. P. R. Damzen**: Will the Honourable Member for Railways state:

- (a) whether it is a fact that due to insufficiency of the number of drivers on the Bengal Nagpur Railway, those men who are doing the work are being compelled to work without their full allowance for rest and are therefore being paid under the caption of 'breach of rest';
- (b) whether it is a fact that drivers employed on the Bengal Nagpur Railway are earning as much as 42 to 45 days overtime in a thirty day month after putting in the full period of 208 hours of work during the month; and
- (c) whether in the interests of safe working, the Honourable Member proposes to see that sufficient drivers are employed on all sections of the Bengal Nagpur Railway and that drivers are not compelled to work overtime constantly?

**AMOUNT GRANTED TO ROAD FUND AND DEVELOPMENT OF ROADS IN BENGAL.**

†1194. \***Maulvi Sikandar Ali Ohoudhury**: (a) Will the Honourable the Communications Member be pleased to state the amount which was granted to Bengal Road Fund during the past two years?

(b) Are Government aware that the major portion of this amount was spent for some other purpose than the improvement of roads in Bengal?

(c) If so, do Government propose to take any steps in the matter and see that the money is spent for the right purpose, i.e., road development? If not, why not?

(d) Are Government prepared to lay on the table of the House a statement of grant and expenses in this connection for the past two years?

**The Honourable Sir Thomas Stewart**: (a) and (d). In 1936-37 and 1937-38 the provincial allocation was Rs. 15.70 and Rs. 15.86 lakhs, and expenditure Rs. 10.98 and Rs. 9.69 lakhs, respectively.

(b) No.

(c) Does not arise.

†For answer to this question, see answer to question No. 1911.

‡Answer to this question laid on the table, the questioner being absent.



**PROFIT OR LOSS ON THE WORKING OF THE KALKA-SIMLA RAILWAY.**

**1195. \*Mr. K. Santhanam:** Will the Honourable Member for Railways please state:

- (a) how many tickets of the various classes were issued at Simla station to Kalka and beyond between 1st September and 31st October, 1936;
- (b) how many tickets of each class would have been issued if all Government servants going from Simla to Delhi at Government expense had to travel by railway;
- (c) the net profit or loss on the working of the Simla-Kalka Railway during 1936-37 and 1937-38; and
- (d) the probable effect on the revenues of this line if the entire annual exodus of the Government of India to Simla and back were conducted solely by railway transport?

**The Honourable Sir Thomas Stewart:** (a) First class 542; second class 1,716; intermediate class 935; third class 11,003.

(b) and (d). The information is not available, and its compilation would involve more time and labour than is commensurate with any use to which the figures could be put.

(c) Gross earnings exceeded working expenses by about three lakhs in 1936-37 and by about two lakhs in 1937-38.

**Mr. K. Santhanam:** May I ask if there will be any substantial addition to the revenues of the Government if Government servants are granted passes instead of monetary compensation as travelling expenses?

**The Honourable Sir Thomas Stewart:** If the Honourable Member means to suggest that if more passengers travel, then the earnings would be higher, then I fully agree with him.

**Mr. K. Santhanam:** My question is whether the Honourable Member is aware that owing to the present policy of the Government of India much revenue is being lost to this line because they give monetary travelling allowances instead of the railway passes during the annual exodus?

**The Honourable Sir Thomas Stewart:** Is it the Honourable Member's suggestion that it should be made compulsory on all Government servants to travel by rail?

**Mr. K. Santhanam:** I want to know if the Honourable Member has considered the desirability and impressed upon the Government of India that the grant of railway passes will increase the Government revenues of the particular line in question?

**The Honourable Sir Thomas Stewart:** It is inconceivable that one should impose such an ordinance on Government servants alone. If the Honourable Member is prepared to consider the advisability of making the ordinance universal, then I will put it to the Government of India.

**Mr. K. Santhanam:** My suggestion is that whenever the Government of India pays travelling expenses, it should give only railway passes. I do not see any difficulty or impracticability in that.

**The Honourable Sir Thomas Stewart:** That is not a question that should be addressed to the Member in charge of the Railways.

**Mr. K. Santhanam:** May I know if it is not a question of the railway finances?

**The Honourable Sir Thomas Stewart:** Only ultimately.

**Mr. Manu Subedar:** May I ask what steps have been taken to meet the motor competition with regard to the Kalka-Simla Railway?

**The Honourable Sir Thomas Stewart:** That, I submit, does not arise from the original question.

**Mr. Manu Subedar:** It arises from part (d) of the question—the probable effect on the revenues of this line, etc.

**Mr. President** (The Honourable Sir Abdur Rahim): That is too wide a question.

**Mr. Manu Subedar:** It is only another aspect of the question which Mr. Santhanam has asked.

**Mr. President** (The Honourable Sir Abdur Rahim): I do not find any allusion to the motor competition here.

**Mr. S. Satyamurti:** Will the Honourable Member consider the desirability of accepting the suggestion contained in clause (d) of the question, namely, the entire annual exodus of the Government of India to Simla and back be conducted solely by railway transport, because it is in the interests of the finances of the Government of India?

**The Honourable Sir James Grigg:** Will you do it?

**Mr. S. Satyamurti:** I will co-operate willingly.

**The Honourable Sir Thomas Stewart:** I am not prepared to press it.

#### TAKING OVER BY THE POSTAL DEPARTMENT OF TELEPHONE SYSTEMS IN MADRAS CITY AND OTHER PLACES.

**1196. \*Mr. K. Santhanam:** Will the Honourable Member for Communications please state:

- (a) whether it is a fact that the Madras Telephone Company has enquired whether on the expiry of the present contract, the telephone system of the city of Madras will be taken over by the Postal Department;
- (b) whether any reply has been sent; and
- (c) whether the Government of India have reached any decision that all the existing telephone systems under private ownership or control shall be taken over by the Postal Department and that no new licences to private companies shall be issued?

**The Honourable Sir Thomas Stewart:** (a) Yes.

(b) and (c). No.

**Mr. K. Santhanam:** May I ask if the matter is under the active consideration of the Government?

**The Honourable Sir Thomas Stewart:** It is.

**Mr. K. Santhanam:** May I ask if they will be arriving at any conclusion in the near future?

**The Honourable Sir Thomas Stewart:** I trust they will arrive at a conclusion in the reasonably near future.

#### INDIANS IN CZECHOSLOVAKIA.

**1197. \*Mr. K. Santhanam:** Will the Foreign Secretary please state:

- (a) whether there are any Indians doing business in that part of Czechoslovakia which has now been occupied by Germany;
- (b) whether their position or business has been affected, and if so, in what manner, by the recent political changes; and
- (c) what steps, if any, have been taken by the Government of India to protect them?

**Sir Aubrey Metcalfe:** (a) and (b). The Government of India have no information.

(c) Does not arise.

**Mr. K. Santhanam:** May I ask if there is any machinery of the Government of India to keep in touch with the Indians doing business in other parts of the world?

**Sir Aubrey Metcalfe:** I do not exactly know what the Honourable Member means by mission. There is certainly no Indian mission in Czechoslovakia.

**Mr. K. Santhanam:** I did not say 'mission'. I want to know whether there is any machinery of the Government of India to keep in touch with the business of the Indians in other parts of the world?

**Sir Aubrey Metcalfe:** Certainly there is. I have already explained that the interests of Indians are being looked after by His Majesty's Diplomatic and Consular Representatives.

**Mr. K. Santhanam:** May I ask if the Government of India get periodical reports from these persons who are entrusted with the duty of protecting the interests of Indians doing business in other parts of the world?

**Sir Aubrey Metcalfe:** If it becomes necessary, we do make inquiries, but there has been no hint at present that the Indians are suffering at all in Czechoslovakia and it hardly seems necessary to make inquiries simply to find out if they have any grievances.

## INDIANS IN PALESTINE.

1198. \***Mr. K. Santhanam:** Will the Foreign Secretary please state:

- (a) how many Indians are there in Palestine engaged in business;
- (b) whether any of them has been injured in the recent troubles; and
- (c) whether any special restrictions on the issue of passports to Palestine are imposed on account of these troubles?

**Sir Aubrey Metcalfe:** (a) There are reported to be from 50 to 60 Indians living in Jerusalem. It has not been possible to ascertain how many there are in the rest of Palestine.

(b) Two persons believed to be Indians have been killed and one slightly wounded.

(c) So far as the Government of India are concerned, there are no special restrictions on the issue of passports to Palestine.

**Mr. K. Santhanam:** With reference to the answer to part (b) of the question, may I know whether any compensation has been obtained for the relatives of persons who were killed?

**Sir Aubrey Metcalfe:** Not so far as I know. No compensation has been claimed. I may add that one of the two persons was a British protected person holding a Tanganyika passport and the other was also a British protected person holding a Muscat passport, but they were actually recognised as British Indian subjects.

**Mr. Abdul Qalyum:** With reference to part (b), may I know who was responsible for killing these Indians—the Government forces or the Arabs or the Jews?

**Mr. Aubrey Metcalfe:** The only report that I have is that they were mortally wounded when travelling in a taxi which was fired at by persons unknown.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether in the matter of claiming compensation for loss of life or property in foreign land the Government wait till the claims are put in or whether Government take action of their own accord seeing that loss has been suffered?

**Sir Aubrey Metcalfe:** It is difficult for Government to claim compensation on behalf of people regarding whose heirs they have no information at all.

**Mr. T. S. Avinashilingam Chettiar:** May I know if there is any agency in Palestine to which the people who claim compensation could apply?

**Sir Aubrey Metcalfe:** There is the High Commissioner in Palestine to whom any one can apply for compensation.

## ACCIDENT TO THE PUNJAB EXPRESS NEAR PATNA.

1199. \***Mr. Abdul Qaiyum:** Will the Honourable Member for Railways please state:

- (a) the loss of life arising from the accident in which 18-Down Punjab Express was involved on the morning of the 16th October near Patna;
- (b) what was the cause of the accident;
- (c) whether other similar accidents have occurred near this locality recently;
- (d) whether there has been any reduction in the number of staff who used to look after the line;
- (e) whether compensation will be paid to those who suffered; and
- (f) the steps taken or proposed to be taken to eliminate the possibility of such accidents?

**The Honourable Sir Thomas Stewart:** (a) Three.

(b) The malicious removal of a rail.

(c) No.

(d) There has been no reduction within the last six years.

(e) No.

(f) Prosecution of those against whom there is evidence of complicity in such cases is the only practicable action which can be, and is, taken in each case as it arises.

**Mr. Abdul Qaiyum:** Has anybody been prosecuted or convicted in connection with this malicious removal of rails?

**The Honourable Sir Thomas Stewart:** Not so far as I am aware.

**Mr. Abdul Qaiyum:** May I know why Government will not award compensation to the heirs of those who have been killed especially when the rails were removed maliciously?

**The Honourable Sir Thomas Stewart:** They were not removed by Government.

**Mr. Abdul Qaiyum:** Probably the malicious removal of the rails was due to the negligence of those who were deputed to look after them. I think it is due to the negligence of the Government that this malicious removal took place.

**The Honourable Sir Thomas Stewart:** The Honourable Member is entitled to his own opinion.

**Prof. N. G. Ranga:** What steps do Government propose to take to prevent this kind of removal of rails?

**The Honourable Sir Thomas Stewart:** It is not the duty of the Government of India to preserve law and order in the Provinces.

**Mr. Abdul Qaiyum:** Is it or is it not a fact that the removal of the rails could not be detected because of the inadequacy of the staff?

**The Honourable Sir Thomas Stewart:** No, Sir.

**Prof. N. G. Ranga:** Are Government aware that if this view of the Honourable Member goes abroad, people will be afraid to enter into trains because the rails may be removed anywhere and compensation may not be paid at all by the Government for those who suffer in the railway accident?

**The Honourable Sir Thomas Stewart:** It is not my belief that people enter trains with a view to get compensation after accidents.

**Prof. N. G. Ranga:** How is it that the Government of India become so irresponsible . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is making a speech. Next question.

#### RENTS PAID BY INDIAN AND EUROPEAN REFRESHMENT ROOMS ON RAILWAYS.

**1200. \*Mr. T. S. Avinashlingam Chettiar:** Will the Honourable the Railway Member state:

- (a) whether Government have finished consideration of the matter whether the Indian and European refreshment rooms are paying nominal or economic rent;
- (b) how many of them were paying nominal rent in the last financial year; and
- (c) what was the probable loss to the railways by charging them nominal rents instead of economic rents?

**The Honourable Sir Thomas Stewart:** (a) No.

(b) I would refer the Honourable Member to the reply given to parts (a) to (c) of Mr. Satyamurti's starred question No. 1088 on the 16th September, 1938. The information which it was then said would be called for has not yet been received.

(c) Does not arise.

**Mr. S. Satyamurti:** Why is there such inordinate delay on the part of the Government in getting information from railways? Why should months elapse, if not years, before getting the information? Why should they not have some other and more expeditious method of getting the information?

**The Honourable Sir Thomas Stewart:** The date on which the reply was given to the Honourable Member was 16th September. I should be reluctant to admit that the delay has been inordinate.

**Mr. T. S. Avinashilingam Chettiar:** Is it a fact that the European refreshment rooms are being charged nominal rents?

**The Honourable Sir Thomas Stewart:** If the Honourable Member will refer to the answer given to the question put by Mr. Satyamurti, he will get all the information available.

**Mr. T. S. Avinashilingam Chettiar:** One of the answers then given was that the European refreshment rooms were charged nominal rent. In view of this may I know whether the Government will expedite this matter and see that a just arrangement is come to very soon.

**The Honourable Sir Thomas Stewart:** I undertake to see that there is no inordinate delay.

**Mr. Abdul Qayum:** Apart from any question of expenditure what is there to prevent Government from charging economic rents?

**The Honourable Sir Thomas Stewart:** If the Honourable Member will refer to the answer which was given to Mr. Satyamurti's question on 16th September, he will get the information he wants.

#### RESERVATION FOR EUROPEANS FOR POSTS ON INDIAN RAILWAYS.

**1201. \*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Communications state:

- (a) when the statutory reservation of 25 per cent. for Europeans for posts in Indian Railways was fixed (reference to starred question No. 962 of the 8th September, 1936);
- (b) whether Government have considered the advisability of re-considering this matter, in view of qualified Indians being available for those posts; and
- (c) which are the posts to which this reservation applies?

**The Honourable Sir Thomas Stewart:** (a) As the outcome of the Lee Commission's Report, Government decided in 1925 that the recruitment to Superior Railway Services should be made on the basis of 75 per cent. Indians and 25 per cent. Europeans. This proportion is not statutory.

(b) The matter has been considered by Government on more than one occasion. The last occasion was in 1937 when it was decided that this proportion should be continued for the present. I would also refer the Honourable Member to my speech of 24th February, 1938, appearing at pages 1118-19 of the Legislative Assembly Debates of that date.

(c) The proportion referred to in part (a) applies to all Superior Railway Services.

**Mr. T. S. Avinashilingam Chettiar:** What were the reasons which made them come to that conclusion in 1937?

**The Honourable Sir Thomas Stewart:** If the Honourable Member will refer to the speech I cited, he will get the views of the Government of India on this subject.

**Mr. S. Satyamurti:** May I know whether Government came to that conclusion, in view of qualified Indians not being available for these posts, or in view of their touching faith in race?

**The Honourable Sir Thomas Stewart:** Neither suggestion of the Honourable Member is correct.

**Mr. S. Satyamurti:** May I know whether the Government have come to the conclusion that, in spite of qualified Indians being available for these posts, 25 per cent. Europeans ought to continue?

**The Honourable Sir Thomas Stewart:** Government have decided to continue the proportion of 75 per cent. and 25 per cent. on the ground that it is in the interest of efficiency of railways.

**Mr. S. Satyamurti:** Have Government come to the conclusion that, Indians, if they are more than 75 per cent. in the superior services, will introduce inefficiency and 25 per cent. Europeans will be necessary for efficiency? If so, for what reasons?

**The Honourable Sir Thomas Stewart:** I do not know that the Government of India are wedded to a strict 75 per cent. and 25 per cent. basis. But it is the figure to which they work and they are of opinion that such distribution makes for the efficiency of railways.

**Mr. Muhammad Ashar Ali:** Is this 25 per cent. equal to the recruitment of Muslims in the Government service?

**The Honourable Sir Thomas Stewart:** The recruitment of Muslims is governed by the Home Department Resolution of 1934.

**Mr. T. S. Avinashilingam Chettiar:** For how many years have they fixed this proportion?

**The Honourable Sir Thomas Stewart:** The proportion was fixed in 1925.

**Mr. M. S. Aney:** When do the Government of India expect to end this 25 per cent. of Europeans?

**The Honourable Sir Thomas Stewart:** To that question I can give no reply.

**Dr. Sir Ziauddin Ahmad:** In how many years do Government think that the proportion of 25 per cent. Muslims will be achieved in railways? Will it be achieved in a century?

**The Honourable Sir Thomas Stewart:** To that question also I can give no reply.

**Mr. Manu Subedar:** Is it a fact that in certain sections, particularly in connection with workshops and certain technical posts, a disproportionately large number of Europeans, much larger than 25 per cent., is in fact being recruited?



**The Honourable Sir Thomas Stewart:** This 25 per cent. refers entirely to the superior railway services and not to railway workshops.

**Mr. Manu Subedar:** Is it not a fact that, on this plea that this 25 per cent. restriction on European recruitment is only for the superior services, cent. per cent. of certain classes of railway workshop employees is being brought out from England? That is the point.

**The Honourable Sir Thomas Stewart:** If the Honourable Member wishes to have information regarding any other category of employees, I should be glad if he will put down a question on the notice paper.

**Mr. Lalchand Navalrai:** When considering this question in 1937, were any reasons given for fixing this ratio and, if so, is there any statement or book in which those reasons are set out?

**The Honourable Sir Thomas Stewart:** I am afraid I am unaware of any document of the sort to which the Honourable Member refers.

#### PURCHASE OF STORES BY PORT TRUSTS.

†1202. **\*Mr. Sami Vencatachelam Chetty:** (a) Will the Honourable Member for Communications please state if it is a fact that the Port Trust Boards, or, at any rate, the Madras Port Trust Board, have a purchasing agent in England for the purchase of stores?

(b) If so, what are the charges borne on his account for the last five years, and what are his functions?

(c) What are the total values of purchases during the last five years of all the major ports in India and outside India?

(d) Why have not the major ports been asked to make their purchases through the Indian Stores Department?

(e) Have the major ports adopted the latest rules of the Government of India in regard to indigenous and foreign manufactures?

**The Honourable Sir Thomas Stewart:** (a) to (c) and (e). Information is being collected and will be laid on the table in due course.

(d) The Rules for the Supply of Articles required to be purchased for the Public Service have already been brought to the notice of the various major port authorities in India.

#### INCONVENIENCES AT SILCHAR STATION ON THE ASSAM-BENGAL RAILWAY.

1203. **\*Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Railway Member please state:

- (a) whether the complaints appearing in the *Anandabazar Patrika* of the 20th October, 1938, regarding Silchar station, Assam-Bengal Railway, (i) absence of platform on the second line, (ii) insufficient lighting inside the station and at the entrance to the station near the taxi-stand, are substantially correct; if so, what steps are contemplated for removal of the complaints;

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†Answer to this question laid on the table, the questioner being absent.

- (b) whether Silchar is a district town and terminus of the Badarpur-Silchar Branch;
- (c) whether there is more traffic on Badarpur-Silchar Branch line than on the main line from Badarpur towards Lumding;
- (d) whether there is any classification of stations on the Assam Bengal Railway; if so, to which class is Silchar assigned; and what are the general requirements for boarding-train-facilities and for lighting in that class; and
- (e) whether Silchar possesses those requirements?

**The Honourable Sir Thomas Stewart:** Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

ACCIDENTS IN SYLHET AND CACHAR ON THE ASSAM BENGAL RAILWAY.

**1204. \*Mr. Brojendra Narayan Ohaudhury:** Will the Honourable the Railway Member please state:

- (a) whether the railway accidents described in the Government publication "India in 1934-35" include those killed or injured by running trains;
- (b) whether any person has been killed or seriously injured on the railway in the Sylhet and Cachar districts since the reply was given in this House to starred question No. 511 on the 26th August, 1938;
- (c) the total number of railway casualties in Sylhet and Cachar since the beginning of the railway year, as against similar total for the whole of Indian Railways, and also as against the total for unfenced railways;
- (d) whether the railways in Sylhet and Cachar are generally unfenced, except some of the station premises; the lengths unfenced in Sylhet and Cachar and in India;
- (e) whether the running over accidents in Sylhet and Cachar above referred to mostly happened by trains other than mail or express trains;
- (f) whether on the Assam Bengal Railway the more competent and responsible drivers are sorted out for the mail trains;
- (g) the highest and lowest and average salary of drivers on the Assam Bengal Railway, and the corresponding figures for the Eastern Bengal Railway; and
- (h) the salaries of the drivers of trains, which caused the accidents referred to in starred question No. 511 of the 26th August, 1938, and the years of experience of each?

**The Honourable Sir Thomas Stewart:** (a) No. Detailed figures appear in the Railway Board's Annual Report on Indian Railways for 1934-35, Volume II, pages 237-269, a copy of which is in the Library of the House.

(b) to (h). I am calling for such particulars relating to the Assam Bengal Railway as are readily available or can be compiled without undue labour and will place a further reply on the table of the House when

these have been received. Comparative figures relating to the whole of the Indian Railways, as asked for in parts (c) and (d), are not available and their compilation would involve more time and labour than are commensurate with any use to which these figures could be put.

#### INCLUSION OF WOMEN IN RAILWAY ADVISORY BOARDS.

1205. \***Shrimati K. Radha Bai Subbarayan**: Will the Honourable Member for Railways be pleased to state:

- (a) the number of Railway Advisory Boards in British India;
- (b) how many, if any, of them have women serving on them; and
- (c) whether Government are prepared to take immediate steps to include women on all such Boards?

**The Honourable Sir Thomas Stewart**: (a) Twenty-one, excluding the Central Advisory Council for Railways.

(b) None.

(c) I would refer the Honourable Member to the Railway Board's Memorandum No. 446-T./II, following page 53 of the "Summary of the Proceedings of the Meetings of the Central Advisory Council for Railways" held at Simla on the 3rd and 8th October, 1936. It will be seen therefrom that there is nothing to preclude either the election or nomination of women to seats on these Committees.

#### DISLOCATION OF RAILWAY AND POSTAL TRAFFIC BETWEEN BONGAIGAON AND BIJNI.

1206. \***Mr. Brijendra Narayan Chaudhury**: Will the Honourable the Railway Member please state:

- (a) whether the complaints by Mr. P. K. Gupta in the *Hindusthan Standard* of the 17th September, 1938, regarding dislocation of railway and postal traffic for three months up to the date of complaint after the breach between Bongaigaon and Bijni, are true;
- (b) whether normal conditions have since been restored; if so, from which date;
- (c) the reasons why the traffic during dislocation was not diverted by steamer via Dhubri, i.e., the old route;
- (d) whether the old route was not speedier and surer service; and
- (e) whether he is aware that this railway is the outlet of Assam valley to the outside world?

**The Honourable Sir Thomas Stewart**: (a) I have not yet been able to get a copy of the newspaper referred to.

(b) Yes: from the 29th October, 1938.

(c) and (d). I have called for information and will lay a further reply on the table of the House when it is received.

(e) I am prepared to accept this from the Honourable Member.

**Sardar Sant Singh:** Do I understand that the Government Publicity Department do not get this paper?

**The Honourable Sir Thomas Stewart:** I must assume so, since we have been unable to get a copy of it.

**Mr. Muhammad Ashar Ali:** Do Government mean that they are not at all aware of this accident between Bongaigaon and Bijni, apart from the paper referred to?

**The Honourable Sir Thomas Stewart:** Certainly they are: that is inherent in my reply. I have said that the normal working has been resumed from a certain date.

**Mr. Brojendra Narayan Chaudhury:** Did not the Honourable Member receive the newspaper cutting which I sent along with the notice of the question?

**The Honourable Sir Thomas Stewart:** No. I did not get a copy of the cutting.

**Mr. Brojendra Narayan Chaudhury:** I remember to have supplied a copy of the cutting along with the question.

#### OVERCHARGE ON RETURN TICKETS BETWEEN CALCUTTA AND MYMENSINGH.

**1297. \*Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Railway Member please state:

- (a) whether the attention of the Eastern Bengal Railway authorities has been drawn to the complaint by Mr. N. K. Roy in the *Anandabazar Patrika* of the 4th Kartik last, that in violation of the terms of the *Puja* concession, return tickets between Calcutta and Mymensingh have been overcharged;
- (b) whether it is intended to refund the overcharge to the passengers; if so, how it is to be done; and
- (c) whether steps are being taken to fix responsibility for the mistake and to ensure completely that such mistakes do not happen in future?

**The Honourable Sir Thomas Stewart:** (a) I have not seen the complaints referred to, but the General Manager, Eastern Bengal Railway, states that his attention has been drawn to it.

(b) and (c). The question of whether there has been any overcharge is being investigated by the Administration. If there has been an overcharge, refunds will be arranged in the usual manner on claims that are established.

**Mr. Brojendra Narayan Chaudhury:** Is the Honourable Member aware that the Traffic Manager has written to the complainant, Mr. Roy, admitting that he has been overcharged?

**The Honourable Sir Thomas Stewart:** I was not so aware, but I am very happy to have had brought to my notice this instance of courtesy on the part of the Manager.

**Mr. Brojendra Narayan Chaudhury:** I have not got a reply to my question, part (d), as to how the payment is to be made?

**The Honourable Sir Thomas Stewart:** Presumably those entitled to refund will make an application to the railways concerned.

**Mr. Brojendra Narayan Chaudhury:** How will the railway administration examine whether the claims for refund are correct or not?

**The Honourable Sir Thomas Stewart:** I cannot be expected to expound the details of getting a refund from a railway company.

#### OPENING OF THE BROADCASTING STATION AT TRICHINOPOLY.

**1208. \*Mr. S. Satyamurti:** Will the Honourable Member for Communications be pleased to state:

- (a) whether any decision has been reached with regard to the Broadcasting Station at Trichinopoly;
- (b) whether it is proposed to postpone the opening of the station; if so, why;
- (c) whether all or part of the machinery has been ordered, and whether some appointments also have been made already; and
- (d) whether Government are prepared to consider the advisability of opening the station as early as possible in view of the rise in the number of private licences, after the opening of the Madras station?

**The Honourable Sir Thomas Stewart:** (a), (b) and (d). The question whether, in view of the need for economy, the opening of the Trichinopoly Station should be postponed is under the consideration of Government. The aspect of the question to which the Honourable Member has referred in part (d) of the question will receive due consideration.

(c) All the machinery has been ordered and received. Selection has been made for some of the posts for the Station.

**Mr. S. Satyamurti:** In considering and deciding this question, may I know whether the Government will consider that postponing the opening of this station after the machinery has been ordered and received will involve depreciation of the machinery?

**The Honourable Sir Thomas Stewart:** Yes: that is certainly one consideration that must be taken into account.

**Mr. S. Satyamurti:** May I know whether Government will also bear in mind that after the opening of the station in Madras, the number of private licences has gone up, and that the opening of the Trichinopoly station will accelerate the process and bring increased revenue to the Department?

**The Honourable Sir Thomas Stewart:** That is a very relevant consideration.

### AYYALUR TRAIN DISASTER ON THE SOUTH INDIAN RAILWAY.

**1209. \*Mr. S. Satyamurti:** Will the Honourable Member for Railways be pleased to state:

- (a) whether he has received the reports of the enquiry into the Ayyalur train disaster of the South Indian Railway;
- (b) whether Government have come to any conclusions with regard to any judicial enquiry as in the case of the Bihta disaster; and
- (c) whether compensation has been paid to the victims of the disaster, that is, to all those injured and to the survivors of those who died; if so, how much; if not, why not?

**The Honourable Sir Thomas Stewart:** A report from the Senior Government Inspector has been received.

(b) A judicial enquiry of the nature suggested does not appear to be called for. A magisterial enquiry has been held.

(c) The question of the payment of compensation can only arise when a decision is reached in regard to the responsibility for the accident.

**Mr. S. Satyamurti:** With reference to the answers to clauses (b) and (c) of the question, may I know whether the Government are satisfied that a mere magisterial inquiry will finally decide, especially for the purpose of paying compensation, the question of liability for the accident?

**The Honourable Sir Thomas Stewart:** I am unable to answer that question until I have seen the report of the magisterial inquiry.

**Mr. S. Satyamurti:** May I know whether Government have found in the report that they have already received that the accident was partly due to the absence of a watchman at the gate near where the accident occurred?

**The Honourable Sir Thomas Stewart:** I should be reluctant to answer that question without refreshing my memory by reading the report.

**Mr. S. Satyamurti:** May I take it, therefore, that Government have not finally made up their mind that a mere magisterial inquiry is enough and that a judicial inquiry is not necessary?

**The Honourable Sir Thomas Stewart:** No final decision has been taken.

**Mr. K. Santhanam:** May I know whether the report of the Government Inspector will be laid on the table of the House?

**The Honourable Sir Thomas Stewart:** The report of the Senior Government Inspector will be published in due course in the half yearly volume giving the history of accidents that have occurred on railways.

**Sardar Sant Singh:** May I know if the Railway Board has consulted any law officers of the Government of India when they lay down this astounding proposition of law that the sufferers are not to be compensated if the rails had been removed maliciously?

**The Honourable Sir Thomas Stewart:** That arises out of a question which was dealt with some half an hour ago.

**Mr. Sri Prakasa:** With reference to part (c) of the question, may I know if the Government or the railway company have no general responsibility for the safety of the passengers that they carry?

**The Honourable Sir Thomas Stewart:** I have only the Honourable Member's word for it that this arises out of part (b) of the question.

**Mr. Sri Prakasa:** I said part (c). The Honourable Member said that the question of compensation can only arise when certain inquiries have been made and certain conclusions arrived at. I want to know whether the Government have no general responsibility for the safety of the passengers and whether they are not liable for compensation for loss of life and property when they themselves have taken these passengers for payment on their railways?

**The Honourable Sir Thomas Stewart:** If the Honourable Member is putting to me a legal question, I must ask him to give me notice so that I may refer it to the law officers of Government.

#### FEELING OF INDIANS IN RESPECT OF THE HAPPENINGS AND EVENTS IN PALESTINE.

1210. **\*Mr. S. Satyamurti:** Will the Secretary for External Affairs be pleased to state:

- (a) whether Government have recently communicated to His Majesty's Government the feeling of Indians in respect of the happenings and events in Palestine; if so, on which date they last so communicated and what they communicated; and
- (b) whether the Government of India will inform His Majesty's Government of the strong feeling in India that Palestine should not be coerced into accepting any decisions against the will of her people and that Palestine should be made, as early as possible, into a free and independent Arab State?

**Sir Aubrey Metcalfe:** This is a question which should have been addressed to the Honourable the Home Member.

#### VISIT OF THE SECRETARY OF THE EXTERNAL AFFAIRS DEPARTMENT TO KABUL.

1210 A. **\*Mr. S. Satyamurti:** Will the Secretary for External Affairs please state:

- (a) what the purpose or purposes of his recent visit to Kabul were;
- (b) what were the questions discussed between the Government of Afghanistan and himself;
- (c) whether any settlement has been reached as regards Indo-Afghan trade; if so, what that settlement is; and

- (d) whether the attention of Government has been drawn to the *communiqué* of the Government of Afghanistan regarding this matter?

**Sir Aubrey Metcalfe:** (a) The visit was made in acceptance of an invitation from the Afghan Government.

(b) to (d). An informal discussion took place with Members of the Afghan Government regarding certain political and economic questions of common interest to both Governments. It would not be in the public interest to publish any details regarding these informal conversations beyond what has already been published by the Afghan Government in their *communiqué* on the subject to which the Honourable Member refers in part (d) of his question.

**Mr. S. Satyamurti:** With reference to the Afghan Government's *communiqué* to which reference has been made in part (d) of the question, may I know whether on the question of the transfer of the tribal territories on this side of Afghanistan to the N.-W. F. P. Government, the Frontier Province Government was also consulted, or the subject was only a matter of discussion between my friend and the Government of His Majesty the King of Afghanistan?

**Sir Aubrey Metcalfe:** What my Honourable friend means by transfer I do not know.

**Mr. S. Satyamurti:** What I mean is that there should be no dual control in all these tribal territories, and all of them should be administered by one Government. May I know if that matter was a matter of discussion between my friend and the Government of His Majesty the King of Afghanistan in Kabul?

**Sir Aubrey Metcalfe:** No. The question would have nothing to do with the Afghan Government in any case.

**Mr. S. Satyamurti:** May I know with regard to trade between Afghanistan and India whether any tentative settlement has been arrived at between the Government of Afghanistan and the Government of India?

**Sir Aubrey Metcalfe:** No, Sir; no decision has been taken at present. As the Honourable Member is aware from the Afghan Government's *communiqué*, the Afghan Commerce Minister, it is hoped, will visit India later, when further discussions will take place.

**Mr. S. Satyamurti:** And may I know whether the Honourable the Commerce Member will be called to participate in the discussion?

**Sir Aubrey Metcalfe:** Of course, the Commerce Department is vitally interested in the question, and the Honourable the Commerce Member will naturally take a large part in the discussion.

**Maulana Zafar Ali Khan:** May I know, Sir, whether in the discussions that took place between the representatives of the Afghan Government and the Government of India, the question of Shami Pir formed the topic of discussion or not?



**Sir Aubrey Metcalfe:** I have already said that I am not in a position to give any further information than has already been given in my reply and in the Afghan Government's communique.

**Mr. Abdul Qaiyum:** May I know, Sir, why the Trade Agent is under the Foreign Secretary and not under the Commerce Department?

**Sir Aubrey Metcalfe:** He is actually under the Commerce Department.

**Mr. S. Satyamurti:** May I know, Sir, when these talks are expected to take place with regard to the trade agreement between the two countries?

**Sir Aubrey Metcalfe:** It depends on when the Commerce Minister of the Afghanistan Government is able to come here. I hope that he will be able to come here within the next few weeks.

#### UNSTARRED QUESTIONS AND ANSWERS.

##### SUPERANNUATION OF STAFF IN THE POSTS AND TELEGRAPHS AND RAILWAY DEPARTMENTS.

**64. Mr. P. R. Damsen:** (a) Will the Honourable Member for Communications please state if Government propose to superannuate Government servants in:

- (i) the Posts and Telegraphs Department, and
- (ii) the Railway Department?

(b) If so, will this superannuation be based on the principle of thirty years' service or fifty years of age, whichever case is applicable to employees in these two Departments?

(c) Is this superannuation due to a desire to make economies in the Departments concerned?

**The Honourable Sir Thomas Stewart:** (a) No such proposal is under consideration at present.

(b) and (c). Do not arise.

##### PROCEDURE ADOPTED FOR INFLICTING PUNISHMENT UNDER THE INDIAN RAILWAYS ACT.

**65. Mr. B. B. Varma:** Will the Honourable Member for Railways please refer to the reply to unstarred question No. 184, asked in this House on the 21st September, 1937, and state:

- (a) the procedure of departmental action by the railway administration for punishment by forfeiture of a sum deductible from pay, and the rules thereof;
- (b) whether punishment by forfeiture of a sum deductible from pay includes or excludes:
  - (i) withdrawal or forfeiture of privileges, e.g., free passes, leave without pay, etc.;

- (ii) fines, including forfeiture or reduction of running allowances in the case of train and running staff;
- (iii) withholding of increments or promotion, including stoppage at an efficiency bar;
- (iv) reduction to a lower post or time-scale, or to a lower stage in a time-scale; or transfer from higher post to a lower post;
- (v) recovery from pay or after termination of service, from Provident Fund Contribution or from gratuity, of the whole, or part of any pecuniary loss caused to Government by negligence of *breach of orders*;
- (vi) censure;
- (vii) suspension;
- (viii) removal from the service;
- (ix) dismissal from service;
- (x) termination of service as per terms of agreement; and
- (xi) withholding of the whole or part of Provident Fund contribution or gratuity in accordance with the provisions of the State Railway Provident Fund and Gratuity Rules; and
- (c) whether "*railway administration*" includes or excludes the officials of the railway from General Manager to non-gazetted railway servants both in superior and in inferior service; or only means "General Manager" as defined in section 3(6) of the Indian Railways Act, 1890?

**The Honourable Sir Thomas Stewart:** (a) and (b). The Honourable Member's question is not understood. The rules referred to in item (ii) of the reply to unstarred question No. 134 referred to rules framed under the enabling provisions of the Indian Railways Act, 1890. The penalties detailed by the Honourable Member in part (b) of his question are inflicted under rules which do not derive their authority from this Act.

(c) The expression "*railway administration*" used in the reply to unstarred question No. 134 includes the General Manager of a railway administration and all other officials to whom the General Manager has delegated powers under the rules in force.

#### **HOURS OF EMPLOYMENT OF RAILWAY SERVANTS ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.**

**66. Mr. B. B. Varma:** Will the Honourable Member for Railways please refer to Chapter VI-A of the Indian Railways Act, 1890, and state the hours of employment of railway servants on the Shahdara-Saharanpur Light Railway?

**The Honourable Sir Thomas Stewart:** Government have no information. The Hours of Employment Regulations which provide for the regulation of hours of work under the Washington Convention have not so far been extended to the Shahdara-Saharanpur Light Railway. These Regulations have been given statutory effect on the North Western, East Indian, Eastern Bengal, Great Indian Peninsula, Bombay, Baroda and Central

India, Madras and Southern Mahratta and Bengal and North Western Railways only. The question of extending these Regulations to other principal Railways is at present under consideration.

**APPLICATIONS SUBMITTED FOR OBTAINING THE CONSENT OF THE GOVERNOR GENERAL UNDER SECTION 270 OF THE GOVERNMENT OF INDIA ACT, 1935, BY THE NON-GAZETTED RAILWAY STAFF.**

**67. Mr. B. B. Varma:** Will the Honourable Member for Railways please state the rule or procedure for obtaining the consent of the Governor General under section 270 of the Government of India Act, 1935, laid down for observance by the non-gazetted railway staff and whether the railway administration is empowered to withhold applications submitted through them for obtaining the said consent? If so, under which section of the said Act.

**The Honourable Sir Thomas Stewart:** No rule or procedure has been laid down. It is open to any person desiring to institute proceedings, to the institution of which the consent of the Governor General in his discretion is required, to address an application for the necessary consent to the Secretary to the Governor General (Public).

**CLASSIFICATION OF CLEANERS ON RAILWAYS.**

**68. Mr. B. B. Varma:** Will the Honourable Member for Railways please refer to Rules 35 and 36 for the recruitment and training of non-gazetted staff on State-managed Railways and state whether the cleaners are in inferior service?

**The Honourable Sir Thomas Stewart:** The reply is in the affirmative.

**ARRANGEMENT FOR COMMUNICATIONS BETWEEN TELEGRAPHIC AND NON-TELEGRAPHIC STATIONS ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.**

**69. Mr. B. B. Varma:** Will the Honourable Member for Railways please refer to the reply given to unstarred question No. 52(c) asked in this House on the 13th September, 1938, and state:

- (a) the minimum and maximum distance of stations connected by telegraph;
- (b) the minimum and maximum distance of stations not connected by telegraph;
- (c) the minimum and maximum distance of stations referred to in parts (a) and (b); and
- (d) what arrangement of communications exist between telegraphic and non-telegraphic stations with minimum and maximum distances of the Shahdara-Saharanpur Light Railway?

**The Honourable Sir Thomas Stewart:** (a) Minimum  $3\frac{1}{2}$  miles: maximum  $14\frac{1}{4}$  miles.

(b)  $5\frac{1}{2}$  miles in each case.

(c) Minimum  $1\frac{1}{2}$  miles: maximum  $5\frac{1}{2}$  miles.

(d) Communications are by letters sent by trains.

## LOCOMOTIVES ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

**70. Mr. B. B. Varma:** Will the Honourable Member for Railways please refer to page 270 of the report by the Railway Board on Indian Railways for 1936-37, Volume II, in respect of Shahdara-Saharanpur Light Railway, and state:

- (a) the total cost of ten locomotives;
- (b) the actual number of locomotives utilised per day in summer and winter, respectively; and
- (c) whether more than 50 per cent. are stored over and above the actual requirements? If so, the necessity therefor?

**The Honourable Sir Thomas Stewart:** The information is being collected and will be laid on the table of the House in due course.

## SPEED EXEMPTION GIVEN TO THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

**71. Mr. B. B. Varma:** Will the Honourable Member for Railways please refer to the reply given to unstarred question No. 52(a), asked in this House on the 13th September, 1938, and state:

- (a) whether the exemption given to the Shahdara-Saharanpur Light Railway was on the consideration that it was a third class railway;
- (b) since when it is classified as second class railway; and
- (c) the names of other second class railways whom exemption from section 62 of the Indian Railways Act, 1890, is given?

**The Honourable Sir Thomas Stewart:** (a) No.

(b) 1925-26.

(c) The information is being compiled and a further reply will be laid on the table of the House when it is ready.

## THIRD CLASS VEHICLES WITH LATRINES ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

**†72. Mr. B. B. Varma:** Will the Honourable Member for Railways please state:

- (a) the percentage of third class coaching vehicles provided with latrine accommodation on Shahdara-Saharanpur Light Railway during 1937-38; and
- (b) the reasons for the low percentage on second class railways?

## CONTRIBUTION TOWARDS CRIME AND ORDER BY THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

**73. Mr. B. B. Varma:** Will the Honourable Member for Railways please state:

- (a) the amount of the contribution towards crime and order to Local Government by the Shahdara-Saharanpur Light Railway;

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†For answer to this question, see answer to question No. 70.

- (b) the arrangements made by the Shahdara-Saharanpur Light Railway for the safety of travelling public during the long stoppage of night trains (3 up and 4 down) in winter season at Baraut and Shamlu stations;
- (c) whether it is a fact that during those long stoppage at those stations the guards and the engine staff are relieved and utilized to work the "Bacha-Gilbert Goods vehicles" between non-telegraphic stations;
- (d) whether it is a fact that the Travelling Ticket Examiners of those trains and the station staff at those stations are permitted to retire during those long hours of stoppage and exempted from Hours of Employment Regulations; and
- (e) if the replies to parts (c) and (d) be in the affirmative, what action has been taken against the violation of Rules 95 and 140 issued under Railway Department Notification No. 1078-T, dated the 9th March, 1929; if no action has been taken, why not?

**The Honourable Sir Thomas Stewart:** (a) No contribution is paid.

(b) to (e). I have called for the information required and will lay a further reply on the table of the House when it is received.

#### FENCING AND LEVEL-CROSSINGS ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

**74. Mr. B. B. Varma:** Will the Honourable Member for Railways please state:

- (a) the number of level-crossings on Shahdara-Saharanpur Light Railway;
- (b) the number of level-crossings on that Railway provided with gates;
- (c) the number of animals involved in accidents on that Railway during 1987-88;
- (d) the minimum and maximum length of fencing on that Railway;
- (e) the kind of fencing on that railway; and
- (f) the number of gatemen employed on that Railway?

**The Honourable Sir Thomas Stewart:** (a) One hundred and twenty-nine.

- (b) Six.
- (c) Two.
- (d) Station yards only are fenced.
- (e) Wire fencing.
- (f) Six.

## THIRD CLASS FARES ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

**75. Mr. B. B. Varma:** Will the Honourable Member for Railways please state:

- (a) the consideration for fixing the fares of third class tickets on the Shahdara-Saharanpur Light Railway;
- (b) whether it is a fact that the distance from Shahdara to Thana Bhawan is more than to Thana Bhawan town;
- (c) whether the fare of a third class ticket from Shahdara to Thana Bhawan town and Thana Bhawan is Rs. 1-6-0; and
- (d) whether it is a fact that a passenger holding a third class ticket on payment of Rs. 1-6-0 from Shahdara to Thana Bhawan town and continuing his journey to Thana Bhawan is charged an extra fare of anna one with penalty; if so, why when there is no difference in fare from Shahdara?

**The Honourable Sir Thomas Stewart:** (a) Considerations similar to those influencing the fixation of fares on other Railways, *viz.*, the reasonableness of the charge to be made having regard to all factors affecting the movement of traffic and the necessity for obtaining an adequate return on the capital outlay.

(b) Yes, by  $1\frac{1}{4}$  mile.

(c) Yes.

(d) The reply to the first part is in the negative, and the second part does not, therefore, arise.

## EXPENDITURE ON STRUCTURAL WORK, ETC., ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

**76. Mr. B. B. Varma:** Will the Honourable Member for Railways please refer to pages 56 and 57 of the Report by the Railway Board on Indian Railways, Volume II, for 1936-37, in respect of Shahdara-Saharanpur Light Railway and state:

- (a) the nature of structural work on which the amount over and above of 1935-36 was expended, with the amount on each structural work;
- (b) whether tenders for those works were called, if so, what were the minimum and maximum rates quoted and accepted; and
- (c) the reasons and circumstances for the increase in expenditure on maintenance and supply of locomotive power during 1936-37 against 1935-36?

**The Honourable Sir Thomas Stewart:** (a) The difference in the apparent expenditure is accounted for by the credit to 1935-36 accounts for the sale of old materials, no additional structural works being carried out.

(b) Does not arise.

(c) Increased shunting mileage, acceleration of speed of mixed trains, and increased loads of goods trains.

# DIVIDEND AND PAY OF CERTAIN OFFICERS ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

**77. Mr. B. B. Varma:** Will the Honourable Member for Railways please state:-

- (a) the dividend received by the Government from the Shahdara-Saharanpur Light Railway during the preceding three years;
- (b) the rate of pay of the Manager, the Assistant Loco-Superintendent and the Permanent Way Inspector on that Railway, with their technical qualifications;
- (c) the rate of pay of the Manager, the Assistant Loco-Superintendent and the Permanent Way Inspector on second class railways, with their technical qualifications; and
- (d) whether he is aware that the amount of dividend can be increased by reducing the pay of the Manager, the Loco-Superintendent and the Permanent Way Inspector of that Railway in equality to other second class railways?

**The Honourable Sir Thomas Stewart:** (a) Government have no shares in the Shahdara-Saharanpur Light Railway Company. Presumably the Honourable Member is referring to the surplus profits received by the Government of the United Provinces. If so, the figures are:

1935-36 . . . . .	Rs. 1,30,358
1936-37 . . . . .	Rs. 1,12,232
1937-38 . . . . .	Rs. 1,70,105

(b), (c) and (d). Government have no information as the railways referred to are either Company or Indian State owned and managed.

## OVERCROWDING ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

**78. Mr. B. B. Varma:** Will the Honourable Member for Railways please refer to pages 213, 216 and 217 of the Report by the Railway Board on Indian Railways, Volume II, for 1936-37 in respect of Shahdara-Saharanpur Light Railway and state:

- (a) the daily average number of seats in third class passenger carriages provided in each train;
- (b) the daily average number of third class passenger carried in each train;
- (c) the percentage of overcrowding in third class passenger carriages;
- (d) the daily average of overcrowding in trains; and
- (e) the reasons for not taking action under sections 93 and 102 of the Indian Railways Act, 1890?

**The Honourable Sir Thomas Stewart:** (a) 350 in each day train providing 32,200 seat-miles, and 234 in each night train providing 21,528 seat-miles.

(b) 850 per day train occupying 18,700 seat-miles, and 475 per night train occupying 10,450 seat-miles.

(c) and (d). There is no overcrowding.

(e) Does not arise.

### INCREASE IN THE CONSUMPTION OF COAL ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

†79. **Mr. B. B. Varma:** Will the Honourable Member for Railways please refer to pages 222 and 223 of the Report by the Railway Board on Indian Railways for 1936-37, Volume II, and state:

- (a) the reasons for the increase of coal consumed in locomotives by 132 tons during 1936-37 over and above 1935-36 figures on the Shahdara-Saharanpur Light Railway;
- (b) the quantity and the rate of coal supplied to the motor works at Saharanpur during 1936-37; and
- (c) whether the Assistant Loco-Superintendent of that Railway has any proprietary rights in that motor works?

### THEFTS AND ROBBERIES COMMITTED ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

80. **Mr. B. B. Varma:** Will the Honourable Member for Railways please state the number of thefts and robberies committed in the running trains (3 Up and 4 Down) of the Shahdara-Saharanpur Light Railway during the preceding three years?

**The Honourable Sir Thomas Stewart:**

1935-36	2
1936-37	2
1937-38	3

### LATRINES IN THIRD CLASS COMPARTMENTS ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

81. **Mr. B. B. Varma:** Will the Honourable Member for Railways please state:

- (a) whether he is aware that it is not feasible for a passenger travelling in a third class carriage not fitted with latrine on the Shahdara-Saharanpur Light Railway to attend the call of nature at stations where stoppage of the train is only three minutes;
- (b) if so, what amount of period and the mileage a passenger has to travel in that carriage holding a ticket from Shahdara to Saharanpur to ease himself;
- (c) the convenience achieved and economy affected by the administration for stopping the 3 Up at Shamli from 0-40 to 5-0 hours and 4 Down at Baraut from 3-41 to 6-15 hours;
- (d) whether such long stoppages at night hours are not against the safety and inconvenience of travelling public; and

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†For answer to this question, see answer to question No. 70.



- (e) whether the Administration has any objection, financial or otherwise to starting and terminating those trains from 20-80 to 6-0 hours on both ways?

**The Honourable Sir Thomas Stewart:** (a) I am prepared to accept this from the Honourable Member.

(b) The appended statement shows the distances from Shahdara to each station up to Saharanpur, the distances between intermediate stations and the time of arrival and departure at each station.

(c) and (e). The timings of the trains referred to have not been based on any consideration of convenience to the Administration or by reasons of economy, but have been influenced by the requirements of the people residing in the area traversed.

(d) I have no reason to believe that this is the case.

*Statement.*

Distance from Delhi Shahdara.	Intermediate Distance.	Stations.	1 Up Mixed.	3 Up Mixed.
Miles.	Miles.			
0	..	Delhi Shahdara, W. C.	Dep. 10 20	19 20
5½	5½	Noli	Arr. 10 44	19 44
10½	5½	Gotra	Dep. 10 47	19 47
14½	3½	Khekra P. T.	Arr. 11 07	20 07
20	5½	Baghpat Road W. P. T.	Dep. 11 10	20 10
24½	4½	Sujra	Arr. 11 26	20 26
30½	5½	Baraut	Dep. 11 29	20 30
33	2½	Baoli	Arr. 11 51	20 52
36½	3½	Kasimpur Kheri W.	Dep. 11 57	21 04
42½	6½	Ailum	Arr. 12 14	21 21
45½	3½	Kandhla	Dep. 12 16	21 24
49½	4½	Khandraoli	Arr. 12 37	21 48
54½	4½	Shamli W.	Dep. 12 43	22 11
61	6½	Hind	Arr. 12 56	22 25
66½	5½	Thana Bhawan Town	Dep. 12 59	22 29
67½	1½	Thana Bhawan P. T.	Arr. 13 12	22 44
74	6½	Nanauta W. P. T.	Dep. 13 18	22 56
77½	3½	Sona-Arjunpur.	Arr. 13 40	X 2 23 22
81	3½	Rampur Manhyaran P. T.	Dep. 13 47	Dn. 23 28
87½	6	Manani	Arr. 14 01	23 43
92½	5½	Saharanpur W. C.	Dep. 14 05	23 59
			Arr. 14 22	00 17
			Dep. 14 25	00 20
			Arr. 14 43	00 40
			Dep. 14 51	5 00
			Arr. 15 13	5 27
			Dep. 15 16	5 32
			Arr. 15 35	5 54
			Dep. 15 38	5 57
			Arr. 15 46	6 06
			Dep. 15 49	6 13
			Arr. 16 11	6 37
			Dep. 16 17	6 47
			Arr. 16 32	7 02
			Dep. 16 34	7 05
			Arr. 16 49	7 20
			Dep. 16 52	7 23
			Arr. 17 14	7 46
			Dep. 17 17	7 49
			Arr. 17 40	8 10

**PROCEDURE FOR DEPARTMENTAL ENQUIRIES ON STATE RAILWAYS.**

**82. Mr. B. B. Varma:** Will the Honourable Member for Railways please lay on the table the rules of procedure of departmental inquiries into the offences (the maximum penalty for which is neither dismissal nor removal from service), committed by non-gazetted railway servants on Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways?

**The Honourable Sir Thomas Stewart:** I would invite the attention of the Honourable Member to rule 12 of the "Rules regulating discipline and rights of appeal of non-gazetted Railway Servants", copy of which is in the Library of the House.

**NON-GRANT OF HOLIDAYS TO STATION AND RUNNING STAFF ON RAILWAYS.**

**83. Mr. B. B. Varma:** Will the Honourable Member for Railways please refer to the reply given to starred question No. 187 asked in this House on 16th February, 1934 and state:

- (a) whether it is a fact that station and running staff are neither granted nor credited the holidays enjoyed by the staff in offices under the Negotiable Instruments Act;
- (b) whether it is a fact that there is a differential treatment between the two sets of staff; and when it will disappear; and
- (c) what compensation is paid to station and running staff for holidays under the Negotiable Instruments Act; if none, why not?

**The Honourable Sir Thomas Stewart:** I am obtaining information which I will lay on the table of the House in due course.

**PASSES ISSUED TO THE STAFF OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.**

**84. Mr. B. B. Varma:** Will the Honourable Member for Railways please state:

- (a) the number, class and purpose of passes issued to the staff of Shahdara-Saharanpur Light Railway to travel between Delhi-Shahdara and Delhi during 1925—1939;
- (b) the name of the Railway Administration who issued those passes, and
- (c) the authority of the pass rules under which those passes are permitted?

**The Honourable Sir Thomas Stewart:** (a) A first class card pass for the Manager and a third class card pass for a dak peon are issued annually to travel to and from their Headquarters Office which is in Delhi.

(b) The East Indian Railway.

(c) The information required has been called for and a further reply will be laid on the table of the House when it is received.

## STONE-BALLAST CONSUMED BY THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

**85. Mr. B. B. Varma:** Will the Honourable Member for Railways please state:

- (a) the quantity of stone-ballast consumed each year since it became a class II Railway, by the Shahdara-Saharanpur Light Railway;
- (b) the rates at which the stone-ballast was purchased during that period, for quarry and for site, respectively; and
- (c) whether tenders were called for the supply during that period; if so, with what result; and if not, why not?

**The Honourable Sir Thomas Stewart:** (a) and (b). I lay on the table a statement showing the quantity of stone-ballast consumed each year and the rates at which it was purchased by the Shahdara-Saharanpur Light Railway since it became a class II Railway.

(c) From 1925—1930, tenders were invited owing to the unsatisfactory results obtained, subsequently periodical quotations only were invited in order to check market rates.

*Statement showing stone-ballast consumed each year on the S. S. Light Railway.*

Year.	Quantity of Ballast.	Rate of Quarry per 100 c.ft.	Add freight and Trans- shipment charges.	Rate at site.
1925 .	92,968	10 0 0	2—4	12 4 0
1925 .	75,602	11 4 0	2—4	13 8 0
1926 .	75,906	11 12 0	2—4	14 0 0
1926 .	35,318	11 8 0	1—12	13 4 0
1927 .	318,464	10 4 0	1—12	12 0 0
1928 .	96,854	10 4 0	1—12	12 0 0
1929 .	16,819	9 4 0	1—12	11 0 0
1929 .	52,366	7 12 0	2—4	10 0 0
1929 .	26,038	7 12 0	2—4	10 0 0
1930 .	53,265	9 12 0	1—12	11 8 0
1931 .	Nil.	..	..	..
1932 .	79,033	9 0 0	1—12	10 12 0
1933 .	98,557	8 12 0	1—12	10 8 0
1934 .	54,053	8 8 0	1—12	10 4 0
1935 .	125,742	8 8 0	1—12	10 4 0
1936 .	87,490	8 8 0	1—12	10 4 0
1937 .	152,807	8 8 0	1—12	10 4 0
1938 .	89,000	7 14 0	1—12	9 10 0

## STONE-BALLAST REQUIRED FOR CERTAIN RAILWAYS.

**86. Mr. B. B. Varma:** Will the Honourable Member for Railways please state:

- (a) the quantity of stone-ballast required each year for 108.01 miles of a railway line of 2' 6" gauge, initial and renewal, respectively;

- (b) the rate of stone-ballast purchased for State Railway for quarry; and
- (c) whether tenders are invited by class II Railways for stone-ballast?

**The Honourable Sir Thomas Stewart:** (a) This entirely depends on local conditions.

(b) This varies in different places. In the Delhi Division, North Western Railway, it is at present about Rs. 5 per hundred cubic feet.

(c) Government have no information.

#### ACQUIREMENT BY GOVERNMENT OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

**87. Mr. B. B. Varma:** Will the Honourable Member for Railways please refer to the Agreement between the Government and the Shahdara-Saharanpur Light Railway and state the date on which Government considered the question of acquiring the railway on the expiry of the periods referred to in the Agreement?

**The Honourable Sir Thomas Stewart:** April 1927 and 1934.

#### RAGGING OF PASSENGER CARRIAGES ON CURVES OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

**88. Mr. B. B. Varma:** Will the Honourable Member for Railways please state:

- (a) the circumstances of ragging of passenger carriages on curves of the Shahdara-Saharanpur Light Railway while in motion;
- (b) whether this is due to maintenance of the track or the defective rolling stock; and
- (c) whether travelling on that railway under these circumstances is safe?

**The Honourable Sir Thomas Stewart:** (a) I do not know what the Honourable Member means by the word "ragging". I understand there is no undue motion when carriages take curves.

(b) and (c). Do not arise.

#### EXTENSION OF THE HOURS OF EMPLOYMENT REGULATIONS TO THE RUNNING STAFF AND THE COMPANY RAILWAYS.

**89. Mr. B. B. Varma:** Will the Honourable Member for Railways please refer to starred question No. 145, asked on the 16th February, 1934, and state the date by which a revision of the rules will take effect to admit the running staff under the Hours of Employment Regulations and its extension over Company Railways?

**The Honourable Sir Thomas Stewart:** No date has been fixed for the revision of the Railway Servants Hours of Employment Rules so as to bring the running staff within their scope. As regards the question of the extension of these Rules to other principal railways I would refer the Honourable Member to the reply given to starred question No. 272, asked by Mr. N. M. Joshi in this House on the 17th August, 1933.

## STATEMENTS LAID ON THE TABLE.

*Information promised in reply to parts (a), (b) and (d) of starred question No. 1168 asked by Mr. Manu Subedar on the 6th April, 1938.*

## PURCHASES MADE BY RAILWAYS.

*Statement showing the value of stores imported direct, imported stores purchased in India and indigenous stores purchased by the State managed and Company-managed Railways during the year 1937-38, together with the value of stores purchased by those railways through the Indian Stores Department and also the value of stores purchases controlled by the Railway Board during that year.*

Figures in thousands of rupees.

Railways.	Total value of stores purchased.			Total.	Percent- age of Col. 4 to Col. 5.	Value of stores purchased through Col. 7 to Col. 5. I. S. Dept.	Percent- age of Col. 7 to Col. 5.	Value of stores purchased by the Ry. Board.	Percent- age of Col. 9 to Col. 5.	Value of stores purchased by of Rlys., direct (Col. 5, Cola. 7 and 9).	Percen- tage Col. 5.
	Stores imported direct.	Imported stores purchased in India.	Stores of Indian manufac- ture or of indigenous origin.								
1	2	3	4	5	6	7	8	9	10	11	12
State	37	3,22,00	5,46,75	8,69,12	62.91	*3,83,53	44.13	3,06,99	35.32	1,75,60	20.55
Company	1,24,71	1,45,30	3,61,52	6,31,53	57.24	7,71	1.22	1,34,37	21.27	4,89,45	77.51
Total	1,25,08	4,67,30	9,08,27	15,00,65	60.52	3,91,24	26.07	4,41,36	29.41	6,65,05	44.52

\*Purchases to the value of Rs. 5,51,611 for Chief Mining Engineer, Railway Board, Rs. 9,001 for the Central Publicity Bureau (Indian State Railways) and Rs. 413 for the Railway Clearing Accounts Office made through the Indian Stores Department during 1937-38 have been omitted from this figure.

Information promised in reply to starred questions Nos. 30 and 31 asked by Mr. Manu Subedar on the 8th August, 1938.

### PRODUCTION AND PURCHASE OF COAL BY RAILWAYS.

Starred question No. 30.—(a) Total output of steam coal and average cost per ton.

Year.	Total quantity of coal raised from railway collieries.	Average cost per ton.
	Tons.	Rs. as. p.
1935-36 . . . . .	21,47,233	3 1 4
1936-37 . . . . .	22,94,705	2 15 9
1937-38 . . . . .	29,71,552	3 3 0

(b) Total purchased of steam coal from the market.

Year.	Total quantity of coal purchased from the market.	Average price per ton.
	Tons.	Rs. as. p.
1935-36 . . . . .	41,36,146	3 6 11
1936-37 . . . . .	41,20,577	3 3 0
1937-38 . . . . .	43,77,473	3 1 2

(c) The Honourable Member is referred to the answer given to part (a), first of (b) and part (c) of starred question No. 1172 asked by Dr. P. N. Banerjee in the Legislative Assembly on 12th March, 1936.

### APPOINTMENT OF INDIANS AS AGENTS AND DEPUTY AGENTS ON STATE RAILWAYS.

Starred question No. 31.—(a) and (b). I lay a statement on the table.

(c) to (f). I would refer the Honourable Member to my speech of 24th February, 1938, appearing on pages 1118 and 1119 of the Legislative Assembly Debates for that day.

Statement showing the Indian Deputy Agents and Agents appointed on State Railways since 1915.

Railway.	Name.	Designation.	Period of appointment.	Whether permanent or temporary.	Remarks.
E. B.	Dewan Bahadur Mathra Das.	Dy. Agent.	24-9-1931 to 27-1-1933.	Temporary	The post of Dy. Agent was then temporary.
"	Dewan Bahadur B. R. Singh.	Agent	17-3-1932 to 16-7-1932.	Officiating.	
"	Ditto	Do.	28-3-1933 to 19-6-1934.	Do.	
"	Ditto	Do.	20-6-1934 to 18-3-1935.	Permanent.	
E. I.	Mr. L. P. Misra	Dy. Agent.	1-6-1932 to 12-11-1932.	Officiating.	
"	Ditto	Do.	13-11-1932 to 30-5-1935.	Permanent (provisional).	

Railway.	Name.	Designation.	Period of appointment.	Whether permanent or temporary.	Remarks.
E. I.	Mr. C. F. Gilbert	Dy. Agent.	26-3-1935 to 20-1-1936.	Officiating.	
"	Ditto	Do.	21-1-1936 to 9-10-1937.	Permanent (provisional).	
"	Mr. G. W. Scriven	Do.	1-5-1936 to 14-6-1936.	Officiating.	
G. I. P.	Mr. S. M. Basrur	Do.	Is officiating as Dy. Agent from 14th September 1937.		
N. W.	Rai Bahadur D. Dutt.	Do.	13-5-1935 to 20-10-1935.	Do.	
"	Khan Bahadur M. D. Sheikh.	Do.	28-4-1937 to 7-10-1938.	Do.	
"	Mr. F. C. Pavry	Agent	13-7-1930 to 5-9-1930.	Do.	

*Information promised in reply to parts (a) and (b) of starred question No. 392 asked by Mr. Lalchand Navalrai on the 23rd August, 1938.*

#### PROMOTION OF GUARDS ON THE NORTH WESTERN RAILWAY.

(a) The number of grade I posts of guards (i.e., 2nd guards) on 1st March, 1938, was 61, and that of guards grades II and III on 1st April, 1938, was 833 and 219, respectively. Grade IV of guards has been abolished. There are still, however, 65 guards in this grade who are counted against the posts in grade III and are holding grade IV as personal to themselves.

(b) Eleven grade II guards were promoted to grade III in June 1928. Since that date there has been a surplus to actual requirements in this grade and therefore no promotions have been made.

*Information promised in reply to part (c) of starred question No. 419 asked by Khan Bahadur Shaikh Fazal-i-Haq Piracha on the 23rd August, 1938.*

#### REFUSAL TO GRANT A PASSPORT TO MAULVI ISMAIL GHAZNAVI OF AMRITSAR.

(c) Yes.

*Information promised in reply to starred question No. 484 asked by Mr. Brojendra Narayan Chaudhury on the 25th August 1938.*

#### MARRIAGES OF CONVICTS IN THE ANDAMANS.

(b), (c) and (d). The statements made in the article are entirely false. The transportation of female convicts from India was stopped in 1922, but for some time such as volunteered to go there were allowed to do so. Between 1922-23 and 1932-33 only 125 female convicts were admitted, but even this arrangement has been discontinued since 1933. There have not been any marriages between male and female convicts in recent years. The average convict population during the past five years was 6,023 males and 52 females.

(e) Yes.

(f) None.

(g) and (h). Do not arise.

*Information promised in reply to parts (c) and (d) of starred question No. 506 asked by Mr. Abdul Qaiyum on the 25th August, 1938.*

#### PASSPORT FOR ONE MR. PRABODH CHANDRA.

(c) Mr. Prabodh Chandra applied to the Deputy Commissioner, Lahore, for the grant of a passport on the 28th April, 1938. On the same day, however, before the application could be forwarded to the Provincial Government, the magistrate who had certified the applicant to be a fit and proper person to receive a passport withdrew his certificate, and the applicant did not produce another completed application until the 21st June, 1938.

(d) The applicant was informed that a passport application ordinarily takes two or three weeks to be decided, but he was not instructed to come and enquire again after that interval.

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*Information promised in reply to part (a) of starred question No. 579B asked by Mr. Sri Prakasa on the 29th August, 1938.*

#### CONFERMENT OF TITLES AND HONOURS.

*List of honours and titles, both English and Indian, which are awarded to Indian Nationals.*

1. Victoria Cross.
2. Order of the Bath.
3. Order of the Star of India.
4. Order of the Indian Empire.
5. Order of the Crown of India.
6. Royal Victorian Order.
7. Order of the British Empire.
8. Order of the Companions of Honour.
9. Knighthood.
10. Distinguished Service Order.
11. Imperial Service Order.
12. Royal Red Cross.
13. Distinguished Service Cross.
14. Military Cross.
15. Order of British India.
16. Indian Order of Merit.
17. Kaiser-i-Hind Medal.
18. Maharajadhiraja.
19. Maharaja Bahadur.
20. Maharaja.
21. Maharani.
22. Nawab Bahadur.
23. Raja Bahadur.
24. Nawab.
25. Raja.
26. Begum.



CONFERMENT OF TITLES AND HONOURS—*contd.*

*List of honours and titles, both English and Indian, which are awarded to Indian Nationals.—contd.*

27. Rani.
28. Shams-ul-Ulama.
29. Mahamahopadhyaya.
30. Hazik-ul-Mulk.
31. Diwan Bahadur.
32. Sardar Bahadur.
33. Khan Bahadur.
34. Rai Bahadur.
35. Rao Bahadur.
36. Shifa-ul-Mulk.
37. Vaidyaratna.
38. Chikitsakratna.
39. Sardar Sahib.
40. Khan Sahib.
41. Rai Sahib.
42. Rao Sahib.
43. Albert Medal.
44. Indian Distinguished Service Medal.
45. Edward Medal.
46. King's Police Medal.
47. Medal of the Order of the British Empire.
48. Indian Police Medal.
49. Long Service and Good Conduct Medal.
50. Meritorious Service Medal.
51. Efficiency Decoration.
52. Efficiency Medal.
53. The King's Medal (for Champion Shots in the Military Forces).
54. Royal Victorian Medal.
55. Imperial Service Medal.
56. Viceroy's Medal

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*Information promised in reply to unstarred question No. 20 asked by Mr. Muhammad Ashar Ali on the 31st August, 1938.*

## DUTIES AND POWERS OF DIVISIONAL SUPERINTENDENTS AND THEIR ASSISTANTS.

(a) to (c). The Agent, North Western Railway's Circular No. 1 of 1927, part 'A' referred to in the opening part of the question was revised in 1937 and sub-paragraph 17(d) thereof was replaced by paragraph 29 of the revised Circular. A copy of the revised Circular has been placed in the Library of the House. I would also refer the Honourable Member to Appendix 'G' of the Agent's Circular No. 1 of 1936, which shows the authorities empowered to impose the penalty of reduction in pay and other punishments enumerated in rule 2 of the Rules regulating discipline and rights of appeal of non-gazetted Railway Servants. A copy of the Agent's Circular No. 1 of 1936 has also been placed in the Library of the House.

Information promised in reply to starred questions Nos. 799 and 800 asked by Dr. P. N. Banerjee on the 6th September, 1938.

#### COAL SEAMS IN ASSAM.

Starred question No. 799.—(i) Yes.

(ii) No, because the content of sulphur in Assam coal is too high for it to be a first class coal.

#### COAL SEAMS IN ASSAM.

Starred question No. 800.—(i) to (iii). The following statement gives the particulars required :—

Name or situation of seam.	Thickness. (Approximate).	Gradient. (Approximate).	Depth from surface.
1. Unnamed seam worked at Chera-punji mine.	2 to 4 feet	Almost flat and slightly undulating.	The seam occurs in two hills about 300 feet high at a point about 50 feet below the top of the hills.
2. Unnamed seam prospected at Koilajan mine (now closed).	20 feet	North 45° East at 1 in 6.	Prospected along the outcrop by adits driven from "Koilajan Nalla".
3. Kongon Top (Strata 100 feet).	5½ feet	N. E. at 1 in 1.7	The seams outcrop in the sides of hills.
Kongon Main	{ Coal 4 feet Fireclay 10 feet Coal 7½ feet.		
4. 20 feet seam (Strata 107 feet).	15 to 20 feet	South at 1 in 6	The seams outcrop in the sides of hill which rise 1,300 feet above the plains and also in valleys.
5 feet seam (Strata 54 feet).	5 feet	S. E. at 30 to 45°	
8 feet seam	8 feet		
Thick seam	{ Top coal 21 feet Fireclay 10 feet. Middle coal 15 feet. Fireclay 5 feet. Bottom coal 28 feet.		

(iv) Roughly 1,500 million tons.

Information promised in reply to starred questions Nos. 964 and 965 asked by Mr. Brojendra Narayan Chaudhury on the 13th September, 1938.

#### PRIMITIVE TRIBES OF ASSAM.

Starred question No. 964.—(a) Yes.

(b) Mr. Mills was stationed in the Naga Hills District both as Sub-Divisional Officer of the Mokochung Sub-division and as Deputy Commissioner of the District during 1917-1924, 1926-27, 1930-32 and 1935-1937. His services were placed at the disposal of the Government of Bengal for the purpose of examining conditions in the Chittagong Hill Tracts during the cold weather of 1926-27 and he was in charge of the Cachar District (including the North Cachar Hills Sub-division inhabited by hill tribes) in 1928 and 1929.

(c) Mr. Mills is Honorary Provincial Director of Ethnography in Assam, a Fellow of the Royal Anthropological Institute, a Fellow (Anthropological) of the Royal Asiatic Society of Bengal and the author of three standard monographs on Naga tribes published by the Government of Assam. He was invited to represent India at the International Anthropological Congress held at Copenhagen last month.

(d) Government have not opposed Mr. Mills' views and, subject to ordinary supervision, he was left a free hand to carry out his policy.

(e) Yes.

(f) The consumption of foreign liquor is almost entirely confined to foreigners. Nagas themselves have been brought to realise its detrimental effects and have co-operated in preventing the spread of the habit.

(g) No enquiry was made by the Government of India but the missionaries themselves, as soon as they realised that opium was being consumed as a substitute for fermented liquor, firmly suppressed the habit among their converts.

(h) A strict system of passes has been introduced by executive order, prohibiting the ingress of women from the villages into Kohima bazaar, where the spread of prostitution attracted the attention of Mr. Mills.

(i) Education in the villages and based on village life is encouraged. The teaching is in Naga dialects, and Naga songs, dances, games and handicrafts are fostered. Means are continually being sought of making the educated tribesman more fitted, rather than less fitted, for village life.

(j) The whole of the large staff of interpreters, who might be called the Corps d'elite of the Naga Hills, wears national dress. It is also encouraged among teachers and pupils in Government schools.

(k) No. This would be a retrograde step after many years of sound and effective administration.

#### LUSHAI HILL TRIBES IN ASSAM.

*Starred question No. 965.—(a) Yes.*

(b) No. Government is satisfied that the missionaries have employed only the usual and accepted methods of preaching and teaching.

(c) The whole education position in the Lushai Hills is now under review by the Government of Assam.

(d) On Mr. Small's recommendation it is proposed to withdraw grants for primary education only from the Mission Schools in the Khasi and Jaintia Hills from the 1st March 1939 and to spend an equal amount on Government Primary Schools in the same areas. It is also proposed to complete the policy initiated in 1924 of substituting Government for Mission Schools in the Garo Hills by withdrawing the grants for the remaining 13 Mission Primary Schools from 1st March, 1939. No other grants are to be withdrawn from the Mission Schools in the non-excluded Hills.

(e) No such decision has been taken.

(f) No.

*Information promised in reply to starred question No. 977 asked by Dr. P. N. Banerjee on the 13th September, 1938.*

#### OUTPUT FROM THE KURHARBAREE AND SERAMPORE COLLIERIES.

(a) Yes.

(b) The method is generally the same.

(c) Over 90 per cent.

*Information promised in reply to starred question No. 994 asked by Mr. Lalchand Navalrai on the 13th September, 1938.*

#### SELECTION BOARDS FOR SELECTING CANDIDATES FOR RAILWAY APPOINTMENTS.

(a) On the Eastern Bengal Railway, the system of selection of candidates by District Selection Committees was introduced in 1929 in the Traffic Department. For other Departments, Head Office Selection Committees were introduced in 1931—

On the North Western, East Indian, and Great Indian Peninsula Railways, Selection Boards started functioning from 1928, 1932 and 1934, respectively.

(b) Normally senior officers sit on the Selection Boards. On the Eastern Bengal Railway, however, junior officers sit on District Selection Committees on account of the limited number of senior officers available in Districts. As regards the latter part, Government are aware of certain questions asked in the Legislative

Assembly in connection with Selection Boards and of the Honourable Member's opinion expressed during the Central Advisory Council meeting held on the 10th August, 1934, regarding such Boards.

(c) The reply to both parts is in the affirmative.

(d) No. Government see no reason to change the present system of selection.

*Information promised in reply to parts (b), (e) and (f) of unstarred question No. 52 asked by Sardar Mangal Singh on the 13th September, 1938.*

**SPEED OF TRAINS AND PROFITS, ETC., OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.**

(b) The booked speed varied from 18 to 20 m. p. h. for day trains, and 15 to 18 m. p. h. for night trains.

The time taken for the journey between Delhi-Shahdara and Saharanpur was approximately :

for day trains, from 7 to  $7\frac{1}{2}$  hours;

for night trains, from 8 to  $9\frac{1}{2}$  hours. The time given in the latter case is exclusive of a half of one hour in summer and six hours in winter provided at Baraut or Shamli.

(e) and (f). There is no truth in the suggestion. A woman was found travelling by the train referred to without a ticket, and as she was unable to pay the charges due at Delhi-Shahdara, she was allowed to leave after giving her name and address. Two hours afterwards, she was brought by a party before the station master with an allegation that the Travelling Ticket Examiner of the train had assaulted her. The station master referred them to the police, but it is understood that no complaint was lodged at the police station.

**MOTIONS FOR ADJOURNMENT.**

**CONSTITUTION OF THE CHATFIELD COMMITTEE ON INDIAN DEFENCE.**

**Mr. President** (The Honourable Sir Abdur Rahim): I have received a notice from Mr. Avinashilingam Chettiar that he intends to move a motion for the adjournment of the House to discuss a definite matter of urgent public importance, namely, the personnel of the Chatfield Committee on Indian Defence and the non-inclusion of an Indian in it. I am informed that it has been disallowed by the Governor General.

**Mr. S. Satyamurti** (Madras City: Non-Muhammadian Urban): Why disallowed, Sir?

**Mr. President** (The Honourable Sir Abdur Rahim): On the ground of public interest.

There is another motion to the same effect, and that has also been disallowed.

**LATE RUNNING OF THE EAST INDIAN RAILWAY TRAINS AND INCREASE IN THE NUMBER OF ACCIDENTS.**

**Mr. President** (The Honourable Sir Abdur Rahim): Then, Mr. B. D. Pande has given notice of a motion for adjourning the business of the House in order to discuss a matter of urgent public importance, namely, the late running of the E. I. R. trains and the increase in the number of accidents causing consternation in the minds of the public. That does not seem to me a definite matter of urgent public importance, and I rule it out of order.

## MESSAGES FROM THE COUNCIL OF STATE.

**Secretary of the Assembly:** Sir, three Messages have been received from the Council of State. The first Message runs as follows:

"Sir, I am directed to inform you that the Council of State, at its meeting held on the 22nd September, 1938, agreed without any amendment to the following Bills which were passed by the Legislative Assembly at its meeting held on the 20th September, 1938 :

1. A Bill to declare that certain defences shall not be raised in suits for damages in British India in respect of injuries sustained by workmen;
2. A Bill further to amend the Indian Aircraft Act, 1934; and
3. A Bill further to amend the Indian Tea Cess Act, 1903, for a certain purpose."

The second Message runs as follows:

"Sir, I am directed to inform you that the Bill to regulate the admission of children to certain industrial employments, which was passed by the Legislative Assembly at its meeting held on the 20th September, 1938, was passed by the Council of State, held on the 22nd September, 1938, with the amendment shown in the enclosed statement.

The Council of State requests the concurrence of the Legislative Assembly in the amendment.

*(Statement showing the amendment made in the Bill to regulate the admission of children to certain industrial employments, by the Council of State at its meeting held on the 22nd September, 1938.)*

In clause 5, in sub-clause (2), the words 'or fourteenth' and the words 'as the case may be' were omitted."

Sir, I lay on the table the Bill as amended by the Council of State.

The third Message runs as follows:

"Sir, I am directed to inform you that the Bill to amend the law relating to the prevention of cruelty to animals which was passed by the Legislative Assembly at its meeting held on the 20th September, 1938, was passed by the Council of State at its meeting held on the 22nd September, 1938, with the amendment shown in the enclosed statement.

The Council of State requests the concurrence of the Legislative Assembly in the amendment."

Sir, I lay on the table the Bill as amended by the Council of State.

*(Statement showing the amendment made in the Bill to amend the law relating to the prevention of cruelty to animals by the Council of State at its meeting held on the 22nd September, 1938.)*

"In clause 13, for item (h) of sub-section (2) of the proposed section 15, the following item was substituted, namely :

- '(h) prescribing the manner in which cattle may be impounded in any place appointed for the purpose, so as to secure the provision of adequate space, food and water'."

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## THE INDIAN INCOME-TAX (AMENDMENT) BILL.

### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir James Grigg (Finance Member):** Sir, I lay on the table the Report of the Select Committee on the Bill further to amend the Indian Income-tax Act, 1922.

## THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Merchant Shipping Act, 1923.

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

"That leave be granted to introduce the Bill further to amend the Indian Merchant Shipping Act, 1923."

The motion was adopted.

**The Honourable Sir Muhammad Zafrullah Khan**: Sir, I introduce the Bill.

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## REPORTS OF THE PUBLIC ACCOUNTS COMMITTEE.

**The Honourable Sir James Grigg** (Finance Member): Sir, I move:

"That the Reports of the Public Accounts Committee on the accounts of 1934-35, 1935-36 and 1936-37 be taken into consideration."

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

"That the Reports of the Public Accounts Committee on the accounts of 1934-35, 1935-36 and 1936-37 be taken into consideration."

**Mr. S. Satyamurti** (Madras City: Non-Muhammadian Urban): May I make a submission, Sir? So far as I know, and I believe I am right,—the volumes of evidence of the Public Accounts Committee for 1936-37 have not yet been made available to the Members of this House. It seems to me, Sir, that that privilege was gained after a little fight in this House. Last year, the Honourable the Finance Member or the Acting Finance Member, Sir John Nixon, claimed that these evidence volumes need not be supplied. Then the House took possession of the matter and unanimously resolved that these volumes ought to be published. I am glad to say that the Honourable the Finance Member has accepted the obligation to publish these evidence volumes, but so far as I can see, they have not been made available to us. I am not blaming Government altogether, because they have been handicapped by the unfortunate illness of one of the most important witnesses, Mr. Wilson, but the point is this that the volume of evidence for the last year has not yet been published. The evidence cannot be referred to in detail in this House, but before Honourable Members can appreciate the points in the Report and follow the discussion, I submit,—and I think the Honourable the Members of the House will agree with me,—that they must have an opportunity of perusing the evidence volumes so far as the latest year is concerned. There are important matters on which I feel I cannot throw useful light, and the House cannot follow with that attention which this House always does such matters unless they have in their possession the evidence volumes for the last year, also. I, therefore, submit to you and to the Honourable House that we shall be consulting the convenience of all sections of the House, if we wait for the publication and supply to all Honourable Members of the

[Mr. S. Satyamurti.]

volumes of evidence of last year's Public Accounts Committee. I believe I have heard—I think the Honourable the Finance Member will corroborate me—that the volumes of evidence are already in the press; they are expected, I think, very shortly. I, therefore, have a suggestion to make to this Honourable House and to the Honourable the Finance Member, that the discussion of these three years' Reports may stand over to a date after the disposal of the Income-tax Bill. I may prove too optimistic, but I feel somehow that, by the 4th or 5th December at the latest, the Income-tax Bill will be disposed of by this House. I am usually a pessimist in such matters; so when I say that, I think the House may take it that it will be done. But even supposing that we sit till the 9th December, there is one day, Saturday the 10th, on which we can sit; and if we have no question time, the discussion of these three years' Reports will be over in one day, because if we get a whole morning and a whole evening we can discuss all these Reports. I, therefore, feel that in the interests of all concerned, and especially in view of the absence of the evidence volumes which are important to give this House the real background behind these Reports—I ought to suggest to the House that it may be so good as to agree to my suggestion that this discussion may stand over till the next day after the conclusion of the discussion of the Income-tax Bill.

**The Honourable Sir James Grigg:** I am sorry that the House is not in possession of the evidence volumes. The Honourable Member has rightly referred to the main cause of the delay in their being circulated. I fully understand how desirable it is that the evidence should be available so that we can all make speeches consistent with our evidence and our remarks in the Committee. As far as I am concerned, I am quite agreeable to the postponement of the discussion of the Report if that is the wish of the House. But I suggest that the House should proceed to dispose of the excess grants, in any case, because we do not want any evidence volume for that purpose.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): We had been demanding for the last two years. . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member need not make a speech. If he does not agree, he may say so.

**Dr. Sir Ziauddin Ahmad:** I do not agree.

**Mr. President** (The Honourable Sir Abdur Rahim): Is it the general desire of the House that this motion should stand over?

**Honourable Members:** Yes.

**Mr. President** (The Honourable Sir Abdur Rahim): Then I allow this motion to stand over.

## DEMANDS FOR EXCESS GRANTS FOR 1936-37.

### SALT.

**The Honourable Sir James Grigg** (Finance Member): Sir, I move:

"That an excess grant of Rs. 9,127 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Salt'."

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

"That an excess grant of Rs. 9,127 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Salt'."

There is a cut motion to this demand for excess grant by Mr. Abdul Qaiyum. But the Honourable Member cannot have any discussion of grievances on a motion like this.

**Mr. Abdul Qaiyum** (North-West Frontier Province: General): The procedure is exactly the same as it is for ordinary demands for grants.

**Mr. President** (The Honourable Sir Abdur Rahim): No. You cannot have a discussion of all sorts of grievances. It has already been settled time after time. No principles or policy can be discussed.

**Mr. Abdul Qaiyum**: In that case I oppose the whole demand for excess grant. Sir, I wanted to move a token cut, but now that you have ruled that that token cut cannot be moved at this stage, I have no other option but to oppose this demand for excess grant. Before the civil disobedience movement of 1930, the right-holders in the salt mines in Teri Tehsil, Kohat District, North-West Frontier Province, used to enjoy certain privileges and those privileges were taken away from them because those people participated in the movement for freedom.

**The Honourable Sir James Grigg**: Sir, is it in order to raise a question of policy on a demand for excess grant?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member (Mr. Abdul Qaiyum) is discussing what he has stated in his amendment which has been ruled out of order. He cannot do that.

**Mr. Abdul Qaiyum**: In opposing I have to say something to give reasons.

**Mr. President** (The Honourable Sir Abdur Rahim): You cannot discuss any question of policy. You know it.

**Mr. Abdul Qaiyum**: In that case I will merely oppose it.

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

"That an excess grant of Rs. 9,127 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Salt'."

The motion was adopted.



## IRRIGATION, ETC., CHARGED TO REVENUE.

**The Honourable Sir James Grigg:** I move:

"That an excess grant of Rs. 7,96,486 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Irrigation, etc., charged to revenue'."

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

"That an excess grant of Rs. 7,96,486 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Irrigation, etc., charged to revenue'."

Mr. B. D. Pande has given notice of an amendment to this. I suppose he wishes to discuss some question of policy.

**Mr. Badri Dutt Pande** (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): Not policy, but information,—some more explanation.

**Mr. President** (The Honourable Sir Abdur Rahim): You cannot move an amendment unless it be an economy cut.

**Mr. Badri Dutt Pande:** I oppose this grant. I am not moving that amendment. I only oppose and seek for some further explanation. The explanation of item (2) here is this:

"The excess was mainly due to arrears of working expenses of the Nasirabad Section of the Lloyd Barrage Project and interest thereon payable to the Sind Government being adjusted in the 1936-37 accounts instead of in those of 1937-38 as originally contemplated."

Why was it contemplated to be paid in 1937-38 and why was it paid a year earlier? There is no explanation of that—whether it was due to the pressure of the Sind Government that it was paid a year earlier, or it was due to the charity of the Government of India or the Finance Member that this sum was paid earlier to the Sind Government.

**The Honourable Sir James Grigg:** I will read a little note I have got here on the subject for the Honourable Member's information.

"The Lloyd Barrage and Canals Construction Scheme (Khirtar Branch) irrigates Central Government lands in the Nasirabad Tehsil of the Baluchistan territory. According to the provisions contained in para. 4 (a) of the Second Schedule to the Government of India (Constitution of Sind) Order, 1936, the Provinces of Bombay and Sind are not responsible for the amount outstanding on account of the Nasirabad Section. The Government of India had to take over the outstanding debt relating to this section. As the orders of the Secretary of State in respect of this liability had not been received by the time the budget estimates for 1936-37 were prepared no provision could be made on this account in the Central Budget for that year. The Government of Sind, however, had budgeted for this receipt, and as the delay in payment would have increased the amount of interest due on the arrears of maintenance, the Finance Department decided, after the close of the year 1936-37, to make the inevitable payment forthwith. The amount chargeable to the Central Government is worked out on a percentage basis agreed upon between the Sind Government and the Government of India."

I hope that makes everything clear to the Honourable Member.

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

"That an excess grant of Rs. 7,96,486 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Irrigation, etc., charged to revenue'."

The motion was adopted.

## HOME DEPARTMENT.

**The Honourable Sir James Grigg:** Sir, I beg to move:

"That an excess grant of Rs. 5,468 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Home Department'."

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

"That an excess grant of Rs. 5,468 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Home Department'."

The motion was adopted.

## CENTRAL BOARD OF REVENUE.

**The Honourable Sir James Grigg:** Sir, I beg to move:

"That an excess grant of Rs. 3,145 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Central Board of Revenue'."

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

"That an excess grant of Rs. 3,145 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Central Board of Revenue'."

The motion was adopted.

## PAYMENTS TO PROVINCIAL GOVERNMENTS, ETC.

**The Honourable Sir James Grigg:** Sir, I beg to move:

"That an excess grant of Rs. 2,755 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Payments to Provincial Governments, etc.'"

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

"That an excess grant of Rs. 2,755 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Payments to Provincial Governments, etc.'"

The motion was adopted.

## POLICE.

**The Honourable Sir James Grigg:** Sir, I beg to move:

"That an excess grant of Rs. 2,737 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Police'."

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

"That an excess grant of Rs. 2,737 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Police'."

The motion was adopted.

## PORTS AND PILOTAGE.

**The Honourable Sir James Grigg:** Sir, I beg to move:

"That an excess grant of Rs. 4,229 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Ports and Pilotage'."

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

"That an excess grant of Rs. 4,229 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Ports and Pilotage'."

**Mr. K. Santhanam** (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): Sir, I want to draw the attention of the House to the fact that no sort of explanation has been supplied to us in the List of Grants. It is only fair that when Government bring forward such excess grants, they should give an explanation for each item. I have tried to look into this, and I find that no explanation has been offered, and I suggest that we should not be asked to pass these things without any explanation being offered.

**The Honourable Sir James Grigg**: If the Honourable Member will look at the List of Grants, he will be able to find the explanation. This is a casual excess of Rs. 4,000 odd on a total grant of about 15 lakhs. This is a very minute variation. I have not worked out the exact percentage, but it is certainly a very minute variation. If that is not sufficient explanation, I can give him no other.

**Mr. K. Santhanam**: The amount involved may be small in this case, but there are lakhs and lakhs in other grants . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member cannot make a second speech. The question is:

"That an excess grant of Rs. 4,229 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Ports and Pilotage'."

The motion was adopted.

#### BOTANICAL SURVEY.

**The Honourable Sir James Grigg**: Sir, I beg to move:

"That an excess grant of Rs. 3,665 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Botanical Survey'."

This is a small, casual and unforeseen variation.

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

"That an excess grant of Rs. 3,665 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Botanical Survey'."

The motion was adopted.

#### ZOOLOGICAL SURVEY.

**The Honourable Sir James Grigg**: Sir, I beg to move:

"That an excess grant of Rs. 135 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Zoological Survey'."

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

"That an excess grant of Rs. 135 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Zoological Survey'."

The motion was adopted.

### MINES.

**The Honourable Sir James Grigg:** Sir, I beg to move:

"That an excess grant of Rs. 6,762 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Mines'."

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

"That an excess grant of Rs. 6,762 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Mines'."

The motion was adopted.

### CENSUS.

**The Honourable Sir James Grigg:** Sir, I move:

"That an excess grant of Rs. 886 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Census'."

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

"That an excess grant of Rs. 886 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Census'."

**Mr. S. Satyamurti** (Madras City: Non-Muhammadian Urban): Sir, there is only one point I wish to raise. It is ridiculous carrying on a census grant of a few hundred rupees for the ten years between one census and another. We can provide for such a grant one or two years before the next census and one or two years later, but this sort of thing has gone on for several years. I mention this point publicly so that this demand may not appear year after year, as this has no meaning at all.

**The Honourable Sir James Grigg:** Sir, I have a good deal of sympathy for the Honourable Member's animadversions on the multiplication of grants and I propose to leave behind for my successor an adjuration to consider the question.

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

"That an excess grant of Rs. 886 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Census'."

The motion was adopted.

## STATIONERY AND PRINTING.

**The Honourable Sir James Grigg:** Sir, I move:

"That an excess grant of Rs. 42,311 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Stationery and Printing'."

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

"That an excess grant of Rs. 42,311 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Stationery and Printing'."

The motion was adopted.

## MISCELLANEOUS ADJUSTMENTS BETWEEN THE CENTRAL AND PROVINCIAL GOVERNMENTS.

**The Honourable Sir James Grigg:** Sir, I move:

"That an excess grant of Rs. 24,17,399 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Miscellaneous adjustments between the Central and Provincial Governments'."

Honourable Members will see from the report of the Public Accounts Committee that this is because of an unforeseen expansion in the jute revenue accruing towards the end of the year which has necessitated larger payments to the provinces that benefit from the jute duty. In future years the grants to the jute Provinces will be taken in reduction of revenue and not as expenditure so that this business of a very large excess grant due to defective estimating will never happen again.

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

"That an excess grant of Rs. 24,17,399 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Miscellaneous adjustments between the Central and Provincial Governments'."

**Mr. Badri Dutt Pande:** Sir, I want to oppose this grant, which amounts to Rs. 24 lakhs, and I do not want this to be passed silently. I want to know whether this amount has been given to the Bengal Government only or to which other Provincial Governments this is to be granted. I want to know whether my Province has got any share or not.

**The Honourable Sir James Grigg:** Sir, the United Provinces grows no jute, as I believe, and so it gets no share of the grant.

**Mr. Badri Dutt Pande:** Which are the Governments then?

**The Honourable Sir James Grigg:** Bengal, Assam, Bihar, and I think possibly Orissa.

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

"That an excess grant of Rs. 24,17,399 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Miscellaneous adjustments between the Central and Provincial Governments'."

The motion was adopted.

## REFUNDS.

**The Honourable Sir James Grigg:** Sir, I move :

"That an excess grant of Rs. 99,660 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Refunds'."

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

"That an excess grant of Rs. 99,660 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Refunds'."

The motion was adopted.

## AJMER-MERWARA.

**The Honourable Sir James Grigg:** Sir, I move :

"That an excess grant of Rs. 27 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Ajmer-Merwara'."

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

"That an excess grant of Rs. 27 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Ajmer-Merwara'."

**Mr. Abdul Qaiyum:** Sir, I beg to oppose this demand for an excess grant, because it would not be appropriate on the part of the Honourable House to grant the Government even one pie for regularising an administration which is out-of-date and absolutely irresponsible.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is raising a question of policy.

**Mr. Abdul Qaiyum:** Sir, I may be allowed to quote Rule 49 of the Indian Legislative Rules. That Rule says :

"When money has been spent on any service for which the vote of the Assembly is necessary during any financial year in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Assembly by the Finance Member, and shall be dealt with in the same way by the Assembly as if it were a demand for a grant."

**Mr. President** (The Honourable Sir Abdur Rahim): It has already been settled beyond any doubt that you cannot again raise a question of policy.

**Mr. Abdul Qaiyum:** I oppose this grant, Sir, because there is a demand by the people of Ajmer-Merwara for autonomous Government and the reply of the Government is that they have consulted the Chief Commissioner, who thinks that there is no such demand. The Government is absolutely out of touch with the opinion of the people. They merely satisfy themselves by writing a letter to the Chief Commissioner, who absolutely does not represent the wishes of those people. . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member cannot discuss that.

**Mr. Abdul Qaiyum:** Then we will not give a single pie to this Government.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member may vote against it. The question is:

"That an excess grant of Rs. 27 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Ajmer-Merwara'."

The Assembly divided:

AYES—40.

Abdul Hamid, Khan Bahadur Sir.  
Ahmad Nawaz Khan, Major Nawab Sir.  
Aikman, Mr. A.  
Ayyar, Mr. N. M.  
Bajpai, Sir Girja Shankar.  
Bewoor, Mr. G. V.  
Boyle, Mr. J. D.  
Chambers, Mr. S. P.  
Chanda, Mr. A. K.  
Dalal, Dr. R. D.  
Dalpat Singh, Sardar Bahadur Captain.  
Dutt, Mr. S.  
Gorwala, Mr. A. D.  
Greer, Mr. B. R. T.  
Griffiths, Mr. P. J.  
Grigg, The Honourable Sir James.  
Hight, Mr. J. C.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Kamaluddin Ahmed, Shams-ul-Ulema.  
Kushalpal Singh, Raja Bahadur.

Mackeown, Mr. J. A.  
Maxwell, the Honourable Mr. R. M.  
Menon, Mr. P. A.  
Menon, Mr. P. M.  
Metcalf, Sir Aubrey.  
Miller, Mr. C. C.  
Mukherji, Mr. Basanta Kumar.  
Nur Muhammad, Khan Bahadur Shaikh.  
Row, Mr. K. Sanjiva.  
Scott, Mr. J. Ramsay.  
Sheehy, Mr. J. F.  
Sher Muhammad Khan, Captain Sardar Sir.  
Sivaram, Rao Sahib N.  
Spence, Mr. G. H.  
Stewart, The Honourable Sir Thomas.  
Sukthankar, Mr. Y. N.  
Sundaram, Mr. V. S.  
Talukdar, Mr. J. N.  
Town, Mr. H. S.  
Zafrullah Khan, The Honourable Sir Muhammad.

NOES—45.

Abdul Qaiyum, Mr.  
Abdul Rasheed Chaudhury, Maulvi.  
Aney, Mr. M. S.  
Asaf Ali, Mr. M.  
Banerjee, Dr. P. N.  
Basu, Mr. R. N.  
Chaliha, Mr. Kuladhar.  
Chaudhury, Mr. Brojendra Narayan.  
Chettiar, Mr. T. S. Avinashilingam.  
Das, Pandit Nilakantha.  
Datta, Mr. Akhil Chandra.  
Desai, Mr. Bhulabhai J.  
Deshmukh, Dr. G. V.  
Deshmukh, Mr. Govind V.  
Gadgil, Mr. N. V.  
Gupta, Mr. K. S.  
Heede, Sri K. B. Jinaraja.  
Jedhe, Mr. K. M.  
Jogendra Singh, Sardar.  
Kailash Behari Lal, Babu.  
Lalchand Navalrai, Mr.  
Maitra, Pandit Lakshmi Kanta.

Mangal Singh, Sardar.  
Misra, Pandit Shambhu Dayal.  
Mudaliar, Mr. C. N. Muthuranga.  
Muhammad Ahmad Kazmi, Qazi.  
Paliwal, Pandit Sri Krishna Dutta.  
Pande, Mr. Badri Dutt.  
Parma Nand, Bhai.  
Raghubir Narayan Singh, Choudhri.  
Ramayan Prasad, Mr.  
Ranga, Prof. N. G.  
Rao, Mr. M. Thirumala.  
Saksena, Mr. Mohan Lal.  
Sant Singh, Sardar.  
Santhanam, Mr. K.  
Satyamurti, Mr. S.  
Sham Lal, Mr.  
Singh, Mr. Ram Narayan.  
Sinha, Mr. Satya Narayan.  
Som, Mr. Suryya Kumar.  
Sri Prakasa, Mr.  
Subbarayan, Shrimati K. Radha Bai.  
Subedar, Mr. Manu.  
Varma, Mr. B. B.

The motion was negatived.

## ANDAMANS AND NICOBAR ISLANDS.

**The Honourable Sir James Grigg:** Sir, I move:

"That an excess grant of Rs. 28,986 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Andamans and Nicobar Islands'."

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

"That an excess grant of Rs. 28,986 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Andamans and Nicobar Islands'."

The motion was adopted.

## RAILWAY BOARD.

**The Honourable Sir James Grigg:** Sir, I move:

"That an excess grant of Rs. 15,213 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Railway Board'."

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

"That an excess grant of Rs. 15,213 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Railway Board'."

The motion was adopted.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I wish to say something on this excess grant.

**Mr. President** (The Honourable Sir Abdur Rahim): I did pause after having put the motion to the House. The Honourable Member did not get up then.

## REFUNDS.

**The Honourable Sir James Grigg:** Sir, I move:

"That an excess grant of Rs. 3,25,032 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Refunds'."

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

"That an excess grant of Rs. 3,25,032 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Refunds'."

**Mr. Lalchand Navalrai:** Sir, I should like to have some information on this grant. Before I do so, I have to state that I fully agree with my Honourable friend, Mr. Santhanam, that we should be given some information even though in a summary manner with regard to these excess grants. With regard to the last item, 'Railway Board' . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): That has been disposed of. The Honourable Member must now confine himself to 'Refunds'.



**The Honourable Sir James Grigg:** The Honourable Member is wrong in saying that there is no explanation. There is an explanation given.

**Mr. Lalchand Navalrai:** But I object to explanation not being given even in a general manner with regard to all the items that are there. My Honourable friend went so far as to say that he would leave some legacy to his successor in future to do these things.

**The Honourable Sir James Grigg:** But an explanation is given.

**Mr. Lalchand Navalrai:** I do see the explanation. I have read that. But it is not sufficient. There ought to be some details given to us as to so much of refunds being given, and so on. In future, I submit that it should be made incumbent upon the Honourable Member to give some explanation in some manner which could be understood with regard to the reasons for the demands. Sir, I oppose the motion.

**Mr. S. Satyamurti:** I want to raise a small accounts point. One of the explanations is that it is also partly due to the sum having been wrongly classified in the budget as reduction of earnings. I take it that this mistake has been or will be rectified in future.

**The Honourable Sir James Grigg:** I think the Honourable Member can be assured that it is rectified and I can also assure the Honourable Member from Sind that the Public Accounts Committee went into all these excess grants very carefully before they decided to recommend them to this House.

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

"That an excess grant of Rs. 3,25,032 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Refunds'."

The motion was adopted.

#### PAYMENTS TO INDIAN STATES AND COMPANIES.

**The Honourable Sir James Grigg:** Sir, I move:

"That an excess grant of Rs. 4,08,927 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Payments to Indian States and Companies'."

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

"That an excess grant of Rs. 4,08,927 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Payments to Indian States and Companies'."

The motion was adopted.

#### WORKING EXPENSES—MAINTENANCE OF FERRY STEAMERS AND HARBOURS.

**The Honourable Sir James Grigg:** Sir, I move:

"That an excess grant of Rs. 5,164 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Working expenses—Maintenance of Ferry Steamers and Harbours'."

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

"That an excess grant of Rs. 5,164 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Working expenses—Maintenance of Ferry Steamers and Harbours'."

The motion was adopted.

#### PAYMENTS TO RAILWAY DEPRECIATION RESERVE FUND.

**The Honourable Sir James Grigg**: Sir, I move:

"That an excess grant of Rs. 1,20,58,909 be voted by the Assembly to regularise the appropriation actually made in 1936-37 of the Railway surplus for the year 1936-37 towards repayments of the temporary loans taken from the railway depreciation reserve fund."

As this excess grant is neither small nor casual, I might mention to the House that this is due to the fact that railway receipts were very much better towards the end of that year than had been expected and a considerable surplus emerged which under the agreement for the division of revenues fell to be paid to the depreciation fund.

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

"That an excess grant of Rs. 1,20,58,909 be voted by the Assembly to regularise the appropriation actually made in 1936-37 of the Railway surplus for the year 1936-37 towards repayments of the temporary loans taken from the railway depreciation reserve fund."

**Mr. S. Satyamurti**: Sir, I rise to a point of order. I plead guilty to the charge that as a member of the Public Accounts Committee I approved of the excess grant being asked for in this House. But, Sir, this point did not strike me then, and it strikes me now.

Rule 49 of the Indian Legislative Rules says:

"When money has been spent on any service for which the vote of the Assembly is necessary during any financial year in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Assembly by the Finance Member, and shall be dealt with in the same way by the Assembly as if it were a demand for a grant."

Now, Sir, if you look at the printed papers giving a list of demands for Excess Grants, you will find under Grant 9-A "Repayments to Depreciation Reserve fund" that there was no amount granted by the Assembly at all. That is explained in the paragraph referred to under Grant 9-A in the Report of the Public Accounts Committee on the Accounts of 1936-37, Vol. I-Part II, page 2:

"The excess was the result of improvement in earnings which converted the original estimated deficit of Rs. 3,44 lakhs into a surplus of Rs. 1,21 lakhs. A vote of the Legislature for the transfer of this surplus to the Depreciation Reserve fund was not obtained in the belief that it was not constitutionally necessary."

That being so, the fact is admitted as is also shown by the vacant column in the Entry "Amount granted by the Assembly".

1 P.M. Rule 49 is absolutely clear. You cannot have an excess grant except to a grant already voted by the Assembly. It is common sense too. You cannot have an excess grant to a grant which was neither placed before the House nor granted by the House. *Ex hypothesi* there was no original

[Mr. S. Satyamurti.]

grant at all, and, therefore, there can be no excess grant. But, for the consolation of my friend, I may say he is not without a remedy. A supplementary demand, subject to your ruling when it comes, can always be moved for a new service in the course of the year, and, therefore, if my Honourable friend can persuade his legal advisers and then persuade you that it is a new service for which he wants a supplementary grant, he may then approach the House and get its verdict. But my narrow and simple point. . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): Depreciation Fund is not a new service?

**Mr. S. Satyamurti**: No; but it is a fund . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): This is paid to the depreciation fund?

**Mr. S. Satyamurti**: Therefore, they may be on the horns of a dilemma but it is neither for you, Sir, nor for me to solve it . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): It has to be solved by somebody, I suppose.

**Mr. S. Satyamurti**: Not by the Chair. The Chair is not governing the country. The Chair is governing only this House . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): That is a wholly uncalled for remark and not at all a proper remark to make.

**Mr. S. Satyamurti**: I was only putting it in a humorous way and I did not intend anything else . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): I think the Honourable Member in his remarks to the Chair had better leave aside humour.

**Mr. S. Satyamurti**: All right, Sir. I accept your verdict. The point is this. So far as this particular grant is concerned, there was no provision made in the original grant—there was no grant made at all; and, therefore, this cannot be called, either in terms of common sense or in terms of rule No. 49, an excess grant. Whatever other remedy they may or may not have, I submit, there is only one remedy. I do not want to repeat it. It is for their legal advisers. But, as the rule stands and as the grant stands here, I submit that it is not an excess grant, and is, therefore, wholly inadmissible as an excess grant before this House.

**The Honourable Sir James Grigg**: Sir, I had not expected the Honourable Member to raise this point and so I cannot put my hands at the moment on your ruling, but this is not a new question: it refers to a type of case in which surpluses, if they emerge, are definitely allocable but it is not certain whether they will emerge or not; and in circumstances of that sort you, Sir, gave a ruling—I think about two years ago—that an excess grant was the proper machinery even though the original grant may have been zero and I suggest . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): Was there a ruling? I cannot recall it to my mind.

**The Honourable Sir James Grigg**: I cannot put my hand on it at the moment but I am clear in my recollection about it.

**Mr. Bhulabhai J. Desai** (Bombay Northern Division: Non-Muhamadan Rural): I wish to say a word on this. I do not know whether there was any such ruling or not—I can recollect none. But the narrow point is this: whether that will come under rule 50—supplementary or additional grants—is a matter for the legal advisers of the Government. The point really is this, that you cannot deal with it under rule 49: the last words are conclusive—"and shall be dealt with in the same way by the Assembly as if it were a demand for grant". In other words, without the hypothesis of there having been a demand for grant under that head, it is impossible to apply rule 49, apart from the question whether it can be called an excess over zero or not. The real point is that it can only be dealt with under this rule on the assumption that there was an original demand for grant. Therefore, there not having been any demand for grant under this head, there cannot be any demand for an excess grant under rule 49. Rule 50 says:

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

- (i) the amount voted in the Budget of a grant is found to be insufficient for the purposes of the current year, or
- (ii) a need arises during the current year for expenditure for which the vote of the Assembly is necessary upon some new service not contemplated in the Budget for that year. . . ."

If these words stood alone, I dare say they would naturally call any grant additional which was not contemplated during the course of the year. I quite grant that except by straining language it would not be possible to call a windfall excess of this kind which is allocated for a purpose as being required for a new service. But none the less this is limited by the proviso which runs:

"Provided that when funds to meet proposed expenditure on a new service can be made available by re-appropriation a demand for the grant of a token sum may be submitted. . . ."

Sub-rule (3) of rule 50 says:

"Supplementary or additional estimates shall be dealt with in the same way by the Assembly as if they were demands for grants."

That appears to be equally conclusive on this point, that it deals with an excess as if it was a new grant; and so far as this sub-rule (3) is concerned, it is not qualified in the same way as sub-rule (1). By straining the language you may assist my Honourable friend if he made a demand under rule 50 (3), but it is certainly not possible to say that under rule 49.

**Mr. President** (The Honourable Sir Abdur Rahim): Supposing it is a supplementary or additional grant, what will be the practical difference? After all it is a technical difficulty. Cannot the House deal with it now?

**Mr. Bhulabhai J. Desai**: The only answer I can give is this. Whether it is convenient to us or not, I submit it would not be the right way of construing the rule. I do not deny that if you do not read the qualification in rule 50 (1) and rule 50 (2), and merely read 50 (3), independently, you can allow this to be moved as an additional grant, not as a supplementary.

**Mr. President** (The Honourable Sir Abdur Rahim): There is no dispute on its merits. Would it not save time if this is moved as a supplementary or additional grant?

**Mr. Bhulabhai J. Desai**: On the merits I understand that if it can be moved as a supplementary or additional grant, it can only be moved at a later date and not now.

**The Honourable Sir James Grigg**: It cannot be moved as a supplementary grant in the proper meaning of the word at all for the simple reason that the year in which the expenditure occurred is past.

**Mr. Bhulabhai J. Desai**: I quite agree that it cannot be a supplementary grant, because the term supplementary is used with reference to 50, sub-section (1) clause 1, the amount voted in the Budget is found sufficient for the current year,—I quite agree,—and therefore it cannot be a supplementary grant, and it can only be an additional grant. My submission, therefore, is that so far as the point of order that is raised is concerned, you would rule that it cannot be moved as an excess grant, and you may well consider whether under 50, sub-clause (3), you could allow my friend to move it as an additional grant.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, I wish to say something on this. Suppose a particular item is provided in the budget, say Demand No. 13, and we vote in the original Budget say Rs. 100 for that. After that, we can give as an excess grant any sum we like. The point raised was that that particular item ought to be in the Budget. My contention is this, that if that demand does not occur in the Budget at all, the question would arise whether we can introduce this new item in the Budget and whether it would be valid. If we had not voted for anything else, it means we had voted zero rupees, and I consider a zero is as good a number as 100 or any other number. The demand was there, but the money we had voted under that demand was zero, and we now say it is not sufficient. I contend it is an excess grant.

**Mr. President** (The Honourable Sir Abdur Rahim): You said the demand was there in the original budget?

**Dr. Sir Ziauddin Ahmad**: Yes.

**Mr. M. S. Aney** (Berar: Non-Muhammadan): Sir, my friend's mathematical argument comes to a zero, in my opinion. All demands are numbered, and there is no zero No. demand at all. If there was a demand it must have had a number from 1 to some other figure. Had there been a zero demand, I could have assumed even a zero grant also. Therefore, we must assume that this demand had not existed before and an amount is now asked for, and the only question is whether that would be a proper demand to be classed as an excess grant. The difficulties are there. I think the only solution is to anyhow bring it under the category of an additional grant, there is no other way, but the zero argument cannot hold good.

**The Honourable Sir James Grigg:** May I suggest that, as we are now very near the luncheon adjournment, and we have very little business left to do, it is no good asking Honourable Members to come back to resume this very interesting and slightly attenuated discussion without being able to quote your ruling, to which I have referred. I suggest that we take up this business of excess grants on some other convenient day, and in the meantime we shall produce for your consideration the ruling which I have clearly in my recollection and which I hope also exists in fact.

**Mr. President** (The Honourable Sir Abdur Rahim): What about the other two?

**The Honourable Sir James Grigg:** I am quite agreeable to take those two if you like.

**Mr. President** (The Honourable Sir Abdur Rahim): I think you had better dispose of those two, and hold over this one.

#### IRRIGATION WORKS—(NOT CHARGED TO REVENUE).

**The Honourable Sir James Grigg:** Sir, I move:

"That an excess grant of Rs. 1,14,801 be voted by the Assembly to regularise the expenditure chargeable to capital actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Irrigation Works—(Not charged to Revenue)'."

This is the counterpart on the Capital side of the grant, to which Mr. Pande took exception just now, and the explanation is the same.

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

"That an excess grant of Rs. 1,14,801 be voted by the Assembly to regularise the expenditure chargeable to capital actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Irrigation Works—(Not charged to Revenue)'."

**Mr. K. Santhanam:** Sir, I want to take objection to the procedure which is being adopted. The Government deliberately budgeted for this amount to be adjusted in 1937-38, and now they do it in 1936-37 without our sanction, and they want to take sanction from us after the event. What was the difficulty in adjusting it in 1937-38? Why should they take the responsibility to adjust in 1936-37 without our sanction? This is one of the two items in which adjustment was made in this way. The first item was Demand No. 22, and the excuse is, it was due to arrears of working expenses, but here it is only a share of the Central Government which in the normal course of things they should have paid in 1937-38. I want an explanation as to why they chose to adjust it in 1936-37. Was it because they were anxious to oblige the Sind Government?

**The Honourable Sir James Grigg:** Not at all. There is no question of obliging the Sind Government in any ulterior or nefarious sense as the Honourable Member seems to suggest. It was certainly due to a desire of both the Governments. The Sind Government budgeted for the demand and wanted the money, and the Government of India wanted to make the payment in order to avoid any interest on it. And the reason was solely in regard to the general financial settlement with the Sind

[Sir James Grigg.]

Government. It is a thing which can only very rarely happen, and the Honourable Member is, I think, finding a mare's nest where no mare or nest exists.

**Mr. S. Satyamurti:** Sir, I do not like this argument of "mare's nest" constantly trotted out by my friend. It was done, and I speak as a member of the Public Accounts Committee,—primarily to oblige the Sind Government. I am not blaming the Government of India for doing it, but you will find the Public Accounts Committee Report stating that the Government of India did not want to let down the Sind Government.

**The Honourable Sir James Grigg:** The Honourable Member is misinterpreting what I said. I said it was not done to oblige in any nefarious sense.

**Mr. S. Satyamurti:** It was not "nefarious", but it was not legitimate. No Provincial Government has a right to include in its Budget a grant from the Government of India unless the grant had been sanctioned already and I do hope that the Honourable the Finance Member, although he is leaving us shortly, will not encourage Provincial Governments to put down in their budgets for the next year, sums which they expect to receive from the Government of India, but which they have not sanctioned. Therefore, the Sind Government having put it down in their budget, the Government of India, in their new expansive mood towards Provincial Governments, decided that they should make this grant. My friend was perfectly right in pointing that out, and we in the Public Accounts Committee expressed our agreement to this excess grant, because, and only because of that ground although we were told we would be saving some interest.

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

"That an excess grant of Rs. 1,14,801 be voted by the Assembly to regularise the expenditure chargeable to capital actually incurred in excess of the voted grant in the year 1936-37 in respect of 'Irrigation Works—(Not charged to Revenue)'."

The motion was adopted.

#### INTEREST-FREE ADVANCES.

**The Honourable Sir James Grigg:** Sir, I move:

"That an excess grant of Rs. 1,81,656 be voted by the Assembly to regularise the disbursement actually made in excess of the voted grant in the year 1936-37 in respect of 'Interest-free Advances'."

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

"That an excess grant of Rs. 1,81,656 be voted by the Assembly to regularise the disbursement actually made in excess of the voted grant in the year 1936-37 in respect of 'Interest-free Advances'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 14th November, 1938.