

4th September 1939

THE  
**LEGISLATIVE ASSEMBLY DEBATES**  
(Official Report)

---

Volume V, 1939

*(30th August to 22nd September, 1939)*

---

**TENTH SESSION**  
OF THE  
**FIFTH LEGISLATIVE ASSEMBLY,**  
**1939**



NEW DELHI  
GOVERNMENT OF INDIA PRESS  
1940.

# Legislative Assembly.

## *President:*

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

## *Deputy President:*

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

## *Panel of Chairmen:*

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

MR. M. S. ANEY, M.L.A.

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

MR. A. AIKMAN, C.I.E., M.L.A.

## *Secretary:*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

## *Assistants of the Secretary:*

MR. M. N. KAUL, BAR.-AT-LAW.

KHAN SAHIB S. G. HASNAIN.

## *Marshal:*

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

## *Committee on Petitions:*

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

MR. A. AIKMAN, C.I.E., M.L.A.

SYED GHULAM BEIK NAIRANG, M.L.A.

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

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

# CONTENTS.

VOLUME V—30th August to 22nd September, 1939.

	PAGE.		PAGE.
WEDNESDAY, 30TH AUGUST, 1939—		WEDNESDAY, 30TH AUGUST, 1939— <i>contd.</i>	
Members Sworn.	1—2	The Indian Rubber Control (Amendment) Bill	149
Starred questions and Answers	2—14	The Indian Arbitration Bill—Introduced	149
Statements laid on the Table	15—70		

## CORRIGENDA.

In the Legislative Assembly Debates, Simla Session, 1939,—

- (1) Vol. V, No. 3, dated the 1st September, 1939, page 221, line 2 from the bottom, for "part (b)" read "parts (b) and (c)";
- (2) Vol. V, No. 5, dated the 5th September, 1939,—
  - (i) page 366, line 19 from the bottom, for "wheehher" read "whether";
  - (ii) page 377, line 17, for "officers" read "officer";

- (3) Vol. V, No. 6, dated the 8th September, 1939, page 390, line 4, after "14th March, 1939," insert "in this House";
- (4) Vol. V, No. 13, dated the 20th September, 1939, page 744, in the subject-heading to short Notice Question, for "Convention" read "Conversion";
- (5) Vol. V, No. 14, dated the 21st September, 1939, page 832, line 12 from the bottom, for "presonnel" read "personnel".

I and II when the Legislature is in session—Ruled out of order	72—73	Select Committee not concluded	171—217
Governor General's assent to Bills	73—74	FRIDAY, 1ST SEPTEMBER, 1939—	
Statement laid on the Table		Starred Questions and Answers	219—33
re—		Resolution re—	
Net earnings of recently constructed railway lines.	74—75	Non-Indian Companies and Protective Tariffs—Negatived	233—57
The Insurance Rules, 1939, and the United Kingdom—India Trade Agreement Rules, 1939	76—111	Deduction of the amount of Provincial Employment Tax from the Income-tax payable to the Central Government—Withdrawn	257—68
Registration of Foreigners (Exemption) Order, 1939.	111—12	Appointment of a Committee on the "Bunder Boat" disaster—Negatived	269—77
Report on the progress of the Schemes financed from the Grants for Rural Development	112—47	The Commercial Documents Evidence Bill—Presentation of the Report of the Select Committee	278
The Indian Railways (Amendment) Bill—(Insertion of new section 42B)—Motion to continue adopted	148—49		

# CONTENTS.

VOLUME V—30th August to 22nd September, 1939.

	PAGE.		PAGE.
WEDNESDAY, 30TH AUGUST, 1939—		WEDNESDAY, 30TH AUGUST, 1939— <i>contd.</i>	
Members Sworn . . . . .	1—2	The Indian Rubber Control (Amendment) Bill . . . . .	149
Starred questions and Answers . . . . .	2—14	The Indian Arbitration Bill—Introduced . . . . .	149
Statements laid on the Table . . . . .	15—70	The Indian Tea Cess (Amendment) Bill—Introduced . . . . .	149—50
Motion for Adjournment re—Compensation for Indians who suffered during Burma Riots—Disallowed by the President . . . . .	71	The Medical Diplomas Bill—Introduced . . . . .	150
Majdia Train Disaster on the Eastern Bengal Railway Disallowed by the President . . . . .	71—72	The Code of Civil Procedure (Amendment) Bill—Introduced . . . . .	150
Despatch of Indian troops outside India—Disallowed by the Governor General . . . . .	72	The Indian Census Bill—Introduced . . . . .	150
Special reservation of posts and fixing minimum remuneration for Anglo Indians—Not moved . . . . .	72	The Indian Salt (Amendment) Bill—Introduced . . . . .	150
Grievances of Muslim employees on the Eastern Bengal Railway—Disallowed by the President . . . . .	72	Motion re Report of the Pacific Locomotive Committee—Postponed . . . . .	151—64
Issue of Ordinances Nos. I and II when the Legislature is in session—Ruled out of order . . . . .	72—73	THURSDAY, 31ST AUGUST, 1939—	
Governor General's assent to Bills . . . . .	73—74	Members Sworn . . . . .	165
Statement laid on the Table re—		Starred Questions and Answers . . . . .	165—70
Net earnings of recently constructed railway lines. . . . .	74—75	Panel of Chairmen . . . . .	171
The Insurance Rules, 1939, and the United Kingdom—India Trade Agreement Rules, 1939 . . . . .	76—111	The Hindu Women's Right to Divorce Bill—Discussion on the motion to refer to Select Committee not concluded . . . . .	171—217
Registration of Foreigners (Exemption) Order, 1939 . . . . .	111—12	FRIDAY, 1ST SEPTEMBER, 1939—	
Report on the progress of the Schemes financed from the Grants for Rural Development . . . . .	112—47	Starred Questions and Answers . . . . .	219—33
The Indian Railways (Amendment) Bill—(Insertion of new section 42B)—Motion to continue adopted . . . . .	148—49	Resolution re—	
		Non-Indian Companies and Protective Tariffs—Negatived . . . . .	233—57
		Deduction of the amount of Provincial Employment Tax from the Income-tax payable to the Central Government—Withdrawn . . . . .	257—68
		Appointment of a Committee on the "Bunder Boat" disaster—Negatived . . . . .	269—77
		The Commercial Documents Evidence Bill—Presentation of the Report of the Select Committee . . . . .	278



MONDAY, 4TH SEPTEMBER, 1939—	PAGE.	FRIDAY, 8TH SEPTEMBER, 1939—	PAGE.
✓ Statement by the Leader of the House <i>re</i> the International Crisis	279—80	Member Sworn	389
Starred Questions and Answers	280—306	Starred Questions and Answers	389—96
Unstarred Question and Answer	306	Committee on Petitions	396
The Indian Rubber Control (Amendment) Bill—Presentation of the Report of the Select Committee	306	Presentation of the Report of the Public Accounts Committee	396
Statement laid on the Table <i>re</i> —		The Indian Railways (Amendment) Bill—Presentation of the Report of the Select Committee	397
Objects on which the Aviation share of the Petrol Tax Fund was expended during the year 1938—39	307	The Repealing and Amending Bill—Presentation of the Report of the Select Committee	397
Notification prohibiting the emigration of unskilled labourers from British India to Ceylon for the purpose of unskilled work.	308	The Indian Carriage by Air (Amendment) Bill—Introduced	397
Resolution <i>re</i> Payment of contributions from Railway Revenues to General Revenues—Adopted	308—22	The Defence of India Bill—Referred to Select Committee	397—426
The Indian Census Bill—Passed	322—48	The Indian Tariff (Fourth Amendment) Bill—Passed	426—27
The Indian Salt (Amendment) Bill—Passed	348—49	The Commercial Documents Evidence Bill—Passed as amended	427—30
The Indian Railways (Amendment) Bill—Referred to Select Committee	349—51	MONDAY, 11TH SEPTEMBER, 1939—	
The Code of Civil Procedure (Amendment) Bill—Passed	351—52	✓ Speech delivered to the Council of State and the Legislative Assembly by His Excellency the Viceroy.	431—34
The Indian Tea Cess (Amendment) Bill—Passed	352—53	Members Sworn	435
Statement of Business	353	Starred Questions and Answers	435—55
TUESDAY, 5TH SEPTEMBER, 1939—		Statements laid on the Table	456—63
Member Sworn	355	Declaration of exemption under the Registration of Foreigners Act	464
Starred Questions and Answers	355—59	The Indian Oaths (Amendment) Bill—Appointment of certain Members to the Select Committee	464
Unstarred Questions and Answers	360—61	Motion <i>re</i> Report of the Pacific Locomotive Committee—Amendment negatived	464—83
Motion for Adjournment <i>re</i> Government of India's decision on questions of Indian Defence—Talked out	361, 374—88	TUESDAY, 12TH SEPTEMBER, 1939—	
The Indian Tariff (Fourth Amendment) Bill—Introduced	361	Starred Questions and Answers	485—91
The Defence of India Bill—Introduced	362	The Defence of India Bill—Presentation of the Report of the Select Committee	491
The Medical Diplomas Bill—Passed	362—67	The Indian Carriage by Air (Amendment) Bill—Passed	491—92
The Indian Arbitration Bill—Referred to Select Committee	367—74	The Indian Rubber Control (Amendment) Bill—Passed as amended	492—94
		Consideration of the Report of the Public Accounts Committee	494—95

	PAGE.		PAGE.
<b>TUESDAY, 12TH SEPTEMBER, 1939—contd.</b>		<b>MONDAY, 18TH SEPTEMBER, 1939—</b>	
Demands for Excess Grants	496—506	Starred Questions and Answers	611—14
The Indian Railways (Amendment) Bill (Insertion of new section 42B)—Passed	506	Resolution re—	
The Repealing and Amending Bill—Passed as amended	506—08	Appointment of a Committee to inquire into the affairs and general administration of the East Indian Railway—Negatived	615—23
Statement of Business.	508	Provincial Autonomy for Baluchistan—Negatived	623—47
<b>THURSDAY, 14TH SEPTEMBER, 1939—</b>		Payment of compensation to the Bengal Provincial Railway by the East Indian Railway—Withdrawn	647—48
Member Sworn	509	<b>TUESDAY, 19TH SEPTEMBER, 1939—</b>	
Starred Questions and Answers	509—34	Member Sworn	649
Transferred Questions and Answers	534—40	Starred Questions and Answers	649—83
The Indian Oaths (Amendment) Bill—Presentation of the Report of the Select Committee	540	Ruling re Motion for an Excess Grant negatived at a previous Session	684
The Indian Aircraft (Amendment) Bill—Introduced	540	Statement laid on the Table re acceptance of Tenders by the High Commissioner for India	684
The Panth Piploda Courts (Amendment) Bill—Introduced	540	The Indian Air Force Volunteer Reserve (Discipline) Bill—Introduced	684—85
The Defence of India Bill—Discussion on the consideration of clauses not concluded	540—88	The Registration of Trade Marks Bill—Introduced	685
<b>FRIDAY, 15TH SEPTEMBER, 1939—</b>		The Motor Vehicles (Amendment) Bill—Introduced	685
Starred Questions and Answers	589—91	The Insurance (Second Amendment) Bill—Introduced	685—86
Short Notice Question and Answer	591	The Defence of India Bill—Discussion on the consideration of clauses not concluded	686—736
The Hindu Women's Right to Divorce Bill—Motion to refer to Select Committee negatived	592—96	<b>WEDNESDAY, 20TH SEPTEMBER, 1939—</b>	
The Contempt of Courts (Amendment) Bill—Circulated	596—600	Starred Questions and Answers	737—43
The Indian Bar Council (Amendment) Bill—Circulated	600—03	Short Notice Question and Answer	744
The Hindu Women's Rights to Property (Amendment) Bill—Circulated	603—05	Message from the Council of State	744
The Muslim Intestate Succession Bill—Introduced and referred to Select Committee	605, 606—09	The Defence of India Bill—Passed as amended	744—93
The Indian Penal Code (Amendment) Bill—Introduced	605—06	The Indian Aircraft (Amendment) Bill—Passed	793
The Indian Merchant Shipping (Amendment) Bill—Introduced	606	The Panth Piploda Courts (Amendment) Bill—Passed	793—95
The Press and Registration of Books (Amendment) Bill—Introduced	606	Resolution re Amendment of the Resolution on Road Development—Adopted	796

THURSDAY, 21ST SEPTEMBER 1939—	PAGE.	THURSDAY, 21ST SEPTEMBER, 1939— <i>contd.</i>	PAGE.
Member Sworn . . . . .	797	The Insurance (Second Amendment) Bill—Passed . . . . .	838—41
Starred Questions and Ans- wers . . . . .	797—800	The Registration of Trade Marks Bill—Referred to Select Committee . . . . .	841—45
Amendment in the declara- tion <i>re</i> Registration of Foreigners Act . . . . .	800	Statement of Business . . . . .	845
The Workmen's Compensa- tion (Second Amendment) Bill—Introduced . . . . .	801	FRIDAY, 22ND SEPTEMBER, 1939—	
The Indian Arbitration Bill —Appointment of certain Members to the Select Committee . . . . .	801	Starred Questions and Ans- wers . . . . .	847—66
Consideration of the Report of the Public Accounts Committee . . . . .	801—16	Unstarred Questions and Answers . . . . .	866—73
Demand for Excess Grant . . . . .	816	Statements laid on the Table . . . . .	873—74
The Indian Oaths (Amend- ment) Bill—Passed . . . . .	816—31	The Indian Arbitration Bill —Appointment of Mr. F. E. James to the Select Committee in place of Mr. A. Aikman . . . . .	874—75
The Indian Air Force Volun- teer Reserve (Discipline) Bill—Passed . . . . .	832—35	The Workmen's Compensa- tion (Second Amendment) Bill—Passed . . . . .	875—900
The Motor Vehicles (Amend- ment) Bill—Passed . . . . .	835—37		

# LEGISLATIVE ASSEMBLY.

*Monday, 4th September, 1939.*

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

## STATEMENT BY THE LEADER OF THE HOUSE *RE* THE INTERNATIONAL CRISIS.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair understands that the Honourable the Leader of the House wishes to make an important and urgent statement.

**The Honourable Sir Muhammad Zafrullah Khan** (Leader of the House) : Sir, we meet this morning under the shadow of a tragedy which may well prove to be the biggest catastrophe which has yet overwhelmed civilised humanity. As the House is aware, the British Empire has been at war with Germany since yesterday. How far the conflagration which Hitler started on Friday last may spread, and what the extent of the destruction may be, no man can foretell ; but we can look forward with confidence to the ultimate issue, and of this I am certain that everyone of us here fully realises the gravity of the crisis and is determined to do his duty to King and country faithfully and with steadfast courage and resolution. The war is bound to add to the anxieties and responsibilities of every one of us, and I have no doubt that the House will realise that it will lay a heavy burden on the shoulders of those of us who happen to be public servants charged with duties in connection with the prosecution of war. I am, therefore, well assured that such business as is brought before the House will not only receive the usual care and attention of Honourable Members, but also that it will be despatched in a manner which will leave these public servants sufficient time to discharge their duties outside the House adequately and effectively.

The House is aware that certain Ordinances were issued by the Governor General before the Session commenced ; indeed, a reference was made to them by one Honourable Member on the first day of the Session. The Defence of India Ordinance was promulgated yesterday. I am to assure Honourable Members that these Ordinances shall be brought before the House in the shape of legislative proposals as early as possible, and I am sure that they will receive the assent of the House at a very early date. For this purpose a certain amount of re-arrangement of Government business will become necessary.

The House is further aware that His Excellency the Governor General had appointed the 21st September, as the day on which he desired to address both Houses of Legislature. The date has now been accelerated and His Excellency will address both Houses on the morning of the 11th September, which is the earliest date by which Members of the Council of State can conveniently reach Simla. That day is at present set down

for the transaction of non-official business. I have, therefore, to inform the House that it will now be fixed for the transaction of official business and that in substitution thereof some other day will be fixed for non-official business.

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

†78\*—81\*.

#### PROHIBITION TO DEFEND INDIAN MERCHANTS UNDER TRIAL IN CONGO.

**82. \*Mr. Lalchand Navalrai :** (a) Will the Foreign Secretary please state if he is aware that an Indian Association of Dar-es-Salam in a cable to United Press stated that Congo authorities have by order prohibited Mr. Micheaux, an Advocate, to defend the Indian merchants who stood trial before Congo Courts and that they asked for the intervention of the Government of India ?

(b) Is it a fact that the conditions in Congo are worsening and causing great anxiety to the Indians there ?

(c) Will Government be pleased to state under what law the order is passed by the Congo authorities prohibiting appearance of an Advocate on behalf of the accused ?

(d) What steps have Government taken in time or what steps do they propose to take to see that full representation is given and justice done to Indian merchants under trial ?

**Mr. O. K. Caroe :** (a) Government have seen the newspaper report.

(b) and (d). A statement, outlining the position of Indians in the Belgian Congo, and the steps taken by the Government of India to remove their grievances, is placed on the table of the House.

(c) Enquiries made in the matter reveal that the presiding officers of Courts in the Congo have discretionary powers to refuse to hear lawyers not officially attached to the Belgian Congo Bar. There is no reason to suppose that these powers are not founded on a legal basis.

*Note regarding the grievances of British Indian subjects in the Belgian Congo and the Mandated Territory of Ruanda Urundi.*

The difficulties experienced by British Indian subjects in the Belgian Congo and the Mandated Territory of Ruanda Urundi who number approximately 1,000 were first brought to the notice of the Government of India in 1935, when the British Consul-General at Leopoldville reported to His Majesty's Government that the British Asiatic communities centered largely in the gold mining regions of the territories mentioned above, were experiencing considerable difficulties at the hands of the local Belgian authorities. The amount of gold stolen from the Congo mines annually was considerable and the Belgian authorities were convinced that the Indian traders travelling throughout the district played a principal part in the thefts which occurred.

2. In April, 1937, a representation tendered by one Mr. Suleman, a British Indian subject in Belgian Congo, was received from the Imperial Indian Citizenship Association to the effect that Indians were :

- (a) subjected to residential and commercial segregation ;
- (b) prevented from participating in the mining business ;

†These questions were withdrawn by the questioner.

- (c) subjected to illegal deportation ; and
- (d) inadequately provided with Consular facilities.

These grievances were referred to His Majesty's Government and in September, 1937, His Majesty's Consul-General at Leopoldville reported that the disabilities complained of by Mr. Suleman were not substantiated and that British Indians were not being subjected to unfair discrimination. He, however, added that unfortunately, a large percentage of the Indian residents in the mining areas had laid themselves open to suspicion of gold stealing and smuggling and the number of authenticated cases had been so large that there was little likelihood of Indians being admitted into the ranks of mining prospectors. The Consul-General toured throughout the districts concerned and took considerable pains to encourage local Indians to bring their grievances to him. No indication was, however, given anywhere that Indians were under any genuine disabilities in regard to their trading or other activities.

3. In reporting on the political and economic conditions of the Belgian Congo during 1938, the British Consul-General at Leopoldville observed that the Belgian authorities had introduced repressive measures to prevent gold stealing and these had caused considerable unrest among the British Indian, Greek and Cypriot traders. The local police had resorted to dragooning methods and inoffensive traders were frequently subjected to search and often ruined. Complaints regarding the methods employed were widespread among the Indian and Cypriot population and associations had been formed, and lawyers engaged, to defend the interests of the communities concerned in the courts.

4. Early in 1939, the attention of the Government of India was drawn to a statement issued by Rev. C. F. Andrews alleging that respectable and responsible Indian traders in the Belgian Congo were being arrested on mere suspicion of gold stealing, often solely on the information of agents provocateurs and police spies who trumped up false charges against them. It was stated that prosecutions for offences committed as far back as 1932-34 were being instituted as a political move in order to oust the Indians from the Belgian Congo and the persons accused were refused the right of legal representation in the courts. His Majesty's Government were requested by the Government of India to enquire into these allegations and to take whatever action might be possible through His Majesty's Consular authorities to ensure that the Indian community was not treated with injustice.

5. In May of this year, Mr. Ishmael, the legal representative of the Indian community in the Belgian Congo and the Mandated Territory of Ruanda Urundi came to India, and in an interview accorded to him by the Foreign Secretary, described fully the difficulties which are being experienced by British Indians in these territories. He stated that a large number of respectable and wealthy merchants had been arrested on fabricated charges of gold stealing and he had been refused permission to represent them in court. Four persons were eventually convicted and sentenced to long terms of imprisonment on evidence which was in his opinion wholly unreliable. He said that the remainder of the accused were still under trial and that no justice could be expected in the local courts. His Majesty's Government have been informed of the situation as described by Mr. Ishmael, and have again been asked to take all possible steps to have the grievances of the British Indian subjects removed. A report recently received through His Majesty's Government from the British Consul-General at Leopoldville shows that the agitation among the Indian community has become greatly intensified recently. Much indignation is felt regarding the existing state of affairs and over the amount of material damage which is being suffered by Indians incarcerated for long periods under suspicion of gold trafficking. It is reported that some 30 Indians have been accused of trafficking in gold in the Coestermansville area and in Ruanda Urundi. Representations were made to the Governor General of the Belgian Congo by the British Consul-General, and the former promised to issue instructions to the local Belgian authorities to be more reasonable and discreet in their methods of search. The Consul-General affirms that the Indian population of the Belgian Congo is by no means alone in this agitation against the administration of justice in the mining area. His Majesty's Government are taking all possible steps to remedy this unsatisfactory state of affairs, and the Consul-General at Leopoldville has been authorised to visit the affected areas and to interview the Indians imprisoned, the lawyers in the cases, and the judicial authorities and mining officials. No request for the services of an eminent counsel has been received by the Government of India from the Indians in Belgian Congo.

**Mr. Lalchand Navalrai :** Has the Honourable Member also shown the reasons given for not accepting this advocate, in the statement that he has laid on the table ?

**Mr. O. K. Caroe :** The Government of India have no information, but presume that this particular advocate is not one of those who is officially attached to the Belgian Congo Bar.

**Mr. Lalchand Navalrai :** Has he ever been practising there or is this his very first case ?

**Mr. O. K. Caroe :** Sir, I have no information.

### INCREASE IN THIRD CLASS ACCOMMODATION IN CERTAIN EXPRESS TRAINS BETWEEN KARACHI AND PESHAWAR.

**83. \*Mian Ghulam Kadir Muhammad Shahban :** Will the Honourable the Railway Member be pleased to state :

- (a) whether it is a fact that 19 Up and 20 Down Express trains between Karachi and Peshawar on the North Western Railway are very popular trains for Sind passengers and are therefore overcrowded specially in the third classes ;
- (b) whether it is proposed to increase third class accommodation on these trains ; if not, how do the Railway Administration propose to relieve overcrowding ; and
- (c) if the reply to part (b) above be in the affirmative, what is the extent of proposed increase in third class accommodation on these two express trains ?

**The Honourable Sir Andrew Clow :** (a) I am informed that these are popular trains and that at least one of them has been, on occasions, slightly overcrowded.

(b) No. The slight overcrowding, revealed by a prolonged census, occurred at two stations only and does not justify additional accommodation.

(c) Does not arise.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member, if there is overcrowding, why they cannot attach more wagons or carriages to the train ?

**The Honourable Sir Andrew Clow :** That, Sir, would not be justified. A count was taken for two separate months. In one month there was overcrowding on three occasions to the extent of nine, two and one third class passengers and that occurred only at two stations. That would not justify even one extra carriage.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if it is not a fact that the reason that is being given is that a small engine is working between Karachi and Rohri and, therefore, they cannot attach more carriages even though there is overcrowding ?

**The Honourable Sir Andrew Clow :** I do not think that arises. What I said was that there was no necessity for extra carriages.

REVISION OF PASS RULES FOR RAILWAY EMPLOYEES.

84. \***Mian Ghulam Kadir Muhammad Shahban** : Will the Honourable the Railway Member be pleased to state :

- (a) whether it is a fact that under the Travelling Allowance rules for the Central Government Departments, intermediate class fares are allowed to all subordinate members of service irrespective of pay, and second class fares to those who draw over Rs. 200 ;
- (b) why the Railway Board have not adopted these pay limits for grant of free passes to railway employees ; and
- (c) whether Government propose to so revise the Pass Rules for the Railway employees as to bring them in line with the Central Government Travelling Allowance Rules ; if not, why not ?

**The Honourable Sir Andrew Clow** : (a) Yes.

(b) and (c). I would refer the Honourable Member to the reply given to parts (d) and (e) of Mr. Lalchand Navalrai's starred question No. 1449 of 31st March, 1939.

**Mr. Lalchand Navalrai** : May I know from the Honourable Member if the rules for passes have at least been changed to this effect that those that were drawing over Rs. 60 on the old scale will have passes restored to them for the coming year ?

**The Honourable Sir Andrew Clow** : To the best of my recollection, the classification has not been altered.

SALE OF PRIVATE PROPERTY BY RAFFLE ON THE NORTH WESTERN RAILWAY.

85. \***Mian Ghulam Kadir Muhammad Shahban** : Will the Honourable the Railway Member be pleased to state :

- (a) whether it is permissible to the Government employees to sell their property by private raffles, to which their subordinates are asked to subscribe ; if so, do Government propose to refer to specific rules or orders on the subject ;
- (b) if the reply to part (a) above be in the negative, whether on the North Western Railway certain senior subordinates and officers have tried to sell their old properties by private raffles to which employees have been made to contribute ; and
- (c) whether Government propose to issue instructions that the employees should not sell their properties by private raffles to which their subordinates or colleagues are made to subscribe on the penalty of a severe action being taken against such persons ; if not, why not ?

**The Honourable Sir Andrew Clow** : (a) In certain circumstances a raffle, conducted by any person, is an offence punishable under the Indian Penal Code : and in certain circumstances a raffle conducted by a gazetted officer may offend against rule 9 of the Government Servants' Conduct Rules.



(b) No such case has recently come to the notice of Government. If the Honourable Member has particulars of such a case and will give them to the Railway Board, they will forward them to the General Manager.

(c) No addition to the Government Servants' Conduct Rules appears to be necessary as any officer who brought pressure on other officials for his own financial advantage would be liable to disciplinary action.

#### SUSPENSION OF EMPLOYEES ON THE NORTH WESTERN RAILWAY.

86. \*Mian Ghulam Kadir Muhammad Shahban : Will the Honourable Member for Railways be pleased to state :

- (a) whether it is a fact that under rule 11 of the rules circulated under the Government of India, Railway Department, letter No. E-34/R.G.]6, dated the 22nd June, 1935, an employee could only be suspended from duty if :
  - (i) he is arrested pending trial or committed to prison ;  
or
  - (ii) his conduct is undergoing an investigation for which the maximum penalty is discharge or dismissal from service ;
- (b) whether it is a fact that on the North Western Railway employees are suspended from duty when there is nothing in the procedure of enquiry to show that the man's conduct is undergoing investigation for an offence the maximum penalty for which is either a discharge or dismissal ;
- (c) whether it is a fact that when an employee is under suspension, he is given subsistence allowance up to the minimum limit of one-fourth of his pay ;
- (d) whether it is a fact that even for suspensions referred to in part (b) above, the employees on the North Western Railway are not given full pay for the period of suspension ;
- (e) whether Government propose to issue instructions that the Government of India's rules on the subject should be strictly observed ; if not, why not ; and
- (f) what instructions, if any, Government have issued to restrict suspensions of the employees on the North Western Railway, to cases authorised by the rules referred to in part (a) above, and in view of the passage of the Payment of Wages Act (IV of 1936) by this House ?

The Honourable Sir Andrew Clow : (a) Yes.

(b), (d) and (e). Government have no reason to believe that employees have been suspended otherwise than in conformity with the rules.

(c) The limit of one-fourth of pay is the maximum, and not the minimum.

(f) No special instructions have been issued.

**FOREIGN PASSES FOR RETIRED RAILWAY EMPLOYEES.**

**87. \*Mian Ghulam Kadir Muhammad Shahban :** Will the Honourable the Railway Member be pleased to state :

- (a) whether the retired employees of the State-managed Railways were allowed foreign passes under the Railway Board's letter No. 6502-T., dated the 16th November, 1936 ;
- (b) why these foreign passes for retired railway employees were stopped afterwards ;
- (c) whether the Railway Board have received any representation to allow retired railway employees the concession of foreign passes ;
- (d) if so, whether Government propose to revise Pass Rules in this respect ; if not, why not ;
- (e) whether it is a fact that Pass Rules had been finally revised in 1936, to take effect on the State-managed Railways with effect from the 1st January, 1937 ; and
- (f) why the Railway Board have made a further retrograde revision in the pass rules for the retired railway employees ?

**The Honourable Sir Andrew Clow :** (a) Yes, but only over State-managed Railways.

(b) and (f). Because it was considered that the concession was too liberal and that passes over the home line were a sufficient concession.

(c) Yes.

(d) The matter is under consideration.

(e) The rules were revised in 1936, and were again revised in 1938. Further minor modifications are now under consideration.

**Mr. Lalchand Navalrai :** May I know if all foreign passes that they used to get before have been restored now, or even that a smaller number is being given ?

**The Honourable Sir Andrew Clow :** I have no exact information, but I said that retired officials do not get foreign passes now.

**DIVISION OF OFFICERS IN THE RAILWAY DEPARTMENT IN CERTAIN CATEGORIES**

**88. Maulvi Muhammad Abdul Ghani :** Will the Honourable the Communications Member please state :

- (a) whether officers in the Railway Department are divided into two categories, viz., the Secretary of State's officers and the Governor General's officers ; if so, since when ;
- (b) what is the distinction between, and educational qualifications of, these two categories of officers, and their respective functions ;
- (c) whether it is a fact that the Secretary of State's officers are ordinarily Europeans and the Governor General's officers are ordinarily Indians ;

- (d) whether it is a fact that the Secretary of State's officers ordinarily get overseas pay in addition to their pay proper and the Governor General's officers do not ordinarily get this overseas pay ;
- (e) what are the different scales of the rates of overseas pay allowed to respective officers of the Secretary of State's group ;
- (f) whether it is a fact that more than 2 years ago the Railway Board issued orders to the effect that the Calcutta and Bombay compensatory allowances should be withdrawn from all railway officers including the Secretary of State's officers and the Governor General's officers ;
- (g) whether it is a fact that after the lapse of more than two years the Railway Board have ordered that in the case of the Secretary of State's officers, the compensatory allowances should be paid to them again with effect from the date from which they were stopped ;
- (h) whether it is a fact that under these orders the Secretary of State's officers will receive arrears of compensatory allowances for more than two years ; if so, the total amount of such allowances ;
- (i) whether it is a fact that compensatory allowance is given to re-imburse an officer for expenditure incurred by him in the discharge of his official duties ;
- (j) whether it is a fact that there are orders to the effect that compensatory allowances should be so fixed as not to be source of profit to those who receive them ; if so, whether Government propose to lay a copy of the order on the table ;
- (k) the reason why the compensatory allowances have not been restored in the case of the Governor General's officers ; and
- (l) whether it is a fact that the Government of India decided to discontinue the compensatory allowances at Calcutta and Bombay because the cost of living had gone down ?

**The Honourable Sir Andrew Clow :** The question should have been addressed to my Honourable colleague in the Finance Department.

#### **FILLING UP OF VACANCIES BY DIRECT RECRUITMENT ON THE NORTH WESTERN RAILWAY.**

**89. \*Maulvi Muhammad Abdul Ghani :** Will the Honourable the Communications Member please state :

- (a) whether it is a fact that the Railway Board have issued orders to the effect that 20 per cent. of vacancies in certain intermediate grades on railways should be filled by direct recruitment ;
- (b) whether it is a fact that prior to the issue of these orders, there existed rules on the North Western Railway permitting direct recruitment in certain intermediate grades to the extent of 50 per cent. of vacancies ;

- (c) if the answer to part (b) above be in the affirmative, whether Government propose to state the reasons, if any, which led the Railway Board to reduce the percentage of direct recruitment from 50 per cent. to 20 per cent. ;
- (d) what is the percentage of vacancies secured by Muslims during the last three years on the North Western Railway in these intermediate grades ; and
- (e) if the percentage in part (d) above is less than the quota fixed for Muslims in direct recruitment on the North Western Railway, whether Government propose to consider the question of compensating their losses in future in direct recruitment in intermediate grades from 20 per cent. to 50 per cent. ?

**The Honourable Sir Andrew Clow :** (a) The instructions issued authorise General Managers of State-managed Railways to make initial recruitment to grades higher than the lowest up to a maximum of 20 per cent. of the vacancies.

(b) No. In the case of guards in the lowest grade, previously termed grade II guards, 50 per cent of the vacancies have been and continue to be filled by direct recruitment.

(c) Does not arise.

(d) The orders authorising recruitment up to a maximum of 20 per cent to intermediate grades were issued in April, 1937. The relevant figures are, therefore, available only for two years. The figures are :

1937-38	75 per cent.
1938-39	65.6 per cent.

(e) The percentage is greater than the quota fixed which is 60 per cent.

#### CLASSIFICATION OF SELECTION POSTS IN THE TICKET CHECKING BRANCH ON THE EAST INDIAN RAILWAY.

**90. \*Shaikh Rafiuddin Ahmad Siddiquee :** Will the Honourable the Railway Member be pleased to state :

- (a) whether the General Manager, East Indian Railway, has declared what the selection posts in the various grades of the Ticket Checking Branch classed under Commercial Group are ; if not, when he is expected to declare the same ; and
- (b) whether the selection posts are described in any part of the State Railways Establishment Code ; if not, why not ?

**The Honourable Sir Andrew Clow :** (a) Yes : the posts of Inspectors in the Ticket Checking Branch are selection posts. The second part does not arise.

(b) I would refer the Honourable Member to clause (v) of rule 2 in Appendix XXII, page 374, of the State Railway Establishment Code, a copy of which is in the Library of the House.

**Mr. Muhammad Nauman :** With reference to part (a) of the question, since what date the General Manager, East Indian Railway, has declared them to be selection posts ?

**The Honourable Sir Andrew Clow :** I am afraid I do not know.

#### SENIORITY OF NON-GAZETTED STAFF ON THE EAST INDIAN RAILWAY.

**91. \*Shaikh Rafiuddin Ahmad Siddiquee :** Will the Honourable the Railway Member please state :

- (a) whether the General Manager, East Indian Railway, who has full powers to deal with the question of seniority of non-gazetted staff, has made any rule in that direction like the one mentioned in Rule 98 of the State Railways Establishment Code ;
- (b) whether the non-gazetted staff other than those governed by Rule 98 mentioned above is entitled to know the rules that govern their seniority ; and
- (c) whether any circular or rule has been issued to inform the non-gazetted staff in this connection ; if so, whether Government propose to place a copy of the same on the table of this House ?

**The Honourable Sir Andrew Clow :** (a) Rules have been framed for this purpose.

(b) Yes.

(c) No special circular or rule was issued, but I understand that copies of the rules were circulated to all offices.

**Mr. Muhammad Nauman :** May I know if the copies of the rules which have been circulated to the officers by General Managers are available to us here ? Can the Honourable Member place a copy of the rules on the table of the House ?

**The Honourable Sir Andrew Clow :** I am prepared to consider the matter.

#### STRENGTH OF THE ASSISTANT TRAFFIC CANVASSERS ON THE EAST INDIAN RAILWAY.

**92. \*Shaikh Rafiuddin Ahmad Siddiquee :** Will the Honourable the Railway Member please state :

- (a) what the sanctioned strength of the Assistant Traffic Canvassers on the East Indian Railway, by Divisions, is ;
- (b) how many appointments and promotions to the above post have been made during the period from 1934 to 1939 per Division ; and
- (c) how many Muslims per division, were examined for the above posts and how many appointed ?

**The Honourable Sir Andrew Clow :** (a) It is presumed the Honourable Member's question has reference to Traffic Canvassers in Grade II. Of these only two are on the divisional staffs ; and both are in the Howrah Division.

(b) and (c). Government maintain no record of such examinations or appointments and I am not in a position to supply the particulars.

**Mr. Muhammad Nauman :** May I ask whether Government have considered it necessary to take the number and the percentage when so many complaints have been made from the Muslim side that they are not being used rightly ?

**The Honourable Sir Andrew Clow :** Complaints regarding these two appointments ?

**Mr. Muhammad Nauman :** We have made complaints regarding all appointments and as such we want that Government should take notice and make such regulations that they ought to be in a position to set matters right about all appointments, and not only with regard to these two appointments.

**The Honourable Sir Andrew Clow :** What I said was that there were only two such appointments on the whole of the divisional staff.

#### PASSENGER SUPERINTENDENTS ON THE EAST INDIAN RAILWAY.

**93. \*Shaikh Rafiuddin Ahmad Siddiquee :** Will the Honourable the Railway Member please state :

- (a) what the sanctioned strength of Passenger Superintendents on the East Indian Railway is ;
- (b) under what group or class of the State Railways Establishment Code the same may be found ;
- (c) whether it is contemplated to make any increase in the present number of Passenger Superintendents ;
- (d) whether the orders announcing the appointment of the Committee of three Senior Scale Officers, as referred to in answer to my starred question No. 1581, dated the 29th November, 1938, asked in this House, are proposed to be placed on the table of the House ;
- (e) whether this Committee was appointed before the officiating arrangement for the post of the Passenger Superintendent was made or after one year of the said arrangement ;
- (f) whether it is a fact that this Committee recommended the confirmation after employing the candidate for one year and over in officiating capacities and did not decide the question of promotion as stated in answer to starred question No. 1581 referred to above ;
- (g) whether the promotion of Passenger Superintendent was made on probation for one year as is required by the rules ;
- (h) whether the recommendation of the Committee was based on a definite act of selection after giving due weight to seniority and other relevant factors ;
- (i) whether this Committee interviewed the candidates or judged the candidates through their service records ; and
- (j) whether the General Manager is prepared to take action against this sort of arrangement made in contravention of the rules ?

**The Honourable Sir Andrew Olow :** (a) One.

(b) I am not clear as to the precise information the Honourable Member desires ; but if he seeks to know where this man's name appears in the State Railway Establishment List, the answer is that it is not there as the post is not a gazetted one.

(c) Government are not aware of any arrangements in contemplation in this respect.

(d) A Committee was appointed under departmental arrangements and no announcement of its appointment was either necessary or called for.

(e) The committee was appointed before the officiating arrangement was made.

(f) The General Manager states that on the recommendation of the committee an employee who had rendered over ten years service was appointed to officiate and was later confirmed.

(g) The rules do not require staff already in service to be on probation when appointed to another post.

(h) Yes.

(i) Government have no information as to the procedure followed by the committee but the claims of candidates were considered and this must have involved a review of their services.

(j) There was no contravention of the rules.

#### INCONVENIENT TIMINGS OF TRAINS ON THE D. U. K. SECTION OF THE NORTH WESTERN RAILWAY.

**94. \*Sardar Sant Singh :** Will the Honourable the Railway Member be pleased to state :

(a) whether it is a fact that there is a keen motor competition with railways on either side of the railway station Shahabad Markanda on the D. U. K. section of the North Western Railway ; if so, whether Government have taken or propose to take any steps to defy that competition ; if not, why not ;

(b) whether it is a fact that between 4 P.M. and 7 A.M., i.e., nearly for 15 hours there is no down-train for passengers for and from the railway station Shahabad Markanda ; and

(c) whether it is a fact that between 11-30 A.M. and 8 P.M. and again between 10 P.M. and 11-30 A.M. there is no up-train for passengers for and from the railway station Shahabad Markanda ; if so, whether Government have taken or propose to take into consideration the defective time table of trains on the said section ; if not, whether Government propose to consider it now and change the time table of the trains to suit passengers ; if not, why not ?

**The Honourable Sir Andrew Olow :** (a) The answer to the first portion of the question is in the affirmative. As regards the second portion, I understand that the Administration has taken and will continue to take all lawful steps to meet this competition.

(b) and (c). It is correct that between the approximate times given in the question, there are no Up or Down trains stopping at this station. Timings and stoppages of trains at stations are detailed matters of administration in which Government do not propose to interfere.

**INCONVENIENT TIMINGS OF TRAINS ON THE D. U. K. SECTION OF THE NORTH WESTERN RAILWAY.**

**95. \*Sardar Sant Singh :** Will the Honourable the Railway Member state :

- (a) whether it is a fact that when the D. U. K. section was under the East Indian Railway prior to 1925, there were 10 trains in the Up and Down directions, but as soon as the section was taken over by the North Western Railway and the motor competition started, the number of trains was reduced to 8 ; if so, what the reasons are ;
- (b) whether it is a fact that the Up and Down trains on the Ambala-Karnal-Delhi section are running on the same timing for the last ten years ;
- (c) whether it is a fact that 81 up-train arrives at Karnal and Kurkshetra, where courts exist, too late to suit the litigants who are free from courts at about 4 P.M., and instead of waiting for long hours at those stations to catch 81 Up train, they travel by motor buses which run at an interval of two hours for the convenience of the passengers ;
- (d) whether it is a fact that the Station Master, Shahabad Markanda and a certain Railway Inspector recommended several times for the introduction of cheap return tickets from Shahabad Markanda to Ambala Cantonment, Karnal and Kurkshetra railway stations ; if so, what are the reasons for the delay in giving effect to their recommendations and how the railway administration have arrived at a decision that such tickets are not justified without giving a trial ;
- (e) whether Government propose to introduce third class cheap return tickets from Shahabad Markanda to Ambala and Karnal railway stations in order to defy motor competition as is done on some other stations of the North Western Railway ; if not, why not ;
- (f) whether it is a fact that a few years ago there were two night trains (2 Down and the other which runs from Ambala to Narwana via Kurkshetra) which used to stop at Shahabad Markanda at an interval of about 1½ hours and that the railway administration cancelled the stoppage of 2 Down at Shahabad Markanda for the reason that passengers for that station could travel by the next train ; and
- (g) whether it is a fact that 2 Down does not stop at that station owing to unusual or inconvenient time in the night ; if so, whether any train stops at any similar station on the North Western Railway at such a time ; if so, what are the reasons for the differential treatment so far as stoppage of trains at night time is concerned ?



**The Honourable Sir Andrew Olow :** (a) Yes. It is understood that the reduction was made owing to fall in passenger traffic.

(b) No.

(c) Yes.

(d) and (e). I understand that such a suggestion was received, but only from the Station Master, Shahabad Markanda. In this connection, I would refer the Honourable Member to the reply given to parts (c) and (d) of his starred question No. 1045 of 10th October, 1936, from which it will be seen that the Administration, after examination, decided against the experiment.

(f) I would refer the Honourable Member to the reply given to part (c) of his starred question No. 1044 of 10th October, 1936.

(g) The discontinuance of the stopping of 2 Down, which stopping was in force temporarily as an experimental measure, was based on traffic considerations : the latter parts do not arise.

#### INADEQUATE NUMBER OF TRAINS ON THE D. U. K. SECTION OF THE NORTH WESTERN RAILWAY.

**96. \*Sardar Sant Singh :** Will the Honourable the Railway Member state :

- (a) whether it is a fact that a few years ago census of passengers for the railway station Shahabad Markanda was taken by the railway staff at Ambala Cantonment ; if so, how that census was taken to have indicated an inadequate number of passengers for Shahabad Markanda when the majority of passengers do not purchase through tickets for that station knowing that the night train does not stop at that station ;
- (b) whether it is a fact that 144 Down train of the North Western Railway has ceased to run beyond Ambala ; if so, whether it has affected the motor competition ; what the earning of that train has been as compared with that of the shuttle train now running between Ambala and Panipat ; if the earning of the said train has decreased, whether Government propose to resume running of the 144 Down from Ambala to Delhi on its old timings ; if not, why not ;
- (c) whether it is a fact that owing to the inadequate number of trains on the D. U. K. section of the North Western Railway and their running to unsuitable time for business men and litigants, passengers have resorted to travel in motor buses, which resulted in the increase of number of motor buses and decrease of railway earnings at the railway station Shahabad Markanda ; if so, whether Government propose to stop 2 Down at that station as an experimental measure ; if not, why not ;
- (d) whether it is a fact that the motor stand is just in front of the railway station and intending passengers have first to pass through the motor stand in order to reach the railway station

and they are tempted to use motor bus at a fare less than railway fare, and if so, what action Government propose to take for inducing passengers to travel by railway trains instead of motor bus at Shahabad Markanda ; and

- (e) in order to defy motor competition and to increase railway earnings, whether Government propose to run an extra train or steam coaches and resume running of 144 Down at its old timings between Ambala and Delhi on the D. U. K. section of the North Western Railway ; if not, why not ?

**The Honourable Sir Andrew Olow :** (a) I would refer the Honourable Member to the reply given to part (e) of his starred question No. 1044 of 10th October, 1936. Presumably, passengers proceeding to Shahabad Markanda purchase tickets for that station in preference to re-booking at Ambala Cantonment.

(b) and (e). Yes. This train was discontinued owing to insufficient passenger traffic offering, and it is understood that the Administration does not propose to resume its running between Ambala Cantonment and Delhi, except for the period of the up and down hill Simla rush. As the effect on motor traffic is unknown, and figures of the comparative earnings referred to are not readily available, I understand the Administration propose running a steam coach between Ambala Cantonment and Panipat as an experimental measure.

(c) The Administration consider the train service adequate and the timings the most suitable for the section as a whole ; but I am prepared to accept the Honourable Member's statement that some passengers find the motor service more convenient. In regard to the last part of the question, I would refer the Honourable Member to the reply just given to parts (b) and (c) of his starred question No. 94.

(d) I would refer the Honourable Member to the reply given to part (c) of his starred question No. 1046 of 10th October, 1936, and understand that the Administration is doing all it can to induce passengers to travel by train.

#### APPOINTMENTS IN THE TRANSPORTATION (TRAFFIC) AND COMMERCIAL DEPARTMENTS OF STATE RAILWAYS.

**97. \*Maulvi Muhammad Abdul Ghani :** Will the Honourable the Railway Member be pleased to state :

- (a) the designations and salaries of ten additional officers appointed as sanctioned by the Railway Board in the Transportation (Traffic) and Commercial Department of State Railways as recommended by the Railway Enquiry Committee, *vide* its report, page 71, paragraph 116 (b), (c) and (d), during 1937 and 1938 ;
- (b) the results, if any, achieved by the above appointments ; and
- (c) whether the Commercial Department, as sanctioned by the Railway Board for the Assam Bengal Railway, as recommended by the Railway Enquiry Committee, page 71, paragraph 116(e) has been created ?

**The Honourable Sir Andrew Glow :** (a) I would refer the Honourable Member to the reply given to Mr. S. Satyamurti's starred question No. 421 on 15th February, 1939.

(b) The additional posts were created to deal with the increase in work involved by an extension of activities, and it is not practicable to isolate the effect on the general working of the railway of the work done by the officers holding these posts.

(c) A Commercial Department has been organised on the Assam Bengal Railway.

**Maulvi Muhammad Abdul Ghani :** May I know if any Muslim has been appointed ?

**The Honourable Sir Andrew Glow :** I have not the names here of the persons appointed.

#### PUBLICATION OF RAILWAY NOTICES IN THE ITTEHAD OF PATNA.

**98. \*Maulvi Muhammad Abdul Ghani :** Will the Honourable the Railway Member be pleased to state :

(a) whether notices of appointments, changes in time table and matters of amenities for the travelling public in Bihar concerning the East Indian Railway, Eastern Bengal Railway and the Bengal and North Western Railway are published in the vernacular newspaper named *Ittehad*, Patna ; and

(b) if the answer to part (a) above be in the negative, whether Government propose to get them published in the said papers in future ?

**The Honourable Sir Andrew Glow :** (a) Government have no information.

(b) Government do not propose to interfere with the discretion of the Railway Administrations in their choice of newspapers. This question will, however, be brought to the notice of the Administrations concerned.

#### RECRUITMENTS AND PROMOTIONS ON THE EASTERN BENGAL RAILWAY.

**99. \*Mr. Muhammad Nauman :** (a) Will the Honourable Member for Railways lay on the table of the House the results of the Selection Boards in the matters of recruitments on the Eastern Bengal Railway from January, 1935 to June, 1939 ?

(b) Who appoints the Selection Boards Committees on the Eastern Bengal Railway ?

(c) Are promotions given by Selection Boards or by individual officers on their personal views ?

(d) In matters of promotion on the Eastern Bengal Railway what are the exact numbers of employees promoted during 1937-38 and the six months of 1939 ; what is the number of Muslim employees so promoted and what ratio it bears to the promotions of other communities ?

(e) Is it a fact that instances of accelerated promotions are numerous among Hindu Bengalees on the Eastern Bengal Railway ?

**The Honourable Sir Andrew Clow :** (a) and (d). Government maintain no record of the proceedings of Selection Boards or of promotions and regret that they cannot undertake the research necessary to provide this information.

(b) The constitution, by designation, of Selection Boards or Committees has been determined under the orders of the General Manager, but the actual personnel for each Board or Committee is arranged by the Administrative or Executive Officer concerned according to the categories of posts for which selections are required to be made.

(c) The responsibility for all promotions made rests with the officer empowered to make such promotions, who gives due weight to the recommendations of the Selection Board and other relevant considerations.

(e) Government have no information, but I have no reason for believing that there is any unfair discrimination.

**Mr. Muhammad Nauman :** May I know if the names of those members who sit on the Selection Boards are ever sent to the Railway Board by the various General Managers ?

**The Honourable Sir Andrew Clow :** So far as I know, that is not the practice.

**Mr. Muhammad Nauman :** Have Government made investigations that these Selection Boards are so selected that they do not prejudice the interests of any community ?

**The Honourable Sir Andrew Clow :** I have no reason to suppose that they are not selected in a perfectly fair manner.

**Mr. Muhammad Nauman :** May I bring to the notice of the Government that Muslim Members have been repeatedly saying that the Selection Boards are so formed that they always act prejudicially to the interests of the Muslim employees ?

**The Honourable Sir Andrew Clow :** The Honourable Member is imparting information, and I have no reason to suppose that the information is correct.

**Mr. Muhammad Nauman :** We made definite statement on the floor of the House and we also gave memorials to the Government signed by 22 Honourable Members of this House.

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

#### NON-GRANT OF HOLIDAY ON CERTAIN MUSLIM FESTIVALS ON THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

100. **\*Mr. Muhammad Nauman :** Will the Honourable the Railway Member please state :

- (a) whether Government are aware that " Id-uz-Zuha " and " Id-ul-Fitr ", days of Muslim festivals, are not included in " Paid Holidays " in the workshops on the East Indian Railway and the Eastern Bengal Railway ;

- (b) whether it is a fact that Locomotive Shed staff and Checking staff on the East Indian Railway and the Eastern Bengal Railway are also deprived of " Trip off and leave " for this purpose ; and
- (c) whether it is a fact that Europeans and Anglo-Indians are granted " Leave and trip off " on their religious occasions ?

**The Honourable Sir Andrew Clow :** (a) Both are paid holidays at all workshops on the East Indian and Eastern Bengal Railways, except at Jamalpur where Id-uz-zuha is not a paid holiday.

(b) and (c). Government have no information, and I have consequently no reason for believing that there is any unfair discrimination. A copy of the Honourable Member's question and the answer will be sent to the General Managers of the East Indian and Eastern Bengal Railways for such action as they may consider necessary.

**Maulana Zafar Ali Khan :** With reference to part (c), may I know whether Government propose to afford the same facilities to Muslim employees in these workshops on festivals like Id-uz-zuha and Id-ul-Fitr as they have extended to European and Anglo-Indian employees ?

**The Honourable Sir Andrew Clow :** There is no reason to suppose that any discrimination is shown. My information is that Id-ul-Fitr is a paid holiday at all workshops and Id-uz-zuha in every workshop except one.

**Mr. Muhammad Nauman :** If there is any discrimination and if the Honourable Member is satisfied with that fact that there is discrimination, then do Government propose to remove that discrimination ?

**The Honourable Sir Andrew Clow :** That is a hypothetical question.

**Maulana Zafar Ali Khan :** Will the Honourable Member please find out whether there is any discrimination or not ?

**The Honourable Sir Andrew Clow :** Unless I am given particulars about discrimination, there is no point in making enquiries. As I have said, out of the two holidays mentioned, one appears to be a paid holiday everywhere and the other in every workshop except one.

**Mr. Muhammad Nauman :** By putting this question we have drawn the attention of Government to this fact and we hope Government will make enquiries and see that this discrimination is removed.

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

#### TRIBAL RAIDS AND INDIANS KIDNAPPED.

**100A. \*Sardar Sant Singh :** Will the Secretary for External Affairs kindly state :

- (a) the number of tribal raids from across the border of India on the settled districts that took place during the last six months ;
- (b) the number of Indians kidnapped ;

(c) how many of them were Hindus, Muslims and Sikhs ; and

(d) the steps taken by the Department for their restoration ?

**Mr. O. K. Caroe :** (a) to (c). A statement is laid on the table giving all the details available with the Government of India regarding the trans-border raids that took place during the period from the 1st January, 1938, to the 15th August, 1939.

(d) Government are employing civil armed forces of all kinds in abnormal numbers and are bringing all possible pressure to bear on sections who either offend themselves or harbour outlaws or others who take part in raids in the settled districts. It will also be seen from the statement laid on the table that the majority of the persons kidnapped during the last six months have already been released.

*Statement of raids and kidnappings in the settled districts of the North-West Frontier Provinces for the period from 1st January 1938, to the 15th August, 1939.*

Serial No. (1)	Place of raid. (2)	Date. (3)	No. of persons kidnapped. (4)	No. released. (5)	No. of persons killed. (6)	No. of persons wounded. (7)	Loss of property. (8)
1	Bosi Khel ..	14/15th March 1938 ..	2 Hindu children	2			
2	Bakhman Ahmedzai	1st April 1938 ..	1 Hindu	1			
3	Hassan Khel	30th April 1938 ..	1 Hindu	1			
4	Between Takwara and China ..	4th May 1938 ..	2 Sikhs	2			
5	Between Bakhmal Ahmedzai and Tajori.	7th May 1938 ..	3 Hindus	3			
6	Kot Nasran	23rd May 1938 ..	1 Muslim	1			
7	Lalozai	23rd/24th May 1938 ..	1 Hindu	1			
8	Tank	2nd June 1938 ..	1 Hindu	1			
9	Zawa Post ..	22nd July 1938 ..	1 Hindu girl				
10	Bannu City	23rd July 1938 ..	1 Hindu boy		12	25	3 lakhs.
11	Nasam Dharma Khel	2nd August 1938 ..	2 Muslims				Rs. 400.
12	Chahel Nala N. E. of Bakhmal Ahmedzai.	5th August 1938 ..	1 Hindu boy	1			3 camels lifted.
13	Kachkoh bridge	5th August 1938 ..	1 Hindu woman.				
14	Koti Sadat	13/14th August 1938	1 Hindu woman.				
15	Kharoti Nullah	15th August 1938 ..	1 Hindu woman.				

16	Bahram Khel	..	15th August 1938	..	{ 3 Hindu men 1 Hindu woman.	4		
17	Tajazai	..	15th August 1938	..	2 Hindus	1		
18	Balkhund Ahmadzai	..	6th September 1938	..	1 Hindu woman and 1 child.	2		..
19	Matora	..	13/14th September 1938	..	1 Hindu woman and 1 child.	2		Cattle (value not known).
20	Shahbaz Khel	..	13/14th September 1938.	..	10 Hindus	10		
21	Luni	..	14th September 1938	..			1 villager	
22	Henbeck	..	14/15th September 1938.	..	1 Hindu			70 cattle (since recorded).
23	Hewedara	..	15th September 1938	..	1 Hindu	1		House looted (value not known).
24	Tochi near crossing on Bannu- Jani Khel road.	..	17th September 1938	..				..
25	Ismael Khel (P. S. Ghoriwala)	..	18/19th September 1938.	..	1	1		Lorry looted (value not known).
26	Daramand village near Thal	..	24/25th September 1938.	..			..	One shot gun (value (not known).
27	Tochi Road near Shikri Pass	..	27th September 1938	..				..
28	Kala Khel	..	28/29th September 1938.	..	1 Hindu and his daughter.	2		..
29	Manghi Post	..	28/29th September 1938.	..	Chawkidar	1		Post burnt (value not known).
30	Sagai	..	29th September 1938	..	..	..	..	56 goats.
31	Paharpur	..	5/6th October 1938	..	..	..	..	..



Serial No. (1)	Place of raid. (2)	Date. (3)	No. of persons kidnapped. (4)	No. released. (5)	No. of persons killed. (6)	No. of persons wounded. (7)	Loss of property. (8)
32	11 miles from Bannu	13th October 1938 ..				3	..
33	Dharma Khel	13/14th October 1938					Shop looted (value not known).
34	Johangir Lalozai	21st/22nd October 1938					One buffalo (value not known).
35	Jandu Khel	22nd/23rd October 1938	2 Hindus	2		1 Hindu woman.	..
36	Kot Khadak	27th October 1938 ..					Village def. Rifles (value not known).
37	Near Thal ..	30th October 1938 ..	..		1 Sikh		..
38	Landiwah ..	2nd November 1938	1 Hindu	..			..
39	Bannu City	8th November 1938 ..	1 Muslim child	1			..
40	Halbak	9th November 1938 ..					Mill looted (value not known).
41	Between Kighi and Subhati Kach.	13th November 1938 ..	..				Some camels (since recorded).
42	Allahyar Wala	} 18/19th November 1938.					Some jewellery & cash looted (value not known).
43	Mundan Wala						..
44	MaNaurang Sarai ..	19th November 1938 ..	..		1 Hindu		..

45	Maaha Khel	..	18/19th November 1938.	1 Hindu "	1	..	..
46	Mama Khel Urbaahi ..	..	21st/22nd November 1938.	1 Hindu and his son.	1	..	One village def. rifle (value not known).
47	Bachakan Ahmadzi ..	..	2nd/3rd December 1938			1 Head con- stable.	..
48	Gomal Police station	..	4th December 1938 ..				Some camels and donkeys (value not known).
49	Dera Ismail Khan District	..	17th December 1938				25 camels (since released).
50	Jatta ..	..	27/28th December 1938			1 Hindu	2 houses looted (value not known).
51	Bain Pass ..	..	31st December 1937 ..	1		2 Hindu men. 1 Hindu woman.	2 lorries looted (value not known).
52	Shahab Khel	..	25/26th December 1938.	1 Hindu	1		
53	Kathgarh ..	..	2nd January 1939 ..	4 Hindus	..	2 Hindus	Rs. 4,578.
54	South of Manzai	..	7th January 1939		..		Rs. 605.
55	Shinki ..	..	14/15th January 1939	2 Hindus	2	..	Rs. 1,117.
56	Nullah Murtiaza	..	18th January 1939 ..	1 Hindu 1 Sikh.		1 Muslim 1 Hindu.	Rs. 154-8-0.
57	Mandev ..	..	19th January 1939 ..	3 Hindus	..		Rs. 12.
58	Naurang Serai	..	19th January 1939 ..	..	..		Rs. 3.

Serial No. (1)	Place of raid. (2)	Date. (3)	No. of persons kidnapped. (4)	No. released. (5)	No. of persons killed. (6)	No. of persons wounded. (7)	Loss of property. (8)
59	Zarkani ..	19th January 1939 ..	..	..	..	..	..
60	Manj Khel ..	21st/22nd January 1939 ..	2 Hindus	1	..	..	Rs. 0-10-6
61	Tauran Nau	22nd/23rd January 1939.	..	..	..	..	Rs. 860.
62	Rodi Police station ..	26th January 1939 ..	..	..	..	3	Hindu houses looted.
63	Kathgarh khurd	28/29th January 1939	..	..	..	..	Rs. 902.
64	Dhoda ..	30th/31st January 1939	1 Hindu	..	..	..	3 camels.
65	Chunni Nullah	30th January 1939 {	1 Hindu 1 Hindu 1 Muslim.	1 Muslim	..	..	Rs. 20.
66	Nasir Shamsi Khel ..	3rd February 1939 ..	..	..	..	..	Rs. 55.
67	5 miles below Manzai	6th February 1939 ..	..	..	..	..	Rs. 300.
68	Titta Khel Guli Jan ..	7th February 1939 ..	..	..	..	2 Hindu women.	Rs. 0-2-0.
69	Khawaja Khel	7th February 1939 ..	..	..	..	..	Rs. 12-4-0.
70	Mallasai ..	13th February 1939 ..	..	..	..	..	120 sheep taken (some sheep released).
71	Nar Hakim Khan	14/15th February 1939.	1 Hindu girl	..	..	..	..
72	Kirri Khaisora	26th February 1939 ..	..	..	1 Hindu 1 Moham- medan.	2 Hindus 2 Moham- medans.	Rs. 7,644.

73	Near Mullaazi	..	27th February 1939	..	..	..	..	..
74	Kotjai	..	4/5th March 1939	..	..	1 Hindu	..	Re. 403.
75	Dhakki	..	10th March 1939	..	5 Hindus	1 Muslim	..	Re. 840.
76	Jani Khel ..	..	15th March 1939	..	2 Powindahs	..	..	50 camels (Re. 2,500).
77	Piplan	..	19th March 1939	..	..	..	..	Re. 15,000.
78	Mash Mansur	..	18th March 1939	..	..	..	..	..
79	Basiya Khel	..	30th March 1939	..	..	1 Muslim	..	Re. 19-10-0.
80	Maugram Nullah	..	1st April 1939	..	7 Hindus	..	..	..
81	Kahiri village	..	3rd/4th April 1939	..	..	4	10 Hindus	Re. 3,602.
82	Roda village	..	11th April 1939	..	4 Hindus	..	1 Hindu	Re. 3,290.
83	Kot Sultan	..	24th April 1939	..	..	..	..	Cattle & sheep (since returned).
84	Wanda Doet Mohd. ..	..	4/5th May 1939	..	5 Hindus	..	..	..
85	Dera Melan..	..	5th May 1939	..	..	..	..	Flock of goats driven off. 6 goats released.
86	Shahidan Darga	..	5th May 1939	..	1 Muslim Police constable.	1	..	..
87	Dadiwala ..	..	11th May 1939	..	..	..	..	..
88	Hathala-Kulachi Road	..	12th May 1939	..	4 Hindus	4	..	Re. 698-4-0.
89	Bachkan Ahmedzai ..	..	14th May 1939	..	..	..	..	..
90	Kot Nasran	..	21st May 1939	..	1 Hindu	1	..	..

Serial No. (1)	Place of raid. (2)	Date. (3)	No. of persons kidnapped. (4)	No. released. (5)	No. of persons killed. (6)	No. of persons wounded. (7)	Loss of property. (8)
91	Tank City .. ..	21st May 1939	1 Hindu girl ..	1	..	..	..
92	Kohat Road Police Post ..	28th May 1939	..	..	1 Hindu ..	..	Two mules killed and two wounded (belonging to Government.)
93	Basra Khel village ..	29th May 1939	..	..	..	1 Muslim	..
94	Chaudhwan ..	2nd June 1939	1 Muslim girl ..	1	..	..	..
95	Nangrahi Mameeh Khel ..	4th June 1939	..	..	1 Muslim	..	..
96	Zindhi Nallah ..	5th June 1939	..	..	..	..	Rs. 230.
97	Banna Military Grass Farm ..	9th June 1939	..	..	..	..	Rs. 2,815-3-4.
98	Bharat village ..	9th June 1939	..	..	1 Muslim	1 Muslim	..
99	Budha ..	11th June 1939	1 Muslim girl ..	1	..	..	6 camels (since released).
100	Kiri Halder ..	15th June 1939	..	..	..	..	..
101	Kahi ..	17/18th June 1939	1 Hindu ..	..	..	..	..
102	Muhammed Akbar ..	20th/21st June 1939	4 Hindus ..	4	..	..	..
103	Gul Imam Railway station ..	24th June 1939	4 Muslim girls ..	4	..	..	..
104	Masdar Police post ..	25th June 1939	..	..	..	..	..
105	Baan Miran road ..	29th June 1939	1 Sikh and 1 Muslim.	1 Muslim	..	..	Rs. 98.

106	Gurguri-Teri Road (Kohat District).	13/14th July 1939	..	..		4 camels (all recovered).
107	Teri village	28/29th July 1939	..	1	2	22 Shops looted 2 burnt (1/2 lorry load of looted goods recovered).
108	Nizam Bazar	2nd/3rd August 1939	..		2	3 shops looted.
109	Boza Khel ..	4th August 1939	..			Houses looted and set fire to (value not known).
110	Bannu Kaki road	4/5th August 1939	..			Tonga looted (value not known).
111	Khandai Nullah	5th August 1939	..	1 Marwat		Cash and clothing robbed (value not known).
112	Kotka Talib Shah	6th August 1939	..	1 Muslim chowkidar.		
113	8-6 miles from Bannu	10th August 1939	..	1 British Officer, 1 Driver a Sikh. 1 bearer of the B. O.		
114	Mobati	14th August 1939	..		2 Hindus	

**Sardar Sant Singh** : May I know if any ransom is demanded on account of the persons kidnapped, do Government help these relatives in making good some of the ransom that is paid by them ?

**Mr. O. K. Caroe** : Government endeavour, as far as possible, to discourage the ransom system. Ransom is frequently offered, but if it is encouraged, a vicious circle is set up and kidnapping becomes the order of the day. The means adopted by Government to discourage ransom is to fine the tribes.

**Sardar Sant Singh** : May I know if, from these fines, Government pay some contribution to the persons who have been forced to pay that ransom ?

**Mr. O. K. Caroe** : No, Sir.

**Sardar Sant Singh** : Why ?

**Mr. O. K. Caroe** : In the opinion of Government that would encourage the outraged relatives of persons who have been kidnapped to give ransom, and the vicious circle would remain.

## UNSTARRED QUESTION AND ANSWER.

### CERTAIN INFORMATION REGARDING OFFICERS UNDER THE RAILWAY BOARD.

**1. Maulvi Muhammad Abdul Ghani** : Will the Honourable Member for Railways please state whether Government propose to lay on the table of the House a list of the officers under the Railway Board appointed by the Secretary of State and by the Governor General, mentioning against every officer of both the categories their native homes and educational qualifications and amount of pay and overseas pay, if any ?

**The Honourable Sir Andrew Clow** : Particulars of the grade, pay, and academic degrees of all officers in State Railway Service will be found in the Classified List of State Railway Establishment and the History of Services of the Officers of the Indian State Railways, copies of which are in the Library of the House. The former list shows which officers have been appointed by the Secretary of State.

## THE INDIAN RUBBER CONTROL (AMENDMENT) BILL.

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

**The Honourable Diwan Bahadur Sir Ramaswami Mudaliar** (Member for Commerce and Labour) : Sir, I present the Report of the Select Committee on the Bill further to amend the Indian Rubber Control Act, 1934.

# STATEMENTS LAID ON THE TABLE.

## OBJECTS ON WHICH THE AVIATION SHARE OF THE PETROL TAX FUND WAS EXPENDED DURING THE YEAR 1938-39.

The Honourable Sir Andrew Clow (Member for Railways and Communications) : I lay on the table a statement showing the objects on which the Aviation share of the Petrol Tax fund was expended during the year 1938-39.

Object.	Expenditure. Rs.
<i>Clubs.</i>	
Financial assistance to flying clubs in India ..	20,500
<i>Research.</i>	
Scholarship and financial assistance to Mr. P. P. Nazir, an aeronautical research student in England .. .. .	3,747
<i>Training.</i>	
Training of Indian ' B ' Pilots as Pilot Instructors .. .. .	3,660
Training of Indians in multi-engined aircraft and as wireless operators .. ..	1,293
Flying training for Indian ' B ' licence pilots on Government Avro X .. .. .	5,013
Financial assistance to Mr. B. L. Dhawan in connection with his training in England as first officer for Indian Trans-Continental Airways .. .. .	1,500
Training of Major W. Jones, in England on the operation of the ' Link Trainer ' ..	993
Cost of ' Link Trainer ' and its installation .. .. .	24,637
	<hr/> 37,096
<i>Experimental.</i>	
<i>Aircraft.</i>	
Experiments for determination of performance tests of aircraft .. ..	36
Experiments in connection with the investigation of air flows on certain types of aircraft engines .. .. .	200
	<hr/> 236
<i>Meteorology.</i>	
Experiments for the collection of data regarding atmospheric bumps in India ..	63
Charges for constructing three boxes to house the lamps with switch board on each box in the Observatory at Karachi Air Port in connection with experiments with Holophane Lumeters .. .. .	72
	<hr/> 135
<i>Wireless Telegraphy.</i>	
Flights in the Avro X in connection with the calibration of the Delhi Wireless station, for experimental purposes .. .. .	1,681
<i>Works and Equipment.</i>	
Purchase, as an experimental measure, of a Pegasus Power Rammer .. ..	1,240
Purchase and erection, as an experimental measure, of a remote controlled wind Tee and a Wind direction indicator .. .. .	5,539
Purchase and installation, as an experimental measure, of a Radicon Wind Indicator .. .. .	4,549
Purchase, as an experimental measure, of an A. G. A. Illuminated Wind Sleeve Indicator .. .. .	1,133
Construction of an experimental pontoon for flying boats at Allahabad .. ..	9
	<hr/> 12,470
<i>Miscellaneous.</i>	
Maintenance and operation of the Government aeroplane Avro X, VT-ACT ..	1,184
Total .. .. .	<hr/> 77,049



**NOTIFICATION PROHIBITING THE EMIGRATION OF UNSKILLED LABOURERS FROM BRITISH INDIA TO CEYLON FOR THE PURPOSE OF UNSKILLED WORK.**

**The Honourable Sir Muhammad Zafrullah Khan** (Leader of the House) : Sir, on behalf of Mr. G. S. Bozman I lay on the table a copy of the Department of Education, Health and Lands' Notification No. F.33/39-Overseas, dated the 1st August, 1939, prohibiting the emigration of unskilled labourers from British India to Ceylon for the purpose of unskilled work.

---

**DEPARTMENT OF EDUCATION, HEALTH AND LANDS.**

---

**NOTIFICATION.**

**OVERSEAS.**

*Simla, the 1st August, 1939.*

No. F. 33/39.—Whereas the Government of Ceylon have decided to terminate from the 1st of August, 1939, the employment of a large number of Indians engaged in unskilled work in that country and the declared policy of that Government is to discontinue in course of time the employment of many more such Indians ;

And whereas in view of the great uncertainty consequently prevailing in Ceylon regarding the employment of Indian unskilled labour in that country it appears necessary and expedient to the Central Government to issue this notification ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 30A of the Indian Emigration Act, 1922 (VII of 1922), the Central Government is pleased to prohibit with effect from the 1st of August, 1939, all persons from departing by sea out of British India to Ceylon for the purpose of unskilled work unless exempted by special order of the Central Government from the provisions of this notification.

G. S. BOZMAN,

*Secretary to the Government of India.*

---

**RESOLUTION RE PAYMENT OF CONTRIBUTIONS FROM RAILWAY REVENUES TO GENERAL REVENUES.**

**The Honourable Sir Jeremy Raisman** (Finance Member) : Sir, I move the following Resolution :

“ That this Assembly recommends to the Governor General in Council that railway revenues be declared not liable, before the 1st April, 1942, or before the fixation under section 187 (1) of the Government of India Act, 1935, of the sum therein referred to, whichever is earlier, to repay to the Depreciation Reserve Fund maintained for Indian State-owned railways, the balance outstanding on the 1st April, 1937, of loans taken from the fund to meet railway deficits or to pay to general revenues any contributions or deficiency in contributions due under the Resolution of this Assembly of the 20th September, 1924, in respect of the period beginning on the 1st April, 1931, and ending on the 31st March, 1939 ”.

Sir, it will be within the memory of Honourable Members that on the 7th October, 1937, this House adopted a Resolution which recommended to the Governor General in Council that a declaration very similar, almost identical in terms to the one now before the House, should be made which should have effect up to the 31st March, 1940. The object of the Resolution was explained at that time and the Resolution was accepted by this House after some discussion. Now, the position at the present moment is that the sum referred to in section 187 (1) of the Government of India Act, 1935, namely, the capital debt of railways to the Central Government has

not yet been fixed and is not likely to be fixed before the 1st April, 1940. We have, therefore, to consider now what arrangements should be made from the date of the expiry of the Resolution now governing the subject in respect of these arrears to the depreciation fund and to general revenues. We have to make arrangements governing the treatment of these matters in the period beginning on 1st April next. Now, I should like to remind the House first of all of the general underlying position, namely, what would be the position if a Resolution of this character were not adopted by this House and if action were not taken on the lines which this Resolution recommends. The position would be this : that any surplus earned by the railways would be due in the first instance to be devoted to the purpose of making good the arrears in the depreciation fund.

Now, as Honourable Members are aware, those arrears amount to no less than over thirty crores and the position would, therefore, be that the surplus earned by the railways would have to go straight into the depreciation reserve fund. No portion of that surplus could accrue to general revenues until the whole of the debt to the depreciation reserve fund had been paid back. Now, it will be my object to convince this House that this matter must be approached mainly, if not solely, from the point of view not of railway revenues but of general revenues and of the relations between the finances of the Central Government and of the Provincial Governments. I am free to admit that there are a number of very important questions relating to railway finance which would be germane to this question if certain arrangements were not now in force in regard to Central and Provincial finance. But I must emphasise, and I shall endeavour to satisfy the House, that those considerations cannot possibly be gone into at the present time because of the constitutional position in relation to Central and Provincial finance and that those questions, although they are of the utmost importance and will, undoubtedly, have to be considered with great care in due course, cannot influence our decision on the point now before the House. I will, therefore, remind the House of the main features of the arrangement for the distribution of certain revenues between the Centre and the Provinces ; in other words, the arrangement embodied in what is known as the Niemeyer Order-in-Council. Under that Order we have first to determine what is known as the divisible pool of income-tax. When we have arrived at that figure we have to add to it the railway surplus as determined in accordance with the convention of 1924. We have then to deduct 13 crores and the surplus after that calculation is made must be distributed to the Provinces in accordance with the proportions laid down in the Order-in-Council.

Now, the present position is, and, particularly, after the amendment of the Income-Tax Act, that the distributable pool of the income-tax receipts may be taken to be at least in the neighbourhood of 13 crores ; and, therefore, the practical effect of that regime is that the railway surplus has to be distributed to the Provinces in the proportions laid down. Now, if during the period that the Order-in-Council requires that to be done any departure is made in the method of calculating the railway surplus or in the manner of treating the railway revenues which results in a change or a reduction in those railway revenues, then the position will be that we shall have to make a distribution from general revenues of a sum exactly equal to the railway surplus. Let me give an example. Supposing this Resolution were not adopted and supposing for the sake of argument that

[Sir Jeremy Raisman.]

railways in the current year were to achieve a surplus of three crores,—I wish that this example had a closer approximation to probable reality but I am taking it as an example,—then if this course of action were not taken, that three crores would have to be paid into the depreciation reserve fund. But the Niemeyer Order-in-Council specifically excludes such repayment of arrears to the depreciation fund and would require me to calculate the railway surplus as if that had not been done and to provide three crores of other money for distribution to the Provinces. I should, therefore, be faced with the problem of raising three crores by new taxation from the general taxpayer. I submit that that is a position which is not really feasible and cannot be accepted by me as Finance Member or I think by this House as representing the general taxpayer. For how long will this state of affairs continue ? It will continue until the first period mentioned in the Niemeyer Order-in-Council, namely, the first period of five years, has expired. At the end of that five years which will expire on the 31st March, 1942, Provincial finances will be disentangled from the question of railway surpluses and the distribution to be made to the Provinces will proceed on another footing. It is, therefore, only until the end of that period that we are in this position of having virtually no option but to continue to treat these arrears as we have done since the last Resolution was passed, unless we are prepared to raise sums from the general taxpayer to pay the amounts due to the provinces under the Order-in-Council. What I have said up to now covers primarily the position in regard to arrears due to the depreciation fund which, under the convention, I would remind the House, have a certain priority and which would come before the determination of the railway surplus.

Now, the other type of arrears which is covered by this Resolution are the arrears of the contributions to general revenues which accrued during the period of deficits. As regards these arrears, while the considerations which I have already mentioned do not apply with equal force because the sums would really accrue to general revenues it is, I would submit, academic or virtually academic at this moment to undertake to treat these arrears in any other manner. For what is the position ? The amount of current railway contribution which has to be made to general revenues, if the railway surplus is large enough, is of the order of  $4\frac{1}{2}$  crores of rupees.

Now, Honourable Members are aware of the size of the railway surplus in recent years. In 1937-38 which I think was the most satisfactory year which railways have had for a long time if not in this decade the railway surplus amounted to  $2\frac{1}{2}$  crores. In the following year, 1938-39, of which the results have only recently been finally arrived at the surplus was less than half that amount, that is to say, it was of the order of about 137 lakhs. I regret to say that in the current year the prospects hitherto do not encourage us to hope that the sum will be even as large as  $1\frac{1}{2}$ rd crores. There is, therefore, no prospect whatever that Railways at the present time could produce a surplus of the order of  $4\frac{1}{2}$  crores of rupees, and my point is that until Railways have produced a surplus of this size and something beyond that, the question of paying arrears of contribution to general revenues does not arise.

Now, Sir, I have at some length explained the exact way in which Central and Provincial finances are tied up with the calculation of the

railway surplus according to the existing convention and how we have no option but to continue on the same lines until the expiry of the first quinquennium of the Niemeyer award. It is solely on those grounds and on no other that I now ask this House to prolong the moratorium in respect of these arrears.

As regards the position under section 187 (1) of the Act, I would only say that if and when the capital debt comes up to be determined in accordance with that section, it will obviously be necessary for the whole situation to be reviewed and for the relations of Central and Railway revenues to be determined for the future. If that stage should supervene before the expiry of the first quinquennium of the Niemeyer Award, then automatically this Resolution by its terms would cease to have effect.

I will now indicate briefly what my own attitude is to the other questions which, undoubtedly, have a most important bearing on railway finance but which, I claim, should not occupy us to any extent at this stage. I am in full sympathy with the feeling of many Honourable Members of this House that the separation convention of 1924 is due for reconsideration. It is obvious that it has failed in certain important respects. It is probably incapable of enabling Railways to build up the reserves which are necessary not merely in order to ensure the financial stability of Railways, but also in order to ensure to general revenues the payment of the interest due on the capital which has been provided from general revenues for railway purposes. The Convention is also unsatisfactory, in that it makes no provision or entirely inadequate provision for dealing with the important question of amortisation of debt and reduction of railway capital. I freely admit that that is a question of the utmost importance; it is a question which should be taken up at the earliest moment; it is a question, which, I think, we should have fully examined by the time when this regime is due to expire. I am entirely in sympathy, as I have already said, with the feeling that the whole question requires reconsideration, and I know that on the last occasion when this matter was discussed in the House, it was suggested that some change might be made before the question of the continuance of this moratorium came before the House. But we have gone into the question fully, and I can only say that at the time when that suggestion was made, it was not fully realised how completely we were tied by the existing arrangements. I am prepared on my part to undertake that the questions relating to the separation convention and to the evolving of a more suitable system for the future will be carefully gone into during the period of the extension of this moratorium, but I remain convinced, and I trust I have convinced the House that, until that period, until the first quinquennium of the Niemeyer Award has expired, we are unable to make any departure from the existing practice. Sir, I move.

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

“ That this Assembly recommends to the Governor General in Council that railway revenues be declared not liable, before the 1st April, 1942, or before the fixation under section 187 (1) of the Government of India Act, 1935, of the sum therein referred to, whichever is earlier, to repay to the Depreciation Reserve Fund maintained for Indian State-owned railways, the balance outstanding on the 1st April, 1937, of loans taken from the fund to meet railway deficits or to pay to general revenues any contributions or deficiency in contributions due under the Resolution of this Assembly of the 20th September, 1924, in respect of the period beginning on the 1st April, 1931, and ending on the 31st March, 1939 ”.

**Mr. L. C. Buss** (Nominated Non-Official) : Mr. President, the method originally proposed for dealing with borrowings from the Depreciation Fund and arrears of payments due to the Central Revenues was to write them off and start again with a clean slate. When a Resolution in these terms was tabled, my Party were in no doubt that this was the proper course to pursue as far as arrears of payments were concerned, but we found ourselves in considerable doubt whether it would be financially prudent to write off the borrowings from the Depreciation Fund. In the event, however, the original Resolution was not moved and in October, 1937, Sir James Grigg substituted a Resolution in the same terms as that before us today, as a gesture of responsiveness to those Members in various parts of the House who did not like the idea of writing off the many crores of rupees involved.

In my view, cancellation and a moratorium amount to much the same thing as I can see no reasonable prospect of these large sums becoming available over and above the annual interest obligations of the Railways and their other recurring liabilities to the Depreciation Fund and the Central Revenues. I am, therefore, prepared, on behalf of the European Group, to accept the present Resolution as we did the Resolution of 1937, albeit with some reluctance, since it appears to be the general view of this House that these millstones should be carried forward in the hope that some miracle may transmute them into gold.

Before I sit down, I should like to re-state very briefly our views about Railway finances generally, and I am glad to learn from the Honourable the Finance Member's remarks that he is largely in sympathy with them. We feel that a revision of the 1924 Separation Convention is imperative in order to permit the finances of the Railways to be put on a sound footing. The effect of that Convention is to encourage extravagance in prosperous years and to impose undue parsimony in lean years. The Railways should be freed from the obligation of piling up debts when the bad times come and it should be possible to retain a certain percentage of their profits in good years as a reserve for various purposes, such as, the equalisation of expenditure, improvement of amenities to the public, stabilisation of wages, and so on, and for the setting up of an amortisation fund to write off unremunerative and obsolete capital expenditure. That, very briefly, is the ideal we have in view, and it is in hope that something will be done on these lines at the earliest possible date that we support this Resolution as a temporary expedient.

**Dr. P. N. Banerjee** (Calcutta Suburbs : Non-Muhammadian Urban) : I agree with the Honourable the Finance Member that it would be undesirable to disturb the existing arrangements with the Provinces in regard to the payments under the terms of the Niemeyer Award. At the same time I feel that the present state of things is very unsatisfactory. We had a moratorium only a short while ago and we are again extending this moratorium. What is the unsatisfactory state of things in the railways due to ? It is well-known that from 1898 to 1930 the railways were able not only to pay large sums to the depreciation fund but also to contribute to the general revenues of the country to the extent of Rs. 5 or 6 crores a year. After that, for a while the depreciation fund was raided for making contributions to the general revenues, and then several raids were made on the depreciation fund. The railway revenues have shown some

prosperity during recent years, as has been pointed out by the Honourable the Finance Member, but still they cannot be said to be in a very satisfactory condition even at the present moment. What is this due to ? I submit that this is due to the want of observance of economy in railway administration. Economy may be observed in two ways ; first, by elimination of all sources of waste, and secondly, by Indianisation. Even the Wedgwood Committee, which consisted of reactionaries, suggested that the pace of Indianisation should be further speeded up. But what has been done ? During the last few years very little has been done. In the higher services of the Railway Department there are very few Indians, whereas the number of Europeans is not merely not less than what it used to be ten years ago but more. This is a very unsatisfactory state of affairs. If you introduce Indianisation to a greater extent, a great deal of economy will ensue. I urge that this should be done without any further delay.

As regards the question whether there should be a moratorium or whether the loans should be cancelled as suggested by my Honourable friend, Mr. Buss, there is a great deal to be said in favour of both courses. If it is thought desirable to cancel the debt altogether, the matter should be very carefully considered and all the sections of the House should be consulted. As regards the policy of revising the Convention which was arrived at in 1924 at the time of the separation of railway finance from general finance, I do not see eye to eye with the Honourable the Finance Member. But if any concrete proposals are placed before the Legislature, then there will be time to consider them. At the present moment we should be satisfied with the moratorium. But every effort should be made to ensure economy in the railway administration. With these few words, I support this Resolution.

**Sardar Sant Singh** (West Punjab : Sikh) : Sir, I take this early opportunity of congratulating the Government on the statement today which showed the initiation of a new policy of trusting this House at a time of emergency. More I would say at the proper time when emergency legislation is brought forward before this House for its consideration.

As regards the Resolution before the House, I want to raise a word of warning as to the principle involved in it. The principle of cancellation of debts or repudiation of obligations is such a vicious principle that every commercial man will agree with me when I say that it knocks the bottom out of the moral basis of society. We have seen, during the last two and a half years of Provincial Autonomy, that cancellation and repudiation of debts have become a common phase throughout the country with the result that credit in the country has suffered to such an extent that in responsible quarters fears are felt that it may drive capital underground and make it more shy. The other day it was said on the floor of this House that Indian capital was becoming shy. It is bound to become shy when repudiation of debts becomes the general feature of administration in the country. I must, with your permission, refer to this principle a little more because of the fact that I find that, under the pretence of doing away with the debts, the dishonest debtors are being more and more encouraged, and if the same principle is followed by the Government of India in their dealings with their own Departments, I am afraid that this illustration will be used as a sort of guide in the provinces to do more mischief in the country than what is being done now. Therefore, before

[Sardar Sant Singh.]

the Government of India undertake such an important matter as the repudiation of their own debt, which will encourage repudiation of debts outside in the provinces, they should think several times. I am sure, Honourable Members will agree with me when I say that most of the legislative measures in the provinces are more a vote catching device by the Governments concerned, than a real help to the genuine sufferers or honest debtors in the country. They have constituted conciliation boards, and, under the plausible name of conciliation boards, they are really conciliating dishonest debtors. Therefore, I will submit for the consideration of the House that before such an important principle is set forth, the Honourable the Finance Member will take into consideration the mischievous effects which such a repudiation will have on the finances of the country outside. I find the sense of the House is in favour of writing off or cancelling these debts.

**Mr. N. M. Joshi** (Nominated Non-Official) : To whom does it belong ?

**Sardar Sant Singh** : It belongs to the same person no doubt, but it  
12 Noon. will be used as a handle by the Ministers in the provinces, and that is why I give this warning to the Government before I give my vote for this Resolution.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, we have heard a doleful story from the Honourable the Finance Member today. He finds himself in a quandary. He says that the depreciation fund has gone, that the Niemeyer Award cannot be worked and that the provinces cannot get anything from the Centre. This is the most discouraging feature of the Railway finances. It all shows how the Government of India have been mismanaging the whole Railway show. We have been clamouring for economy and for Indianisation. We have moved Resolutions, and the Government of India do not listen to our voice, and this Resolution now comes to us like a bolt from the blue. If we want to reject this Resolution, the present position is such that we cannot do it. We know that the proposal of the Government of India is a choice of their own, and whatever they like to do this Session they can easily do without any compunction on their part. My friend, Dr. Banerjee, suggested that the Railways should either economise or Indianise. Our voice is like one in the wilderness. Of course we must ask the Government of India not to be entreating the provinces. The provincial revenues are depleted. Every day we find that taxes are being increased in the provinces, and if anything is lessened from the items given to them, there will be a crisis in the provinces. There is not much to say on this Resolution except to ask the Government of India to look carefully to their finances, and not to disappoint us in this way.

**Mr. Muhammad Nauman** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, the Resolution is so important and complicated that I find myself in a difficult position to support it or say 'No' to it immediately. On the one hand it appears to be a *fait accompli* in the circumstances in which the House is today. Whether any suggestion which my Party or I may make will have any effect on the other side or not is a matter for the Government to decide. Without going into the different

implications which the Resolution entails and the conventions of cancelling debts or establishing moratorium, I would suggest that the Government should accept the proposal of appointing a committee of this House to go into the whole question of adjusting Railway Finance with general Budget before deciding whether this should be done or not. The Resolution has been very well explained by my Honourable friend, the Finance Member, with all eloquence but I confess my own deficiency in not having been able to follow exactly what implications this Resolution will have on the present budget and the future financial policy of the Central Government. When the Resolution of 1924 was passed, the chief idea was that the Railway should be a paying commercial concern. Why it has not been a commercial concern is a big question on which I do not wish to enter at the moment and I would only suggest that we cannot be a party to the Resolution, as it is, unless the Government agrees to appoint a committee of this House which will look into the whole thing. If the Committee of the Members of the House who are responsible to their constituencies think that this will be in the interest of the provinces and that it will save us from further taxation, as the Honourable the Finance Member pointed out, then and then only we will agree to the proposition. Under these circumstances, I request the Government to accept my amendment to appoint a committee of this House to examine the whole question and avoid rushing this important financial issue.

**Mr. N. M. Joshi :** Sir, this Resolution and the debate that has taken place have brought to my mind forcibly the fact that the Railway depreciation fund has been raided to the extent of 30 crores during the past few years. I tried to bring to my mind whether this raid has put the railway administration in any disadvantage in the matter of the depreciation fund. The depreciation fund is intended to meet the expenditure in connection with certain repairs and renewals, and, as such, it is required for the use of the Railway Administration.

Sir, what I ask myself is this. If the Railway Administrations have not suffered anything—and they have not said that they have suffered some disadvantage on account of this raid—then the fact which we have to consider is whether we were not taking from the railway revenues a much larger sum by way of a depreciation fund than what is necessary. I have not heard either the Railway Member or the Finance Member telling us that the Railway Administrations have suffered on account of this raid. That there is a raid, I understand.

**Sir Muhammad Yamin Khan** (Agra Division : Muhammadan Rural) : They have suffered.

**Mr. N. M. Joshi :** Now, any man, who suffers a pinch and feels it, says it. Sir, the fact, therefore, that we have to consider is—have we not been charging too much for the depreciation fund, and if we are, then the first people who have suffered are the railway employees, because you have been exploiting them? You say there are no funds for the amelioration of the lot of railway employees. I have been asking the Government of India to remove one of the greatest injustices of the Railway Administrations, viz., their discrimination in the matter of providing a provident fund for the lower-paid staff.....

**Mr. President** (The Honourable Sir Abdur Rahim) : All that does not arise now.



**Mr. N. M. Joshi :** I am not dealing with that point at length. The point which I am making is this. The time has come to see whether the rate of depreciation fund which we are charging is not too much. If we do not consider this, well, there will be a raid ; the Government of India and the Railway Board will be in the same condition as a man who goes on hoarding and hoarding money, and one day there is a raid. My Honourable friend, Sardar Sant Singh, believes that there is a raid and that there is repudiation. But that is what happens in the world. If a man goes on hoarding and hoarding, one day there will be a raid and a repudiation. I therefore, want this House to consider whether we are not charging to the depreciation fund a much larger sum of money than it has needed, and that too by exploiting the railway employees.

**Sir Muhammad Yamin Khan :** Sir, as regards the Resolution as it stands, of course if my Honourable friend comes up and says that he has no other course left but this, well, that is one side of the question. Our grievance is that the Government have been turning a deaf ear to the constant warnings this House has been giving to the Government. This is not the first time that we have been telling you that your policy is a wrong policy. You are launching the railway administration in something which will prove disastrous in future. The Government always said that there was a hopeful thing and that behind the clouds the sun was still rising to them. But we find that ultimately the same thing has happened which we were telling them five years ago, viz., that this will happen, and we were asking them to be cautious, but they will not listen to us. Now, they have come up and say that there is a hopeless condition. One Member gets out and another man comes in, and one Member says, "this is all done by the other man, I am not responsible for the actions of those who have been before me". I wonder how long Government will go on with this policy. If they want to deal with the problems properly, then they certainly must seek the help of others. They are not ready to abdicate. Will you at least seek the help of others who will come to your rescue, who will give you proper advice ?

If the Honourable Members will turn to the pages of the Debates on the Railway Budgets, they will find that for the last six or seven years this has been told to the Government of India, viz., that by your living on the depreciation fund, where are you going to get your things when you want to purchase them. My friend says that the depreciation fund is too much which we have fixed. I may say that five crores of rupees may be a little bit too much, but where is the depreciation fund left now ? Where is your reserve fund left now ? You have exhausted the whole thing. You have got nothing left. There were very bright years ; we used to have revenues of Rs. 106 crores and the budget went up to such a great extent for several years continuously, and we could also contribute towards the reserve fund and towards the depreciation fund. Now, your income is hardly Rs. 70 crores and every week we find that the income this week as compared with last week is two lakhs less. Every year we are hearing that the revenue is falling and falling. The Retrenchment Committee which sat in 1931 retrenched many things and brought down the expenses and the income to the same level but what do we find now ? We find that every year there is a demand that so many new posts may be created, so much other extra expenditure may be incurred and, ultimately, we find that there is really no money, there is no income. Instead

of capital paying back, your capital is not giving you any kind of profit ; the five crores of rupees which we meant to be given to general revenues are not being contributed now properly. Your interest is very small, your railways are such that a company even will never take over the railways in such conditions as you have got. As compared with Government-managed railways, the Company-managed railways are distributing good profits and dividends and they are in a very happy position, while you are in the worst position. This shows that the Railway Board are a hopeless body as far as managing a commercial concern is concerned. If you have to run a commercial concern on a commercial basis, why should you lose ? If you have to lose, then you must reduce your own expenses. Your salaries are going up but your revenues are going down. The poor people are being retrenched ; everywhere we find that the poor labourer is no longer there but the salaries of the higher officers are going up and up. What were the salaries in 1914 and what are the salaries now ? We find some people getting at least double the salary that they used to get before. Surely, you can tell them that no longer can you pay them such high salaries. There will be thousands of people coming in on the same salaries that you have fixed now. The Government of India are fixing salaries for the new entrants into Government services in every branch and they are in accordance with the market conditions and with what they can really afford to pay but the Railways go on paying what they cannot afford to pay, and there is no limit, and no retrenchment has been effected since your revenues have been falling. Then, the natural result is what we are facing today. I know the Honourable Member will say that " I am hopeless, I cannot do anything ", but if you don't care to hear us, what can we do ? Now you should come up and seek our co-operation. Of course you might say that as a Government official, " I do not want to be in the bad books of my brother officers " but if you want to take any action, here is our help for you and then we will be quite willing to give it. I think that the suggestion which has been made by my friend, Mr. Muhammad Nauman, is a very sensible one, namely, that in such circumstances Government must take all sides of the House into their confidence and must seek their help. I support that suggestion of Mr. Muhammad Nauman.

**Maulana Zafar Ali Khan** (East Central Punjab : Muhammadan) : Sir, the Resolution does not satisfy me. This Resolution comes from the Communications Department, a Department which is not responsible to this House. Whether we support it or oppose it, they will carry things with a high hand and do what they like. The Railway Department is one of the richest departments in this country or it used to be the richest department. Towards 1923 after the great War, when it was decided that the Railway Department should be overhauled, a fabulous amount of 150 crores was sanctioned for the purpose of buying XB, XC and other varieties of engines and the rolling stock and this amount was placed at the disposal of the Railway Board. Now, the railways depend for their existence upon that pocket of the ordinary man in the street. Who is responsible to the masses ? No one. You do what you like. You invest a very large amount of money for buying the necessary materials for the railways from England. Engines could have been built in India ; workshops could have been increased but you reduced the number of workshops. You bought everything from England, you laid yourself open to

[Maulana Zafar Ali Khan.]

the charge of the worst nepotism. Then, as some of my friends have pointed out, although in principle you believe in Indianisation, in actual practice you do not believe in it. If retrenchment in the proper sense of the word is observed, there is no reason why this Department should today call upon us to accept the principle of repudiation of debts and moratorium. My friend, Sardar Sant Singh, was speaking about the principle of repudiation of debts. Of course, so far as the Railway Department is concerned, this principle of repudiation or writing-off of debts is bad, but he very probably referred to the Province of the Punjab where the Government of the Punjab introduced certain measures to give relief to the poor people who were suffering at the hands of the *Banya*, the *Mahajan* and the banker who were rolling in riches at the expense of the poor people. A man borrows Rs. 10.....

**Mr. President** (The Honourable Sir Abdur Rahim) : This Resolution has nothing to do with the Punjab.

**Maulana Zafar Ali Khan** : I was simply pointing out that a man who borrow Rs. 10 and pays Rs. 100, still owes Rs. 1,000.

**Mr. President** (The Honourable Sir Abdur Rahim) : That has nothing to do with the Resolution before the House.

**Maulana Zafar Ali Khan** : But in the case of these Railway people who are rolling in riches and who are playing ducks and drakes with public money, they have no business to appeal to the principle of repudiation and writing-off of debts. As I pointed out, our voice is a voice in the wilderness so far as the railway affairs are concerned. They will do what they like whether we support them or not. I agree that the suggestion of my friend, Mr. Muhammad Nauman, is very proper that a committee should be appointed to go into the whole question of the finances of the railways and advise Government as to the best course that ought to be adopted in the circumstances. Although it is a very proper recommendation, I do not think that the powers that be, the Railway Department, will see eye to eye with him. A very grave conflict is confronting us and, as the Honourable the Leader of the House pointed out, all the resources of India in men and money should go to help England in her trial. When such is the condition, he should consider for a moment whether our own condition in India is such in man and money that we are in a position to help the Government.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member must confine himself to the Resolution before the House.

**Maulana Zafar Ali Khan** : Of course, railways can do a lot for the poor people and if this is done they will be in a position to help. With these words I support the suggestion made by Mr. Muhammad Nauman and call upon the Government to appoint a committee to go through all these matters and arrive at some reasonable solution of this complicated problem.

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : Sir, it had been my opinion, and now I can say that it is my considered opinion that the Government of India are really incapable of managing any big business. We had a convention of this House which was adopted by means of a Resolution on the 20th September, 1934, and the net result of that convention is that in 1939 the moratorium which was accepted

by the House provisionally is to be extended now to the year 1942 with the result that we cannot make any payment or that we should not be liable to pay the depreciation and that we should be exempted from our obligations to make the contribution to the general revenues. This is the net result. May I ask the Government this : don't you think that it is high time now for you to appoint a competent Committee to examine the whole question thoroughly and see what can be done for this problem which is now facing us ? Mr. Buss holds the view that it is no use carrying on this agony, and he would like to apply a surgical operation. Now, may I request the Government whether they would give us an undertaking now ? We cannot support this Resolution. I am unable to support the suggestion that the Government should be allowed to carry on as they propose to carry on, and I ask the Government to announce as early as possible the appointment of a competent Committee which will go into the whole question thoroughly and decide once for all what a responsible Government should do.

**The Honourable Sir Jeremy Raisman :** Sir, I hoped that I had made it clear that this did not seem to me to be the occasion for a review of railway finances. I pointed out that there were certain constitutional arrangements between the Central and the Provincial Governments which required us to calculate the amounts to be paid to the Provinces in a certain way, that we were bound to calculate them in the way in which they are now being calculated and that so long as we were under that constitutional compulsion, the only effect of endeavouring to reorganise the arrangements in regard to railway finances would be that the general taxpayer would be called upon to produce the contribution to the Provinces.

**Mr. M. A. Jinnah :** I have quite appreciated that. My answer has been, if you had followed me, that I am not prepared to agree to take the responsibility. Government might do what they think proper.

**The Honourable Sir Jeremy Raisman :** The position of the Honourable Member, the Leader of the Muslim League Party, as I understand it, is that whether or not this be inevitable constitutionally and practically, and even if we have in effect no option but to do this, he washes his hands of this business. In that case, we understand exactly where we are.

Most of the discussion, as I am afraid I expected, has ranged over the field of railway finance, on topics which I submit are more suitable for the occasion of the debate on the railway budget. I have no doubt that my Honourable colleague in charge of Railways will be prepared to deal with those criticisms on a suitable occasion. I would only draw attention to one or two salient facts. My Honourable friend, Sir Muhammad Yamin Khan, talked as though Indian railways were a concern which was in the last desperate throes of utter bankruptcy. It is a most amazing thing that this bankrupt tottering concern continues to produce the not unimpressive figure of 29 crores a year of interest on its debt, that it does not owe a single anna of interest on capital provided for it, that it is also at the present moment contributing 12½ crores a year towards the depreciation reserve.....

**Mr. M. A. Jinnah :** ..... And it does not pay a single pie to the shareholders ?

**The Honourable Sir Jeremy Raisman :** I would invite my Honourable friend's attention to the condition of railways throughout the world and whether they are expected to pay to the debenture holders something over four per cent. and in addition to distribute large dividends. I know the difference between debenture interest and equity interest.

**Mr. M. A. Jinnah :** Owner.

**The Honourable Sir Jeremy Raisman :** That is true. I was merely referring to the general basis on which railways are being administered throughout the world. I was merely asking my Honourable friend to point out whether any large system of railway administration in addition to paying a steady four and something per cent. to the debenture holders was also providing a glittering dividend to ordinary shareholders. I am not aware that there is any country in the world which agrees that the ordinary shareholders should receive these attractive dividends on a public utility concern of this kind.

**Mr. M. A. Jinnah :** What about Company-managed railways ?

**The Honourable Sir Jeremy Raisman :** If you want us to go back to Company-management, that is another matter. I was merely drawing attention to one or two important facts which do distinguish the case of Indian Railways from that of a complete bankrupt who ought to file his petition in the court tomorrow.

There is one other feature of Indian railways which my Honourable friend, Sir Muhammad Yamin Khan, seems to have forgotten. He suggested that whereas all departments of Government are now offering reduced salaries to new entrants, the Railway Department was going on according to its own sweet will and pleasure and according to its old bad habits. The position is—and I should have thought that the Honourable Member would have been aware of it—that the Railway Department like every other department of Government has introduced reduced rates of pay for new entrants and has for a period of nearly nine years been paying those reduced rates.

**Sir Muhammad Yamin Khan :** Only to smaller paid officers and not to higher paid officers.

**The Honourable Sir Jeremy Raisman :** As far as I am aware there is a reduction of nearer 40 per cent. than 30 per cent. I do not consider that this is the occasion on which I should range over the whole subject of railway finance and I would only say in reply to my Honourable friend, Sardar Sant Singh, that I do not admit the analogy of readjustment of finances between two departments of Government and the repudiation of debt contracted between two entirely unconnected persons. The position here is that we have a large Government department with which we made certain financial arrangements. As a result of the experience both on the civil side and railway side, we now agree that certain adjustments should be made and I cannot for the life of me see how the principle of repudiation of debt is involved in that. If there had been any question of repudiation by the Government of India or by any department of the Government of India of a sum of the order of 60 crores, I should not have expected to be able to borrow at three per cent. in the money market for 25 years.

Now, to turn to the point of view of the Muslim League Party, I regret that they are unable to accord their support to this Resolution which, as I say, appears to me to propose the only course which it is open to us to adopt. I regret also that I cannot see this is a suitable occasion for instituting a committee to go into the whole question of railway finance. Whether or not such a course of action would be desirable on any other occasion, I am not prepared to say or to discuss at the present moment. But what I am quite clear is that this Resolution is essentially one which regulates the relations of Central finances and Provincial finances. There is no call for a committee of any kind. This is essentially a simple issue.

**Mr. M. A. Jinnah :** Perhaps the Honourable Member has not understood me. I do not suggest that a committee should be appointed to consider this Resolution. I do not suggest that. What I suggested was that the Government should appoint a committee as early as possible to examine the whole question of railway finances in the light of the existing convention and what should be done.

**The Honourable Sir Jeremy Raisman :** I admit that I misunderstood the suggestion. I understood from the Honourable Member, Mr. Muhammad Nauman, that this question should be gone into now by a committee. In that case I will not deal with that point. I have nothing more to add except to commend the Resolution to the House.

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

“ That this Assembly recommends to the Governor General in Council that railway revenues be declared not liable, before the 1st April, 1942, or before the fixation under section 187 (1) of the Government of India Act, 1935, of the sum therein referred to, whichever is earlier, to repay to the Depreciation Reserve Fund maintained for Indian State-owned railways, the balance outstanding on the 1st April, 1937, of loans taken from the fund to meet railway deficits or to pay to general revenues any contributions or deficiency in contributions due under the Resolution of this Assembly of the 20th September, 1924, in respect of the period beginning on the 1st April, 1931, and ending on the 31st March, 1939.”

The Assembly divided :

AYES—43.

Abdul Hamid, Khan Bahadur Sir.	Hodson, Mr. D. C.
Ahmad Nawaz Khan, Major Nawab Sir.	Jawahar Singh, Sardar Bahadur Sardar Sir.
Aiyar, Mr. T. S. Sankara.	Joshi, Mr. N. M.
Bewoor, Sir Gurunath.	Kamaluddin Ahmed, Shams-ul-Ulema.
Bhagchand Soni, Rai Bahadur Seth	Khan, Mr. N. M.
Bhandarkar, Mr. K. Y.	Khurshaid Muhammad, Khan Bahadur
Boyle, Mr. J. D.	Shaikh.
Buss, Mr. L. C.	Kushalpal Singh, Raja Bahadur.
Campbell, Mr. D. C.	Mackcown, Mr. J. A.
Caroe, Mr. O. K.	Menon, Mr. P. A.
Clow, The Honourable Sir Andrew.	Menon, Mr. P. M.
Crofton, Mr. D. H.	Miller, Mr. C. C.
Dalal, Dr. R. D.	Mudaliar, the Honourable Diwan Bahadur
Dalpat Singh, Sardar Bahadur Captain.	Sir A. Ramaswami.
Gidney, Lieut.-Colonel Sir Henry.	Mukerji, Mr. Basanta Kumar.
Gorwala, Mr. A. D.	Nehru, Mr. B. K.
Greer, Mr. B. R. T.	Rahman, Lieut.-Colonel M. A.

Raisman, The Honourable Sir Jeremy.

Roughton, Mr. N. J.

Scott, Mr. J. Ramsay.

Sheehy, Mr. J. F.

Sher Muhammad Khan, Captain Sardar Sir.

Sivaraaj, Rao Sahib N.

Spence, Sir George.

Sukthankar, Mr. Y. N.

Talukdar, Mr. J. N.

Thorne, The Honourable Mr. J. A.

Zafrullah Khan, The Honourable Sir Muhammad.

#### NOES—20.

Abdul Ghani, Maulvi Muhammad.

Abdullah, Mr. H. M.

Azhar Ali, Mr. Muhammad.

Bhutto, Mr. Nabi Baksh Illahi Baksh.

Dutta, Mr. Akhil Chandra.

Essak Sait, Mr. H. A. Sathar H.

Fazl-i-Haq Piracha, Khan Bahadur Shaikh.

Ghiasuddin, Mr. M.

Ghulam Bhik Nairang, Syed.

Habibur Rahman, Dr.

Jinnah, Mr. M. A.

Maitra, Pandit Lakshmi Kanta.

Murtuza Sahib Bahadur, Maulvi Syed.

Nauman, Mr. Muhammad.

Raza Ali, Sir Syed.

Siddique Ali Khan, Khan Bahadur Nawab

Sikandar Ali Choudhury, Maulvi.

Umar Aly Shah, Mr.

Yamin Khan, Sir Muhammad.

Zafar Ali Khan, Maulana.

The motion was adopted.

### THE INDIAN CENSUS BILL.

**The Honourable Mr. J. A. Thorne** (Home Member) : Sir, I rise to move for consideration of the Bill to provide for certain matters in connection with the taking of the census.

I take it as a good omen that the first Bill that should come for the consideration of this House, after the declaration of war of yesterday, should be one that presupposes a state of peace and security in India and in fact throughout the world. May I express the hope that victory and peace will be achieved in time for us to complete the preparations necessary for the census of 1941.

Sir, no argument of mine is necessary to justify the practice of holding a decennial census. It is by now a practice almost, I think, universal throughout the civilized world, and in India, as elsewhere. I think, it is the practice to hold it in every year which ends with one. The Indian Census is a very big thing indeed. I think I may say that throughout the world among statisticians and others interested in various branches of science, the records and the material collected at the Indian Census are regarded as reaching a very high level indeed. The Census in fact is a remarkable achievement, and it is achieved at a remarkably low cost to the Government of India. I think I am right in saying that the Indian Census covers about one-fifth of the whole of the human race. The bill for that operation, the census of 1931, payable by the Central Government for British India excluding what was then a part of British India, namely Burma, was 45 lakhs. That, I think it will be agreed, is a remarkably small sum to be expended on an operation of that magnitude : and, in fact, the achievement at a cost as small as that was possible only through the closest collaboration and co-operation of the Provincial Governments with the Central Government and of a very great army of private persons with the officials of the Central Government and Provincial Governments. It was in fact a great national effort ; and we have been assured by correspondence with the Provincial Governments that for the census of 1941 we shall receive

from all Provincial Governments the same co-operation on the same terms as in 1931. I may say that but for that assurance we should have had grave doubts as to whether we could in present day circumstances face the task, and the expense of the task, of carrying out the next census. Well, Sir, although the census itself is a work of such magnitude, my Bill is a very little Bill, a very modest Bill, and not even a very new Bill. For the most part, it proceeds on the model of previous Census Acts, and it departs in very few particulars from the model on which the 1931 Census was taken, namely, Act X of 1929. The main objects now, as then, are, first, to give statutory basis to the whole census hierarchy,—in this Bill the hierarchy extends from the Census Commissioner of the Government of India to the census-officers who will visit each village and each house ; secondly, to declare all members of this hierarchy to be public servants, that is to say, to furnish them with the protection to which public servants are entitled in the execution of their duty, and to saddle them with the responsibilities which public servants may have to shoulder ; thirdly, to require the necessary co-operation from the public generally : provision for that will be found in clauses 4 and 5 of the Bill ; and, lastly, to prescribe penalties, which will be found in clause 9 of the Bill : and it will be observed that protection is given by the terms of clause 10 which, as in previous Acts, requires that no prosecution shall be instituted except with the previous sanction of the Provincial Government or by an authority named in that behalf by the Provincial Government. That is all I have to say on the principles of the Bill. If Members seek enlightenment as to the details in which we have introduced variations or additions as compared with the Bill of 1929, I shall be glad to explain them at the appropriate stage. Sir, I move.

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

“ That the Bill to provide for certain matters in connection with the taking of the census be taken into consideration.”

There are a number of amendments. **Dr. Banerjee**.

**Dr. P. N. Banerjee** (Calcutta Suburbs : Non-Muhammadan Urban) :

I wish to move the second amendment which stands in my name, and not the first one. I beg to move :

“ That the Bill be referred to a Select Committee consisting of the Honourable Mr. J. A. Thorne, Mr. J. N. Talukdar, Mr. P. A. Menon, Mr. F. E. James, Dr. Habibur Rahman, Maulana Zafar Ali Khan, Khan Bahadur Nawab Siddique Ali Khan, Bhai Parma Nand, Sardar Sant Singh, Mr. N. M. Joshi and the Mover, with instructions to report on or before the 19th September, 1939, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Sir, this is a very important Bill, and it should receive our most earnest attention. In every country the Census Report is regarded as the most valuable source of information regarding the life of its people, and every attempt is made to supply not only the most accurate data, but also to present these data in a form which may prove most useful to everybody. Unfortunately, here in India conditions are different. The census report is admittedly very incomplete in India and is full of inaccuracies. My Honourable friend, the Home Member, said a few minutes ago that the census report in India reaches a very high level and he also said that this is a great national effort. Now, I am sorry I cannot see eye to eye with him on either of these questions. As regards the census



[Dr. P. N. Banerjea.]

report reaching a high level, may I invite his attention to the fact that great inaccuracies crept into the last report? If you will refer to an article by Mr. Dutta contributed to the *Indian Statistical Journal*, a journal which is regarded as authoritative in this country and for whose publication the Central Government makes a large grant.

**An Honourable Member :** What date?

**Dr. P. N. Banerjea :** I will give you everything. In that Journal, the *Indian Journal of Statistics*, Volume 3, Part 2, 1 P.M. September, 1937, there appeared an article headed, "Inaccuracies in the Bengal Census Report, 1931". There the whole subject is dealt with from a very scientific standpoint and many inaccuracies are pointed out. Time will not permit my going into these in detail, but I shall give you one striking instance. In the Kishorgunge Sub-division of Bengal it is recorded that there is not a single literate in English. We all know that this is a sub-division. There are two English High Schools in that sub-division. There is a sub-divisional magistrate, there are executive and judicial officers, there is a Chairman of the municipality, and there are members of the Municipality. And it is surprising to note that there is not a single literate in English in that sub-division! Are more instances needed to show that the Census Report of 1931 was inaccurate?

As regards a great national effort, I wish it were a national effort. Let us try and make the next census a great national effort. Unfortunately, the past censuses have been only bureaucratic efforts and they have been successful only to a very limited extent.

The census report has now acquired an added importance from the fact that representation in the various legislatures of the country is now on a communal basis. Therefore, the numerical strength of a community is an important factor which has to be taken into consideration. And suspicions have arisen in different parts of the country with regard to the enumeration of the population. I find that a representation has been sent to the Government of India, Home Department, with regard to the census by the Working Committee of the Bengal Hindu Mahasabha. It is in these words, I shall not quote the whole of it, but only a few sentences :

"There is a feeling that due to certain reasons, which need not be mentioned here, the last Census Record did not correctly represent the real numerical strength of the Hindu population in the province of Bengal.

It is, therefore, desirable, that adequate steps should be taken and safeguards provided to ensure correct enumeration so that the next census may truly represent the actual strength of the Hindu population in Bengal.

We, as representatives of Hindu opinion in Bengal, deem it eminently desirable that in every case, where primary figures are to be collected in connection with the Census operations, it should be done jointly by two officers or enumerators, one a Hindu and the other a Muhammadan."

What I suggest is that the census operations should be on a strictly scientific basis, and for that purpose you should invite the assistance of all statistical institutions in the country, particularly, the Indian Statistical Institute. In the matter of appointment of officers you should take special care to see that the officers enjoy the full confidence of all the communities concerned.

Sir, one of the clauses of the Bill provides that the Central Government will appoint some of the officers and the Provincial Governments will appoint some others. Now, this dual control which is contemplated here will be unsatisfactory and will lead to trouble. (Interruption.) All the officers should be appointed by the Central Government—that will be one solution.

It is a very unfortunate fact that there is a considerable amount of communal feeling in the Provinces and the Provincial Governments may be charged, rightly or wrongly, with a desire to influence the census operations. The collection and presentation of data relating to census are very difficult and it is only experts who can do the work properly. Therefore, I suggest that there should be provisions in the Bill which will ensure that object, namely, an accurate collection and proper presentation of data relating to the numerical strength of the population. In this connection I may point out that at previous censuses the facts relating to the occupations of the people were very meagrely dealt with. Now, if you look at the census of every advanced country, you will find a great deal of accurate information with regard to the occupations of the people.

If you have to deal properly with a subject, there must be proper provisions in this Bill. There are various other matters in this Bill which should be gone into a Select Committee and, therefore, I suggest that we should not allow this Bill to be hurried through this House but that we should refer it to a Select Committee where all the different matters suggested by me and others may be fully threshed out.

Sir, I move my amendment.

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

“ That the Bill be referred to a Select Committee consisting of the Honourable Mr. J. A. Thorne, Mr. J. N. Talukdar, Mr. P. A. Menon, Mr. F. E. James, Dr. Habibur Rahman, Maulana Zafar Ali Khan, Khan Bahadur Nawab Siddique Ali Khan, Bhai Parma Nand, Sardar Sant Singh, Mr. N. M. Joshi and the Mover, with instructions to report on or before the 19th September, 1939, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**Mr. J. D. Boyle** (Bombay : European) : May I just ask a question ? I do not want to make a speech on this. I understand that the burden of Dr. Banerjee's remarks is that the census is inaccurate and it was not run on scientific lines. Is it the contention of the Honourable Member that the appointment of the Select Committee will alter that state of affairs and produce it on more scientific lines ?

**An Honourable Member** : The Select Committee can make suggestions.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non-Official) : I have very few remarks to make on this matter, but I do so to substantiate what my Honourable friend just now said. If one carefully examines the last Census report, one is convinced that it scintillates with errors, and of a very glaring nature, and to say that it is a creditable performance is to misuse the word. Errors have crept in everywhere. Let us refer to the figures regarding my community. I know that the Census report of the community I represent is hopelessly inaccurate. I also appreciate the great difficulties that arise in connection with the taking of our census figures, owing to the migratory nature of the community, especially in regard to children—who go from school

[Lieut.-Colonel Sir Henry Gidney.]

to school at the time the census is taken when most schools are closed down. I know the difficulties are very very great. I think myself the advice that the Mover of the amendment has given to Government is a very sound one and should be accepted. I think that Government should issue instructions to the Provincial Governments or to those who take the census that there should be a more adequate number of enumerators and these enumerators should be members of the community whose census they are taking. The Mover rightly pointed out that a great deal depends on the correct recording of the census, as political representation of the future will largely depend on the population of a community. I do submit that, as far as my small community is concerned, unless a more careful census is taken, the error will still remain and the strength of my community will be underestimated. This is the point which I wish strongly to bring to the notice of the Government.

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

---

The Assembly reassembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

---

**Sir Muhammad Yamin Khan** (Agra Division : Muhammadan Rural) : Sir, I want to make very clear the proposition of our Party that we do not really, in any way, want to be in the way of my Honourable friend if he wants to move his motion for a Select Committee but we do not think that we can agree that this should be at all necessary. We do not think that it is really necessary to postpone this Bill for a Select Committee or that anything would be gained by a further postponement. If the Government think that they are willing to accommodate them, then of course we do not want to say that it should not be postponed or no Select Committee should be accepted. We have given our Party's name only on this understanding that if it goes to a Select Committee, then they will be willing to work on that, but I do not think there is any great necessity for it to go because I do not think that the points which have been made by Dr. Banerjea can be embodied in this Bill or any improvement can be made in the shape as he desired. I would like to say that my friend has got a complaint that the last census was not correctly recorded, and so has Colonel Sir Henry Gidney said that the census for his community was not properly taken. My friend, Dr. Banerjea, suggests that there should be always two persons going together, a Muslim and a Hindu, when they go out to record and find out whether persons are properly recorded or not, but what I understand is that Colonel Sir Henry Gidney will then come up and say, "why not also add an Anglo-Indian", and then we may have somebody else coming up and saying, "why not an Indian Christian", and in some other cases we will find other interests also saying this, and we will thus have a team of all interests going about and walking into every house to find out whether people are properly recorded or not. I do not think that this proposition is really sound or can be seriously taken, that we can send out about six people for a mohalla in Calcutta. Then we will require to have about half a dozen people in Bombay for half a dozen other interests, then special arrangements will be demanded for towns and villages in the Punjab, and then someone will say, "why not a depressed class man". Then,

some will say, "there must be a Sikh, there must be a Hindü, there must be some Anglo-Indian or an Indian Christian", and it will then mean that in every village, practically in every locality we will have a team of five or six persons going round. I do not think that this proposition is seriously meant; but, in any case, if that is the sort of safeguard demanded, then we want to make it perfectly clear that as the circumstances are that in nine Provinces out of eleven there is a Congress ministry, and since it is they who will appoint the people, so it is we really who have a grievance, who may think that our interests may not be properly safeguarded, and we should feel quite happy if in those Provinces where the Congress are ruling at least there should be two persons so as to see that one does not commit any mischief, a possibility that my friend has in view. My friend has got in view only those Provinces where the ministry is non-Congress. His grievance may be in respect of two Provinces but we have got a grievance in nine Provinces. So we shall be quite happy to see that but I do not think that this provision we can make or put down in the Bill. If this provision cannot be made in the Bill, if there are suspicions and the work is not entrusted to Provincial Governments, we have got no quarrel with Dr. Banerjea and the Government of India that in order to get a proper record of the census they may take all the precautions, but I can assure Dr. Banerjea that at least one thing is settled; whether the census is fictitiously or rightly altered, the question which he has got in view is not going to be affected at all. Supposing the Mussalmans are found now to be 60 per cent., for instance, well, they will not get anything more, and in the Punjab also in that case they will not get anything more, so if the Hindus gain something more in numbers, nothing is going to be altered. These things are all old things. So my friend should not bother himself about this narrow-minded thing: the idea must be not this political idea but really an administrative idea that we should have proper records and we should see that there should be no spoiling of the proper records which may be useful. But if my friend fears that it may give an incentive to some people who may not be possessing the high ideas of my friend and make them tempted, if not in the past, but in the future to make false records in their zeal to gain something more for their community, then I would deplore that day if it comes, but I do not think that the Bengal Government will employ Mussalmans only, they will employ both Hindus and Mussalmans, and so should the other Governments do and they will do it and they have done so in the past, and then there should be no such kind of feeling entertained. There is no reason to assume that if a Mussalman will be employed, then he will be a dishonest man, nor can anyone say that if a Hindu is employed, he will be dishonest. This is the insinuation which lies behind my friend's proposition that every Mussalman who will be employed will tamper with the records and will seek falsely to give a preponderance to his community, and we should reject this insinuation. If, however, my friend wants to have security and wants to draw the attention of the Government of India that they must see that a proper census is taken, then we shall be very glad, for the sake of our community which may suffer if things happen such as he believes to be possible, if precautions are taken but we do not think that anything will be gained by this Bill going to a Select Committee.

**Dr. B. D. Dalal (Nominated Non-Official) :** Mr. Deputy President, I cordially welcome the Census Bill ; and I oppose the amendment moved by my Honourable friend, Dr. Banerjea. I am strongly of opinion that no useful purpose will be served by referring the Bill to a Select Committee.

Now, Sir, with your permission I shall refer to one or two important points. Sir, the taking of an accurate census depends upon the goodwill of those to be enumerated ; and resentful, evasive, careless, or inaccurate replies on any large scale to the schedule questions would vitiate the statistics. In rural areas, the census is still regarded by the ignorant masses as associated with something unpleasant, and there still lingers the suspicion that Government do not spend time and money on such a large scale just to get figures, and that some ulterior sinister motive such as military service, taxation, etc., is associated with the taking of a census. In urban areas the growing standard of education is helping to brush that suspicion away. So every available agency should be used to bring home to the public the importance of the counting, and to inform the public that the census is used as the basis for electoral calculations, for estimating the demand for public services, for throwing light on housing and overcrowding conditions and so on ; and because the willing co-operation of the public is required, the questions to be answered should be made as simple as possible, provision should be made for enabling the credentials of census enumerators to be verified, and every effort should be made to overcome what lingering prejudices and suspicions there may be against the census.

Now, Sir, I come to a very important point on which I should like to say a brief word. The point to which I refer is that a decade is in my opinion too extended an interval between each census. It is obvious that additional facts and figures are required as the habits and conditions of the people change. There is also a limit to the capacity for answering census questions which can be developed only by more frequent experience. Students of demographic statistics and social affairs have for over 50 years been pressing for a quinquennial census, and the arguments for it have gained in strength during that period. The actual population of a community is known only by census enumeration. For intercensal periods only estimates of the population are made. The growth of the population of a community is determined by excess of births over deaths, i.e., natural increase, and by the balance between immigration and emigration. But the method of estimating the intercensal population is very unsatisfactory. In India registration of vital statistics is extremely defective, and migration returns are not available. As an illustration let us consider the population of Delhi Province according to the census of 1921 and the census of 1931. The difference between the variation according to the census and the variation according to vital statistics comes to 94,662 persons for a small province like Delhi. Under the Roman system the enumerations of the population were made every five years. In Canada, Australia, South Africa, France, Germany and the United States of America, the census is quinquennial. In Great Britain the census Act of 1920 enables a quinquennial census to be taken. So, Sir, reliance upon a decennial census is now too expensive an economy. It is of vital and signal sociological importance to have an accurate picture of distributions in occupations,

age-groups, and areas. Knowledge of occupational changes is now specially pressing as a business and industrial necessity. The changes in ten years are so great, so much that they significantly affect all our outlook upon the policy of social services, provision for transport, water-supply, drainage, housing, in fact every collectivised social activity. Sir, it is urged that a quinquennial census is an expensive and laborious undertaking. In this connection, I would inform this Honourable House that the progressive expenditure up to 31st March, 1936, on the decennial census held in 1931 was Rs. 48,92,361 ; so the census expenditure works out at about ten lakhs a year. This expenditure may be derided in some quarters as an unprofitable business. But, Sir, I submit that this expenditure is not an extravagance—it is a sheer necessity, and that exact social knowledge will yield a handsome return upon the cost.

**Sardar Sant Singh** (West Punjab : Sikh) : Sir, I will place before the House a few facts regarding the need for sending this measure to a Select Committee. As has been observed by the Honourable the Home Member, this is primarily a peace measure. Therefore, in the present state of affairs, it cannot be said to be an emergent measure. There is no emergency about it. Therefore, if you can improve upon this Bill, I should welcome the suggestion for reference to a Select Committee. This will go to improve the value of the labours which the Census Commissioner will have to bring to bear upon the operations of such a magnitude as are required in this country.

Let me begin by saying that whether we agree with it or not, there exists evil in enumeration. You have heard representations made from responsible quarters, and you have heard my Honourable friend, Sir Henry Gidney, making a complaint of enumerators during the last census. I do not think Sir Muhammad Yamin Khan was justified in minimising the effect of this evil. If he is not convinced as to the existence of this evil, I may inform him that similar complaints were heard amongst the members of all communities. As a matter of fact, at the time of enumeration, there was a race between the enumerator to show exaggerated figures of the community to which they happened to belong. Not only this that it was an evil then, Sir Muhammad Yamin Khan said that it might have been due to the changes in the constitution which were contemplated at that time.

**Sir Muhammad Yamin Khan** : I never said that.

**Sardar Sant Singh** : You said that in the communal award there is going to be no change in the representation of the communities from which I inferred that you were referring that this evil was due to.....

**Sir Muhammad Yamin Khan** : But the Honourable Member cannot say that I meant that.

**Sardar Sant Singh** : I am only saying that I inferred from the Honourable Member's speech that he was referring to this. I think it will be interesting to the House if I were to inform them that, before this Bill was introduced in the House, activities had begun among several communities to find out the ways and means to show increased numbers in their respective communities. The most apt illustration which I can give is a move amongst the depressed classes in the Punjab. I happened

[Sardar Sant Singh.]

to be invited in a conference of theirs. They were Sikh members of the depressed classes, and actually I found two factions attending that conference. One faction was maintaining that though they were Sikhs, they would go with the Hindus, because the depressed classes have got greater representation among the Hindus than among the Sikhs. When I asked them whether they would cease to be Sikhs, they said no. But, they said, that they would like to adopt this policy. What the word "policy" meant under the circumstances, I failed to understand. But I am telling you this as a fact. On inquiry I was told that a Hindu organisation, a respectable body, I do not want to name it, had actually paid the workers there to go and instigate such a movement so that the Hindu population may be considered to be more than what it is. Now, the very fact that this feeling is there proves that the evil does exist. There is no doubt about it.

Now, the question is, how to remedy it ? I do not think my friends of the Muslim League Party will disagree with me that the evil must be put down. If this evil exists, it deteriorates considerably the value of the statistics compiled as a result of the census, and we are out to compile right statistics and not the wrong ones. If it is so the question is, how to combat this evil ? One remedy has been suggested by Dr. Banerjea, and it has been challenged by Sir Muhammad Yamin Khan and probably has been accepted by Sir Henry Gidney. I, as a matter of fact, am prone to agree with Sir Muhammad Yamin Khan rather than with Dr. Banerjea. I do not think it is practicable or administratively possible to have a panchayat enumerator to go about in several places and do the work of an enumerator. What I suggest for the consideration of this House—and this is a matter which can be very well threshed out in the Select Committee—is that the provisions as embodied in clauses 10 and 11 of the Bill should be thoroughly overhauled. Clause 9 (b) says :

"Any census officer, who intentionally puts any offensive or improper question or knowingly makes any false return or, without the previous sanction of the Central Government or the Provincial Government, discloses any information which he has received by means of, or for the purposes of, a census return."

Then comes the penalty clause. Now, this is quite a healthy check ; there is no doubt about it. I am not dealing with the amount of penalty, but the check is there. But this check is entirely done away with by what follows in clause 10. Clause 10 says :

"No prosecution under this Act shall be instituted except with the previous sanction of the Provincial Government or of an authority authorised in this behalf by the Provincial Government."

That is to say, the offence has been created, but the trial of that offence has been circumscribed on account of considerations which I may call administrative considerations. In fear that the prosecution may not become too general, the executive wants to have the control of initiation of prosecutions in their own hands. That has been the policy followed in the Code of Criminal Procedure too. But the question is that when the evil has become so rampant, the circumscribing of these prosecutions does away practically with the existence of the pri-

vileged class. Further, in clause 13, another provision has been made in the Bill which runs thus :

" No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duty as such, or any schedule delivered under section 8, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872, no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding whatsoever or in any criminal proceeding other than a prosecution under this Act or any other law for any act or omission which constitutes an offence under this Act."

This clause has two parts. I have nothing to do with the second part, which relates to the admissibility of the return in evidence excepting in the prosecution cases. That is all right. But what about the first part ? Supposing I suspect an enumerator to have given a false return knowingly of the number of persons or their religion or any other matter with which he was entrusted. I have no access to the return made by him. That being the case, how can I be sure whether he has given a right return or a wrong return ? This has practically the effect of doing away with the safeguard which is embodied in clause 8 of the Bill. This will have to be looked into. My own suggestion is that in the Select Committee we should make this provision stringent, and we should suggest that there should be a host of enumerators, so that no injustice can be done to any community. It is in our power that a very stringent provision can be made by which any false return given by any person knowingly shall be punished promptly as well as effectively, so that the enumerators must know that they have nothing to fall back upon and no protection has been afforded to them. With this knowledge, there can be a probability that things would come out correctly instead of leaving it entirely in the hands of the executive to launch a prosecution or not. We have to consider, therefore, that in the Select Committee we can look to the statistics of 1931 census, and we can find out from those records what sort of complaints were made by various people during the operations of the census. By looking deeply into these matters, we may be able to discover certain ways and means by which the value of the census reports may be enhanced. Therefore, I plead very strongly with the Honourable the Home Member not to disregard this problem. After all, we are spending a lot of money, and we are going to disturb the ordinary business of people in order to compile a scientifically true record, a record from which we can draw scientific conclusions, and that is a big thing, and not a small thing.

With these few words, I submit that the Bill should be referred to a Select Committee. After all, the Committee is to report by the 19th instant which is not a very long time. This Bill is almost entirely a copy of the old Bill. It has been found that, during the last census, there were certain evils, and we should, therefore, try to improve the Bill by removing those evils and make it most useful to the society.

Sir, I support the motion for referring the Bill to a Select Committee.

**Sir Syed Raza Ali** (Cities of the United Provinces : Muhammadan Urban) : Sir, I am sure the House is beholden to my

3 P.M.

Honourable friend, Dr. Dalal, for raising the debate to a higher level from the plane of mere controversy. With regard to the present Bill I do not think we have any serious fault to find with it in view of the Acts which have governed the census taken in India every



[Sir Syed Raza Ali.]

ten years. I can, however, say that in those countries where greater attention is paid to the social welfare of the people and larger sums are spent on them than unfortunate India can spend, very great care is taken to have elaborate information with reference to the economic position of the people. I know something about the manner in which the census is conducted in South Africa. Being a very rich country, in addition to the usual census they have another census taken, the foundations of which were laid by a commission appointed by Government known as the Fact Finding Commission which made it its business to gather elaborate information with reference to the economic position of the people and the occupations which certain important classes of the people were carrying on in that country. I know that the Government of India and its officials will be very busy in the future on account of the conflict that is raging in Europe, but I would venture to make a suggestion. At present only a man's occupation is taken down in the census records on reference to which you can find out whether a man is an agriculturist or an industrialist or a landlord or a Government servant. This information, however, is too scanty to be useful on important occasions. I would suggest that, if possible, two or three columns should be added to the classes in which information is divided by the enumerators which would throw light on the real economic position of the people. India's problems, as far as I can see, are more economic than mere political. Our real hardship is that the population of the country is too large to be maintained by its present resources which are mainly confined to agricultural pursuits. If valuable information on economic questions is obtained I am sure that would be very helpful not only to the Central Government as it may be constituted in the future or to the Provincial Governments but to the people themselves, and specially to those philanthropic and social organisations which are devoting themselves to promoting the economic good of the people.

I will now deal with the amendment moved by my Honourable friend, Dr. Banerjee. He adduced three main arguments in support of his amendment. One is that the past records of the census show that the information collected and recorded by the enumerators is far from satisfactory and he gave a particular instance of an inaccuracy having crept into the census record. Now, the amendment requires the Select Committee to make its report by the 19th September. I am led to make these observations on account of the remarks made by my Honourable friend, Sardar Sant Singh. The Select Committee will have not more than two weeks to improve the scope of the Bill ; but I do not think any question of improving such scope arises at all. If the sole grievance is that inaccuracies occur in the census records I do not see how the Select Committee can provide against these errors occurring in 1941.

**Sardar Sant Singh :** I do not refer to errors but to false returns being made, knowing them to be false.

**Sir Syed Raza Ali :** That is provided for in the Bill itself and I expect every Honourable Member to read the Bill before discussing it.

**Mr. M. S. Aney (Berar : Non-Muhammadan) :** The difficulty is that that is a provision for cure and not for prevention. He wants to prevent the evil and not simply to cure it.

**Sir Syed Raza Ali :** He has given no indication as to how he wants to bring about that prevention. And if 14 days are required to consider a minor point like this then even two years will not be long enough for consideration of the entire Bill. Dr. Banerjea's point was that the Select Committee will try to devise means to prevent inaccurate records being made in the census. With regard to that I say that it is impossible for any Select Committee or for any human agency, as a matter of fact, to provide against inaccuracies of that character.

The second ground on which Dr. Banerjea moved his amendment was that intentional mistakes are committed by enumerators guided by racial considerations. To provide against it he submitted that instead of one there should be two enumerators at least to do any work in connection with census operations. Rather weighty and serious objections were raised to that course by my Honourable friend, Sir Muhammad Yamin Khan. May I supplement those objections by one more ? What is to happen, assuming that there are two enumerators, one a Hindu and the other a Muslim, if there is a difference of opinion between the enumerators themselves ? You must have an arbitrator.....

**Mr. M. S. Aney :** The superintendent is there.

**Sir Syed Raza Ali :** I am thankful for the interruption, but does Mr. Aney know what the duties of a superintendent are ?

**Mr. M. S. Aney :** May I inform my Honourable friend that I have myself worked as a census supervisor in the census operations of the year 1910-11 ? He can check the work of the enumerators all right.

**Sir Syed Raza Ali :** I understand a superintendent is the officer in charge of census operations in a Province. May I ask Mr. Aney what he would do if, being the superintendent for a certain area, one hundred cases of differences between enumerators were brought before him every day ? I am sure he would resign the moment a thing like that happened. After all let us see whether anything we are suggesting has any real practical aspect or not. I do not want to repeat the arguments very clearly and cogently stated by my friend, Sir Muhammad Yamin Khan.

I will now come to the last ground which was given out by my friend, Dr. Banerjea, as a ground for his amendment. It would take away the breath of every patriotic Indian. He is so distrustful of Provincial Governments that he would rather like to give powers to District Magistrates but he is keen on taking away the powers from the Provincial Governments.....

**Dr. P. N. Banerjea :** I never said anything about District Magistrates.

**Sir Syed Raza Ali :** You did not. That is the basis of my argument. My Honourable friend did suggest in most clear and definite terms that these powers should be taken away from the Provincial Governments and should be handed over to the Central Government. He did not say anything about the District Magistrate, from which I am perfectly right in inferring that he does not propose to take away the powers that the Bill proposes to give to the District Magistrate.....

**Dr. P. N. Banerjea :** That does not arise at all.

**Sir Syed Raza Ali :** My argument is there, as clear as anything. Since I have had the privilege of coming to this House about eight months ago, I have been a sad witness of many an unfortunate spectacle ; but I do not think I have seen anything so miserably short-sighted as the implications of the proposal made by my friend, Dr. Banerjee. If we are not to trust our Provincial Governments, which is the body of public servants whom we can trust ? Is there any body of officials in whom we can place reliance at all ? Dr. Banerjee disavowed any intention of attacking District Magistrates. I am glad he did so, but if we are not prepared to trust our Provincial Governments, would we be justified in trusting our District Magistrates ?

**Dr. P. N. Banerjee :** You may change that in the Select Committee.

**Sir Syed Raza Ali :** Would we be justified in saying that we must not trust those who decide cases, criminal, civil and revenue, in the law courts every day ? If I may for a moment revert to the suggestion to have two enumerators, I say that it would be establishing a most dangerous precedent, in that it would be open to the people of any Province where the Muslims form a fairly large proportion of the population to demand that every case should be tried by two judges, one a Hindu and the other a Muslim. Does my friend realise what a dangerous precedent his proposal is going to establish ? For these reasons I oppose, and strongly oppose, the reference of the Bill to a Select Committee.

Before I sit down let me come to the point raised by my Honourable friend, Sardar Sant Singh, with reference to clause 13 of the Bill. I think there is something worth consideration in the suggestion he has made. As we know, the last census was taken in 1931. Political consciousness has developed since then—whether on right or unfortunately on wrong lines—very fast indeed ; and though I cannot claim that the thing has come to my notice, it may be that certain enumerators guided by wrong and hopelessly mistaken communal zeal might be inclined to give an exaggerated number of the people belonging to their own community. It is a possibility. How are we to guard against that possibility ? I realise that clause 13 does not meet the requirements of the case. Suppose an enumerator records me as an Arya Samajist and I want to know whether I have been described as a Muslim and a Syed or as an Arya Samajist. If the information is withheld from me, it would be impossible for me to take any step in the direction of having the record corrected. I quite realise that this danger is greater today than it was ten or twenty or thirty years ago. Personally, I think that in the case of a *bona fide* seeker of the information entered by an enumerator with regard to himself it should be open to him to demand an inspection of the register, subject to certain safeguards. I know that it can give rise to a certain amount of inconvenience, but it is most important that facts should be correctly recorded specially when feelings are unfortunately running so high in certain Provinces.

As to clause 10, I do not think I agree with Sardar Sant Singh because unless there is an authority to give sanction before a prosecution is launched, it would be impossible for any enumerator to carry out his duties. In the absence of sanctioning authority there may be one dozen prosecutions against an enumerator in one day by 12 unscrupulous people. They may all combine to charge him with making wrong entries. Now,

is your enumerator to be faced with so many prosecutions without anybody satisfying himself whether the allegations made against him are *prima facie* correct. Therefore, Sir, while I do not agree with my friend, Sardar Sant Singh, that there is necessity to amend clause 10, I think for the considerations urged by him, to which I have added others, there is every need to amend clause 13 in such a manner as to provide a proper check on the activities of unscrupulous enumerators. However, this is a matter which can be gone into while we are going through the Bill clause by clause. I am waiting to see what the Honourable the Home Member has got to say, and I am sure that if he agrees with us, it will be possible for us, without referring the Bill to a Select Committee, to amend clause 13 in such a manner as to prevent the apprehended evil to which reference has been made.

**Mr. M. S. Aney :** Sir, before I came to this House, I was not quite sure whether a motion for reference to a Select Committee was justified or not. After having heard the speeches on the floor of the House, I found very good and strong material to support the motion of my friend, Dr. Banerjee. The very fact that the motion for reference to a Select Committee has evoked contrary expressions of opinion with a good deal of feeling behind it, is, in my opinion, sufficient justification for sending the Bill to the Select Committee and getting the matter threshed out coolly and dispassionately across the table. We all know how matters are discussed in Select Committees, and most of us have experience of Select Committee work for the last so many years. If a wrong point of view is urged here, the same person is more easily inclined to give in on that point in a Select Committee than here. I, therefore, think that there are at least certain points which require to be explained to those very gentlemen who take exception to the provisions of the Bill here.

Now, the main objection urged here is that in certain parts of India there is a strong suspicion amongst certain communities that the work of the enumerators is not done with the fairness with which it should be done. To say it is impossible to check mistakes committed by them is to admit that it is impossible to have a correct census at all in this country. Those who want to propound that proposition should clearly tell the Government of India that there should be no census at all in this country, because of all the documents that are being prepared in this country, the document relating to the census is the most important. It is important from various points of view, because that is the one document which is relied upon for statistical information of various kinds. It is in fact a review of all sorts of things in this country for a period of ten years. When such an important document has to be prepared, no amount of care that can be given by the Government to secure accuracy in the preparation of that work can be said to be too much. Therefore, the argument that has been urged by my friend, Sir Raza Ali, who, I am sorry to say, is not in his seat now—.....

**An Honourable Member :** he has just gone out and will return presently.

**Mr. M. S. Aney :** ....probably he has gone out on some urgent business, is not quite correct. My point is this. If this document is of such importance,—leaving aside any communal or political considerations,—then for the sake of securing accuracy, we ought to exercise as much care

[Mr. M. S. Aney.]

as we can bestow on it to see that the census returns are correctly prepared. It was admitted by some Honourable Members who preceded me, including my friend, Dr. Banerjee,—his speech was not free from that suspicion either,—that we should all endeavour to get at accuracy, and, therefore, all of us should think of finding out some way by which the defects pointed out here may be obviated or removed. It was stated by some it would not be possible to find out a way by which we could remove such mistakes, and the method suggested by Dr. Banerjee that there should be two men instead of one man may not be a feasible one. At the same time to suggest that it will not be possible for five or six Members of this House in the Select Committee with their long experience,—men of the type of my friend, Mr. Joshi, will be there, and we can rely upon their resourcefulness,—and find out a way to prevent inaccuracies of that kind finding their way in the census record, is indeed a poor compliment to this House. To say that there are penalties provided in the Bill against men committing deliberate mistakes is no answer to the suggestion that steps should be taken to prevent entry of those mistakes in the record itself. The record will remain uncorrected. We are concerned more with the accuracy of the record than with the punishment of the men. If a man goes unpunished, I would not feel it, but if the record is incorrect, it will do injustice to the nation. Therefore, the suggestion that this Bill should be referred to a Select Committee should be very carefully considered by the Government. Then again, Sir, the suggestion is not for taking off this Bill from this Session to another Session. There is no proposal to delay the progress of the Bill at all, but I believe it is the general desire that this measure should be discussed in the Select Committee where Members who have raised some suspicions may have a free discussion and clear their doubts in the presence of people who have had experience of census work, explain their different viewpoints and find out some *via media* so that the Bill may be free from the objections which were urged against it.

One point was referred to,—in fact Sir Raza Ali himself admitted this,—that the last clause of the Bill contained a defect which required to be remedied, namely, the provision which prevents anybody from having any access to the census records to find out whether any particular enumerator has made a correct entry or not. Now, my friend concedes that there is a possibility of incorrect entries being made, and yet there is no way of getting those incorrect entries corrected while the record is under preparation, and unless somebody has access to those records to ascertain whether the suspicions he has got are well-founded or not,—there is no way to bring such matters to the notice of the proper officers. My learned friend said that it would be impossible for the Superintendent to do anything in this matter. I do not know,—my friend may have his own experience of census work,—but, generally, a number of enumerators are kept under one non-official supervisor as well as an official supervisor. That is the procedure observed by the District Magistrate in preparing the organization for census work.

The question is the thing must be brought to the notice of the officer in one form or another and how could that be brought about? Those who suspect must have access to the register, and there must be some pro-

vision for that. What is the proper way of altering that clause I am sure even Sir Raza Ali has not thought of. He only thinks that some change is necessary, but he has not thought over the matter. If the Bill is taken into consideration now the clause will be put without any amendment being moved. That is the danger of allowing the Bill to be discussed now on the floor of the House and be considered clause by clause. If any amendment is moved now, my Honourable friend, the Home Member, will take objection on the ground that there is no notice, and I am not sure whether the Deputy President sitting there will be pleased to suspend the Standing Orders for the convenience of particular Members. If objection is taken, I am sure he will not be able to do that. So, why should you put yourself voluntarily in difficulties of this nature? You find one clause defective, and when you think over the matter in a Committee you may find some other clauses defective also.

So for all these reasons, and particularly owing to the statistical importance of the document to be prepared, I think the motion that has been moved by my Honourable friend, Dr. Banerjea, should be accepted by the Government and should be carried by this House.

**Mr. N. M. Joshi** (Nominated Non-Official) : Sir, during the discussion of this motion, I would like to make one or two remarks. I have not ferretted out any irregularities in the figures given in the census reports, but whenever I consult the census report I find that the figures given could be improved. I am interested generally in occupational figures. I am also interested in figures regarding education and some other subjects. I cannot state now all the places where I find that the figures could be improved, but I can give one general illustration. To take occupational figures, I am interested in getting figures of wage earners, people who work as employees of other persons. Unfortunately, I cannot get them. You take agriculture, you take industry, you take commerce, you do not get figures of people who work as labourers or as wage earners.

Take agriculture. It says, actual earners. Actual earners may be proprietors, may be tenants, may be wage earners. Similarly, in industry, people work as their own masters, as artisans in a village or even in small towns. There are others who work as employees of other people. These figures are very important, but unfortunately the census report does not give them. It is very difficult to deal with the various subjects on which one could suggest improvements. Moreover, I am not really prepared with that subject today, but I can say that I have found in many places necessary figures are not given. What I would suggest to the Government of India is this, that before every decennial period they should appoint a committee of statisticians and ask that committee to suggest improvements in the figures given. It may be that the Government of India write to the Provincial Governments asking for their suggestions to improve upon the information given and the figures supplied, and the Provincial Governments may be consulting some people. But a consideration by a committee of statisticians and people who are interested in the figures will be of greater use. The Provincial Governments generally consult their officers who, I think, hate figures instead of wanting them. They cannot give the necessary suggestions; you can get necessary sugges-

[Mr. N. M. Joshi.]

tions from people who are interested in collecting figures. I would, therefore, suggest to the Government of India that every ten years before the census operations begin they should appoint a committee of statisticians and people who are interested in studying statistics and get from them suggestions for improving the figures.

As regards the controversies that have been raised about the risk of false figures being given, I feel one cannot suggest a remedy very easily. The root of the evil lies in political representation and power being based and given upon religious considerations. So long as that system remains, there is some risk always that communities who get power according to their numbers may use this opportunity to strengthen their own community. In the first place, what we can do under these circumstances is, in spite of this system, to try to trust our people. That is the best remedy. After all, every one, whether he be a Hindu, a Muslim, a Parsi or a depressed class man—generally speaking, he is an honest man, and if he is really religious, he will not falsify records.

**An Honourable Member :** Not in these days.

**Mr. N. M. Joshi :** I do not know, but if a man is really religious, he is not likely to falsify the reports. I quite agree that some suspicion will remain, but it is because of the system on which political power is based in this country. One cannot really find a remedy. Dr. Banerjea has suggested that two people should be sent, and somebody said that if they differ among themselves their work will be supervised by the superintendents. There must be two superintendents ; otherwise, some people will say, one superintendent is a Hindu, and, therefore, he has done an injustice to the Muhammadans, and if the superintendent is a Muslim, the Hindus will say that he has done an injustice to the Hindus. Then you will require two commissioners,

**An Honourable Member :** It is not like that.

**Mr. N. M. Joshi :** I think it will come to that. Therefore, you will see that the remedy does not lie there. It lies in trusting each other.

**An Honourable Member :** Not trusting, but making the provision more stringent.

**Mr. N. M. Joshi :** The Magistrate will have to give punishment. If he happens to be a Hindu, he will not punish a Hindu ! If you once have suspicion and mistrust, then there is no getting out of it. If one community has a very great suspicion that the other community is falsifying the records, the former community is not going to sit quiet. It will also falsify the records, with the result that a time will come when both of them will get tired and say, let us be honest now. If there is suspicion, both the parties will try the game for some time, and then they will get tired and say, let us be honest. The remedy lies in trusting, and if some people misuse the opportunity and the evil grows, then the people will come to their senses and will be honest. I feel that the Government of India should take steps to secure improved statistics, and, as regards the Select Committee motion, I feel that in a Bill of this kind there should be a Select Com-

mittee. The Select Committee may meet tomorrow or the day after, but if some people want a Select Committee, it is wrong on the part of the Government to refuse it.

**Maulana Zafar Ali Khan** (East Central Punjab : Muhammadan) : Sir, whether the Government accept the recommendation of the Mover of the amendment or not, it is my duty to point out that the charge of certain enumerators making false entries is not only based on suspicion, but also on actual knowledge. From bitter experience in the Punjab and after having toured various Provinces where I gathered information on this question, I have come to the conclusion that unfortunately in our country where political power rests on communal representation, there are a number of enumerators calling themselves nationalists who make false entries on racial considerations. The question whether in India there is one nation or there are two nations is exercising various sections of thinkers in this country. Our old friend, Dr. Moonje, only the other day contributed a very funny article to one of the papers. He said that a nation in order to be a nation must have common blood, common language and common religion, and he was kind enough to refer to the Mussalmans and said that the right of proselytisation should be taken away from the Mussalmans. In other words, he meant that the number of Mussalmans should be reduced as much as possible. Now, in this country, there are 30 crores of Hindus and ten crores of Mussalmans, and the Hindu is interested in keeping down the number of Mussalmans. Here comes the difficulty so far as the census is concerned. I cannot lay too much stress on the point that the Honourable the Home Member who is in charge of this Bill will find out some means of curbing this evil, some means of seeing to it that wrong entries are not made in the census report. Dr. Banerjea is perfectly right when he suggests that the Government should thrash out the whole question and he was followed by Sardar Sant Singh who said that stringent measures should be adopted against any enumerator who makes false entries. So legal action should be taken. Also moral action should be taken, if it could be taken. What is that moral action ? Moral action according to my friend, Mr. Joshi, is that the enumerators should be religious—a thing in which he does not believe himself. Where is the sanction if the Honourable the Home Member wants to provide for it ? That is all I have got to say on this subject.

**The Honourable Mr. J. A. Thorne** : This is an age of "records", and I must congratulate my friend, Dr. Banerjea, on creating a fresh one. When I read the account of the legislative debates of ten years ago, I found that the Home Department spokesman in one of the Houses, I think the Council of State, congratulated an Honourable Member on his unique performance in having moved an amendment to a clause in the Census Bill. That in those days, only ten years ago, was unique. Now, I have a handful of amendments to clauses, many of which I have not yet had time to read. Dr. Banerjea's achievement in moving a dilatory motion to a Census Bill is, as I say, a fresh "record".

**Dr. P. N. Banerjea** : It is not a dilatory motion.

**The Honourable Mr. J. A. Thorne** : I was not using the word 'dilatory' in any sense which would reflect discredit on my friend. I was using it simply as a term meaning that it puts off the consideration



[Mr. J. A. Thorne.]

of the Bill. There was, if I may say so, one point in his speech with which I cordially agree, and that is the need for more expert consultation and consideration in the preparation of the census. We, who have studied past censuses on paper—I admit I have never myself taken part in one—do know and feel that censuses in the past have been rather amateur performances. Very often the preparations for them have been taken up too late and they have been rushed through. The staff has been collected in a hurry and very often we have not used the benefit of previous experience. I do not claim that our census of 1941 will avoid a certain amateurishness : the real expert census costs a sum of money which the Government of India could certainly not afford to produce : but we do hope that more attention will be paid to the most modern methods of statisticians, and—not only that—the most modern methods of dealing with statistics, which is another matter—mechanical devices for dealing with statistics. We are very fortunate in that we have obtained for our Census Commissioner an officer who was Superintendent of the Census in one of the largest provinces of India during the last census ; and also in that by a fortunate accident we had an offer or enquiry recently as to whether we could avail ourselves of facilities provided. I forget by what millionaire of the United States, for enquirers to visit various countries where statistical methods are most studied and make acquaintance with them. Our Census Commissioner designate was, as it happened, just going on leave and he has spent a busman's holiday, at I may say no expense to the Government of India at all, in investigating the latest methods in several European countries and in the United States and Canada. So that I do hope we may be able to get results in this census which will more closely correspond with the rising standards of statisticians than has sometimes been the case in the past.

Well, Sir, I have listened carefully for adequate grounds to be shown in support of my friend's motion for reference to a Select Committee and I think that without exaggeration I can claim that the grounds have not been adequate. The fact that the last census and previous censuses contained errors—errors both absurd and accidental such as the one that my friend, Dr. Banerjee, quoted—and other errors the causes of which may be deliberate and deceitful, that fact is one which does not help us in deciding whether this Bill should go to a Select Committee. I think it was the Honourable gentleman who spoke last who seemed to despair of the Select Committee finding a solution for deliberate falsification and he appealed to the Home Member to do it. Well, certainly I shall give my thought to it but I despair of finding a remedy myself or of a Select Committee devising one in the few days which it would have to consider the matter.

My friend, Sardar Sant Singh, rather surprised me by finding fault with clause 10. Now, clause 10 says that " no prosecution under this Act shall be instituted except with the previous sanction of the Provincial Government or of an authority authorised in this behalf by the Provincial Government." This, so far as I could follow him, was supposed to be a cloak for the knavery of enumerators and census-officers who would commit offences punishable under clause 9 (b) of the Bill. I must say that I am rather astonished at that imputation. This is an old provision,—clause 10 ; it corresponds with section 11, sub-section (3)

of the existing Act, the Act of 1929, and is found in previous census enactments ; no one, so far as I know, found fault with it in the past, and it seems to me a quite obvious measure for the protection of the subject—not just the enumerator, the census-officer or any official—but the protection of the ordinary subject, whatever he be, against capricious complaints. Now, there is a clause which attracted fire from several critics—clause 13. My friend, Sardar Sant Singh, Sir Raza Ali and I think Mr. Aney also, objected to clause 13. Well, I was quite prepared to defend clause 13, but the part of which I was going to defend was the concluding few words where we have introduced an innovation as compared with the Act of 1929. However, no one referred to that, but the objection is that the clause as it stands will prevent—so far as I understand the objection—a person who may suspect that the information given by him has been wrongly recorded from verifying his suspicions and getting the record corrected. Well, I do not for one minute make light of the possibility of that happening. We have heard so much about communal devices for falsifying the census that it would be absurd for me to say that that suspicion is baseless, but I do think that as regards the terms of this clause it is a rather academic objection. The clause was discussed by Dr. Hutton after the last census, and he said that the defect of it as it then read was this, that advantage was taken of it to get hold of records of the census for purposes which they were not by any means intended to fulfil. For instance, there were many applications ten years ago, or rather later, for the records of the census in order to prove or disprove complaints made under the Sarda Act : and again a number of ingenious people attempted. . . . .

[At this Stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

. . . . .to get these records produced in courts in order to support or rebut alibis for criminal offences. To prevent that sort of dodge we have made an amendment in the last few words of it which the eagle eye of any critic has not attracted : but I mention that to show that the only difficulties found with this clause as it existed in the 1929 Act—I am pretty sure that it existed in much the same terms in the previous Acts—were those that I have mentioned. If there had been numerous cases of people who wanted to inspect the records in order to verify whether the entries had been correctly made, for communal reasons or otherwise, I think we should have heard about it ; but even if there had been many such applications, I very much doubt whether we should be right in providing a machinery for acceding to the requests. After all, the information obtained by our enumerators is and should be confidential. You may say, “ why should not A who gives the information have access to the record where it is put down ? ”. Well, if you are going to allow A to have access to that record, how can you prevent B and C from also having access ? I fear that any measure such as that which Sir Raza Ali suggested would destroy the value, the confidential nature, of our record and induce more suspicion of the enumeration. I might point out that no one has, so far as I have seen, given notice of any amendment of this clause, so that these fears and suspicions seem to have been generated within the last few hours.

Now, Sir, Sir Raza Ali and Mr. Joshi were anxious that we should obtain more economic information in the course of our 1941 census. Now,

[Mr. J. A. Thorne.]

I think I am right—I have not before me the schedule, as we call it, of the 1931 census—but I think I am right that in the schedule as we have drafted it tentatively for the criticism of Provincial Governments, we have provided for a little more—I do not say much more—but for a little more information as regards the occupational statistics. Whether we could provide much more I very much doubt, because every item added to the schedule means an addition, and it may be a very large addition, to the cost of the census ; it adds to the cost of the enumeration, the enumeration takes longer, and of course the subsequent compilation and tabulation may be very largely increased ; and if we are to keep with-in what the Finance Member is prepared to give us for our 1941 census, I very much doubt whether we can get a great deal more information on occupations. One point my friend, Mr. Joshi, mentioned was that the census should show much more information, for instance, about wage-earners. Well, that is subject to the criticism I have just made. But I understand from my Honourable Colleague on my left that that is a subject which is coming up for consideration at a Conference of Provincial Labour Ministers in November next. They will specifically consider how it is possible to obtain a great deal more information about wage-earners of the kind which, I think, Mr. Joshi would desire. It is, I think, recognised that it is very difficult to combine inquiries of that sort with the decennial or periodical census of population, because the capabilities of the inquirers have to be considerably more specialised than the capabilities of the people we have to rely on as enumerators for mere population.

Well, Sir, I think I have covered most of the ground which previous speakers have traversed. To return to the need for a  
 4 P.M. Select Committee, I have not heard anything that would induce me to suppose that we should get a more satisfactory Bill by referring it back to a Select Committee and I must, therefore, oppose that motion.

Now, there is one point which I would like to mention before I sit down and that was brought up, I think, by my friend, Mr. Dalal, in a speech which has already been remarked on as discussing this subject on a high level. If I understood him aright, he pressed for a quinquennial census. That, of course, is not a new suggestion ; he would not claim any novelty for it. He mentioned countries where quinquennial censuses are held ; and we have had it put before us in India by two statisticians, Messrs. Bowley and Robertson, who came out a few years ago to make suggestions for improving our statistics. It was considered then and I think the conclusion was reached that the quinquennial census—which means also the maintenance of a permanent census staff—was very desirable but it was one of the many luxuries that India cannot afford.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, I wish to speak on this motion.

**Mr. President** (The Honourable Sir Abdur Rahim) : But the Honourable Member in charge of the Bill has already replied to the debate.

**Mr. Lalchand Navalrai** : I got up before the reply but I could not catch the eye of the Chair.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member cannot speak now.

**Mr. Lalchand Navalrai** : It is open to you, Sir, to allow me to speak even now. Even if a Member wishes to put some grounds which have not yet been mentioned before the House, he cannot be given an opportunity to speak ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member had plenty of time, and if he did not rise in time or failed to catch the eye of the Chair, the Chair cannot help him.

The question is :

“ That the Bill be referred to a Select Committee consisting of the Honourable Mr. J. A. Thorne, Mr. J. N. Talukdar, Mr. P. A. Menon, Mr. F. E. James, Dr. Habibur Rahman, Maulana Zafar Ali Khan, Khan Bahadur Nawab Siddique Ali Khan, Bhai Parma Nand, Sardar Sant Singh, Mr. N. M. Joshi and the Mover, with instructions to report on or before the 19th September, 1939, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was negatived.

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

“ That the Bill to provide for certain matters in connection with the taking of the census be taken into consideration.”

The motion was adopted.

Clauses 2 to 8 were added to the Bill.

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

“ That clause 9 stand part of the Bill.”

**Maulvi Muhammad Abdul Ghani** : Sir, I beg to move :

“ That in sub-clause (b) of clause 9 of the Bill, after the word ‘ return ’, occurring in the third line the words ‘ makes incorrect record of nationality or religion of a person ’ be inserted.”

In sub-clause (b) of clause 9 it is mentioned that the person who makes a false return will be punished. A false return, in my opinion, does not include a return about the proper nationality or the religion of a person. Sometimes it happens that a common name is given to a person. For instance, a Muslim is named ‘ Buddhu ’ and a Muslim woman is named ‘ Itwarya ’. An enumerator, say a Hindu, while writing these names, can easily say that they are Hindus by religion. There can be no check on this sort of thing. But if it is found and brought to the notice of the census-officer by any person, provided the word ‘ nationality ’ or ‘ religion ’ is there, then the person who makes an incorrect record of the religion or nationality can be punished. I, therefore, thought it proper to move this amendment and I hope that the Home Member will see that it is not injurious or inconsistent.

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

“ That in sub-clause (b) of clause 9 of the Bill, after the word ‘ return ’, occurring in the third line the words ‘ makes incorrect record of nationality or religion of a person ’ be inserted.”

**The Honourable Mr. J. A. Thorne** : Sir, I am not sure that I have understood the purpose of this amendment. I thought perhaps the Honourable Member was making some distinction between a false return

[Mr. J. A. Thorne.]

and an incorrect record. But apparently he does not mean by incorrect, inadvertently incorrect, but merely means false : so that that distinction is not intended. Then I again thought he meant some distinction between "return" which is the term used in this sub-clause and "record" which is the term used in his amendment. But that again I think is a misconception. I think his "record" is actually the same as what in our Bill we call "return". So that the only purpose of his amendment that I can see is that instead of having a fully comprehensive term "any false return", he would add to it a special case of an incorrect record, or shall we say "false record" or return, of nationality or religion of a person. My objection to that is that it is quite unnecessary to elaborate a comprehensive term by adding special instances which any court will regard as included within the general expression.

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

"That in sub-clause (b) of clause 9 of the Bill, after the word 'return', occurring in the third line the words 'makes incorrect record of nationality or religion of a person' be inserted."

The motion was negatived.

**Mr. Lalchand Navalrai** : Sir, before you put the clause, may I point out that I sent notice of some amendments to this clause at 9 this morning. I wish to know whether I can move them.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member did not give notice within the period of time required.

The question is :

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10, 11 and 12 were added to the Bill.

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

"That clause 13 stand part of the Bill."

**Sir Syed Raza Ali** : Sir, I rise to make a few observations on this clause. The points raised by clause 13 of the Bill are rather important. The Honourable the Home Member in replying to the criticisms that have been offered in the course of general discussion on clause 13 referred to the difficulty with which census officers and the administration in fact would be confronted if entries made in connection with census operations were to be admissible in evidence in courts of law. In fact Honourable Members will find on reference to clause 13 that the clause divides itself into two clear parts, first "that no person shall have a right to inspect any book, register or record made by a census officer in the discharge of his duty as such or any schedule delivered under section 8". The second part of the clause protects these records from being sent for by any party to a case in a court of law in spite of the provisions of the Indian Evidence Act. Now, Sir, I do not know how far the Honourable the Home Member is prepared to meet the wishes

of this House. It seems to me that this clause can clearly be redrafted in such a manner as to allow a man to inspect an entry concerning himself made by the census officer in the course of census operations. It ought not to be open to him to inspect the records generally with reference to other persons. But with regard to himself, it should be open to him to examine the entry.

**Mr. M. S. Aney :** What about his minor son ?

**Sir Syed Raza Ali :** I do not know whether the question of a minor son should be provided for or not. But I think my Honourable friend, Mr. Aney, is perfectly justified in raising this point. I think most of the objections will be met if the clause were amended in the manner I have suggested. If I find that the Honourable the Home Member is prepared to meet the wishes of the House, I would formally move. I will try to make as little change as possible in the wording.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member cannot move any amendment now.

**Sir Syed Raza Ali :** What I propose to do is this. If the Honourable the Home Member agrees, I shall move, otherwise not.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member cannot move any amendment now. He should have given previous notice.

**Sir Syed Raza Ali :** In that case I shall move that the further debate be adjourned till tomorrow. It is already 20 minutes past four o'clock.

**Mr. President** (The Honourable Sir Abdur Rahim) : He cannot do that now.

**Sir Syed Raza Ali :** If there is any substance in the point I raised with regard to this clause—and I do think there is—I am quite prepared to move a formal motion and ask your permission to move it.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member cannot move that now. That is the practice of the House.

**Sir Syed Raza Ali :** May I at least move that the consideration of this clause be deferred till tomorrow ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair cannot allow that.

The question is :

“ That clause 13 stand part of the Bill.”

The motion was adopted.

Clause 13 was added to the Bill.

Clauses 14, 15, 16 and 17 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Mr. J. A. Thorne :** Sir, I move :

“ That the Bill be passed.”

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

“ That the Bill be passed.”

**Mr. Muhammad Ashar Ali :** Sir, I wish to say a few words on this third reading. On principles of equity, I do not think it is a proper Bill, because, while Government have considered it in its proper perspective in certain places, they have not done so in other places. For instance, in clause 9 (f), they have inserted the words "knowingly and without sufficient cause" in the interest of Government officials, whereas they have not put these words in other places where they should have been inserted. In all legislation on criminal matters the intention is taken into account and Government have yielded on such matters, but here somehow we feel that Government have not inserted these words. For instance, in clause 9 (a) these words are absent.

**Mr. President** (The Honourable Sir Abdur Rahim) : All these clauses have been discussed and accepted by the House.

**Mr. Muhammad Ashar Ali :** Yes, but I want Government to consider these suggestions. These are defects in the Bill and Government should take steps to correct the mistakes—I sent in amendments, but I was late ; still I hope Government will take note of these defects and correct the Bill accordingly.

**Mr. Lalchand Navalrai :** Sir, I feel that greater consideration should have been given to the Bill than is being given now. The point on which there was great discussion was in respect of errors in the registers that were prepared but there are several legal points which a Select Committee should have considered. My first reason for urging that this Bill should be thrown out is that this Bill has not been properly drafted as is usually done. My Honourable friend the Home Member said that this is more or less a reproduction of the old Bill with a few alterations ; but he has given no reasons for the clauses or for the alterations. When an important Bill is presented we generally find some notes on clauses but we do not find them in this Bill. The Statement of Objects and Reasons consists only of two lines as follows.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member need not read all that.

**Mr. Lalchand Navalrai :** It is very small and I want to strengthen my argument. It says :

"The object of the Bill is to provide for the taking of a census in 1941. It reproduces with certain alterations the provisions of the Indian Census Act, 1929 (Act X of 1929)."

Not a word is said about the reasons for the alterations made. I say that this should have been made clear and instead of hurrying the Bill through it should have been sent to Select Committee. The Honourable Member said that hitherto things have been done in an amateur manner and more attention will be paid now. Therefore, he would have been well advised in sending it to a Select Committee.

**The Honourable Sir Muhammad Zafrullah Khar** (Law Member) : Sir, the Honourable Member is questioning the decision which has been recorded by the House.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is not in order in discussing this.

**Mr. Lalchand Navalrai :** The Honourable Member said the alterations are very formal and so the Bill should be passed but there are many important points to be considered. First of all there is a legal point in clause 11 which should have been considered.

**Mr. President** (The Honourable Sir Abdur Rahim) : All that has been considered and the Honourable Member cannot discuss that.

**Mr. Lalchand Navalrai :** I am submitting generally.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member cannot discuss the clauses on the third reading.

**Mr. Lalchand Navalrai :** I am not discussing the clauses at all. I say the Bill should be thrown out. I am giving the reasons. The law question has not been properly considered and, therefore, the Bill should be thrown out.....

**The Honourable Sir Muhammad Zafrullah Khan :** That is a reflection on the decision of the House. The House has considered it and passed it.

**Mr. Lalchand Navalrai :** Then why should we speak on the third reading at all ? I say that there should be one enactment under which punishment should be meted out, if it is a special Bill. Here, it is provided that punishment will be given under this Act as well as under any other law that may be pertinent to this Act. I say that on this ground also the Bill should be thrown out. Then there is the question of punishment. The figure of 50 rupees has been raised to 200 rupees all at once. This is an additional ground why the Bill should be thrown out.

**Maulvi Muhammad Abdul Ghani :** Sir, the Bill is going to be passed and sooner or later Government will have power under the Act to frame rules. This is the proper time when I should draw the attention of the Government while framing rules to the fact that in the last census we found that the only caste system among the Muslims which has been recorded is Momin and Non-momin. In the previous censuses of 1921, and before, all castes among the Muslims were mentioned. In the last census of 1931, no caste was mentioned except that of Momin. The words Momin and Non-momin are resented very much by the Muslim community. There is no caste among Muslims, and I would, therefore, ask that instructions be issued that the word "Momin" should not be used against any particular class of Muslims. All Muslims should be written as Muslims—the caste system of Syed, Sheik, etc., has already been abolished, and the word Momin also should be abolished.

**The Honourable Mr. J. A. Thorne :** Sir, I will not refer to the details that have been mentioned in the third reading, but I should like to say this to my Honourable friend, Mr. Lalchand Navalrai. I should be very sorry indeed if he left this Chamber with any sense of grievance and more sorry if the sense of grievance was against me. I think one of his grievances is that I by rising to reply just now shut him out from the debate. I can assure him that that was not my intention.....

**Mr. Lalchand Navalrai :** I did not say that that was your intention at all.



**The Honourable Mr. J. A. Thorne** : If by inadvertence I trod on his toes I hasten to make my apologies. The second point is his criticism of the form of this Bill, for which of course I am responsible—the Statement of Objects and Reasons and all. I thought my statement of objects and reasons was rather neat and terse and as such would obviate any unnecessary reading. For the purposes of this debate I had myself to get Act X of 1929 and to compare it very carefully with the Bill which I have introduced, and I can only suggest that if my friend had adopted the same course, his grievance would vanish into thin air.

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

“ That the Bill be passed.”

The motion was adopted.

### THE INDIAN SALT (AMENDMENT) BILL.

**The Honourable Sir Jeremy Raisman** (Finance Member) : Sir, I move :

“ That the Bill further to amend the Indian Salt Act, 1882, for certain purposes, be taken into consideration.”

This Bill is a very simple measure. It arises from the fact that we have found it administratively convenient to combine the administration of salt in certain areas with the administration of central excises—in Northern India in fact. This has considerably increased the duties and functions of the officer in charge of the department and it has, therefore, been necessary to split the charge into two and to provide for two officers to do the combined work, one in each of the separate jurisdictions. We found, however, that the Indian Salt Act of 1882 had a provision which required us to have a single officer at the head of the department. We have, therefore, brought this Bill to amend the Salt Act in order to enable us to have two charges and to make certain small consequential amendments arising from that change. Sir, I move.

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

“ That the Bill further to amend the Indian Salt Act, 1882, for certain purposes, be taken into consideration.”

**Mr. Lalchand Navalrai** (Sind. Non-Muhammadian Rural) : Sir, I would like to know whether this appointment will be a new appointment created or it would be from the cadre.

**The Honourable Sir Jeremy Raisman** : It will be from the cadre.

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

“ That the Bill further to amend the Indian Salt Act, 1882, for certain purposes, be taken into consideration.”

The motion was adopted.

Clauses 2, 3, 4, 5 and 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Jeremy Raisman** : Sir, I move :

“ That the Bill be passed.”

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

“ That the Bill be passed.”

The motion was adopted.

**The Honourable Sir Muhammad Zafrullah Khan** (Leader of the House) : Sir, Mr. Bozman is ill, and the motion\* standing in his name will be made tomorrow.

## THE INDIAN RAILWAYS (AMENDMENT) BILL.

**The Honourable Sir Andrew Clow** (Member for Railways and Communications) : Sir, I move :

“ That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose (insertion of new section 42B), be referred to a Select Committee consisting of Mr. T. S. Sankara Aiyar, Sardar Bahadur Captain Dalpat Singh, Mr. J. Ramsay Scott, Sardar Sant Singh, Khan Bahadur Shaikh Fazl-i-Haq Piracha, Shaikh Rafiuddin Ahmad Siddiquee and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

I would venture with your permission to substitute four for five, as the committee is not a large one.

Honourable Members are in possession of the opinions which were received on this Bill in consequence of its circulation some time ago and I do not propose to deal with them in detail. I would note only that the critics of the Bill have two main objections. First, that the Bill is unnecessary, and second, that it sets up or assists in setting up the Federal Railway Authority.

As regards the first, I admit frankly that I apprehend no immediate rates competition from any railways. But I think the House will agree that it is wiser to take those precautions before you are involved in a rate war or in danger, before you have incurred losses and before you are likely to have opposition from any railway which was trying to undercut the rates or fix unsuitable rates.

As regards the second point, there has been, I think, a good deal of misapprehension. This Bill does not bring the Federal Railway Authority a day nearer, or for that matter a day further away. It is perfectly true that in form it purports to confer certain powers on the Federal Railway Authority, but until any Federal Railway Authority is set up, those powers vest in the Government of India. After any Federal Railway Authority were set up, they could no longer vest in the Government of India, because under the provisions of the Government of India Act the executive powers of the Federation vest in the Federal Railway Authority. I do not think, therefore, that those Members who feel doubts as to the wisdom of setting up the Federal Railway Authority need have any hesitation in accepting this particular measure, for, as I have said, until such an authority is set up, it does nothing but confer powers—powers which, I hope, most Members will realise, are necessary—on the Central Government.

\*“ That the Bill to make the provision referred to in sub-section (1) of section 120 of the Government of India Act, 1935, be taken into consideration.”

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

" That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose (insertion of new section 42B), be referred to a Select Committee consisting of Mr. T. S. Sankara Aiyar, Sardar Bahadur Captain Dulpot Singh, Mr. J. Ramsay Scott, Sardar Sant Singh, Khan Bahadur Shaikh Fazli-Haq Piracha, Shaikh Rafuddin Ahmad Siddiquee and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

**Maulvi Muhammad Abdul Ghani** (Tirhut Division : Muhammadan) : Sir, this very Bill was once rejected by this House, and I am sorry to say that taking advantage of the thin House, this measure has again been introduced here. I submit, Sir, it is premature on the part of Government to bring forward such a measure as this. The Government of India should have a little patience and they should see that Federation is first introduced. The Government of India are making every effort to introduce Federation at an early date, and, therefore, I fail to understand why they or the Railway Board should be keen on introducing such a measure as this. Sir, I oppose the reference of this Bill to a Select Committee.

**The Honourable Sir Andrew Clow** : Sir, I would just like to correct a misapprehension. This Bill was not rejected by this House. It was introduced in 1937 and it was circulated in 1938. We now have the opinions, and it is only fitting that they should be considered by the Select Committee.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, I support the motion for reference of this Bill to a Select Committee. I find that very solid reasons have been given in the Statement of Objects and Reasons, and those reasons induce me to support this motion. Now, Sir, it has been stated that the Government of India have got no powers to fix maximum, and minimum rates, and, therefore, it is all the more necessary why the Legislature should arm the Government with the necessary powers to fix maximum and minimum rates. The Select Committee will be able to go into the question exhaustively and find out how it was that for the last so many years the Government of India had been carrying on without these powers, and whether now they should be armed with fresh powers in this behalf or not.

Then, Sir, it was asked why it was necessary to bring forward this measure at this moment. I think the reasons advanced by the Honourable the Railway Member are very cogent. We all know that people take advantage of the rates and often rate wars are started, as it is often the case with steamship companies, and, therefore, to avoid all these rate wars it is very necessary that the Government of India should have power to fix maximum and minimum rates. So far there is no statutory power vested in the Central Government for this purpose, and the Select Committee will, after going into all these matters carefully, be able to come to the conclusion whether or not the Central Government should be given all these powers to control the rates charged by private companies or by Railways running through Indian States and so on. All these are points which should be carefully considered by the Select Committee, and, therefore, I strongly support the motion for reference of this Bill to the Select Committee.

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

“ That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose (insertion of new section 42B), be referred to a Select Committee consisting of Mr. T. S. Sankara Aiyar, Sardar Bahadur Captain Dalpat Singh, Mr. J. Ramsay Scott, Sardar Sant Singh, Khan Bahadur Shaikh Fazi-i-Haq Piracha, Shaikh Rafiuddin Ahmad Siddiquee and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

The motion was adopted.

## THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

**The Honourable Mr. J. A. Thorne** (Home Member) : Sir, I move :

“ That the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose, be taken into consideration.”

The purpose of this Bill is to enable full effect to be given to Rule 48 of Order XXI in the First Schedule of the Code of Civil Procedure. That Rule lays down the procedure for the attachment, under order of a Civil Court, of the salary or allowances of a public officer or servant of a railway company or of a local authority. When that officer or servant is in India, there is no difficulty. The difficulty arises only when he is outside India, and the typical case is of an officer on leave in the United Kingdom. When such attachment is issued it is not open to the Government or the railway company or the local authority to say that the officer is out of India and, therefore, the sum cannot be recovered. The employing authority itself is liable in such a case and has to make good the amount. Therefore, it is necessary to ensure that the amount can be recovered even if the judgment-debtor is outside India. We have found that the law as it stands does not ensure this. In sub-rule (1) of rule 48 as it stands, this obligation is placed in all cases on the officer or other person whose duty it is to disburse such salary or allowance. For officers on leave in the United Kingdom the disbursing authority is the High Commissioner for India ; and we are now up against the position that no attachment order passed in India or direction made in India in connection with it can bind the High Commissioner. Thus, there is no obligation on the High Commissioner to deduct from the salaries and allowances payable to officers on leave in England the amount due under an Indian attachment order, and in fact, it would be held I think illegal for him to do so. This is no imaginary case. The procedure we have adopted hitherto has been challenged and we can no longer rely on it. We have, therefore, to find a different method, and this is provided by sub-clause (b) of clause 2 of this Bill—sub-clause (a) is not new. If the Bill is passed, the procedure will be that the accounts officer in India, on whom the attachment order is served in respect of an officer on leave in England, will issue a fresh pay certificate to the High Commissioner in London making a deduction from the officer's leave salary, and the accounts officer will then remit to the Court the amount so deducted. Sir, I move.

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

“ That the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose, be taken into consideration.”

**Mr. Lalchand Nevalrai (Sind & Non-Muhammadan Rural) :** I support this motion also. It has been made clear that there is no provision in law, when an officer who has to pay a debt here in India goes out of India to the United Kingdom, whereby his pay can be attached. However, the practice seems to have gone on and this question did not arise. But now that it has arisen and the High Commissioner refuses to accept the attachment and comply with the order, it is necessary that the power should be given, and so a very salutary provision is made in clause (b) of the Bill by which salaries will not be paid unless the deduction is made. For that purpose the procedure that is going to be adopted is absolutely legal. The Accountant General will instruct the High Commissioner who also belongs to the Government of India to make that deduction and honour the attachment and pay up the money due to the creditors. I submit that this is a very good enactment and it has my support.

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

“ That the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Mr. J. A. Thorne :** Sir, I move :

“ That the Bill be passed.”

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

“ That the Bill be passed.”

The motion was adopted.

## THE INDIAN TEA CESS (AMENDMENT) BILL.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour) :** Sir, I beg to move :

“ That the Bill further to amend the Indian Tea Cess Act, 1903, for a certain purpose, be taken into consideration.”

Under section 4 (2) (d) of the Indian Tea Cess Act, 1903, one member on the Indian Tea Market Expansion Board to represent the Indian Tea Planters in North Bengal is appointed on the recommendation of the Government of Bengal. The tea planters of North Bengal have since organised themselves into an association, and according to the promise that was held out by my colleague, Sir Muhammad Zafrullah Khan, I now bring forward before the House this Bill which enacts that the representation shall be given to the organised Tea Planters' Association of Terai.

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

“ That the Bill further to amend the Indian Tea Cess Act, 1903, for a certain purpose, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** : Sir, I move :

“ That the Bill be passed.”

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

“ That the Bill be passed.”

The motion was adopted.

---

#### STATEMENT OF BUSINESS.

**The Honourable Sir Muhammad Zafrullah Khan** (Leader of the House) : The Legislative business for tomorrow will be items 5 and 6 out of the List of Business which has already been circulated, that is, the motion standing in Mr. Bozman's name, and there will also be a motion by me to refer the Arbitration Bill to a Select Committee.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 5th September, 1939.