

THE

20th February 1941

LEGISLATIVE ASSEMBLY DEBATES

Official Report

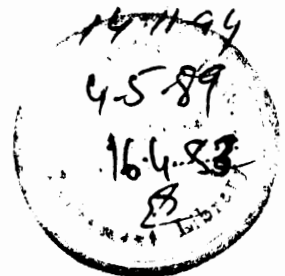
Volume I, 1941

(11th February to 27th February, 1941)

THIRTEENTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,
1941



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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.

MR. L. C. BUSS, M.L.A.

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

Secretary:

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Assistants of the Secretary:

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

KHAN BAHADUR S. G. HASNAIN.

Marshal:

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

Committee on Petitions:

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

SYED GHULAM BHIK NAIRANG, M.L.A.

MR. L. C. BUSS, M.L.A.

SIR ABDUL HALIM GHUZHNAVI, M.L.A.

SIR H. P. MODY, K.B.E., M.L.A.

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LEGISLATIVE ASSEMBLY

Thursday, 20th February, 1941.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS

OUTCOME OF THE EASTERN GROUP CONFERENCE.

102. *Dr. Sir Ziauddin Ahmad: Will the Honourable the Leader of the House be pleased to make a statement on the floor of the House about the Eastern Group Conference, mentioning particularly the following points:

- (a) the subjects discussed at the Eastern Group Conference;
- (b) what material gain India derived from this Conference;
- (c) for which articles India was given monopoly of production and how far India will be able to take advantage of such monopoly, if any; and
- (d) in what manner and to what extent new industries will be developed, and our exports increased by virtue of the findings of the Eastern Group Conference?

The Honourable Sir Muhammad Zafrulla Khan: (a) to (d). I place on the table a copy of a Press Note issued by the Government of India before the Conference, and a copy of a statement issued by the Leaders of the Delegations after the Conference ended. I am unable to furnish further information.

WAR SUPPLY PROBLEMS OF EASTERN GROUP COUNTRIES.

SCOPE OF DELHI CONFERENCE.

Making best use of productive capacity.

SEPARATE DISCUSSIONS WITH DELEGATES ON WIDER ISSUES.

Preparations are now being made for the reception next month of the Ministry of Supply Mission to India, and for the opening at New Delhi in October of the Eastern Group Conference.

The appointment of the Ministry of Supply Mission to India was announced in a communiqué released by the Ministry on August 27, 1940. The general object of the Mission is to enable India not only to meet her own needs for home defence, but to make an even greater contribution than she does today to the general war effort of the Empire, and in particular to equip and supply the Forces in the Middle East and east of Suez.

It is not always remembered that India was ranked by the International Labour Office of the League of Nations as one of the twelve main industrial countries of the world. It is expected that the Mission, which will consist of five or six members, with Sir Alexander Roger as Chairman, and which will have about 15 technical advisers, will carry out an extensive tour of factories in India and will advise His Majesty's Government and the Government of India on the best methods of increasing output. War supply is a specialised business and demands in many cases special

machines, tools and technicians which are getting rather scarce. The Mission will examine existing factory capacity and see how far it can be made available for the production of war supplies. It will also consider the possibility of expansion in relation to the existing and potential output of the other Empire countries in the Eastern hemisphere. The Mission has been appointed by the Ministry of Supply and not by the Government of India.

The Eastern Group Conference, for which the Ministry of Supply Mission will be available, will include representatives of Australia, New Zealand, South Africa, Southern Rhodesia, Burma, Hongkong, Ceylon, Malaya, and the territories covered by the East African Governors' Conference in addition to India.

The object of this Conference is not a general economic discussion, but the settlement of a joint war supply policy for the Eastern Group under which the maximum use will be made of the existing and potential capacity for war supply of each participant. It is hoped that the policy settled will make the countries of the Eastern Group as far as possible self-supporting for war supply purposes, the deficiencies of one participant being made good from the available or potential resources of the others. Any surplus production would of course be available for the general war effort of the Empire. It is considered desirable that the Empire countries east of Suez should be in a position to support themselves as much as they possibly can without calling either on the United Kingdom or other countries.

It is hoped that the Conference may result in the establishment of a Standing Committee representative of the participating countries, whose duty it will be to see that the decisions of the Conference are carried out.

Defence and Civil needs

The deliberations of the Conference will have to be limited to war supply problems, including the essential needs of the civil population of any participating country where these constitute a war supply problem. It would be impossible for the Conference to range over the entire commercial and economic field, for the object in view is to settle quickly the measures necessary to a co-ordinated war effort.

It is impracticable, however, to draw a sharp dividing line between defence and ordinary civil needs. Thus, shell production is a purely war supply problem, while the manufacture of cigarettes, for example, could be regarded in the light of a war problem with an important bearing on the needs of the civil population. Similarly there are many other commodities the consumption of which is shared between the defence forces and the general population. The representatives of the different countries will be invited by the Commerce Department to discuss the capacity of their countries for production, especially industrial production, and their needs arising from the cutting off of many former sources of supply.

Collaboration—not competition.

The keynote of these discussions outside the Conference will be collaboration rather than competition and the conversations will take the form of an exchange of information, but will have nothing of the Character of trade negotiations as these are ordinarily understood. If there is any reference to tariffs at all it will only be incidental; but the information exchanged will be of the greatest help to the Governments who are taking part in determining the future development of their trade control policies.

Except for problems concerning which the war supply aspect is predominant these conversations will be conducted outside the conference proper and will be under the aegis of the Commerce Department of the Government of India. There is reason to hope that delegates will welcome the opportunity for such discussions on the side issue; indeed, one Government in accepting its invitation gave a clear pointer in this direction.

In this connection the activities of the Board of Scientific and Industrial Research will be explained to the delegates, but what is of more immediate importance is the statement of India's productive capacity as it already exists, particularly in the industrial field. Chambers of Commerce and Directors of industries will be asked to help by supplying information about industries which are already at work, with particular emphasis on those which are producing goods that were formerly obtained from enemy countries, and about those which have a surplus capacity. Such help will be especially useful in the case of the numerous industries that have built themselves up without seeking Government assistance in the way of protection or the like, so that official investigations into their position have not had to be made.

The Chambers will also be asked to assist in compiling statements of India's own needs in the way of imported products, especially those of which the foreign sources of supply have been cut off and not replaced by internal production.

Commercial Interests.

It is probable that as the conversations outside the regular Conference proceed, the Government of India may request industrialists or commercial interests to advise them on specific issues that may develop as a result of the conversations. This, however, must be left as a probable development and cannot be decided upon in advance of the discussions with the other delegates. It follows that it is impossible, merely on the assumption that such conversations will take place and will take a certain course, to associate non-official representatives of general Indian commerce and industry with the main Conference itself, the scope of which is too limited to make such association appropriate.

Too much is not to be expected from these conversations in the way of an immediate expansion of exports to, or imports from the other countries taking part. They should, rather, be regarded as paving the way for progress elsewhere. When it is known what markets offer the best opportunities, it will be easier to give proper direction to those operations for the stimulation of exports which must always be conducted in the countries where the markets are situated, as by Trade Commissioners, Trade Missions and publicity campaigns. The information will also be helpful in preparing for such trade negotiations conducted on a bilateral footing, as may follow.

EASTERN GROUP CONFERENCE.

Statement for the Press.

With the meeting of the 25th November, 1940, the deliberations in Delhi of the Eastern Group Conference come to an end, but the work which those deliberations have been designed to forward may be said only now to have been begun. The discussions that have taken place and the contacts that have been established have been of the greatest value. Our report will, we trust, prove to be the starting point on an intensive industrial war effort of very great importance. It is difficult to overestimate the value to the countries represented of the opportunity we have had of examining supply problems affecting the countries of the Eastern Group, and of considering how best war effort can be forwarded over an area of such profound importance. Between them, Australia, New Zealand, South Africa, India, Southern Rhodesia, Kenya, Uganda, Tanganyika, Northern Rhodesia, Nyasaland, Zanzibar, Burma, Ceylon, Malaya, Hong-Kong, and Palestine, have a population of 416 millions, and their combined imports and exports amount to over £1,300,000,000. Australia is already all out on an immense programme. India and South Africa are both on the same way and the various other participants are ready and willing to take orders for munitions of all kinds and use such machine tools and facilities as they have in their countries. Already the interchange of information between the several Delegations has brought to light important facts and promising opportunities of which most of us at the opening of our proceedings were entirely unaware, while during the weeks that we have been together it has already been possible, by correlating surpluses in equipment with existing requirements, to supply important deficiencies without waste of time, or undue call on shipping space.

2. The Report which we have prepared embodies our conclusions. But the work which the Conference has begun cannot end with the submission of our Report, for a report can do no more than make recommendations and indicate possible lines of enquiry. It is for that reason that we have recommended the appointment in India of a representative standing body, which would continue the work of the Conference and, within a defined field, co-ordinate supply, plan production and assist in arranging new sources of production. Such a body cannot be established by the Conference itself. For our recommendation, like all other recommendations included in our Report, is a matter for the consideration and decision of the participating Governments, though it is our hope as a Conference that our proposals will meet with their support and acceptance.

3. We feel strongly however, that it will not be in the public interest, or in the interest of furthering war effort that while our recommendations are under consideration the Secretariat organization placed by the Indian Government at the disposal of the Conference and already in being should be wholly dispersed. Pending a decision by the Governments concerned as to the establishment of the representative

standing body which we have proposed, it remains important that there should be some temporary machinery to collect and to transmit information, to deal with the records of the Conference, to handle enquiries relating to the Conference and to its recommendations promptly and adequately, and above all to preserve continuity between our work and any representative standing body that may be established, which will of course set up its own Secretariat and organization apart from the Indian Government. We have carefully considered how best to ensure this. Few of the Delegations are in a position to leave any of their members behind them in India. In the first place, no Delegation is in a position to commit its Government to the acceptance of any particular recommendation of the Conference. Apart from that, many of the members of the Conference have urgent and important work to do in their own countries where each, as his first duty, will report to his Government upon the particular subjects with which he has been specially concerned during the work of the various Committees of the Conference. In these circumstances, we have requested the Government of India to retain for the present such portion of the Conference Secretariat as may be needed for the purposes we have mentioned above, pending a decision on the establishment of the representative standing body proposed. We are glad to say that this recommendation has been accepted by the Government of India.

4. The Prime Minister of the United Kingdom, in the inspiring message which he addressed to us on the opening day of our session, bade us look forward to the day when forces created by our efforts, both east and west, advance together for the final overthrow of the powers of evil. Our object has been, again in the Prime Minister's words, to plan the more effective mutual integration of the resources of all our Governments in the Eastern Hemisphere. We realise to the full that in the short time available to us we may have fallen short in many respects of the ideal which we set ourselves. But we feel no doubt that this assembly of representatives of so many widely scattered Governments can hope to make a contribution of real value to the furthering of war effort. The problems we have had to deal with have been of great importance and great complexity. We have done our best to take full advantage of the opportunity we have had. We are well aware that there may be many respects in which the proposals we have put forward will call, on further scrutiny, for modification. But we are confident, for all that, that the work of this Conference, the contacts established during it, and the greater understanding which emerges from it of the difficulties and the potentialities of all the participating countries, will be of deep and real significance and value in the prosecution of the war and the attainment of the ideals which are common to us all. And throughout our deliberations we have been profoundly conscious that, having regard to the general war position, speed in execution is a first essential in all that we have sought by our labours to forward.

WALTER MASSY-GREENE.

PAW TUN.

H. J. HUXHAM.

G. C. S. COREA.

PHILIP MITCHELL,

D. J. SLOSS.

MUHAMMAD ZAFRULLAH KHAN.

H. NORTH-HUNT.

ALEXANDER ROGER.

J. DUIGAN, MAJOR-GENERAL.

G. WALSH.

F. R. G. HOARE, MAJOR-GENERAL.

F. E. HARRIS.

EXPENDITURE ON THE EASTERN GROUP CONFERENCE.

103. *Dr. Sir Ziauddin Ahmad: Will the Honourable the Leader of the House be pleased to state the total amount of money spent on the Eastern Group Conference? Was the sanction to this expenditure obtained from the Standing Finance Committee or this House? If not, why not?

The Honourable Sir Muhammad Zafrulla Khan: The total expenditure on the Eastern Group Conference was approximately Rs. 2,15,000.

As this was expenditure connected with the war which has been classified by the order of the Governor General in Council as "Defence" under Section 87A (3) VI of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, no reference to the Standing Finance Committee was made or was necessary.

Dr. Sir Ziauddin Ahmad: May I know whether this sum of Rs. 2,15,000 is the share of India, or the total expenditure of this Conference?

The Honourable Sir Muhammad Zafrulla Khan: It is debitable to Central Revenues.

Mr. Lalchand Navai: May I know if all the expenses are incurred by the Government of India, or by all the Governments who have sent delegates?

The Honourable Sir Muhammad Zafrulla Khan: No, Sir. The delegates of the different countries or their Governments paid their passages to India and back.

CONTRACTS GIVEN BY THE ORGANISATIONS UNDER THE SUPPLY DEPARTMENT.

104. *Dr. Sir Ziauddin Ahmad: Will the Honourable the Leader of the House be pleased to lay on the table of the House a statement showing the names of the firms or individuals to whom the contracts were given (from 1st September, 1939, till 15th January, 1940) by any organisation under Supply Department (including Indian Stores Department, Director of Contracts and the Munition Board) and the following particulars:

- (a) the names and addresses of the firms;
- (b) the Province or the Provinces where the firms operate;
- (c) the names of article or articles for which contract was given;
- (d) the amount for which the contract was given;
- (e) the total amount for which the contracts were given;
- (f) the value of the contracts given to Indians; and
- (g) the value of the contracts given to Muslims?

The Honourable Sir Muhammad Zafrulla Khan: Presumably the date 15th January, 1940, given by the Honourable Member in his question is an error for 15th January, 1941. I propose to give information upto the 15th January, 1941, if that suits the convenience of the Honourable Member.

The value of orders placed by the Indian Stores Department and the Contracts Directorate from 1st September, 1939, to the 15th January, 1941,

amounted to rather over Rs. 81 crores. In addition to these, the Timber Directorate of the Supply Department placed orders during the same period for Indian timber worth just over Rs. 2 crores. The commodities covered by the orders are so numerous and the number of firms, etc., so large that the compilation of information in the manner required by the Honourable Member would in Government's opinion take more time and entail more labour than is warranted.

Dr. Sir Ziauddin Ahmad: If the Honourable Member is not prepared to lay a statement just now before the House, will he lay it before the Supply Advisory Committee, because these are important matters from our point of view?

The Honourable Sir Muhammad Zafrulla Khan: The time required and the labour entailed would not be less whether the statement is compiled for the benefit of the House, or for the benefit of the Committee.

Dr. Sir Ziauddin Ahmad: I can assure the Honourable Member that the information that will be supplied to us will be of much greater value than the money that will probably be spent in the preparation of this statement. That is our point of view.

The Honourable Sir Muhammad Zafrulla Khan: I am glad to know the Honourable Member's point of view.

Dr. Sir Ziauddin Ahmad: Will he respect my point of view and give the information?

The Honourable Sir Muhammad Zafrulla Khan: I have noted the Honourable Member's point of view. There was no question.

Dr. Sir Ziauddin Ahmad: This will be of great value. I should like to have this information before I make my speech on the Finance Bill.

The Honourable Sir Muhammad Zafrulla Khan: It is physically impossible, however desirable it might be, to compile the information before the Honourable Member proposes to make his budget speech.

Dr. Sir Ziauddin Ahmad: Can the Honourable Member reply to this question? If I limit the amount of contract to a certain amount, so that it can eliminate in this way a very large number of small items of contract, will the Honourable Member be able to give me the information?

The Honourable Sir Muhammad Zafrulla Khan: It would depend upon where the Honourable Member draws the line.

ORDINANCE ABOUT THE COFFEE INDUSTRY PUBLISHED ON THE 14TH DECEMBER, 1940.

105. *Dr. Sir Ziauddin Ahmad: (a) Has the attention of the Honourable the Commerce Member been drawn to the Ordinance No. XIII of 1940, published on 14th December, 1940, about the coffee industry?

(b) Will Government now collect any cess on coffee while the ordinance is in force?

(c) Do Government intend to introduce a Bill in the present Session of the Assembly for the protection of coffee industry?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes.

(b) Yes. The attention of the Honourable Member is invited to section 11 of the Coffee Market Expansion Ordinance, 1940, a copy of which is in the Library of the House.

(c) No.

Dr. Sir Ziauddin Ahmad: May I take it that now-a-days it is easy for the Government to pass Ordinances as it is easy to get a Bill passed? Why has not the Honourable Member brought forward a regular Bill?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: This Ordinance was an emergent measure, because the coffee crop began to move into the market on 1st December. There was no time to take the advice of the Legislative Assembly. Not only that. The whole of the coffee industry pressed that if for any reason it was not possible during the time the Assembly was in Session to pass a Bill, they should immediately enact an ordinance before the crop comes into the market. Honourable Members will notice from the duration clause of the ordinance that this ordinance expires in August 1941 so that if a similar provision is necessary for the next crop, I certainly intend to place a Bill before the House for its scrutiny.

Dr. Sir Ziauddin Ahmad: In view of the fact that it is now up to August, 1941, it was very easy to pass a Bill in February, 1941, so that the ordinance could have been passed only until the time the Assembly began its Session?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The duration of the ordinance must begin from December and it practically comes to a close by March. As a matter of extra precaution we have extended the time to August.

Mr. Lalchand Navalrai: May I know if the coffee propaganda is still going on by opening offices in the various places?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I hope so, Sir. But the matter is entirely within the jurisdiction of the India Coffee Cess Committee and I have reason to believe that that propaganda is going on.

Dr. Sir Ziauddin Ahmad: In view of the fact that if legislation is done by means of a Bill, this House will have an opportunity of expressing its opinion which it cannot do in the case of an ordinance, will the Honourable Member now consider that there should be no extension of the operation of the ordinance? If it is necessary to have the provision extended, then it must be done by means of a Bill.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I can only speak for this particular ordinance. This ordinance comes to an end in August, 1941. If the industry wants this provision to be extended, it is my desire to put this in the form of a Bill before the House.

**OFFICERS IN THE INSPECTION DEPARTMENT OF THE INDIAN STORES
DEPARTMENT.**

106. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Law Member please state how many officers there are at present in the Inspection Department of the Indian Stores Department and how many of them are Muslims?

(b) How many appointments were made since 1934?

(c) Were these appointments made according to the Resolution of the Government of India, 1934, which fixed 25 per cent. of the posts for Mussalmans?

(d) In case Government did not observe the ratio of 25 per cent., will the Honourable Member be pleased to state the reasons for not observing the instructions of the Home Department of the Government of India?

The Honourable Sir Muhammad Zafrulla Khan: (a) 58, of whom 12 are Muslims. These figures do not include the officers employed in the Government Test House and the Industrial Research Bureau, which do not now form part of Indian Stores Department.

(b) 31, excluding the appointments made in the Government Test House and the Industrial Research Bureau.

(c) The orders regarding the reservation of posts for minority communities as laid down in the Home Department Resolution of the 4th July, 1934, were not extended to technical gazetted posts in the Indian Stores Department till the 24th August, 1938. Since then 21 appointments were made out of which seven went to Muslims.

(d) Does not arise.

Dr. Sir Ziauddin Ahmad: May I know whether the Honourable Member has satisfied himself, or whether he can satisfy us that in all the appointments which are not included in this list, the provisions of the Home Department Resolution of 1934 were observed?

The Honourable Sir Muhammad Zafrulla Khan: I have no knowledge with regard to appointments which are not included in my reply to the question.

**DRIVE FOR GREATER MUNITIONS PRODUCTION AND TAKING BUSINESSMEN
INTO CONFIDENCE BY GOVERNMENT FOR THE PURPOSE.**

107. *Mr. Govind V. Dashmukh: (a) Will the Honourable the Law Member please state if Government are aware that a joint deputation of the United Provinces Merchant's Chamber and the Provincial Chamber of Commerce interviewed Sir Alexander Roger, Chairman, British Ministry of Supply Mission, at Cawnpore in December last and that he fully shared the deputation's view that businessmen should be taken into confidence by Government in their drive for greater munitions production?

(b) Do Government share the same view? If so, how and in which respects is it enforced?

The Honourable Sir Muhammad Zafrulla Khan: Government have no information regarding the deputation referred to; but I would invite the Honourable Member's attention to a Press Note issued on the 18th October.

1940, a copy of which is in the Library of the House, announcing the appointment of a Committee of six gentlemen connected with the Iron and Steel and Engineering Industries to advise the Director General, Munitions Production, on major munitions production problems. Since its appointment the Committee has met at regular intervals under the chairmanship of the Director General, Munitions Production, who takes the Committee into his full confidence.

Mr. Govind V. Deshmukh: What is the reply to part (b)?

The Honourable Sir Muhammad Zafrulla Khan: I said that Government have no information regarding the deputation referred to, and, therefore, part (b) does not arise.

SIGNIFICANCE OF THE NEW DESIGNATION OF THE REPRESENTATIVE OF THE GOVERNMENT OF INDIA IN THE UNION OF SOUTH AFRICA.

108. *Mr. Govind V. Deshmukh: (a) Will the Education Secretary please state if it is a fact that the Government of India have decided that their representative in the Union of South Africa should be designated as the High Commissioner for India in the Union of South Africa?

(b) What led to this change in the designation of the representative?

(c) Is he now to look after the interests of the Union of South Africa? If so, which are the matters entrusted to him by the Government of the Union of South Africa?

Mr. J. D. Tyson: (a) Yes. The attention of the Honourable Member is invited to the Press Communiqué dated the 21st December, 1940.

(b) The change arises from agreement between the Government of India and the Union Government that the former should have in South Africa a sole representative through whom all communications should pass.

(c) The answer to the first part of the question is in the negative. The second part does not arise.

Sir F. E. James: What relation, if any, would the Indian Trade Commissioner in Mombassa bear to the High Commissioner for India in South Africa?

Mr. J. D. Tyson: None at all.

Sir F. E. James: May I take it that the High Commissioner for India in the Union would be the person responsible for the trade part of any representations we may make in that country?

Mr. J. D. Tyson: Yes, Sir, he will be the sole channel of communication with the Union Government.

Mr. N. M. Joshi: What exactly is the difference in status and functions as between the High Commissioner and the Agent General that we had before?

Mr. J. D. Tyson: There is a definite diplomatic status accorded to High Commissioners and we regard this change as raising the status of the post.

Mr. N. M. Joshi: What is the difference in functions?

Mr. J. D. Tyson: As regards functions, he will be the sole channel of communication in regard to all matters of any interest between the Union of South Africa and the Government of India instead of being confined, as hitherto, to matters arising out of the Cape Town agreement.

Mr. M. S. Aney: What more responsibilities will be carried and duties performed by the High Commissioner which could not have been borne or performed by the Agent General?

Mr. J. D. Tyson: The Agent General was appointed, in his original title of Agent, to help to implement the Cape Town agreement and his duties were really confined to matters arising out of that agreement,—largely matters affecting the uplift of Indians in South Africa. The High Commissioner also will have the right to make representations on behalf of the Government of India in those matters, but in addition he will be able to handle on behalf of other departments of the Government of India matters that they wish to raise with the Union Government.

Mr. Govind V. Deshmukh: And what are the particular matters to be referred by the Union Government to the Government of India through this High Commissioner?

Mr. J. D. Tyson: May be anything.

Mr. Govind V. Deshmukh: Are these not defined?

Mr. J. D. Tyson: For any matter that they wish to take up with the Government of India they can use the High Commissioner as the channel of communication.

Lieut.-Colonel M. A. Rahman: Has the prestige of India been enhanced by this change in the name?

Mr. J. D. Tyson: We think so, Sir, and the Prime Minister of South Africa evidently thought so because he took the trouble to telegraph a message of congratulation to the Viceroy, the Government of India and the people of India on the enhancement of status.

Mr. M. S. Aney: Is it likely to affect the salary or any allowances of the High Commissioner?

Mr. J. D. Tyson: There is no difference in his emoluments.

TRADE MISSIONS TO, OR TRADE AGREEMENTS WITH, OTHER COUNTRIES.

109. ***Mr. Govind V. Deshmukh:** Will the Honourable Member for Commerce please state whether as a result of the deliberations of the Export Advisory Council any decision has been arrived at by Government to send trade missions to, or enter into trade agreements with any country or countries? If so, which are those countries?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The matter is under the active consideration of the Government of India.

Mr. Govind V. Deshmukh: What is responsible for the delay in taking action in this matter?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: This is a matter in which either a trade mission can be sent or a trade agreement arrived at only after consultation with the Government at the other end, and in these days that consultation does take some time.

Mr. Govind V. Deshmukh: Do I understand that negotiations are going on?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I can only repeat my answer that the matter is under active consideration.

PERMANENT STANDING COUNCIL OF THE EASTERN GROUP CONFERENCE.

110. ***Mr. Govind V. Deshmukh:** Will the Honourable the Law Member please state:

- (a) if a permanent standing council has been set up, or is being set up, by the Eastern Group Conference;
- (b) whether Indian States have been given or will be given representation on it; and
- (c) the names of those Indian States?

The Honourable Sir Muhammad Zafrulla Khan: (a) A Council called the Eastern Group Supply Council is being set up for the duration of the War by His Majesty's Government in the United Kingdom in consultation with the Governments of the Empire countries which took part in the Eastern Group Conference.

(b) India is being represented; there is no separate representation for Indian States.

(c) Does not arise.

Mr. Lalchand Navalrai: Will the Government of India have to pay towards the establishment?

The Honourable Sir Muhammad Zafrulla Khan: I imagine so; they will have to bear a share of the cost.

Dr. Sir Ziauddin Ahmad: Will the Indian States who are not represented on this Council be invited to advise on matters in which they are interested?

The Honourable Sir Muhammad Zafrulla Khan: Invited by whom?

Dr. Sir Ziauddin Ahmad: Invited by the executive of this organisation which has been set up.

The Honourable Sir Muhammad Zafrulla Khan: The organisation will decide that for itself.

Mr. Govind V. Deshmukh: Will there be any more meetings of this Eastern Group Conference?

The Honourable Sir Muhammad Zafrulla Khan: That is a speculation which I am unable to enter upon.

Dr. Sir Ziauddin Ahmad: What will be the relation between the Government of India and this organisation?

The Honourable Sir Muhammad Zafrulla Khan: The relation of the Government of India with the Eastern Group Supply Council will be the same as the relation of the Dominions participating in this Council. India will have a representative on it just as the other participating countries.

Mr. Lalchand Navarai: May I know if this Assembly will have anything to do with their actions?

The Honourable Sir Muhammad Zafrulla Khan: I do not think so, and I hope not. The Supply Council is not a part of the Government of India.

NEGOTIATIONS WITH COLONIAL DELEGATES OF THE EASTERN GROUP CONFERENCE ABOUT REMOVAL OF DISABILITIES OF INDIAN NATIONALS IN COLONIES.

111. ***Mr. Govind V. Deshmukh:** Will the Secretary for Education, Health and Lands, please state if Government took advantage of the presence of the delegates from the Colonies attending the Eastern Group Conference, to open negotiations to remove restrictions and disabilities, legal as well as administrative, on Indian nationals and domiciled Indians in the Colonies? If so, with the delegates of which colonies and with what result?

Mr. J. D. Tyson: The scope of the Eastern Group Conference was limited to questions affecting war supplies and the personnel attending it was selected with this in view: no formal negotiations, therefore, took place with delegates attending the Conference.

USE OF WATTLE BARK FOR TANNING PURPOSES.

†112. ***Dr. Sir Ziauddin Ahmad:** (a) Will the Education Secretary please state whether Government are aware that they purchased large quantities of wattle bark for tanning purposes?

(b) Is wattle bark more useful for tanning than babul bark?

(c) If the answer to part (b) be in the affirmative, what steps have Government taken to encourage the growth of wattle trees?

The Honourable Sir Muhammad Zafrulla Khan: (a) About 7,500 tons of wattle bark were purchased by the Government of India from South Africa in 1940 as a reserve to safeguard the Indian tanning industry against possible interruption of supplies from overseas.

(b) For tanning some classes of leather (e.g., kips) wattle bark is more suitable than babool bark; for other types of leather either bark may be used and tanners give preference to whichever is cheaper in use.

†Answer to this question laid on the table, the questioner having exhausted his quota.

(c) This is primarily a Provincial concern but I may add for the information of the Honourable Member that all the useful species of Wattle have already been introduced into India and its most valuable variety, viz., *Acacia decurrens*, is being grown successfully in the Nilgiris, where there are a number of small plantations.

GRIEVANCES OF THE GOVERNMENT OF INDIA PRESS EMPLOYEES AT CALCUTTA.

†113. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Labour Member please state whether it is a fact that Mr. Mrinal Kanti Bose of the *Amrita Bazar Patrika* of Calcutta wrote a letter to the Honourable Mr. M. S. A. Hydari, C.I.E., I.C.S., Secretary to the Government of India, Labour Department, dated the 28th December, 1939, mentioning a number of grievances, and also attached to it some memorials concerning the employees of the Government of India Press at Calcutta?

(b) If the answer to the above be in the affirmative, will Government be pleased to state what steps have been taken to remove the grievances? If none, why not?

(c) Will Government be pleased to state the grievances mentioned in that letter? Will Government be pleased to place on the table a statement showing the contents of the letter?

The Honourable Dwan Bahadur Sir A. Ramaswami Mudaliar:

(a) Yes, but the communication referred to was dated the 19th December, 1939.

(b) The alleged grievances were fully considered by Government who came to the conclusion that no action was called for, except that the position of certain labourers who had served in a temporary capacity for a number of years called for improvement. Orders were accordingly issued sanctioning the transfer of a number of such posts to the permanent establishment.

(c) The grievances related to certain classes of employees of the Government of India Press, Calcutta, viz., compositors, section holders, binders, labourers and mono-casters. Government do not propose to place on the table a statement showing the contents of a letter which was a personal one.

GRIEVANCES OF THE GOVERNMENT OF INDIA PRESS EMPLOYEES AT CALCUTTA.

†114. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Labour Member please state whether it is not a fact that at a conference held in Calcutta in November, 1939, between Sir Abdul Halim Ghuznavi, Member, Legislative Assembly (Central), Mr. Mrinal Kanti Bose of the *Amrita Bazar Patrika*, of Calcutta and President, Press Employees' Association, and Mr. M. Guha, General Secretary, Press Employees' Association, representing the press workers, on the one hand and the Honourable Mr. M. S. A. Hydari, C.I.E., I.C.S., and the Controller of Printing and Stationery representing the Government, on the other, the former were given an assurance that the grievances of the piece-workers as well as salary workers of the Government of India Press at Calcutta, would be removed?

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

(b) Is it not a fact that after the conference in November last, the Controller of Printing and Stationery passed several orders, *vis.*, (i) taking away the lighter work (hour work), which the workers had so long been performing from the older hands resulting in a severe reduction in their earnings as well as pensions; (ii) stopping the employment of the piece-workers on gazetted holidays with pay, as had so long been done (*vide* Government resolution No. F. 199-R. L./28, dated the 8th September, 1928, Finance Department)?

(c) If the answer to parts (a) and (b) be in the affirmative, will Government be pleased to state the reasons for which the Controller has passed such orders?

(d) Will Government be pleased to state what steps, if any, have been taken to fulfil the assurance given to the representatives of the press employees at the conference held in November, 1939?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:

(a) At the conference referred to by the Honourable Member it was explained to the satisfaction of Sir Abdul Halim Ghuznavi and the President of the Bengal Press Employees' Association that the alleged grievances of the employees of the Government of India Press had no foundation. There was thus no occasion for any assurance in regard to the removal of those grievances. The Government are, however, always prepared to consider any grievances which are brought to their notice through the proper channel.

(b) I understand that after the conference certain instructions were issued by the Controller of Printing and Stationery to the Manager, Government of India Press, Calcutta, with a view to ensure the appropriate distribution of work among compositors. The figures furnished by the Controller do not indicate that there has been a fall in the average monthly earnings of the compositors as a result of those instructions. As regards the second part, the reply is in the negative.

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

RETIREMENT OF GOVERNMENT OF INDIA PRESS PIECE-WORKERS BEFORE REACHING THE MAXIMUM OF THEIR SCALES OF PAY.

†115. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Labour Member please state whether it is a fact that the salary hands of the Government of India Presses receive regularly the scheduled increments in their salary?

(b) Is it a fact that the above mentioned workers receive after their retirement full pension?

(c) Is it a fact that the piece employees of the Government of India Presses do not get increment in the same regular manner as the salary hands?

(d) Is it a fact that most of the piece-workers have to retire long before they attain the maximum of their scale of pay?

(e) If the reply to the above parts be in the affirmative, will Government be pleased to state the reason therefor?

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

(f) Do Government intend to take any steps to remove the above-mentioned grievances of the piece-employees?

(g) Will Government be pleased to state the number of the piece-employees who have retired during the last two years and the class in which they were at the time of retirement? Will Government be pleased to state the maximum class rate they were entitled to?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:

(a) Yes, provided their work is satisfactory.

(b) Not necessarily.

(c) The system of payment to piece-workers and salaried hands is different.

(d) Government have no information.

(e) and (f). Do not arise.

(g) No. No such record is maintained in my department.

RETIREMENT OF GOVERNMENT OF INDIA PRESS SECTION-HOLDERS BEFORE REACHING THE MAXIMUM OF THEIR SCALES OF PAY.

†116. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Labour Member please state whether it is a fact that the Government of India (Department of Industries and Labour) fixed the salary of the section-holders in the Government of India Press at Rs. 125—5—175 at Calcutta and at Delhi at Rs. 100—5—150?

(b) Is it not a fact that the workers in the said branch of service do not actually reach the maximum salary?

(c) Is it not a fact that in all other Departments of the Government, the employees enjoy the maximum salary for some time before retirement?

(d) If the reply to parts (b) and (c) be in the affirmative, will Government be pleased to state the reasons for the section-holders in Government of India Presses not reaching their maximum?

(e) Will Government be pleased to state how many section-holders retired before they reached the maximum of the scale?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:

(a) Yes, in the case of those who were in service prior to the 16th July, 1931.

(b) No.

(c) Not always.

(d) Does not arise.

(e) I regret that I cannot undertake to collect the information asked for by the Honourable Member as it would involve an amount of time and labour disproportionate to the result.

RAISING OF THE SCALE OF PAY OF GOVERNMENT OF INDIA PRESS COMPOSITORS.

†117. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Labour Member please state whether it is a fact that the Government of India fixed the new scale of the salary of the compositors in the Government of India Press at Rs. 30—65?

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

(b) Is it a fact that before the revision of scale of pay in 1920, the compositors' scale of pay was Rs. 15—42, that of the assistant section-holders was Rs. 25—95, that of the section-holders Rs. 40—50 and copy-holders' remuneration was Rs. 13-8 (fixed)?

(c) Is it not a fact that in the scale of pay, as revised in 1920 the compositors' grade was fixed at Rs. 35—125, that of assistant section-holders at Rs. 90—98, that of copy-holders at Rs. 40—60, and that of the section-holders Rs. 125—175?

(d) Is it not a fact that the new scale of pay of the section-holders has been fixed at Rs. 100—150 and of the assistant section-holders at Rs. 70—90?

(e) If the answer to the above parts be in the affirmative, will Government be pleased to state why the scale of compositors was not raised? Do Government propose to raise it? If not, why not?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:

(a) On the assumption that the Honourable Member refers to the Calcutta Press, the reply is in the affirmative.

(b) There was no fixed scale of pay for the compositors all of whom were piece-workers. They were paid both on the basis of their outturn at prescribed piece rates and also on the basis of the time allowed in the case of other items of work for which piece rates did not exist. For the latter system of payment the time rates were 18 in number, the lowest being four pies per hour and the highest four annas per hour. The rates of pay sanctioned for Assistant Section-holders, Section-holders and Copy-holders were Rs. 25—30, Rs. 35—60 and Rs. 15—25, respectively.

(c) No. The time rates as revised in 1920 were as shown below:

Compositors—

Lowest rate. One anna per hour.

Highest rate. Eight annas per hour.

Assistant Section-holders. Rs. 40—4—80.

Copy-holders. Rs. 30—2—50.

Section-holders. Rs. 100—5—150.

(d) Yes.

(e) The scale of pay of salaried compositors, viz., Rs. 30—65, which is applicable only to men recruited on or after the 24th December, 1938, is suitable. Government see no justification for raising this scale.

RESOLUTION RE APPOINTMENT OF THE CHAIRMEN OF CERTAIN PORT HAJ COMMITTEES AS *EX-OFFICIO* MEMBERS OF THE LOCAL PORT TRUST BOARDS.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the following Resolution moved by Sir Abdul Halim Ghuznavi on the 12th February, 1941:

"That this Assembly recommends to the Governor General in Council that the Chairmen of the Karachi, Bombay and Calcutta Port Haj Committees be appointed *ex-officio* members of the Port Trust Boards of Karachi, Bombay and Calcutta, respectively."

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Sir, the Honourable the Communications Member, who is not here just now, in replying to the debate said:

- "I have heard no instance during this debate of a Port Haj Committee making any proposal in the interest of Hajis which was not sympathetically considered by the Port Trust."

That is to say, the Honourable the Communications Member wants us to make out a case that the Port Haj Committee's grievances have not been heard or remedied. In reply to my Honourable friend, Maulana Zafar Ali, who said that there was hardly any Muslim representation, he said that that was not correct. I am placing before this House the elected Muslim position in the five Port Trust Boards.

Mr. N. M. Joshi (Nominated Non-Official): Sir, how is the question of Muslim representation on the Port Trusts relevant? This Resolution does not deal with Muslim representation.

Mr. President (The Honourable Sir Abdur Rahim): That is for the House to decide.

Sir Abdul Halim Ghuznavi: In Bombay, there is no Muslim, and, in Karachi, no Muslim. In each of the ports of Madras, Calcutta and Chittagong, there is one Muslim. Sir, I have asked the House to consider the position of trade by Indians and their representation in the various Port Trusts. In all the Round Table Conferences and the Joint Select Committee, my Honourable friends, the Europeans, were particularly anxious that there might be no discrimination against themselves in the trade in this country. I ask if this is not discrimination against the Indians. When we have three-fourths or more of the business, look what is our representation in the various Port Trusts. In Calcutta out of nineteen, four elected members represent Indian commercial interests. In Karachi there are only five elected Indians out of fifteen. In Madras four out of fifteen represent Indian interests. In Bombay out of 22, six represent Indian interests. In Chittagong there are four out of eleven.

Now, what is the constitution of the Calcutta Port Trust? I am giving the figures from the Act. You cannot deny this

The Honourable Sir Andrew Clow (Member for Railways and Communications): I do deny it. In giving these figures the Honourable Member implies that the others are not representing Indian interests: he ought to have given the figures for Indian and European in Bombay: they are not the figures he gave.

Sir Abdul Halim Ghuznavi: I am giving the figures for Calcutta. I have been dealing with Calcutta alone because I have not got Bombay figures in my hand. Out of 19 Port Commissioners in Calcutta there are seven *ex-officio* Port Commissioners all of whom are Europeans . . .

The Honourable Sir Andrew Clow: No; that is not accurate either.

Sir Abdul Halim Ghuznavi: Correct me if I am wrong. May I complete my sentence? Merely by accident the Agent of the Eastern Bengal State Railway happens to be an Indian.

The Honourable Sir Andrew Olow: By accident the Agent of the East Indian Railway happens to be an European.

Sir Abdul Halim Ghuznavi: We have asked for nothing more than our proper representation. We have shown that the Muslim representation is practically nil as compared with the trade they carry on. I will give you the statistics of the trade that we carry on and place it on the table of the House after reading it

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Sir Abdul Halim Ghuznavi: Sir, I move that the Resolution be adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is that the following Resolution be adopted:

"That this Assembly recommends to the Governor General in Council that the Chairmen of the Karachi, Bombay and Calcutta Port Harbours Committees be appointed *ex-officio* members of the Port Trust Boards of Karachi, Bombay and Calcutta, respectively."

The Assembly divided:

AYES—16.

Abdoola Haroon, Seth Haji Sir.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Essak Sait, Mr. H. A. Sathar H.
Ghulam Bhik Nairang, Syed.
Ghuznavi, Sir Abdul Halim.
Habibur Rahman, Dr.
Muhammad Ahmad Kazmi, Qazi.

Murtuza Sahib Bahadur, Maulvi Syed.
Nauman, Mr. Muhammad.
Rafuiddin Ahmad Siddiquee, Shaikh.
Raza Ali, Sir Syed.
Siddique Ali Khan, Nawab.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.
Ziauddin Ahmad, Dr. Sir.

NOES—34.

Abdul Hamid, Khan Bahadur Sir.
Abdul Hamid, Khan Sahib Shaikh.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Caroe, Mr. O. K.
Chapman-Mortimer, Mr. T.
Chettiar, Dr. Rajah Sir S. R. M.
Annamalal.
Clow, The Honourable Sir Andrew.
Daga, Seth Sunderlal.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Dumasia, Mr. N. M.
Frampton, Mr. H. J.
Gidney, Lieut.-Colonel Sir Henry.
Griffiths, Mr. P. J.
Gwilt, Mr. E. L. C.
Ikramullah, Mr. Muhammad.
James, Sir F. E.

Kamaluddin Ahmed, Shams-ul-Ulema.
Lawson, Mr. C. P.
Maxwell, The Honourable Sir Reginald.
Mazharul Islam, Maulvi.
Miller, Mr. C. C.
Mudaliar, The Honourable Diwan Bahadur Sir A. Ramaswami.
Mukharji, Mr. Basanta Kumar.
Pillay, Mr. T. S. S.
Raper, Mr. J. H. F.
Rau, Sir Raghavendra.
Sivaraj, Rao Sahib N.
Spence, Sir George.
Staig, Mr. B. M.
Thomas, Mr. J. H.
Tyson, Mr. J. D.
Zafarullah Khan, The Honourable Sir Muhammad.

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): The next is the Resolution standing in the name of Sardar Sant Singh.

Sardar Sant Singh (West Punjab: Sikh): I am not moving it, Sir.

RESOLUTION RE APPEALS OF RAILWAY EMPLOYEES.

Mr. President (The Honourable Sir Abdur Rahim): The next one is in the name of Dr. Habibur Rahman.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, Dr. Habibur Rahman has authorised me to move the Resolution standing in his name.

Mr. President (The Honourable Sir Abdur Rahim): He is not here.

Dr. Sir Ziauddin Ahmad: No, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Very well.

Dr. Sir Ziauddin Ahmad: Sir, I beg to move:

"That in view of the unsatisfactory nature of attending to the appeals of the Railway employees, this Assembly recommends to the Governor General in Council to appoint officers of judicial mind and attach them to the offices of the General Managers and of the Railway Board to listen to the appeals of the Railway employees, and to scrutinise the present rule of attending to those appeals."

I know, Sir, that a Resolution of this kind cannot be decided simply by the vote of this House. The Government will please look very carefully into the whole question, and my object in moving this Resolution is to draw attention to those grievances of the railway employees. We are now imposing an additional burden on the railway employees by the Bill which is now before us, and it is very desirable that these railway servants should be thoroughly satisfied so that they may discharge their duties satisfactorily. There is a proverb:

"Mazdure Khush-dil Kunad Kôr besh."

"A satisfied labourer does work very well."

If the Honourable Member opposite takes an opportunity to discuss this question with the rank and file of the Department, he will find that nearly every one is dissatisfied with something or the other. I had the opportunity of discussing matters with the railway employees, and I found that they were nearly all dissatisfied. I drew the attention of the Legislative Assembly to this grievance and to the system of appeals on the 24th February, 1934, when I moved a cut motion, and I was then supported very vehemently by my friends, Sardar Sant Singh, Lalchand Navalrai and Sir Henry Gidney, and they all agreed with me that the privilege of appeal, which is a very valuable asset to the employees, was, in practice, a mere farce.

Sir, there is immense dissatisfaction among the subordinates and officers about the system now in force. The Transportation and Loco. Superintendents pass orders in consultation with the Divisional Superintendents. The appeal lies with the Divisional Superintendent, but he has already committed himself, and he sends only a printed reply to the person who prefers an appeal. The Divisional Superintendent in listening to the appeals, if he listens at all, consults his subordinates who pass orders. The Divisional Superintendent himself never listens to the complainant at all. If the person is bold enough and has a good case, he appeals to the General Manager, and the General Manager always gives

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only two stereotyped replies,—one is that: 'I have earnestly considered your appeal and do not see any reason to interfere with the orders already passed'. The printed reply is sent to the complainant; the second form or reply is: "Mr. So and So is hereby informed that the orders already passed by So and So stand". These are the two kinds of printed replies which are sent to the complainants. The aggrieved person may go writing for years, but there will be no response. It often happens that the punishing authority imposes further punishment for filing an appeal against the orders.

Now, there is something on record which I shall mention later on, which shows a very bad state of affairs,—and that is, a person who had filed an appeal had been punished for filing an appeal. The mentality of these officers reminds me of one of the speeches delivered by Sir John Anderson soon after his return from England, and he said at a certain lunch. He said that before he came out to this country he was advised by his friends not to read the files, but to pass orders on the notes written by his subordinates. He continued the practice for some time, and on one occasion, for the sake of curiosity he looked into a certain file and found to his dismay that the notes written by his subordinates, on the authority of which he was to issue the orders, had nothing whatever to do with the case in question and it was altogether irrelevant, and so he decided to read every word on the file before passing final orders. Now, if the advice that was first given to Sir John Anderson is followed by every officer of the Railway Department, then the result will be what my friend, Sir Henry Gidney, said in 1934, namely, that the whole thing hangs upon particular ubiquitous clerk, he is an all-knowing man, he knows everything about it, he passes the orders, he listens to the appeals, and he is everything. I shall recite on the floor of the House several cases, and when you read them you will probably be reminded of the story of the system of administration and the idea of justice that existed in some places—with due respect to my friend, Sardar Sant Singh, I will not mention who those people were.

A certain judge went to a village and told the people that they had been fined Rs. 10,000. Then the people asked him what faults they had committed. The Judge replied that he cannot wait till the actual commission of the crime. The imposing of the fine is irrelevant to the commitment of crime. The Judge said that he could not wait for the crime, but the fine must be paid forthwith. You, Sir, have been the Chief Justice of a High Court and you know very well how these appeals are disposed of. I think the House will not be surprised if I tell them that whenever an appeal is filed in the court of any officer, then the officer consults the person who passed the orders of punishment, but he never consults the other side and he never gives him an opportunity of hearing, so that the appeal is decided only on the authority of the person against whom the appeal is filed. The only way in which I can prove my case is by laying before the House certain definite cases of appeals. I have got a number of these cases which people have sent me. I do not want to give the names of the persons concerned because we, in this House, cannot pass orders whether an appeal was or was not justified, but I can give specimens of the nature of the offence and the nature of the orders passed on appeals. The first case that I want to cite is this. A certain clerk in the office of

Divisional Superintendent, Multan, appeals against illegal supersession. What is the reply? There is no reply, and the appeal is filed with this note, "Futile appeal. Filed". No reply was given to the person who applied, but simply with that note the appeal was filed. The next case is important, because it has been admitted by Mr. DeSouza also in his report. X was appointed as a S. I. W. on probation. He got written orders that he was appointed on probation. By a mistake of the office he was entered as temporary. The man went on filing appeals. Seven years passed away but he was always appointed temporary, till one person, like Sir George Anderson, who did not follow the advice given by his friends, came in and after seven years, he rectified the mistake. The third case is also an important case because it is recorded in the Railway Board's office. It is an interesting case. A person who was in the Electric Department of some office got an order from his Inspector, "please see me at such and such a time". The man went there at that time. Two other persons were present. They began to talk something against him. Then the Inspector said, "Have you got anything to ask?" "What am I to ask? Please let me know what are the charges against me; what I have come here for?" "*Hukum Adhuli*—discharged. You do not ask questions: I asked you to put questions." In this case the man was fortunate. He applied first to the Agent. He came to me. I thought it was a very good case. I myself wrote a letter to the General Manager about him. "This is rather a bad case of injustice". The General Manager replied to me with the stereotyped letter that he has personally looked into the matter and that he is satisfied with the order. Later on, it was proved that he never looked into the matter and this is on the Railway Board's record.

Mr. M. S. Aney (Berar: Non-Muhammadian): What is the year?

Dr. Sir Ziauddin Ahmad: About three years ago, before the present Railway Member took up office. I can tell you everything about it. I am speaking from the file and not on the air.

The Honourable Sir Andrew Olow (Member for Railways and Communications): If the Honourable Member has the facts in front of him, will he kindly tell me the year?

Dr. Sir Ziauddin Ahmad: In this particular case the file is not before me, it is with the Railway Board. If he will give me the file I can give the year.

The Honourable Sir Andrew Olow: If the Honourable Member can give the year, I could find out the file.

Dr. Sir Ziauddin Ahmad: On the floor of the House we do not want to discuss names and other details. I think the year was the end of 1937 or the beginning of 1938.

An Honourable Member: What is the railway?

Dr. Sir Ziauddin Ahmad: The East Indian Railway. The General Manager never looked into the case at all, but he replied to me twice, "I have looked into the case—orders are right". Afterwards by the orders of

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the Railway Board this man was restored and he was given all the allowances and pay for those months. It was fortunate that by chance his application reached a person of judicial mind who knew what is right and what is wrong. Had this appeal gone to a person having no judicial mind, I think the man would have been condemned for ever. There are two cases about the correction of age. A person filed his matriculation certificate, he filed a baptismal certificate certified by the Lord Bishop of the place which is really a very reliable thing and then he filed a certificate of birth in the case of his first appointment. In spite of all these three certificates, the man could not get his age corrected. If any court cannot agree to the authenticity of these three certificates, I do not know what will happen. There is another case which has appeared just now. The man says, "My age is wrongly entered. I am shown to be younger than my younger brother, who is going to retire". The reply was, "You may be older than your younger brother, but we are not concerned with that. This age is on my record and we will follow it".

The next case is that of a man who was discharged because there was some difference in the weighment. But it was proved that there was no difference in the weighment and people never claimed anything. He was suspended in an irregular manner, he took some time to appeal. But luckily he went to the Traffic Manager, and the Traffic Manager restored him. But his assistant, D. T. S. who passed the orders did not allow him to join. He passed his orders incorrectly, there was no justification at all and even when the higher officer passes orders, this D. T. S. says, "No. I am not going to appoint him".

The Honourable Sir Andrew Olow: What is the year of that case?

Dr. Sir Ziauddin Ahmad: 1937 I believe. Now going to other cases, I have got the papers here, but if I mention names, these persons may be dismissed. I can give the year for any particular case, and the railway also.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Then they will find out who they are.

Dr. Sir Ziauddin Ahmad: Another case relates to a man in a statistical office. Here is a person who has been in continuous service. He was shifted from one place to another in the year 1931 and he was not given the old scale of salary, he was put on the new scale which is against the rule. Again, one man was irregularly fixed in a particular grade. He appealed, but got no reply. Here is another very interesting case. The person fell ill and he informed the Railway authorities of the fact that he was ill. During his illness he was discharged on the plea that he was absent without leave. He informed the officers that he had been ill all the time but nobody even cared to give a reply.

The Honourable Sir Andrew Olow: What year was that?

Dr. Sir Ziauddin Ahmad: I have not got the year here. I have got the original letters with me. I will give it to you later if required. Here is another interesting case. One was working as S. M. He reported

against a person for drinking and for that he was deprived of his concession, although he appealed many times to his immediate superiors. All the appeals were rejected without any reason. He has again appealed to the General Manager of the Railway but no reply has yet been received. Simply because he reported against a certain officer, he was punished and nothing was done to the officer.

The Honourable Sir Andrew Clow: What concession?

Dr. Sir Ziauddin Ahmad: He reported against a man for drinking. The concession was that he ought to have been put in the o'd scale. He was put in the new scale. This was the concession.

In the next case, a man wrote to the authorities and no reply came. In the end he was so much disgusted and he wrote: 'At whose door should I ring the bell for justice'. The D. S. wrote that the man must appeal to D. M. and the D. M. says that he must appeal to the D. S. In this way, he was shoved on from one door to the other and the man did not know what to do. I may tell you that these are not Muhammadans alone. There are Hindus, Christians and others.

There is another case where one man died and his brother was appointed in his place. He has been there for 23 years, but unfortunately, they entered his name as Mata Din, which was the name of the brother who had died. He worked for 23 years and in the end they said there was false personification. He was not really Mata Din and should be dismissed or discharged and his name was removed from the service. He appealed to the D. S. who said that he was not prepared to alter the orders already passed. In this case an important point arises because it is the Railway administration that put his name as Mata Din, the name of his brother.

Sardar Sant Singh (West Punjab: Sikh): Who was more incompetent, the man or the Railway administration?

Dr. Sir Ziauddin Ahmad: This Mata Din is an illiterate person and he could not understand.

Here is another case where one man was dismissed for working under an assumed name. The person was named Muhammad Sher Khan. He had been in service for a long time and, one day, some man reports that the man's name is Sher Khan and not Muhammad Sher Khan. Therefore, on the charge that he put his name in a wrong manner, the man is discharged. The man said that his name really is Muhammad Sher Khan. He filed a certificate from the municipality and filed other certificates but the superior officer said it was a case of wrong personification. In this connection I may tell a story which my Honourable friend, the Communications Member, will enjoy. When he was in Aligarh, he used to write his name in Urdu 'Clow' but the people always read it as 'Kallu'. That was the name by which he was known when he first came to Aligarh. He has now become Sir Andrew Clow and in the same way it may be said that he has also resorted to personification.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Why not spell his name 'Chloe'? Let them who have read Milton enjoy this.

Dr. Sir Ziauddin Ahmad: Here is another case which is very interesting. There was an officer with 14 years service. He was charged for travelling without a ticket. An inquiry was held and the man was held to be not guilty. But a charge-sheet was framed against him and he was dismissed. He appealed to the General Manager who ordered his reinstatement but his immediate officer refused to take him back. In one of the letters the Chief Engineer says that the railway have a right not to consider appeals, whether the man has been rightly dismissed or wrongly dismissed. This was actually put down in writing by one of the officers of the Railway that they have a right not to listen to the appeals and it matters little whether a man has been rightly dismissed or wrongly dismissed. If this is the case, is it not fair that the Railway Board should appoint persons with a judicial mind who understand the position?

Now, there is another interesting case here of a person called Wazir. He asked for some leave on account of his wife's illness. The leave was not granted. He went on with his work and there was an abortion and the wife died. He claimed compensation. There was no reply to his appeal and then he was discharged. Again there was no reply to his second appeal and no inquiry was made in his case.

The next case I would like to give is that of a T. T. I. A T. T. I. found a person travelling in the first class. He was also a railway servant. He reported the matter and he was punished for doing so. He filed an appeal. Now, no punishment was given to the person who was found travelling without a ticket in the higher class.

Now, there is another case. A person was found guilty of a charge under section 325 of the Indian Penal Code. He was discharged from service. The conviction was for serious hurt to a person. The quarrel was outside the railway premises and this has nothing to do with the railway. Then according to the rules which he quoted he ought to have been dismissed for this particular crime but there was no reply.

An Honourable Member from the Official Benches: No, no.

Dr. Sir Ziauddin Ahmad: This is a question of promotion on which my 12 Noon. Honourable friend was very keen. Here is a person who has been complaining that the head clerk does not forward the applications at all for promotion and he has really kept them with him. He has been trying to find out any places where he can go and appeal that the head clerk should not be withholding all his appeals, all his requests for further promotion. This is not the case of a very important gentleman but it came to me with authority, with all the papers. If this is the power exercised by the head clerk of an office to withhold an appeal from any individual for not getting promotion, I think the case is a serious one and requires very careful consideration from the railway people. There is another interesting case. There are certain officers who punish railway servants. Now he appealed to the higher authority and, unfortunately for him, the same person assumed charge of the higher authority and he listened to the appeal in a case on which the judgment was passed by himself. As soon as this case came up for revision, he upheld the punishment. Any person of a judicial mind would have said at once that a person cannot listen to any appeal against his own orders; this is a duty which

ought to have been taken up by somebody else; but he did not do this; he listened to the appeal himself and he enhanced the punishment because in that case the appeal was against his own order.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Because he has become a bigger officer.

Dr. Sir Ziauddin Ahmad: A person of a judicial mind would have asked some other authority to listen to the appeal. And if he becomes the Railway Agent, probably. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Dr. Sir Ziauddin Ahmad: I have got a few more cases of this kind. Sir, this being the case, there ought to be some kind of judicial officer somewhere who can listen to these appeals and review them to the satisfaction of the subordinates. This is a rather important matter and this is a thing to which I draw the attention of the Honourable Member-in-charge of Communications. With these words, I move.

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

"That in view of the unsatisfactory nature of attending to the appeals of the Railway employees, this Assembly recommends to the Governor General in Council to appoint officers of judicial mind and attach them to the offices of the General Managers and of the Railway Board to listen to the appeals of the Railway employees, and to scrutinise the present rule of attending to those appeals."

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir I rise to support this Resolution, and I do so not with any desire to indulge in destructive but constructive criticism. I think the request made by the Honourable the Mover of this Resolution is a very reasonable and a much needed one. Indeed I go further and say that it is a very urgent one. This demand, Sir, is a hardy annual; unless Government have bad memories, they will recall to their memories many past occasions on which this House has defeated them on this very point. I remember the time when we gave Government a wholesale defeat when we clamoured for a Complaint's Committee to be formed and attached either to the Railway Board or on every Railway.

The Honourable Sir Andrew Clow: Defeat the Resolution again.

Lieut.-Colonel Sir Henry Gidney: Don't be in a hurry, Sir, just wait and see. Sir, although I have just been interrupted by the Communications Member, I give him the credit for a high sense of sympathy, justice and duty. At the same time I offer him my sympathy whether he takes it or not. In my opinion he is in a most lamentable position for not only is he unaware of what is happening in the lower ranks of the Railways, but sitting in his exalted office, he has no time to spare to enquire into or get this information; the result is that the Honourable the Communications Member with his high sense of sympathy and justice, is, in my humble opinion, incapable—not because he is really incapable but the force of his work and of circumstances which envelope his high office prevent him from giving the due attention that these subordinate Railway cases merit.

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and demand. Sir, it is true that there has been some improvement regarding appeals due to the agitation that we have made in this House; but the improvement is not enough—it is a piecemeal policy which, today, still stands in urgent need of complete correction and improvement. I can assure the Honourable Member, mixing as I have done during the last 25 years amongst my constituents employed mainly on the Railways, that there is an enormous amount of discontent among all Railway subordinates who, apart from intimidation, are unable, first because of their sense of loyalty and of a sense, ingrained in them, of discipline, to revolt against these orders as Railway Unions do in England. At times this revolt has been so severe that it has taken all one's power to stop it. But I can assure the Communications Member that this feeling of discontent is very very widespread, great and very acute, and, I opine, the Honourable Member is unaware of these matters except when he hears what we have to say here, for, he is so full of other more important official matters that he cannot give proper consideration to such minor matters and has to depend on various Railway Administrations. In most cases of punishment, Railway authorities prefer to inflict the punishment of discharge which is a part of the man's agreement. But they hesitate to dismiss him because if they did, they may expose the Railway to legal action and damages in a court of law. Sir, it is said that the Railways stand on the same footing as business concerns and are run in the same way as business concerns are run. In principle I agree, but after all, how is a business concern run? Is it not run by men who are in close human touch with their employees and not by officials as are commonly found on Railways whose treatment to their men can be best described,—“Brutus has spoken, let no dog bark”.

Sir, the human touch no doubt is there, but with the introduction of the Divisional system on Railways, all human touch has gone. There is no time for such a thing as “human touch”. Railway officers are, today, so glued to their office chairs that whenever complaints come to them, they pass them on to their juniors or to the senior subordinates who are responsible for many of these unjust punishments and their word taken despite all contrary evidence in favour of the accused. Sir, I am personally acquainted with more cases than Dr. Sir Ziauddin Ahmed has mentioned; but I shall not weary this House with a recital of all those cases. I could and shall quote the names of some of them. In the famous case Dr. Sir Ziauddin Ahmad mentioned on the East Indian Railway, I believe the Agent and the Chief Operating Superintendent got their knuckles very badly wrapped because they, without any enquiry, accepted a junior officer's word and judgment. Sir, to get to the Agents and some very high officials with an appeal, is not so easy a matter, for it is easier for a camel to go through the eye of a needle than to get an interview with Agents and some Divisional Superintendents. It is often impossible for subordinates, guilty or otherwise, successfully to tender an appeal to Heads of Departments or the Agent. True it goes through the usual channels, but it is left to the sweet will and pleasure of the higher officer to send it or not; and if it is sent why, the judge and the accuser are one and the same official, and so justice is an absolute farce here. What is the result? The man appeals again. The appeal is withheld. He appeals again and he is told, verbally as a rule, that if he is not satisfied he can seek employment elsewhere or, if he goes on appealing, very serious notice will be taken of his conduct. In short, he

is victimised and threatened with reduction or even dismissal. The man feels he will be damned if he makes any further appeals and so he shuts up and suffers in silence. What control has the Railway Board in such acts of injustice? None. But the Railway Board gives the intensest care and attention to all complaints made by Railway officials. With subordinates what happens is that the Agent depends on his Chief Operating Superintendent. What does he do? He depends on his Divisional Superintendent. What does he do? He relies on his District Officers who, in turn, are largely guided and influenced by the upper subordinate.

Dr. Sir Ziauddin Ahmad: And what he does is the opinion of the clerk.

Lieut.-Colonel Sir Henry Gidney: And the final result is that the Agent or C. O. P. S. sees no reason to interfere with the orders passed by the Divisional Superintendent. Do you call this justice? I call it, if not tyranny, at least a complete denial of any defence being heard, except by a mock committee of enquiry consisting of officers junior to the Head who has originally passed judgment and, which I call, rank injustice; and the result is nil. No appeal lies beyond the Agent to the Railway Board, and the case is tried and decided on by officials who have not the figment of knowledge of the law of evidence. I go further and say it is tried by officials who naturally are anxious to protect the prestige of their brother officials. The result is that the subordinate has a poor chance of receiving justice in a battle of Justice *versus* Official *Insat* or prestige. He is prevented from sending an advance copy of his appeal to the Agent—a right which the Railway Board has admitted for subordinates. I know of instances in which men have sent advanced copies of appeals to Agents and, who, for having done so, have been threatened with serious consequences. These are but a few of the instances to which Dr. Ziauddin Ahmad has referred. Let me take the position of the Company-managed Railways. The Honourable Member in his speech yesterday told us that 97 per cent. of the shares of some of these Companies are Government owned. I ask what control has Government over them? I refer to a recent case that happened on the South Indian Railway, a Company-managed line. A Dr. Johnson, a European District Medical Officer, about whom I was going to move a motion for adjournment at the last Session of this House was dismissed because he wrote to me truthfully exposing a scandalous action on the part of the Railway Agent and the Home Board. I do not want to go into the lurid details with which I could paint scarlet the floor of this House for it would open a very ugly and unhealthy ulcer regarding the administration of the South Indian Railway. Moreover, I prefer to respect the dead; I refer to an *ex-Agent* of this Railway. But here is an instance in which the Home Board, whatever that may mean—of a Company-managed Railway openly defied all orders of the Railway Board and their own previous orders and appointed a man as Chief Medical Officer of that Railway an *ex-D. M. O.* who was pronounced a misfit and who left the Railway years ago because he failed to pass the efficiency bar as a D. M. O. The Company-managed Railway did this in the face of and against orders of the Railway Board regarding the Public Health qualifications of a C. M. O. and in the face of the orders

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of their own Agent and their own Home Board. What happens in such cases? These little tin-Gods of this Company-managed Railway do just what they like and the only appeal is to the Home Board, a collection of retired, antiquated *ex*-Railway Agents situated 7,000 miles from India. Government say they own 97 per cent. of such Railway companies. Is there no control the Railway Board should have over them? I submit the Railway Board has every right to interfere when the health of the travelling public is endangered by the appointment of such an unqualified C. M. O. as far as a Public Health Degree is concerned. In this particular case Dr. Johnson, the senior most D. M. O. on this Railway, reported this irregularity to his Agent and to the Railway Board. No notice was taken. He then communicated to me and I tabled an adjournment motion which was not moved as I had come to an agreement with the Communication Member who, I am glad to say, did write to the Agent of the South Indian Railway but so far with no result. The Home Board I suppose is adamant and this unqualified C. M. O. has taken over his duties. For me bringing this to the notice of the Communications Member, Dr. Johnson was first of all transferred to the smallest district and within a few days dismissed from the Railway. Why? For doing the correct thing in exposing an obvious wrong. This is an instance of justice on a Company-managed Railway. I wished my health allowed me to go into greater details of this lurid unhealthy case but I prefer to respect the dead *ex*-Agent who, I am told, was mainly responsible for this appointment. The result of my appeal has so far been nil. Whatever they order seems to be a law unto themselves and the Railway Board cannot interfere.

Dr. Sir Ziauddin has mentioned some cases about age. I have had a recent case of a Mr. Barrett who was the Station Master of Sahibganj which I repeatedly brought to the notice of the Railway Board. It was repeatedly sent to the Agent and he refused to interfere. This man got a baptismal certificate from the Church in which he was baptised. This was rejected and the Clergyman has been made to feel that he is a liar. No recognition was given to that certificate of birth and, accordingly, he was superannuated long before the age of 55. In this case there was no evidence taken, no appeal was allowed and there was no remedy and the man was superannuated. That is the justice these men get in such cases. I refer to another case, the case of a man who was charged with a serious criminal offence. The lower court convicted him. He appealed to the Sessions Court but before that was heard the East Indian Railway authorities dismissed him. The Sessions judge acquitted him but when he applied for reinstatement it was denied him. There was not a vestige of evidence against this man. He was an Engine Driver at Asansol. His is the most scandalous case of injustice I have ever heard in my 25 years work on Railways. Because the Divisional Superintendent at Asansol thought the man was guilty and an undesirable Railway servant he passed his order of dismissal with the result that the man and his family are now thrown on the streets of unemployment. This dismissal was ordered merely on suspicion—on one man's opinion,—a Railway official, without the case being proved against him and for which he was acquitted by the Sessions judge on appeal. This man's name is Driver A. C. Dale, a senior driver in the East Indian Railway drawing a salary of Rs. 280 with 20 years of good service to his credit,—a man with a wife and family to maintain; Do you call this justice and an observance of the right of an appeal? I call upon

the Communications Member to send for the file of this case and rectify what to me seems a heinous miscarriage of justice.

These are the cases he knows nothing about and against which we complain. I, therefore, say that a judicial man is required, a man who has some knowledge of the law of evidence, not a man who makes up his mind on a summary trial and discharges a man rather than have him dismissed lest he is asked to prove it in a law court. I could quote many other cases. I know of another case, that of a Mr. Mitford. This is an old case since rectified. He was a lower gazetted officer on the North Western Railway and he took three years to get his age properly corrected. From the records of ages in Railway records it appears he was born five months after his elder brother. I do not know what was the fertilising power which gave him birth so soon after his elder brother. This correction was made after a long fight. Sir, I have tried to speak with restraint on this matter and I have found it difficult to do so. It is this pent up series of cases of injustice that I have witnessed year in and year out that compels me whole-heartedly to support my friend, Dr. Sir Ziauddin. As I said, the Communications Member with all the desire to help us is not in a position to do so. The information does not come to him and his reply, therefore, is, "I regret I cannot interfere with the orders of the Agent". These Railway officials who try these cases are lamentably ignorant of the law of evidence and they are, therefore, incapable of trying these cases, especially in the case where the officer is both the judge and the accuser at the same time. Sir, what is the remedy? The remedy as proposed by my Honourable friend, Dr. Sir Ziauddin, is to have the services of a man with a judicial mind, who is unconnected with the Railway Administration. This would certainly be some improvement on the present system. But in my opinion it is not enough. I submit that these appeals are so many and they are so varied in character and come from the merest menial to the higher subordinates that it requires a committee which should be attached to every Railway. What is the procedure at present? When a subordinate sends in an appeal to the Railway Board it is perfunctorily examined by some junior member of the Railway Board. He looks into it and gives his opinion after the Head Clerk has no doubt expressed his views. But in the case of an officer, it goes to the Secretary of the Railway Board and it is considered very carefully. I do not say that injustice is done in every case, but the point is that the procedure is quite wrong. The Railway Board cannot interfere because the Divisional Superintendent's prestige is at stake and the Divisional Superintendent will not interfere because the prestige of some other junior official is at stake. The result is that the poor subordinate suffers and is silenced from making further appeals. It is to protect him that I suggest that, instead of this agency of injustice and this piece-meal policy of a pretence at justice, we should have a full fledged Committee attached to each railway. If that is not possible let there be a special department opened and attached to the Railway Board for this very important purpose. Let the Railway Board do something which will be useful. We do not want an expert committee from England to show us how this can be done. Let there be a committee which will go into these cases. If that committee does its business properly and unmindful of Railway officials' prestige, believe me, Sir, the number of appeals will be considerably reduced within a year's time, because the Railway official will then have to give more care and attention to such grievances before he awards punishment. He

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will be more careful lest he be hauled up for inefficiency. At present you have a subordinate staff reeking with discontent, a staff which is underpaid and overworked and whose responsibilities are increasing but who, when they make a slip, are denied the elements of justice. I could keep this House engaged for hours reciting cases with which I am personally familiar on almost all the Railways. But I do not want to do that. But before I sit down I will say this. That this is a sacred duty which falls on the shoulders of the Railway Board and which it cannot evade and I appeal to the Communications Member to give this matter his most serious consideration. If he cannot accept a committee, he should at least satisfy this House by appointing a man with a judicial mind to each railway. This man should preferably be a magistrate who is unconnected with the Railway to which he is attached. In my opinion even that will be enough. I would, therefore, say that there should be a Committee which should carefully scrutinise all such appeals. I do not mean trivial matters connected with the discipline and administration but in such cases as I have detailed. I am sorry if in the heat of the moment I have allowed myself to go but it is a matter in which I feel very strongly. I would conclude by saying that this injustice is writ large in the records of all railways and it must be corrected. It cannot be corrected with the procedure which exists today. It must be corrected by a new procedure and I appeal to the Honourable Member to introduce that procedure as is incorporated in this Resolution. Sir, I support the Resolution.

The Honourable Sir Andrew Clow: Sir, I rise to oppose the Resolution. At first sight, it contains a suggestion that makes an appeal to reasonable men. It did to me when I glanced at it at first. It is or should be the aim of every officer to have a judicial mind, using that word in its ordinary English meaning and not in the technical sense that we so often attach to it. A judicial mind is a mind which is able to form sound judgments and we try as far as possible to select for positions of responsibility in all Departments officers who have that capacity of forming judgments. But I suspected when I saw the Resolution and thought over it again that by judicial mind was meant something different. It meant in other words a man who is technically in the judicial service. And this was confirmed when I came across a letter from Sir Ziauddin Ahmad in the columns of the *Eastern Times* which I should like to read to the House. This letter in the *Eastern Times* says:

“Dr. Sir Ziauddin Ahmad is pressing again.....”.

Dr. Sir Ziauddin Ahmad: Who has written that letter?

The Honourable Sir Andrew Clow: This letter is signed by Zika-ud-Din Ahmad, Private Secretary to Dr. Sir Ziauddin Ahmad. The letter says:

“Dr. Sir Ziauddin Ahmad is pressing again the necessity of employing an officer of judicial training at the headquarters of General Managers of all Indian Railways to attend to the appeals of Railway employees. The Resolution will be moved in the Central Legislative Assembly on February 12, 1941.

Railway employees who have got complaints that their appeals were not properly attended to are requested to send their cases to him at 17, Windsor Place, New Delhi, marked on the envelope “Appeals”. He will be very pleased to see candidates on

February 2nd, 1941, at 34 Canning Road, Allahabad or New Delhi after 4th February. The names of the employees will be kept confidential unless expressly desired by them otherwise, but the substance of the complaints will be referred to in the debate."

My Honourable friend, Sir Ziauddin Ahmad, told us an amusing story out of his great fund of stories about a Judge who inflicted a fine first and then considered the facts afterwards. It seems to me that in this letter he has come to his conclusion first and started collecting the evidence afterwards. I notice that it is only those whose appeals have not been heard properly that are asked to come. I do not know how it is possible on that to form a judgment as to how many persons' appeals have been heard properly or what the extent of injustice on the railways is.

Actually I am sorry to say that although he mentioned rather vaguely a long list of cases, I was not greatly impressed by them. They related to cases, in most cases, a number of years old. Some of the cases I am familiar with myself. My Honourable friend, Sir Henry Gidney, referred to a case and after saying that I did not know anything about that went on to refer to the case of an individual that I had personally considered. We have, I think, nearly 700,000 persons engaged on the railways in India and more than half of these are on the State railways, say 350,000 persons. I have not yet met a Government servant who did not feel that he had never a grievance of some kind, but most of them are content to recognise that fair justice is done to them. But if you have a body of that size, it surely is rather poor evidence of inadequate handling of appeals, if one has to go back to three, four, or five or even eleven years to find cases of injustice. Again, I was not even impressed by the facts of some of the cases which Sir Ziauddin Ahmad gave. I have no doubt that he was giving them with perfect sincerity. But it is always well to remember that it is only a disgruntled employee that comes to you. He is not going to give the facts that tell against himself. He is going to put his case in the most favourable light. You are hearing only one side of the case.

Sir Ziauddin Ahmad referred, for example, if I heard him rightly, to a case where a man was convicted of a grave offence under the Indian Penal Code and he apparently thought that because he did that in the course of his private life, we were doing him a grave wrong in not retaining him in railway service. Then he referred to this vexed question of ages. Both he and Sir Henry Gidney referred to cases of alleged impossibility that the ages could be correct. I am quite willing to recognise that in some cases it is possible that the age which the employee gave at the time of entry into service was incorrect. But we are now standing for the principle that if he enters our service on the basis of a certain age, we are not going to accept certificates from "men of God" or from anybody else to prove that he really was younger than he then declared his age to be. That, I think, embodies, so far as I recollect my law, the judicial principle of estoppel and in many cases it is a salutary rule. It is perfectly true that it leads in certain cases to an officer retiring before he reaches the real age of retirement. But I am not prepared to recognise that that is in all cases necessarily an act of injustice.

Now, Sir, one of my main objections to the Resolution is that I do not regard judicial officers as such as really qualified for the duties which it is proposed to entrust them with. I am going to pass no criticism whatever on their capacity for giving judicial decisions. A very distinguished Judge told me that there was a tendency in some courts of law

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to look at legalism rather than justice, but I know there are thousands of Judges who are out to give justice rather than legalism and it would not be difficult to find officers for that purpose. My real objection is that the whole method of approach, the whole method of training being what they are, judicial officers are not suited for this kind of work. A judicial officer is an officer who.....

Mr. M. S. Aney: Loves justice.

The Honourable Sir Andrew Clow: I hope so. A judicial officer is one who has to deal with normally one incident in the life of the man before him and on the basis of certain statements, documentary and oral, he is asked to say whether this or that particular incident did or did not occur.

Now, Sir, what are the duties that confront railway officers? Let me take the cases that have been stressed by the two preceding speakers,—promotions and supersessions. They are asked to say whether Mr. A. or Mr. B should be selected for a certain appointment. They are asked to say whether Mr. C. should supersede Mr. D. or not. These are cases, I recognise, which give rise to a tremendous feeling of discontent. I do not deny that for a moment. There is hardly one of us that does not believe, when we get an appointment, that the appointment is due to our merits and that when we fail to get an appointment, it is due to some external causes such as injustice or failure to appreciate those great qualities which we know we possess. It does create a sense of bitterness and discontent because there is not a single one of us who really is able to form the fair estimate of his own ability. Admittedly, this important decision is going to have a far reaching effect on the lives of both men. It may be true that Mr. A made a slip at some early stage of his career, it may be true that Mr. B. had a chance of doing some little conspicuous service that came to the notice of some higher officers. These can legitimately be used as pointers. But they are not the facts on which a decision depends. The facts on which a decision depends are the appraisalment of a man's career, the appraisalment of his personality, the belief in his capacity for doing the job that is given to him and your own judgment of his sense of judgment. It is really not possible to apply the ordinary judicial canons to a decision of that kind. Three Heads of Departments come to the General Manager and say, "we have seen the work of this man for three, five, and ten years and we know that this man will not fill this job. The other man will fill it better. The other man has the gifts for that particular appointment". If the General Manager is a wise man, he will say, "I do not know this man but the little I have seen of his work bears out what you say. I trust your judgment on the matter and I appoint the other man". But if the General Manager is unwise, he will apply a judicial mind, or rather what my Honourable friend, Sir Ziauddin Ahmad, regards as a judicial mind, and he will say, "you must have facts and figures, you must show me something conspicuous that Mr. B did. What offence has Mr. A committed that you want him to be superseded". Often a man is superseded not because we do not believe him good enough for the post, but because we believe that another man will make a better officer. These are cases that give rise

to bitterness—when a man is superseded or when a man is not promoted. And these are the men who come often to Members of this Assembly and say that injustice has been done to them.

I am afraid that not merely in the Railway Department but in all Departments far too much attention is focussed on what I may describe as incidents. A man has been found out in some little fault which is recorded and ever afterwards it happens to be brought up against him. When a man has accidentally happened to have done some good work, a note is made of that and ever afterwards it colours people's opinion on his outlook. As a former Chairman of the Public Services Commission once said to me: "Your Departments seem to send to us only cases where a man has been discovered in some definite and grave offence. But, surely, there are in all Government Departments men who throughout their whole career have not been really adequate, have not done their best and are bad bargains from Government's point of view? None of these ever seem to come before us." Why don't they? Precisely because this emphasis on what is called a judicial mind has so corroded the administration, because an officer who is dealing with a man in a disciplinary way knows that if he can point to a definite instance of which there is proof that will convince the man above him,—the General Manager, the Member of the Railway Board, the Member in charge of Communications.....

Dr. Sir Ziauddin Ahmad: Provided they read the appeal, which they never do.

The Honourable Sir Andrew Clow: We do read them. That will convince him that there is something against this man; but that if he merely says, "I and my Deputy and Mr. So and So who held the post before and somebody else are all convinced that this man is no use", then of course the people who hear the appeal will say, "That is not evidence. We have a judicial mind and we cannot discharge a man on the ground that he is no good for his job merely because everybody who has come across him is of that opinion." I might refer for a moment even to the graver offences. Does not something of that kind occur? Does not everybody know who are the really corrupt officials? And yet how seldom is it possible to get them discharged! There is no proof.

I do not suggest that people should be dismissed on suspicion but what I do say is that the judgment of capable officers who know the actual administration, who are in touch with the man and who have experience and judgment and who have a judicial mind in my sense of the word, is far more valuable than the opinion of a judge who must look at what the Evidence Act calls evidence and must consider the thing in the light of definite incidents which are either proved or not proved.

Lieut.-Colonel Sir Henry Gidney: Surely they cannot go against the Judge's decision?

The Honourable Sir Andrew Clow: Very often it is necessary, not to go against a judge's decision but to dismiss a man whom the judge has acquitted. There are quite frequent cases. Where a man has been guilty of grave neglect of duty, for example, with the result that Government lose a lot of money, we may believe that he has embezzled the money

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and he is charged with having embezzled it. The judge finds that after summing up the evidence he is not satisfied that there has been any embezzlement of the money. But the man has, undoubtedly, been grossly negligent and at the very best he has lost to the public this large sum of money. Is it not right that he should be dealt with departmentally and that he should be discharged from service?

Lieut.-Colonel Sir Henry Gidney: Why sack the man before he appeals?

The Honourable Sir Andrew Clow: As a rule there is no decision taken in these cases until the view of the judicial tribunal is available.

Lieut.-Colonel Sir Henry Gidney: I have given you the case of Mr. Dale which is a clear one.

The Honourable Sir Andrew Clow: One case is given. I said, "as a rule". I am not here to say that no case of injustice has ever occurred among the 350,000 employees during the last generation,—far from it.

Then, again, I think we are too much in danger of concentrating on the individual who is adversely affected. That, of course, is only natural because these individuals, I know, approach Honourable Members of this House, even when they do not send them invitations to do so. But there are two other aspects to be considered. There is first the aspect of the public service. The other day, I think in the last debate, some one in the House made the old observation that it is better that 99 guilty persons should be acquitted than that one innocent person should be convicted. I am now going to say that that analogy does not apply in the present case. I am afraid you have got to recognise that it is not better that 99 incompetent men should be retained than that one competent man should be discharged. We cannot apply that principle but I am afraid too often that is what happens. What happens is this. An officer deals with these cases; he knows that the evidence depends on judgment, that it depends on the impalpable, that it depends not on incidents but the experience of a career. He feels, however, that if it goes higher up he will have nothing very specific to which he can point. Now the temptation to officers in that position is tremendous. If he leaves the man alone and does nothing at all there is no further trouble for him; nobody is going to inquire, nobody is going to ask him why he failed to do his duty. There is a story which was told about 20 years ago,—I will not vouch for its truth but it is very illustrative. A case was taken to a certain Viceroy of an officer who was proposed to be dismissed or discharged and a record was put up showing that for 15 years he had been incompetent and inefficient. His Excellency agreed but he also said, "What punishment is proposed for those who have taken 15 years to find out that he is incompetent?" Alas, there is no punishment in such cases. The head of a Department, the General Manager, who allows an incompetent man to stay on,—nobody is going to visit that on his head, and with junior officers particularly that knowledge is a constant incentive to leave things alone. I do not want the House to run away with the idea that I believe our railways are full of incompetent men; that is not the fact at all. The great bulk of our men are loyal and hard-working servants. We have at the top a small percentage of men of

outstanding ability; we have at the bottom a small percentage of men whom no commercial firm would retain. It is these men to whom we are too tender.

But there is another aspect of the case to be considered, apart from the public service. There is the other individual to be considered. If you do not promote a man you promote somebody else; if you supersede a man somebody else supersedes him. And I believe one of our great faults at present is that it is very difficult for a man, however much energy and capacity he may display, to rise beyond a certain speed in the service simply because the officers with whom promotion rests know that if they appoint senior men there is no trouble. Nobody is going to make any inquiries or complaints. But if they take Mr. So and So from down the list and put him up there will be 20 disgruntled men who will put in memorials, file appeals and perhaps approach Honourable Members of this House. Now, I would ask the House to bear in mind that that is a very definite handicap to efficient administration. I am not here to stand and say that justice is done in all cases. As I say, with an enormous body of men, and over the period of years that Sir Ziauddin Ahmad has ranged over, there must be cases of injustice and frequent cases. I am only saying that you will not remedy it by this solution that is proposed of applying judicial officers to the task. Already men feel that railways are "safe" because they are treated as a Government Service. The real analogy is with big industry. I have never yet heard a suggestion in this House that these kinds of methods and rules for appeals should be applied to a place like Jamshedpur or should be applied to the Bombay cotton mills and elsewhere. And yet are there not cases of injustice there? Why is there no suggestion? Is it not because Honourable Members recognise that the application of our rules and regulations and provision for appeals and memorials will make it almost impossible for the great Indian industries to work? That is the handicap under which we ourselves are working

An Honourable Member: There are labour unions

Another Honourable Member: Is this House not competent to legislate?

The Honourable Sir Andrew Olow: Yes: this House is competent to legislate. I am not out to say that I regard the system in big business as ideal, any more than I regard the system in the railways as ideal. I think they possibly err on the side of giving too little security, but I am quite sure that we err on the side of giving too much. But the real analogy is with this big business.

I have said more than once that I do not believe that there is no injustice. I do not believe that perfectly genuine cases cannot be found. There have been errors of judgment and cases where officials have not received what they deserve. As the House is aware, Mr. DeSouza and Mr. Khan in their report suggested the appointment of a little kind of tribunal which, if it has time after doing its other duties, should consider appeals from senior subordinates. But the House will note that these two experienced railway officers are careful to say that the officers on this tribunal should be experienced railway officials: in other words, officers

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who know what the man's needs are, what his difficulties are, what his duties are, where exactly he has failed and where exactly he has succeeded, and officers who will not proceed in the manner to which our courts are restricted. For that there is something to be said, and I should have liked to have heard if it is a practicable solution. I should have liked to have heard a little more on that, but that is not what is proposed in the present Resolution

Mr. M. S. Aney: That is all excluded from it.

The Honourable Sir Andrew Clow: There is a system in the army by which you have an officer who advises in certain disciplinary cases, but he is an officer drawn from the army itself and familiar with the army. He is not, as Sir Henry Gidney said, somebody who has no interest in the railways, who is drawn from entirely outside it

Lieut.-Colonel Sir Henry Gidney: You can have a barrister.

The Honourable Sir Andrew Clow: He can have the training of a barrister: I do not object to officers having any training like that, but they must have the essential training and that is the training within the railway administration itself.

Mr. N. M. Joshi (Nominated Non-Official): Mr. President, I rise to support the Resolution moved by my Honourable friend, Sir Ziauddin Ahmad. I was disappointed and surprised that the Honourable Member for the Communications Department should have considered it to be a handicap that the Legislature devotes some attention to the complaints of the employees of the Government of India

The Honourable Sir Andrew Clow: On a point of explanation, I did not say that. I said the handicap existed in the various rules and regulations, most of which, I am afraid, have been made under executive action.

Mr. N. M. Joshi: The Honourable Member in the speech he made yesterday also referred to some handicaps upon the Railway Administration, due to the attention paid by the Legislature by way of questions and other methods. I hope that if he considers this question impartially, he will find that the attention given by the Legislature to these questions regarding Railway Administration is a help to the administration, and not an obstacle, unless he believes that the officers who are appointed to manage the Railway Administration are men who are infallible. The question before us just now is the question of properly disposing of appeals for which the employees of the railways have a right, by the railway officers and Railway Administrations. I agree with my Honourable friend, Sir Henry Gidney, that the failure to disposal of appeals properly is one of the most potent causes of the discontent that exists among railway employees on the Indian railways. The remedy suggested is that an officer having a judicial mind and I think Sir Ziauddin Ahmad meant, having judicial experience, should be appointed to advise the railway agents and the Railway Board as regards the disposal of the appeals. It is quite true that the judicial officer may not have the experience of the working of the department. That is perhaps a handicap, but even an

officer belonging to the railway service and even having a judicial mind has certain handicaps—he too works under a handicap. My experience of cases of appeal against orders of railway officers

Mr. M. S. Aney: Were you working as an appellate court?

Mr. N. M. Joshi: No. has convinced me that the real thing that comes in the way of justice being done to railway employees in these appeals is the feeling of prestige of the railway officers. The appellate authority is anxious—it has been my experience always—to maintain the prestige of the officers who have passed the orders. I think that that is the handicap under which the appellate authorities in the Railway Administrations work. We have to choose between an officer with experience of railway work to help the Railway Agents and the other appellate authorities in the proper disposal of appeals and a man of judicial experience; and considering the advantages and disadvantages, my preference is for the appointment of a judicial officer to advise the Railway Agent and the other appellate authorities in the Railway Administration.

Sir, the Royal Commission on Indian Labour considered this question of appeals very carefully. They had made certain suggestions to the Government of India, that every man who has a grievance should be furnished with a charge sheet, that he should be heard personally by the appellate authority, and then he should have a further appeal from the original appellate authority to a superior appellate authority. The Royal Commission also recommended that the appeals should be disposed of within a certain period. The Government of India did not accept the recommendations of the Royal Commission entirely, but they did accept the recommendations to some extent. In the first place, it has been my experience that men against whom some orders have been passed are not still in all cases given a charge sheet, they do not themselves know what exactly is the offence for which they have been made to suffer. I would like, Sir, the Government of India to see that when orders against the employees are issued to their disadvantage, they are always given a charge sheet or a written order stating what is exactly their fault. It has been my experience, as I have said before, that this is not always done. Then, Sir, when the man's explanation is given to the appellate authority, he should have a right to personally see the appellate authority. Even that is not always followed. The Royal Commission had recommended that the man who has got an appeal to make should first be asked to give his explanation, and then he should have generally the right to personally interview the appellate authority.

The Royal Commission further recommended that the man should be accompanied or helped by Trade Union Officers. If the appellate authority generally take all these precautions, many of the complaints which we hear will not be heard. Unfortunately, these salutary provisions made by the Royal Commission are not followed by the Railway Administration in all cases. I would, therefore, like the Government of India to reconsider this question. In the first place, I would like them to accept all the suggestions of the Royal Commission in their entirety, as regards the provision of charge sheets, as regards the man who has appealed being heard personally, and being heard also with the help of the officials of the trade unions.

[Mr. N. M. Joshi.]

Then, Sir, there must be a proper time limit for the disposal of appeals. That is one of the matters in which the railway administration fails. The appeals are not disposed of within a certain period. Now, Sir, to enable the Railway Administration to do its work properly, I think the suggestion made by Dr. Sir Ziauddin Ahmad will be of great use, that there should be judicial officers appointed to help the appellate authorities in coming to proper decisions in appeal cases. I would only make one further addition to the suggestion of Dr. Sir Ziauddin Ahmad. He wants a man of judicial experience to be appointed only at the headquarters of the administration. On the Indian Railways, besides the Agent, there are first the appellate courts of the Divisional Superintendents. There must be somebody to assist the Divisional Superintendent himself in properly disposing of the cases. I hope, Sir, the Government of India in the interests of the Railway Administration itself will give proper consideration to the question of appeals and accept the Resolution moved by my friend, Dr. Sir Ziauddin Ahmad, if not literally, at least in spirit.

Sir Muhammad Yamin Khan: Sir, when I listened to the reply given by the Honourable the Communications Member, I thought he understood the Resolution of my friend, Dr. Sir Ziauddin Ahmad, in a totally different way to what was actually intended by the Resolution. I agree with many of the points urged by the Honourable the Communications Member that there will be a lot of difficulty in the way of the Railway Administration to decide cases merely on judicial lines, but I may point out to him that when my friend, the Mover, referred to the appointment of judicial-minded officers, he did not mean that judicial officers of the Provincial Services like Munsiffs or Sub-judges should be transferred to the railway side, to hear these appeals. That was not the idea at all. What actually is meant or intended by the Resolution is that the officers who will be appointed to hear these appeals should be of judicial-mind; in other words, he wants that officers who have had some kind of judicial training should be appointed, and not necessarily judicial officers of the Provincial Service should be placed under the Railway Administration. The whole object was that the officers who pass punishment orders should have had some judicial training or should be men with a judicial mind. The Honourable Member said that the Railways do employ judicial-minded officers, that all the officers they select are judicial-minded people, and, therefore, their decision should be upheld and should not be questioned, but that proposition, Sir, cannot convince this side of the House at all. There are some officers in the Railways who take great pains to go through the file of every complaint and read the whole thing from A to Z before coming to a decision, but my friend the Honourable Member in charge will admit that every officer in the higher ranks cannot devote so much time and attention to go through the files of these complaints so carefully. By the time the file reaches the higher officers, the noting is done, and they invariably depend upon the judgment of the different people below them who have already formed their opinions on the evidence which was available to them, and, therefore it is very unlikely that these higher officers can go against the decisions of the officers below them and come to a different conclusion to that of the lower officers. Therefore, in many cases very great hardship is caused to people. I know of many such cases from my personal experience. When I was the Chairman of the Municipal Board, I used to get

complaints from people who were aggrieved, and sometimes when I called for the explanation of the officer concerned, I found that in almost all cases that the officer who had decided against the aggrieved party had concealed something which was on the record and did not mention that fact and brought to my notice only such things which went against the aggrieved person who had appealed. Nothing which was in favour of the aggrieved person who had appealed was on the record. Therefore, I had to go through the files very carefully myself before deciding matters. In many cases I found that the aggrieved party was right in his complaint that proper treatment was not given to him. So, Sir, it is not merely a question of appointing officer to hear these appeals, but he must be an officer of a judicial mind who will sit down like a court, go through the evidence both for and against and then give his decision. Certainly, if a person is of a judicial mind, what he will do is this. If there are 20 reports about a person and finds that 18 of those reports are against him, he will decide the matter holding that the aggrieved person is unfit to hold a particular post.

But if this man finds that there have been eighteen reports in his favour and two reports against him, and the officer who has
 I R.M. dismissed him has taken notice only of the two reports which are against him and ignored the 18 reports in his favour, then this man will say that the two reports may be faulty, may not be of judicially-minded persons, may have been inspired by something like likes and dislikes. There are many officers who have got likes and dislikes, you cannot say they are not interested at all. Many times you will find that the man who gives the judgment and who is in contact with the man is carried away by personal feelings, by personal likes and dislikes. Therefore, you have to avoid that kind of thing too. The Resolution does not say that the final decision will be given by the officers whom you are going to appoint. Once a case has been decided by an officer the appeal against that decision must go to a tribunal, it may consist of one man, or two men or three men, that does not matter, but that must go direct to this tribunal who may sift the evidence and then place their report of final decision by the authority which has to decide and give a final decision. If this principle is adopted there will be no harm done. You can give the tribunal instructions, "you are not to give any judgment, but only to place a kind of report as to what are the points in favour and points against before the authority concerned to give the final decision."

When you say judicially-minded people, it is not in the sense of the High Court whose orders are not subject to any appeal and are final. Here the orders will only be passed by the Railway Administration and these people will only place their report before it. I do not see what harm can be done by adopting this principle. I do not like the Resolution as it is drafted. I am not agreeable that these judicially-minded officers may be placed in every General Manager's office. If these people are placed there they cannot have any independence, they will be just subordinates. There should be only one judicial tribunal which may go from place to place whenever appeals are received. You may not have so many appeals that you must have two or three persons in each General Manager's office, but whenever a sufficient amount of work has collected, they may go for three or four days, go through the records, make reports

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which will go to the General Manager. This will save a lot of time and expense, because what do you do now? If a person has got a complaint, if he is not satisfied with your order he files an appeal. Then, first of all, the Superintendent notes, then the Under-Secretary notes, then the Deputy Secretary, then the Additional Secretary, then Secretary and then it may go to the Railway Board or the Member in charge. This entails an unnecessary waste of expense and the valuable time of highly paid officers who can devote it to much better purposes. You will have only one tribunal and that will make a report in each case, the final decision to be given by one man and that must be final.

I quite agree with the Honourable Member that there should be a finality for decisions, that cases which had been decided three or four years ago should not be raised now and that no Resolution should be brought up on the basis of four or five instances out of 3½ lakhs of people, which instances are spread over a period of five or ten years. But certainly there is a complaint that there are many cases in which your railway employees do not get sufficient response from their higher officers who go through their cases. I know of one case. I will tell the Honourable Member that, he is probably aware of it. He was an engineer. He was dismissed for having obtained two or three extra passes. Each railway employee is allowed so many passes, but this officer obtained probably a larger number of passes than he was allowed under the rules and this man was sacked for that.

Lieut.-Colonel Sir Henry Gidney: Not an engineer but a commercial officer.

Sir Muhammad Yamin Khan: He was an engineer on the North Western Railway.

The Honourable Sir Andrew Glow: He was a Traffic man.

Sir Muhammad Yamin Khan: May be, but he was a railway man. I say it was very good. If this standard of morality is kept up in the railway administration I will whole-heartedly say, "Yes, keep up this standard of morality." If a man takes one extra pass you sack him. All right, but apply this principle throughout. But if you have been allowing many people who are travelling without passes on your railways—higher officers than this man—then you have set up another standard of morality and you cannot judge the man from the point of view of a higher standard of morality than what is prevalent in your railway administration. Have the higher standard, but enforce it in every case by all means, but you cannot say you will have one sauce for the goose and another sauce for the gander.

Lieut.-Colonel Sir Henry Gidney: There will be propaganda then!

Sir Muhammad Yamin Khan: That won't do. I do not think that his appeal should be recommended after a lapse of two or three years and that his case must be taken up again, but I do think that if there is injustice done in this case then I feel that it is worth while to remove that injustice. That will enhance the prestige of the Government rather than if you continue an injustice which has to be brought up before you every time.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Sir Muhammad Yamin Khan: I hope that the Honourable Member will not go merely on the wording of the Resolution but will do his best in the interests of these people. After all, Resolutions are mere recommendations. They are not binding on the Government, they only suggest some method how to remove a grievance.

An Honourable Member: They ought to be binding.

Sir Muhammad Yamin Khan: I do not think so. I do not agree with you there. I would suggest that the Honourable Member will take into consideration all these matters and will decide the matter in the light of the discussion that has taken place, rather than stick to the wording of the Resolution.

Mr. M. S. Aney: Sir, if we read this Resolution carefully it will be seen that it emphasizes two points. The first is an injection of a judicious element in the personnel who hear the appeal.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Judicious or judicial?

Mr. M. S. Aney: Not judicial. The second point relates to the procedure which at present exists in the matter of hearing appeals. The urgency of the reform which is suggested in this Resolution can be appreciated if there is a recognition on the part of the Members of this House that there is a general grievance against the existing system. My Honourable friend, Sir Ziauddin, has taken a good deal of pains to collect evidence with a view to impress on the Honourable the Communications Member that there is not only a general grievance but here are concrete instances which he can go through and satisfy himself and see whether good grounds do not exist for the redress of the grievances that are already there. He wanted to make out an unimpeachable case here against the Railway Board and he was not collecting evidence in support of conclusions previously drawn. The conclusions are there. The fact that the existing railway employees are not satisfied with the system of hearing appeals is a very well known grievance but a simple and bald enunciation of a proposition like that would not have been sufficient and, therefore, he wanted to make out a case by quoting concrete instances and I think he was perfectly justified in inviting persons who had really any grievances like that to bring those cases up to him. I think he must have received many more, out of which he may have sorted out a few and brought them to the notice of the Communications Member. It was not a case of coming to conclusions first and collecting evidence afterwards. The grievances existed already and it was necessary to give a few illustrations for the purpose of placing them on the table of this House and bringing them to the notice of the Communications Member. I really admire the patience of Dr. Sir Ziauddin in collecting very cogent evidence and bringing matters home to the Honourable the Communications Member. The Honourable the Communications Member, if he has the patience, should send for these papers in original and satisfy himself.

[Mr. M. S. Aney.]

and discuss them with Dr. Ziauddin and find out whether the injustice complained of is not a real and genuine one. I am sure that in most of the cases probably the conclusion which Dr. Ziauddin came to would be the only proper conclusion and it is not a case of mere surmise or guess as my friend, the Honourable the Communications Member, wants to suggest. I do not think there was much force in the attempt of my friend the Communications Member to prejudice the argument of Dr. Sir Ziauddin by saying that he has come to conclusions first and collected the evidence afterwards.

The second point is this. It is not suggested in this Resolution that a regular separate judicial service should be instituted apart from the present Railway service. What is insisted upon is that persons who are put in charge of these appeals should be men who have got judicial training, who have got a grounding in the principles of law and principles of evidence.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may continue his speech after the adjournment.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandru Datta) in the Chair.

Mr. M. S. Aney: Sir, what is demanded in the Resolution is not that a regular separate judicial service should be started by the Railway Board to hear these appeals but that in making the appointments of persons who are to hear appeals care should be taken that they are men of a judicial mind. That is all that is demanded in the Resolution, in my opinion. My Honourable friend, the Communications Member, gave us a somewhat long lecture on the uselessness of having men of a judicial nature, of entrusting persons with a judicial nature and judicial qualifications with the duties of hearing appeals in cases of this kind. He laboured the argument at some length, saying that the work they have to do is of a very peculiar nature and it is better done by persons who are intimately connected and acquainted with the conditions of service and the work that is being done by the employees whose cases are concerned than persons of a judicial mind or with judicial training. Now I submit that I do not agree with what he says. He is certainly wrong in his assertion that persons with a judicial training are incapable of finding out whether a particular order passed by a certain officer—we are talking of persons who are going to hear appeals—whether particular orders of dismissal or suspension or removal passed by a certain officer in Railway Department were justified and whether there was any offence committed within the meaning of the rules for the breach of which alone such a man could be dismissed, suspended or punished in some other way. The point is this. It is mostly in cases of dismissal or some such serious punishment that the question of an appeal comes into prominence and what is sought to be done by this Resolution is to prevent a kind of arbitrariness in the

orders passed by the subordinate officials. There being no proper machinery by which arbitrary orders can be challenged, no hope of getting justice can be entertained by the aggrieved persons. To remove that state of things it is suggested that persons with some judicial training, with judicial qualifications, should be associated with the Department and then the matter can be properly heard and decided. There is no difficulty whatsoever for a judicial man to appreciate the position. We know that cases consisting of any kind of technical matter are taken up to the courts; they are properly argued on both sides; the judges do come to decisions notwithstanding the fact that for the first time in their lives they stood upon judgment in a particular kind of work which they never heard of before. Sir, when a case is presented to a man with a judicial training, he is in a position to grasp the issue and understand all the technicalities of it and knows how to come to a right conclusion on the point. But those who are given to doing things in an arbitrary way, being trained in the executive line altogether, are unable to appreciate the point of view of the man who is injured by an order. This executive officer himself, who has got a feeling for that officer who has dismissed the man or who has done any injury to a man, is incapable of appreciating the point of view of the man injured. That is the great trouble of the whole theory, and therefore the suggestion has been made, "Well, entrust this work to your own officer but see amongst your own officers whether there is some element which has got the appropriate judicial training and therefore equipped to consider and entertain appeals and to give proper advice in the matter of such appeals".

The real trouble to which reference was made by my Honourable friend, Sir Henry Gidney, *viz.*, the whole theory on which this railway administration goes on, is that it is not a Department like other Departments, it is a Commercial Department, and therefore they think that the persons in charge of the administration of the different Railways should have the same power as the private concerns in dealing with these servants; nobody else should have any chance of interfering with their discretion of that kind; if we were to interfere, we would create an opportunity for the servants to be dissatisfied with you, and the Railways would thereby not be able to take from their workmen as much work, and as efficient work as they want in order to yield a certain profit for the Railway Administration. It is that analogy which precludes the Railway Board from exercising proper control over the actions of the Agent or anybody else. The Railway Board are obsessed with this idea that they are here a mere supervising body and the main responsibility for running the Railway Administration, they say, they must leave to the Agent and, therefore, they would not be justified in creating a set of rules by which their conduct would be judged and their actions would be tested any time and everywhere. It should be left mainly to the discretion of the Agents. The Agents in their turn think likewise and leave the discretion of the local officer undisturbed. Certain tentative rules there are about appeals which may or may not be seriously observed. It is this theory of looking at the thing as a purely commercial concern and leaving the Agent's discretion almost unfettered and undisturbed that is really coming in the way of creating a proper set of rules and a proper set of officials in the matter of hearing appeals against railway servants. That is my idea; if I am wrong, I shall be very glad to hear from the Communications Member who may speak later on that I am entirely

[Mr. M. S. Aney.]

wrong. It should I think be possible to evolve some system which shall appeal to the imagination of the people and shall appeal also to the sense of justice of the people, but I find that the attitude of the Railway Board in the matter of the railway servants' grievances of not interfering with what is being done by the lower staff under the arrangements at present existing lands the men in a very unsatisfactory position.

Well, Sir, after that, there was one point upon which the Communications Member touched. He seems to think that the Members of this House have not got much to do except being accessible to all sorts of fellows who want to make complaints against the Railway Administration. He was labouring under this grievance. He repeatedly referred to the position of Honourable Members. Now, why do they, I mean the Railway servants, go to the Honourable Members—that is one point which I want him to consider very carefully? The very fact that instead of going to you, they approach somebody else.

Dr. P. N. Banerjee: They cannot go to him.

Mr. M. S. Aney: What does that show? It shows a state of things into which the Communications Member ought to go very carefully, in my opinion, so that he may understand the rationale behind the whole thing. No person who is a subordinate would like to go out of his way to somebody else outside the Department, and he will only try to do so when the whole arrangements are such as to make it almost hopeless for him to get any access at all to the Honourable Member's Department, and if there is this habit, as the Honourable the Communications Member says, for these fellows to approach Honourable Members of this House, I say that in itself is a ground for him to consider whether the present system of hearing appeals is a satisfactory one, or not? Is it not a fact I ask him that most of your staff are dissatisfied with the existing system? In my opinion that is a sufficient ground for him to accept at least half if not the whole of this Resolution. He may not accept the other part and if he has got some other better method, to which I am going to refer, I am prepared to discuss that part with him. But the position is there. It clearly indicates that there is a considerable amount of discontent amongst the servants themselves. It is not a question of mere discontent among these persons, but if you have a discontented staff with a certain system existing in your Department, who else can look into their grievances and to whom else they should look for help if not you? Therefore, we want that these grievances should be brought to the attention of the Honourable the Communications Member and I think my friend, Dr. Sir Ziauddin, was quite right in bringing this matter for discussion before this House today.

So far as I am concerned, I am very reluctant to hear any Government servants at all. I do not believe in the proposition that because a man is a Government servant, he occupies a privileged position. I am in favour of curtailing that privilege as much as I can and I generally do not see any Government servants. In spite of that attitude of mine, I find a number of letters and a number of representations are sent to me. That indicates that the grievance is a genuine one. I feel that there is a good deal of discontent about the existing system of hearing appeals and the Honourable Member should go into this matter more carefully.

Then, Sir, the Royal Commission have made certain suggestions and I find that some of these suggestions have been given effect to, but it would be better if all the suggestions mentioned in their report are given effect to. Then, as to the personnel who are to be entrusted with the work of hearing appeals. I do not find any suggestion in the Royal Commission's report and it is a new point which the Resolution of my Honourable friend, Dr. Sir Ziauddin, has prominently brought to our notice. I believe the Resolution should be approached from this new point of view. I believe the Honourable Member stated, if I heard him aright, that there is already a suggestion in DeSouza's report under consideration to appoint a Committee to hear the appeals, but the personnel of that Committee should consist of persons who have got experience of railway administration. That is the kind of Committee he suggested. If he at least thinks that a case has been made out that something more and in addition to what exists at present has to be done, then, I believe, this debate has served its purpose very well. At least, the existing arrangement is not such as to give satisfaction to the staff. Therefore, if he thinks a Committee is necessary, we shall add only one more suggestion in the formation of that Committee. You should see that in the personnel of that Committee there are men who have a judicious mind. If there are men of judicious mind on that Committee and if the Committee lays down a certain procedure for the sake of hearing those persons who are grieved by the orders passed by the lower court, I think much of the purpose which Dr. Sir Ziauddin has in his mind will be served. He has referred to that suggestion in his speech but has not amplified the whole thing. But if he has any such thing in his mind, we shall be very glad to see that due notice is taken by him in the appointment of that Committee of the points raised in the course of this debate in order to have a proper Committee to hear these appeals.

Sir, I do not want to take more time of the House in this matter although there are many serious complaints, notes of which I have made. But I do not think it will serve any useful purpose to go into any stray cases and I do not want to take the time of the House over these matters. I only urge the Honourable the Communications Member that if he is satisfied with the suggestion as it is, he should please give us an assurance that he appreciates that there is a difficulty which he has to tackle. Any attempt on the lines which I have just suggested would be welcome to this House provided it meets with the genuine grievances which have been ventilated on the floor of this House by the Members on this side of the House. With these remarks I support the Resolution of my friend, Dr. Sir Ziauddin Ahmad.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, to the good luck of the Indian railway servants, the Honourable Member in charge of Railways has given a little attention to this Resolution and he wants that specific cases may be mentioned. My Honourable friend, Dr. Sir Ziauddin, has mentioned some cases and he was asked to give the dates, names and so forth. I know the instances of some specific cases with the year in which decisions were taken which were detrimental to the applicants and complainants. The position is this. When appeals are made, they go to the Divisional Superintendent and he generally withholds those appeals with the result that the General Manager knows nothing about them. I refer to two cases of 1940, one of Mr. Miller and another of Mr. Khema Nand in which it was said that no

[Mr. Muhammad Azhar Ali.]

appeal lies to the General Manager. Generally, this is what the Divisional Superintendent does. He writes that no appeal lies to the General Manager and disposes it of himself. Then, Sir, I will refer the Honourable Member to another case. This is the case of one Assistant Station Master, Altaf Husain. He was dismissed and he appealed. There was nobody to listen to his appeal. Perhaps it did not reach the General Manager. As he was discharged without listening to his appeal, he had to go to the civil court. He won his case from the same court in the Delhi Division itself. The third case relates to one Abdulla. He reported to the Railway Department that some railway material at the Sabzimandi station was removed by somebody. He reported the case to the station staff and to the railway staff. Nobody listened to him. Then, he was good enough to save the railway property and he reported the matter to the Police. The police went there and made inquiries. The result was that the Railway Department dismissed him on the ground that he reported the matter to the Police. Although he said that he reported the matter to the Railway Department and nobody listened to him, yet he was dismissed. Even today the Railway Department owes him his salary to the tune of rupees seven.

I will give another case, that of Muhammad Mukhtar Nabi of Moradabad Division. His appeal was admitted but it was said that certain rules were not complied with. This was in 1939-40. He has not been reinstated although it was said that his dismissal was against the rules. There is another case of one R. D. Jain who is an M.A., LL.B. After 21 years of service it was suddenly discovered that he was inefficient. He has been posted to Karachi and Lahore as an officer. He was recruited from the Secretariat while he was an Assistant. Can it stand to reason that after 21 years of service, he suddenly became inefficient. I have met this man. I can confidently say that he can stand any competitive examination by the Public Service Commission or by the Railway Board. Well, Sir, these are some of the cases which I place before the House and I would ask the Honourable Member for Railways to look into these cases. It is because of such cases where obvious injustice has been done that we want a judicial tribunal to be set up. We have today listened to a very good dissertation on the special jurisprudence which has been framed by the Honourable Sir Andrew Clow. He gives a peculiar definition to judicial officer. He said that this judicial officer should confine himself only to the files of the railway staff. He should not listen to any complaints. He should not look to the rules of the railways as a judicial officer ought to do. Rules of evidence are to be treated as absolute waste paper in the eyes of the Railway Member. If this is the special principle of railway jurisprudence, this is absolutely against the jurisprudence which is being taught to us by the English nation. The Indian students are taught differently from this in their Universities. I should say this is the culmination of the misfortune of Indians. We are told in the newspapers that some new comet has risen in the horizon with a tail and that it is bound to bring misfortune to India. (Interruption.) My own impression is that it is the railway staff of India that is being visited by this evil comet.

I am glad that the attitude of the Honourable Member for Railways is not what it was yesterday. At least to a certain extent he was prepared to know the specific cases and so far as the time at my disposal will permit

I gave him a few cases. My Honourable friend, Mr. Joshi, said, that the Treasury Benches care only for prestige. Now, Sir, so far as the Railway Department is concerned, it is not only prestige that is regarded, but there is also a great deal of favouritism that is going on. It is because of favouritism that every day we hear of complaints and questions are put in this House mostly relating to railway matters. Resolutions are discussed in this House mostly relating to railway matters. Personal representations are made to the Honourable Member for Railways about the railway matters. Does this not show that there is real grievance among the railway staff? As has been pointed out by my Honourable friend, Mr. Aney, simply because so many complaints are coming every day before the House there must be something rotten in the State of Denmark. (Interruption.) You can choose some other word for "Denmark", you can say the Indian railways. However, this Legislature is meant to do justice like Indian courts. The function of a court is that when a case comes before it, it is the duty of the Advocates to represent the case of their clients. Here in this Legislature it is also the function of the members of the legislature to give specific instances and also to represent the grievances of the people. My Honourable friend, Sir Andrew Clow, blames my Honourable friend, Dr. Sir Ziauddin Ahmad, and says that even before knowing the grievances, Dr. Sir Ziauddin Ahmad comes to the House and wants to know afterwards what are the grievances of the people. He writes to the newspaper inviting people to bring to his notice cases of injustice. I do not see any harm in that. If he does that he is really doing a good turn to the railway servants. He does not do it for his own private servants. He is doing a public service to the Government. If the Government do not think that it is a public service done by Dr. Sir Ziauddin Ahmad then I shall be sorry. The Railway Department is earning crores and crores from the taxpayers and it is spending crores and crores and where is the difficulty in appointing a tribunal to hear these cases of complaints. At least a touring judicial officer can be appointed. If you like you may associate with him a trained man of your own Department, who you think knows the files of the Department more than anybody else. We do not mind this. You make a tribunal of three people, give them the liberty to travel from place to place and to listen to appeals. Where is the difficulty? The Government of India have appointed a Tribunal for Income-tax appeals. Why cannot the Railway appoint a similar Tribunal to hear the grievances of the railway staff? Perhaps the Honourable the Railway Member thinks that when we put forward this suggestion, it is in the minds of Members that our friends will be appointed to new posts created. Hundreds of new posts are created everyday. We have sanctioned all of them in this House. Under those circumstances, I do not see any reason why Government should oppose this Resolution. I have already said something about the peculiar definition of 'judicial mind' which the Honourable the Railway Member gave. I need not elaborate that point further. The function of the Legislature is to represent cases to the Railway Member. I do not think he ought in any way consider himself embarrassed. I hope he will take note of the cases mentioned by me and redress the grievances. With these remarks I resume my seat.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): Sir, this House is aware of the fact that this subject should have been discussed on the 12th February when it was ballotted in my name.

[Maulvi Syed Murtuza Sahib Bahadur.]

Unfortunately, it was not reached on that day. Now that the Resolution has come before us, I have to make some remarks.

Sir, the previous speakers on this side have made out a strong case in favour of this Resolution, and it is not necessary that I should dwell on each and every point. I value the time of the House, and so I will try to be as brief as possible. The Honourable Member in charge did admit that there were some cases where justice had not been meted out to the aggrieved parties. In that connection he said there were about 3½ lakhs of employees, and it could not be expected that justice would be meted out to all. But if it is proved that injustice has been done to some of his own subordinates, it is the duty of the Honourable Member and the Railway Board to go into these cases and do justice to their own employees. As early as the time when Mr. Hassan submitted his report, he said that the orders of the Railway Board were not being acted up to by the Agents. Even then no practical steps were taken by the railway authorities.

An Honourable Member: What about a Persian couplet?

Maulvi Syed Murtuza Sahib Bahadur: Yes, one was given by Sir Ziauddin, but he did not translate it. Therefore, I will repeat that Persian saying:

"Muzdore Khush-dil Kunad Kārbeh".

This means that a satisfied and contented labourer turns out more work, and satisfactorily too. It is, therefore, the bounden duty of the Railway Department which employs the largest number of servants in all departments to attach more importance to this than to anything else. It is a commercial department and should be very careful about it. Sir, security of service is an essential thing resulting in contentment and satisfaction. But here there is no such security. In the cases mentioned by Sir Ziauddin and Mr. Azhar Ali it was pointed out that injustice had been done in many a case. One case was referred to by my friend, Mr. Azhar Ali, and that was a very curious one. A gentleman named R. D. Jain, M.A., LL.B., puts in a service 21 years in the Railway Board and renders satisfaction to his superiors during all this time, and, as a result thereof, he gets promotion to a place carrying a salary of Rs. 600 to Rs. 800, and, then, after 21 years' service, he is declared incompetent, and, consequently, though not medically unfit, he is morally unfit and is sent home. There are many other cases. In a case where a man, who was getting Rs. 80 a month after 30 years' service in the department, is reduced to Rs. 70, for no fault of his. He presents an appeal, it is not heeded. This is a recent case which occurred only about December last. Then, there is another case of a T. T. E. on the B. & N. W. Railway. He was entertained in 1936

The Honourable Sir Andrew Clow: Sir, that is both a company-owned and a company-managed railway and not responsible to us.

Maulvi Syed Murtuza Sahib Bahadur: Then, there is the case of a gentleman on the East Indian Railway who was appointed as a clerk in 1919. He got an attack of cholera in 1926 and was admitted as an

indoor patient in a railway hospital. In his absence some of his colleagues removed some official papers from his table and a false charge was framed against him for destroying official papers. It was proved that no papers were destroyed by him, but still he was served with a notice and removed from service. He remained ill for six months and could not appeal, as no definite charge was framed against him. He was given a chance in 1929 as divisional store keeper and worked there for three years, where he was found quite up to the mark. In 1939, he again got a chance to work as storeman, and was promoted to the rank of head mistry or work-in-charge, but the Labour Union wrote to the D. S. that he being a discharged hand must not be re-employed, and hence he was sent back to his original post of storeman. Being an experienced hand, he was again given a chance of being work-in-charge and worked for about a year and a half and was dismissed afterwards instead of getting any permanent appointment. His case was represented by the Honourable Haji Muhammad Husain, Member of the Council of State, to the D. S., Allahabad, but the clerk concerned did not submit the papers to the D. S. When the Honourable Member again reminded the D. S. and wrote a D. O. letter, he replied that he was not aware of the facts. He is now out of employment, and there is no chance of his appeal being heard. His length of service may be taken into consideration, and he may be reinstated. My object in bringing these cases to the notice of the Honourable Member is that there is a strong case in favour of the appointment of an officer of a judicial mind. As to who come under the category of officers possessing judicial minds—that point was gone into by our lawyer friend, Mr. Aney, and others, and most probably Sardar Sant Singh will throw much more light on this.

There is another case. A man was appointed as a guard in grade 1 in 1906 and posted as assistant station master in 1918, and confirmed as such in grade 5 in 1932. During his service, he officiated in different capacities, quite up to the mark, as station master and traffic inspector, and so forth, and he was sent to the Chandausi school for training in 1925, as there was no school for training in the N. W. R. He passed his examination, obtaining 72 marks. Several permanent vacancies occurred during this period, but he was not allowed to work as permanent station master and several juniors superseded him: he is the seniormost station master having 34 years' service. He appealed many a time to be promoted as permanent station master, but to no effect

Mr. P. J. Griffiths (Assam: European): He had been fairly permanent for 34 years?

Maulvi Syed Murtaza Sahib Bahadur: He can serve up to his 60th year. After 55, he can be granted an extension yearly.

Another case is that of a gentleman of the E. I. R. in the Engineering Department who joined on 16th May, 1914. He resigned and joined the D. M. O.'s office in 1918. As the climate of Calcutta did not suit him, he applied for the post of a head clerk on the B. N. W. R.—a Company-managed railway—and he went there: he was selected after the post had been advertised. His services were transferred from the E. I. R. and accepted by the B. N. W. R. In 1929, he was posted as head clerk in

[Maulvi Syed Murtuza Sahib Bahadur.]

the Medical Department. In 1934, a new medical officer joined the service and reorganised the office and abolished this particular post of head clerk. He was getting Rs. 190 at that time as head clerk, and he was served with a notice: he was promised to be absorbed somewhere, but never was he absorbed. He appealed many a time to different departments, but was not offered any post. He suffered a heavy loss as he was transferred from a State railway to a Company-managed railway; he is still out of employ and knocking at the doors of the railway authorities.

There are many such cases. So we would appeal to the sympathetic nature of the Honourable the Communications Member. I have known him ever since he was Secretary, and so I expect that he will not but revise his opinion, because we have succeeded in making out a strong case in favour of the appointment of a special officer who should go deep into all the papers and render justice to those who have been aggrieved.

Sardar Sant Singh: Sir, I intervene in this debate simply because I have been struck with the attitude

Mr. N. M. Joshi: Because you did not speak in the morning!

Sardar Sant Singh: I can assure you that I am not going to make up for that. I am struck with some of the observations of the Honourable the Communications Member, by which he made an impression on us that the officers of the Railway Department do possess a mind and deal efficiently with the appeals of aggrieved persons in their Department and that no better system can be devised and no improvement was possible by appointing men of judicial mind to look into those cases, unless they are trained in the railway methods. My friend, Dr. Sir Ziauddin Ahmad, has been taking a lot of interest in the matter of appeals of employees to higher authorities. He has returned to the charge again after the lapse of about seven years. This means that during the seven years that has elapsed since he first moved his cut on this point in this House, he finds little improvement in the matter of appeals. There can be no doubt and I think the Honourable Member and we on this side are agreed on this, that the right of appeal is a valuable right. No better argument, is needed but this, that the right of appeal is vested in the employees. Once you concede the right of appeal, there can be no gainsaying the fact that it is a valuable right in service. But the real complaint is that though, the right of appeal is conceded in the rule but is broken in practice. As a matter of fact what is called as a right of appeal is in fact no right of appeal in practice at all. That is the trouble. The reason is obvious: and the Honourable the Communications Member cannot deny this fact that the decisions in appeals by aggrieved persons are couched in a language which my friend, Sir Ziauddin Ahmad, has called as stereotyped language. The authorities might as well prepare a seal and put it on every appeal and it will serve the purpose of disposing of the appeal of every aggrieved person. This trouble has arisen because of the system under which the appeals are disposed of. There are certain fundamental rules for the appellate courts prescribed in the Civil Procedure Code. I think the time has come when I should remind the Honourable Member of the procedure which he as a judicial officer must have been compelled to adopt under the law at the time. In a court, one rule of law in the matter of how judgments of appellate courts should be written will throw a flood of

light upon the method of how appellate courts are expected and not only expected but are forced to stick to and write their judgments in a particular manner—I refer to Order XLI, rule 31 of the Civil Procedure Code, in which it is stated “that the judgment of the appellate court shall be in writing and shall state the points for determination, the decision thereon, the reasons for the decision and where the decree appealed from is reversed or varied, the relief to which the appellant is entitled.” That is to say, the appellate authority is forced to apply its mind to the facts of the case before it and come to a definite decision on each of the points raised in the grounds of appeal against the order of the first court. That is the thing insisted upon in the courts of law; and if any appellate authority does not comply with those provisions of the law in writing, their judgment in appeal is set aside by the High Court and sent back for re-decision.

Sir, I shall quote a few decisions of the High Courts in order to impress upon the Honourable Member to enable him to see if he thinks that his officers are doing the right thing, that they do comply with the provisions properly in dealing with appeals. In some cases the course adopted was where the judgment was “appeal dismissed with costs”, and in another case where the judgment was “appeal rejected under section 551 of the Civil Procedure Code”. Even when an appeal is dismissed under rule 11 a judgment is necessary. Here again in one judgment it was said:

“To deal with the grounds of appeal would be simply to repeat the judgment of the District Munsiff. I concur in the decision the Dist Munsif has given on each point. The judgment of the lower court is confirmed, for the reasons therein set forth, and this appeal is dismissed with costs.”

Sir, such judgments were set aside by the High Court as no judgments at all. Now, judging from the decisions given in respect of the appeals of these railway employees, will the Honourable Member say that his officers apply their judicial mind before giving their judgment

Mr. Lalchand Navalrai: Do they know law?

Sardar Sant Singh: They do not apply their mind to the appeals; they do not care for the grounds given in the appeals. They merely want to say “We have given our personal attention to the appeal and we see no reason to interfere in the matter, and we therefore reject it”. Is that the satisfaction an aggrieved person to get from the appellate authority when he is told that the Department has given him a right of appeal? Like a good Christian, what you give with the right hand, you take it away with the left because the left hand does not know what the right hand has given. Is this the way in which appeals should be disposed of? It is not my friend, the Communications Member, nor is it the Railway Board who is to be satisfied. It is the actual aggrieved person to be satisfied. Your whole procedure is based on wrong conceptions

An Honourable Member: It is impossible

Sardar Sant Singh: If you say it is impossible, you do not know what a judicial mind is. You do not care to see on what your judicial mind is based, and this is the mentality which is the subject matter of the Resolution before the House. And why do you want a judicial-minded

[Sardar Sant Singh.]

person to be there? Because we find from experience that this is the type of mind which has overtaken the officers of the Government. My friend is a great defaulter so far as the Post Office is concerned. There also true justice is not meted out. It is wrong. It is not the Department to be satisfied. It is the person aggrieved who is to be satisfied; it is the person who is deprived of his livelihood, it is the person who loses his labour of several years' service in the Department who has to be satisfied, that he is being treated justly and fairly. Why do you raise hopes in the minds of these people and the next moment you dash their hopes by not doing the right thing by your employees? I know of several cases, and in a recent case a person was charged with corruption. A charge sheet was handed over to him. The Inquiry Court said that charge was not proved. Then the Department said: 'All right, we abolish this post' and the man was discharged. That is one story which was told by my friend, Dr. Sir Ziauddin Ahmad. The other story which I want to tell is this: A young lamb was drinking water at the river. A tiger appeared, and it said: 'Why do you pollute the water?' The poor lamb said: 'No, I am drinking water from the lower stream while you are on the upper stream'. Then the tiger said: 'if you don't pollute the water, your mother would have done it'. Sir, I ask is this the way of dealing with things? You first charge a man with some offence while your own officers say that the charge is not proved, and on the very next day you discharge him by giving him a month's notice, telling him that since a particular charge against him was not proved, there was something else against him. There is another case which was handed over to me only this morning by a railway guard. He was promised promotion and was given very good chits for good service from 1918 onwards up to 1940. Several people who were junior to him were given promotions, while this man has been making appeals after appeals, and not even one of them has been acknowledged. Is that the way to satisfy your employees? I should again like, for the benefit of my Honourable friend, the Director-General of Post Offices, to read to him another judgment of the appellate court and ask him who is to be satisfied. This is what is stated here:

"The reason of the rule has been stated to be to afford the litigant parties an opportunity of knowing and understanding the grounds upon which the decision proceeds with a view to enable them to exercise, if they see fit, and are so advised, the right of second appeal conferred by section 100."

Sir, these are judicial appeals. In criminal cases a copy of the judgment is given free to the convict. What for? In order to satisfy him that he has been found convicted rightly, so that he may beware and should not commit the offence a second time. It is the convict who has to be satisfied, and not the Magistrate or the appellate authority. Perhaps my friend has forgotten the old judicial system when he started life in his younger days. Probably he has forgotten those days, and he today needs to be reminded of the principles which govern the decision of appeals. Dr. Sir Ziauddin Ahmad wants the right of appeal to be applied in a judicial manner by a person possessing a judicious mind. That is why he wants a judicial person to be there. There are about 750,000 railway employees. Government cannot sit tight over the rights of their subordinates: If there is discontent among the employees, it is mostly due to the fact that they do not get the right of appeal in the true sense which they are told, they have. If you have given them those rights, then they must be protected and respected, so that there may be contentment in

the service. Even my very sober-minded friend, Sir Henry Gidney, said that he used language this morning which he would not ordinarily use in other matters while speaking on this motion, because he rightly felt that the railway employees were not getting what was their due or what was their right. This should make the Department pause and consider the whole position and think, not in terms of those who think they are doing justice, but in terms of those aggrieved people so that they may really feel satisfied that justice is done to them. The Department have to win the confidence of the people, and not the consolation of their conscience. These are two distinct issues, there are two definite methods of approach to the problem—one is whether your employees feel that you do justice to them in regard to their appeals. If they do not feel so, then it is high time that you revised your opinions and did something definite in order to satisfy them that the right of appeal conceded to them is genuine and real, and not a thing to wash their tears whenever they shed them suffering from the tyrannies of their superiors

Lieut.-Colonel Sir Henry Gidney: Sober-minded words.

Sardar Sant Singh: I am glad my friend calls these sober-minded words. I think that the spirit of the Resolution is for the benefit and improvement of the department concerned, and I hope that the Honourable Member will reconsider the position and do something in regard to giving better justice to railway employee.

Qazi Muhammad Ahmad Kasmi (Meerut Division: Muhamtnadan Rural): Mr. Deputy President, if there was any Resolution during this Session on which I think the Government could have come to a compromise, it was this Resolution, but now I feel after hearing the Honourable the Communications Member that the Government are no longer in the habit of coming to a compromise because they know well as to where the Opposition stands. The Honourable Member has refuted the arguments of Dr. Sir Ziauddin Ahmad by taking extreme cases. It is admitted by the Honourable the Communications Member that injustice is being done. It is also admitted to a certain extent that if certain Members of the Railway Department were put on for the purpose of an appellate court, that could not be inconsistent with the present system, but he objects to the imposition of judicial tribunals which is alleged to be suggested by this Resolution. My submission is that the Resolution, as it stands, does not contemplate any judicial tribunal. What it contemplates is that out of the Railway Department itself you can appoint certain persons who have got a judicial frame of mind, to look into these appeals and report to the officers concerned. What is the definition that the Honourable Member has given of a judicial mind? So far as I can see, the test that he has prescribed for an appellate court is such a rigorous one that I am afraid the Honourable the Communications Member himself will probably be debarred from hearing appeals from the Railway Board. May I ask, has he ever worked as a station master or a Divisional Superintendent? May I know whether he had come in individual contact with railway servants? He has not the disqualification of not reading some law. From the position which he occupies, he has had the misfortune of reading some law. The way in which he argued the case was not that of a railway officer, but of an advocate,—he used such plausible arguments. Do you expect any railway

[Qazi Muhammad Ahmad Kazmi.]

officer to talk in that judicial manner in which my Honourable friend has been talking before the House? I fear that will debar him from hearing these appeals, because the necessary condition for an appellate tribunal to hear appeals is that the person must be in actual contact with the railway employees. I do not know what is the length of experience of the Honourable Member in the railways, but I do not think that it would be more than one or two years. I think this will disqualify him absolutely from hearing any appeal from a railway employee.

An Honourable Member: And that is the reason why he does not hear appeals at all!

Qazi Muhammad Ahmad Kazmi: My Honourable friend must have had some experience of the judicial branch also, because, in his earlier days, he must have worked as an Assistant Collector or a Collector. May I submit to him that many persons in the judicial department have not got a judicial mind? The very idea of an appeal involves an idea of understanding the issues that are raised by the person who is aggrieved. There must be some judicial training of the gentleman who can understand it. I remember the story of a new gentleman who had come as an Assistant Collector. He was an I.C.S. Some Vakils appeared before him. The case was one of beating, under section 323 of the I.P.C. After the evidence was produced, the magistrate was inclined in favour of the accused and he thought that the man was beaten. Then the complainant said, "Your Honour, you do not understand what is the real case. This man married complainant's sister, but he is not prepared to marry his sister to the complainant." "I see the point now. Why did you not marry your sister to him?" "They are of quite different ages. How can they marry?" "It does not matter. When you married his sister, why did you not marry your sister to him? I understand the case." If you have such men in the judicial department—I admit that people of that type can be found in any department, because any man who comes new to any department may be of that type, they may develop themselves into quite good officers afterwards,—you can as well have people of that type in the Railway Department. My point is this, that this is a matter in which we can come to a compromise or understanding between ourselves. The Honourable Member has admitted that the present system of disposal of appeals is not wholly satisfactory; it is unsatisfactory he has admitted. There is one more point before I finish, and it is this. We have always found that administrative work is absolutely different from the work of hearing appeals and complaints. If people have both to hear appeals and to do executive work, they can never pay full attention to the appeal work that is before them. It was this experience that led us in the case of the Income-tax Act to appoint judicial tribunals separately from the people who carry on the inspection work in the Income-tax Department. It is admitted that appeal work is not properly disposed of by the railway authorities. People from your own Railway Department can be given this work separately. They must, for the time being, be absolved from the executive work, and then only will they be in a position to give sufficient time to appeals and mete out justice. I do not think that all officers are incapable, but people who have got a lot of other work to do, cannot be expected to give undivided attention and time to hear appeals and go into the merits of the cases. What the Resolution suggests is only this. You may appoint some persons who have got—

either you may give them judicial training yourself or get them trained anywhere else as you like, or take in persons about whom you are satisfied that they have got judicial training. Give them exclusively this appeal work for some time, so that they can understand the cases and do justice to the people who are aggrieved. That will be quite sufficient for the purposes of this Resolution. In this way the Government ought to accept the Resolution as it stands. The Railway Board may give a proper undertaking as to the appointment of tribunals to hear appellate cases as to the qualifications of which they may determine themselves or in consultation with the Members of this House. With these words, I support the Resolution.

Mr. J. H. F. Raper (Government of India : Nominated Official) : Sir, as a railwayman it has shocked me very considerably to hear the very positive and vehement statements about railway officers during the course of this debate. I know that on all railways and on all districts and divisions of railways there is still *esprit de corps*. There is friendly contact still prevailing between officers and staff and I know that the passing of orders, whether it be a temporary withdrawal of a privilege or a penalty for some severe fault, is the most painful part of the duty of any railway officer. I believe, I will be correct in saying that the Government have considered this question from rather a different point of view to my Honourable friend, Sir Ziauddin Ahmad, and I gather from some of the speeches that the Resolution provides only a partial remedy. The attitude of Government, or perhaps I had better say, the Railway Board to be more specific, has been to regard this matter from two points of view, firstly prevention and secondly cure, that is to say, prevention of bad decisions and the cure of those that are bad decisions and there are now in force very elaborate rules regarding discipline on all State Railways. Honourable Members will probably be aware of these rules but I will have to refer to them on both these points of prevention and cure. There are a very large number of faults, unfortunately, that can be committed by railway servants. Many of them are petty, some are very serious and there is provision on State Railways for serious offences to be considered by a committee of inquiry and not by an individual officer. It would be necessary, and it is necessary, for that committee to decide whether there has been an offence and then to decide who has committed it. That committee reports to a senior officer who makes the decision. Against that decision an appeal will lie to a further officer. There is, I think, you will agree—at least I hope you will agree,—a great deal of care bound to be present in the consideration of any serious case. On this committee of inquiry there are officers of the district or division under which the man accused of a fault is working. The officer who gives the decision is probably also an officer of that district or division.

Mr. Lalchand Navalrai: What is considered to be a very serious case?

Mr. J. H. F. Raper: I will quote from these rules. Perhaps that will be the best. A serious case or a very serious case is one which makes the man liable to dismissal and these are quoted in the rules. Conviction by a criminal court, serious misconduct, neglect of duty resulting in or likely to result in loss to Government or to the railway administration or danger to the lives of persons using the railway, insolvency or habitual indebtedness.

[Mr. J. H. F. Raper.]

Those are four very important ones and there is another one which I need not mention but those four which have been included in the rules are offences for which a railway servant is liable to dismissal. I described in brief how an offence is examined and the responsibility is fixed and who gives the order and it is against an order passed in that way that appeal is allowed. Certain other examples were quoted of a member of the staff, who had not been given a pass for example. He, too, would feel he is entitled to appeal against that and cases of this sort are really of little consequence but—presumably they also would have to go to this judicially-minded officer. There are many varied decisions to be given, some resulting purely from expert knowledge such as a locomotive officer possesses or possibly an engineer or a transportation officer. Each of them is qualified to decide whether there has been an offence but they are not always necessarily accurate in determining what should be the correct penalty and it has, therefore, been provided in the rules regarding appeals that the appellate authority shall consider not only whether the facts on which the order was based have been established, and whether the facts established afford sufficient ground for taking action but also whether the penalty imposed is inadequate or excessive. I have myself had considerable experience on a railway as a district officer, as the head of a Department and as a General Manager and in my latter years both as head of a Department and General Manager, I have intimate knowledge how one railway deals with appeals. In one particular year I received three appeals only whilst head of a Department, and allowed them all—one because the decision was too harsh and the other two because these rules had not been correctly carried out. This illustrates that anybody who is punished now has an appeal not only against the actual decision punishing him but also against the application of the rules if he thinks he can find a loophole that the rules have not been properly observed. I have given that as a background. I should like now to deal with certain Honourable Members' remarks.

Lieut. Colonel Sir Henry Gidney: What would be the composition of that inquiry committee?

Mr. J. H. F. Raper: It would consist probably of one senior scale and two junior scale officers, but that would vary on different railways.

Lieut. Colonel Sir Henry Gidney: But I ask again, would it include the Divisional officer who has charged the man?

Mr. J. H. F. Raper: Probably. This committee of inquiry might frame the charge sheet. The particular individual who has committed the offence would appear before this committee of inquiry and he would be allowed a brother worker to help him in conducting his case.

Mr. M. S. Aney: Is it an *ad hoc* committee or a permanent committee on each railway?

Mr. J. H. F. Raper: It is appointed when necessary. I am glad to say that railwaymen are very good fellows and they do not commit many mistakes, and a standing committee is not necessary.

Qazi Muhammad Ahmad Kazmi: Can the man be represented by any legal adviser?

An Honourable Member: That is what you want.

Mr. J. H. F. Raper: No. I would now like to refer to a remark passed by my Honourable friend, Sir Henry Gidney. He stated that General Managers discharge people on clause 2, I think he said, of their service agreement rather than dismiss them, to avoid charges for wrongful dismissal. But I believe that to be an unfair statement. There is actually one clause in the rules which provides for a General Manager to take that action. I would like to read it :

"Provided that nothing in these rules shall abrogate the right of the General Manager in exceptional circumstances to remove a railway servant from service under the terms of his agreement without the application of the procedure prescribed in these rules and without assigning any reasons, if he considers it desirable to do so. This power shall not be delegated to an authority lower than the Head of a Department."

Here, again, I would like to quote from my experience as a Head of a Department and as a General Manager since 1938. I have never asked for that power to be used and during the whole of that time I only know of one case when as General Manager, I was asked to exercise that power and I regret to say I had to use it, with hesitation and reluctance. I, however, found that it was absolutely necessary.

Lieut.-Colonel Sir Henry Gidney: As regards yourself, from my experience, I agree with you.

Mr. J. H. F. Raper: I would now like to refer to my Honourable friend, Mr. Joshi's speech. He stated—if I heard him aright—that the authority hearing appeals turns them down to maintain the prestige of the officer who reached the decision originally. Here again there is no case actually quoted. The Honourable Member for Railways referred to the fact that a high official of a Railway has knowledge of all the officers under him and knows the confidence that he can place in their capabilities and of the manner in which they carry out their responsibilities; and when considering an appeal, the officer does take that into account—I have always done so and I always should. As regards the officer who has passed the original order, if he has known him well, and known him to be of sound judgment, then I think he would be entitled to take his views into consideration and to regard his views more favourably than if he had little confidence in that officer. But there are of course limitations. The officer who deals with an appeal—so far as my own experience goes—would take such officer's view mainly on the point of assessing the punishment, because that officer in that district should be able to appraise what should be the punishment in a particular case rather more than the General Manager could. Then my Honourable friend, Mr. Joshi, also referred to the delays which have occurred in the disposal of appeals. Several other Honourable Members also referred to this point. It has certainly impressed me, and I know that sometimes very serious delays occur; I think in one case quoted there was a delay of a year and yet there was no reply.

Dr. Sir Ziauddin Ahmad: There was a delay of seven years in one case.

Mr. J. H. F. Raper: I think the file must have got lost. I recognize that serious delays in appeals cause very great anxiety and possibly even injury to the men concerned; and I am authorised to state that this

[Mr. J. H. F. Raper.]

particular point will be very carefully considered, and we will see what we can do to speed up those appeals that are outstanding and prevent delays to those to come.

I would like now to refer to what my Honourable friend, Mr. Aney, said. Mr. Aney referred first to the decisions regarding serious cases being left to the district officer and thought that they were rather arbitrary decisions. I have referred to the disciplinary rules which have been framed to prevent arbitrary decisions. These rules are not yet final. They were introduced first I think about 1929, they were revised in 1936

Mr. M. S. Aney: After the Royal Commission.

Mr. J. H. F. Raper: and the revisions are going on quite frequently still; one or two have occurred in the last two years, both dealing with this point of appeals. The Board have endeavoured to make the procedure for reaching decisions as thorough as possible, and there are relatively few appeals considering the very large number of staff. That is not however quite a fair method of comparison because, as I have already said, there are relatively few faults committed by the staff, the fact does remain, however, that there are not a large number of appeals. Mr. Aney wanted Government to take a note of the various points that had been made in this debate. I may say that from the point of view of the Railway Board we do not regard our present rules as being perfect; we cannot obviously claim that our officers are infallible, however good an opinion we may have of them; we have yet to take into account Mr. DeSouza's Report, and I can assure the House that the points made in this debate will be borne in mind very carefully when consideration is being given to Mr. DeSouza's recommendations and in particular to that recommendation regarding a central commission. Before ending, I feel that I ought to refer to my Honourable friend, Sardar Sant Singh's principles, or rather to the principles underlying what he said. I gathered that he said that the reply to an appeal should satisfy the appellant. There is a magnificent principle underlying it, that a judge in a court of law must satisfy the accused.....

Sardar Sant Singh: It is his business to do so.

Mr. J. H. F. Raper: Well, we might try to do it but we cannot always do it. (Interruptions.)

Qari Muhammad Ahmad Kasmi: Satisfy the advocate of the accused.

Mr. J. H. F. Raper: That is another matter.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): I believe what was meant was that the judge must inspire a sense of justice in the person who is appealing to him; you have to win the confidence of the man.

Mr. J. H. F. Raper: I can only repeat that all the points that have been made—and many of them I regard as valuable—will receive our most careful consideration when Mr. DeSouza's Report comes up for final decision.

Sir Syed Raza Ali: I just wanted to know whether my Honourable friend can give approximately the number of appeals by railway officers that are made to superior officers on various railway lines. I know the number must be very large. I am asking that question because my friend said the number must be very small.

Mr. J. H. F. Raper: I was speaking from experience through a number of years, over twenty-five years, and especially in the later years. I have come across relatively few and whilst head of department made it a point always to see all the appeals made to the head office.

Sir Syed Raza Ali: Could the Honourable Member give the annual number of these appeals?

Mr. J. H. F. Raper: I could not. I may repeat however that in one particular year as the head of the department I did not have more than three appeals. That is in one department of the third largest railway in India.

My Honourable friend, Mr. Kazmi, suggested that the appointment of an officer with a judicial turn of mind to each railway would meet the Resolution. That seems however hardly a proper interpretation of the Resolution according to the speeches made and it would scarcely be proper for us to agree to that as meeting the Resolution.

Dr. Sir Ziauddin Ahmad: Sir, when I moved my Resolution, I said at the very outset that a question of this kind could not be decided by the vote of the House. My object was simply to bring to the notice of the Government this matter that they consider it seriously. But the attitude taken up by the Honourable Member in reply to this simple request leaves me no other alternative but to divide the House on this issue. The Honourable Member said why do we not ask for the same kind of treatment in the case of the Tata Company or the Mills in Bombay and why should this demand be made only in his case as the head of a very big commercial concern, namely, the Indian railways? But my friend has forgotten that the Indian railways are not altogether a commercial concern. For instance, have the Tatas got any facility to come before us and demand an imprisonment Bill from this House? Have any other commercial concerns got the courage to come before this House and demand a Bill of that kind? Since the Railway Department is considered as one of the most important Departments of the Government, no doubt with a commercial tendency, there is no reason why the rules that are observed in the case of the servants of the other Departments of the Government of India be not observed in the case of this Department as well. May I just remind my Honourable friend about the very important speech delivered by Sir George Rainy on the floor of this House when he said that he would agree to the cut in the case of the railway employees only if the cut was applied to other Government servants as well. But if it was to apply only to the railway servants, then he would oppose it tooth and nail. In any case, his opinion prevailed and we

[Dr. Sir Ziauddin Ahmad.]

applied the same principle to all the employees of the Government of India. So, this is to be treated as a Department of the Government.

May I also remind my Honourable friend that he is not so familiar with the people who are serving in the railways as we are. We, on the Opposition Benches, know them very well. Good many of them are our voters and we have to go to them for the votes as well. We know exactly what their attitude is. I can assure him that he is living in a fool's paradise if he believes that the railway servants are well satisfied. I have not come across a single railway servant who is satisfied. Whether it is the case of a subordinate or an upper subordinate or an official, they are all dissatisfied. They really think that justice is not done to them. If these are their feelings, it is the duty of the Honourable Member to find out whether it is a fact or not. It is not enough for some people to come forward and say that this is not the case. In this case, we are a greater authority to say whether the railway servants are satisfied or not. Sir, security of tenure is a great thing in service and it is for this that we are fighting for. Now, the Government of India have made certain rules in the form of appeals for the security of tenure. I have seen Srinivasan's big volume in which he has codified all the rules made by the Railway Board from time to time. But I doubt very much if the officers of the railways have read them. Our only request is that the rules framed about appeals by the Railway Board or the Government of India ought to be observed, and we believe that they are not observed in the case of appeals. These rules do provide about appeals but they are not observed. My Honourable friend, Mr. Raper, has given definite example of this kind. Had every officer been of that type, probably the difficulty would not have arisen and there would have been no occasion to move a Resolution of this kind. But, unfortunately, persons of his calibre are very few; so we cannot judge the Railway Department by his own character. Probably he knew my opinion seven years ago when I expressed to him what I am saying today. I know certain officers very well and I can say that they never look into the files. Whenever they go out for a shoot and if it is a successful one, many appeals are granted. But if the shoot was a bad one, then probably all the appeals are rejected. But these officers in their executive work are A1 but in the case of appeals they are hopeless. Perhaps the reason is that probably they did not have the kind of training which is necessary to listen to these appeals. Although it is not provided in the Code, the practice is what we are emphasising today and what we emphasised in 1934 also. What actually happens is this. In the first place, this Committee of Inquiry mentioned by Mr. Raper is only on paper. Perhaps it is done in not more than 30 per cent. cases. What happens is this. The Superintendent who passes orders on this supposed Committee of Inquiry passes them with the previous sanction of the appellate authority, namely, the Divisional Superintendent. So, whenever an appeal is made to the Divisional Superintendent, he has no reason to interfere with the matter. Sir Henry Gidney also emphasised this fact on the floor of the House in 1934. It has happened time after time that the consent of the appellate authority is taken before the orders are passed and therefore they are called a farce. It is all very well for the Railway Board to say that this is not the case but we, who know the real conditions of life, know much better what is going on in these places. We know the kind of men you have got and we also know their moral

standards. We are better judges in this matter than you are. In one of the debates in this very House I said in 1981 that if I retire I would certainly like to be the Station Master of Chori-Chora because the salary of that post is Rs. 4,000 a month. I thought I would not be able to get it because Sir Alan Parsons would probably be the second candidate for the same post and he would probably get it. I am not going to tell all these things now. What I want to emphasize is this. The object of my Resolution is you should have a judicial decision and not an injudicious decision. The rules which you yourself have framed should be strictly observed and you should employ men who would practically observe the rules. There is no harm if we appoint a tribunal.

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

I have used the expression 'judicial mind' for this reason that there may be in the Railways persons of Mr. Raper's calibre good enough for judicial work and such persons may be appointed. But in the majority of cases you will have to take men from lawyers or from Judges, I mean those who will understand the rules and follow them. The rules are not observed in a majority of cases. Either they do not understand the rules or they think it is not necessary to apply them. I have drawn the attention of the Honourable Member to the cases which actually exist and lest he should challenge the truth of these cases, I have fortified myself with an actual list of those cases. If necessary I can hand over the list to the Honourable Member for him to investigate. But my experience in the past tells me that once these cases are handed over to a railway official, the fate of those individuals is doomed. The guarantee which they ordinarily give is not observed in practice. I submit that the Honourable Member for Railways should examine this particular question and if the allegations that we make are found to be correct, then you should employ persons who will give judicial decisions and see that the present state of affairs do not continue. With these words, I resume my seat.

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

"That in view of the unsatisfactory nature of attending to the appeals of the Railway employees, this Assembly recommends to the Governor General in Council to appoint officers of judicial mind and attach them to the offices of the General Managers and of the Railway Board to listen to the appeals of the Railway employees, and to scrutinise the present rule of attending to those appeals."

The Assembly divided:

AYES—22.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Aney, Mr. M. S.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Chattopadhyaya, Mr. Amarendra Nath.
Datta, Mr. Akhil Chandra.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. N. M.
Gidney, Lieut.-Colonel Sir Henry.

Joshi, Mr. N. M.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Nauman, Mr. Muhammad.
Rafuddin Ahmad Siddique, Shaikh.
Raza Ali, Sir Syed.
Sant Singh, Sardar.
Siddique Ali Khan, Nawab.
Ziauddin Ahmad, Dr. Sir.

NOES—39.

Abdul Hamid, Khan Bahadur Sir.
 Abdul Hamid, Khan Sahib Shaikh.
 Ahmad Nawas Khan, Major Nawab Sir.

Bewoor, Sir Guranath.

Boyle, Mr. J. D.

Buss, Mr. L. C.

Caroe, Mr. O. K.

Chapman-Mortimer, Mr. T.

Chettiar, Dr. Rajah Sir S. R. M. Annamalai.

Clow, The Honourable Sir Andrew.

Dalal, Dr. R. D.

Dalpat Singh, Sardar Bahadur Captain.

Frampton, Mr. H. J.

Griffiths, Mr. P. J.

Gwilt, Mr. E. L. C.

Ikramullah, Mr. Muhammad.

Imam, Mr. Saiyid Haider.

Ismail Ali Khan, Kunwar Haidee.

Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmed. Shams-ul-Ulema.

Kushalpal Singh, Raja Bahadur.

Lawson, Mr. C. P.

Maxwell, The Honourable Sir Reginald.

Masharul Islam, Maulvi.

Miller, Mr. C. C.

Muazzam Sahib Bahadur, Mr. Muhammad.

Mudaliar, The Honourable Diwan Bahadur Sir A. Ramaswami.

Mukharji, Mr. Basanta Kumar.

Pillay, Mr. T. S. S.

Rahman, Lieut.-Colonel M. A.

Raper, Mr. J. H. E.

Rau, Sir Raghavendra.

Scott, Mr. J. Ramsay.

Sivaraj, Rao Sahib N.

Spence, Sir George.

Staig, Mr. B. M.

Thomas, Mr. J. H.

Tyson, Mr. J. D.

Zafrullah Khan. The Honourable Sir Muhammad.

The motion was negatived.

RESOLUTION RE RECOGNITION OF UNIONS OF GOVERNMENT EMPLOYEES.

Mr. H. M. Abdullah (West Central Punjab: Muhammadan): Sir, I beg to move:

"That this Assembly recommends to the Governor General in Council that the present discriminatory policy of Government as regards the recognition of so-called common unions of Government employees and non-recognition of the so-called communal unions of Government employees should be abandoned forthwith and unions of employees belonging to any one particular section or community should be officially recognised."

Sir, during the last Budget Session my Honourable friend, Mr. Nauman, on behalf of the Muslim League Party in the Central Legislature, moved a cut motion in this House to call attention to the Government of India's policy with regard to the recognition of trade unions. Unfortunately, this cut motion could not be discussed at length for want of time. The subject is so important that no apology is needed to revert to it. The facts of the case, so far as I have been able to understand them, are that the principle laid down by the Government of India in the recognition rules is that organisations must consist of a distinct class of Government employees and that all of them must be eligible for membership. Unfortunately, Government do not regard the members of any service who happen to belong to a particular community as constituting a distinct class. Everybody in this country knows that Muslims are separately classed as such in all spheres of life. In the forthcoming census operations Mussulmans will definitely be classed separately. In all elections to the Provincial and Central Legislatures Mussulmans have been allowed separate electorates. The Muslim League Party in this Legislature form a definite class of Members. So far as the Government

services are concerned, Mussulmans are classed separately for purposes of recruitment. In fact ever since the birth of a Muslim child he is registered as a Mussulman in the municipal records, he is brought up in a Muslim home, he is educated in Muslim schools and is recruited as a Muslim candidate. Until the date of his recruitment he retains his individual identity as a Mussulman. But as soon as he enters Government service the Government of India expect that he should submerge his identity as a Mussulman. This is far from being correct. Mussulmans are not only a distinct class, they are definitely a separate nation. Even the foremost leaders of the Hindu Mahasabha have admitted that Hindus and Mussulmans are separate nations and "never the twain shall meet". Even the Government of India have recognised the separate identity of Mussulmans in all spheres of life, particularly the political sphere. But they are still keeping their eyes sublimely shut to the fact that Mussulmans in the services also are a definite and distinct class. It is said that when a pigeon sees a cat approaching he shuts his eyes and imagines that the cat does not exist. That is the position of Government in this matter.

It is understood that the Executive Council of the Government of India have passed a Resolution to the effect that communal unions should not be recognised. The exact definition of the word "communal" has never been laid down anywhere. It is, however, always interpreted to mean that unions of Mussulman employees who frankly proclaim by their very name the exact nature of their association should not be recognised and that all other associations or unions, who camouflage their identities under a national, super-national or a hypernational denomination should be recognised. Let us take the railways, for example. The Government of India have recognised the All-India Railwaymen's Federation as representative of railway labour in India. Has the Honourable Member for Communications ever taken the trouble to ascertain how many members of this union are Mussulmans and how many non-Muslims? If he will, he will find that over 90 per cent. of the members and office-bearers of this union are non-Muslims. Still this union is supposed to be representative of Muslim labour as well as non-Muslim labour. It is understood that Mr. Jamnadas Mehta who has been for many years the President of the All-India Railwaymen's Federation is also a prominent office-bearer of the Hindu Mahasabha at Bombay. Can such a person represent Muslim interests? Hindus have captured the so-called common unions which Government have recognised, I think, through mere fright. However, Hindus are not the only favoured community. Government have also a certain affinity with the Anglo-Indian community. And as members of Government do not wish to be outdone in respect of their 'nationalism', they have also recognised the unions of Europeans and Anglo-Indians who are pleased to call themselves by the high-sounding name of the National Union of Railwaymen in India and Burma. Has the Honourable Member for Communications ever taken the trouble to ascertain how many members of this association are Anglo-Indians and Europeans and how many belong to the other communities? In fact it is very well-known both to the Honourable Member and to the world at large that because Government consist of Hindus and Europeans the unions of these two communities are recognised by them and unions of the Muslim community are not recognised because the Muslim voice does not reach Government ears.

[Mr. H. M. Abdullah.]

Sir, it has been clearly demonstrated that the effect of the decision of the Government of India not to recognise communal unions has been the elimination of Muslim unions only. The communal unions of the Hindus and the communal unions of the Anglo-Indians and Europeans have been recognized. The only difference is that these unions profess to be 'National unions', which they are not, while the Muslim unions candidly own up to being Muslim unions.

It is sometimes stated that there is nothing in the constitution of the so-called common unions prohibiting the entry of the Mussulmans into those unions. If, however, each and every Muslim Railway employee were to become a member of either the Hindu Union or the Anglo-Indian union, their representation in these unions could not be more than about 15 per cent. for the simple reason that that is the percentage of Muslim employees in the Railway Services. Considering, moreover, the fact that a very large number of these Muslim employees are in the lowest ranks, their representation in the deliberations of these unions could not possibly be effective.

Our friends in the Congress are very fond of waxing eloquent on this theme. In their impassioned speeches, they frequently ask why Mussulmans do not join the Congress in large numbers and capture it. The answer is obvious. Mussulmans can never capture the Congress for the simple reason that their total population in the country is about one-fourth of the Hindu population. For similar reasons, it is impossible for the Mussulman members of the railway or other government services to capture common unions just because their total percentage in these services is practically nil.

Mussulmans are very averse to joining the so-called common trade unions as these unions are hot-beds of communism and atheism. The leaders of these unions are either the preachers of the Red cult or votaries of the Hindu Mahasabha or the Congress. From ideological and cultural reasons, therefore, Muslims find it impossible to join these common unions. In fact, Mr. Jawahar Lal Nehru, in one of his letters to the *Qaid-i-Azam*, claimed that all the trade unions in the country subscribe more or less to the Congress creed. That these unions do receive their inspiration from the Congress High Command is illustrated by the fact that in a message to the 18th session of the All-India Trade Union Congress, Pandit Jawahar Lal Nehru expressed the hope that the Trade Union Congress would give its full support to the attitude taken by the Indian National Congress in regard to the war. In his Presidential address to this conference, Dr. Suresh Chandra Banerjee stated that there is no way for the Trade Union Congress but to wholeheartedly cooperate with the All-India National Congress in its coming fight. He further observed that the aim of the trade union movement in India was to establish a socialist state.

The Muslim nation does not subscribe to these principles. They cannot, therefore, be expected to submerge their identity and their culture in the identity and culture of the other communities in the country.....

Mr. N. M. Joshi (Nominated Non-Official): What about Bokhara?

Mr. H. M. Abdullah: As a separate nation, they cannot allow their identities to be so submerged and will resist such an attempt on the part of the Government with the greatest possible vigour.

For these reasons, I would request the Government to review their present policy of ignoring realities and to accord recognition to the Muslim organizations just as they have accorded recognition to the Hindu and Anglo-Indian and European organizations of government employees.

With these words, Sir, I move the Resolution.

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

"That this Assembly recommends to the Governor General in Council that the present discriminatory policy of Government as regards the recognition of so-called common unions of Government employees and non-recognition of the so-called communal unions of Government employees should be abandoned forthwith and unions of employees belonging to any one particular section or community should be officially recognised."

Lieut.-Colonel Sir Henry Gidney (Nominated: Non-Official): Sir, I join in this debate for two particular reasons: One reason is that the Honourable Member who has just moved this Resolution is wholly incorrect when he states on the floor of the House that there is an Anglo-Indian Railway Union. There is no such thing in existence, nor will the Government permit one. I will give you my experience. A few years ago I seriously considered the idea of forming a Anglo-Indian Railway Union. One Railway accepted it, but when I approached the Railway Board I was distinctly told that Government was not prepared to recognise any communal organization of labour. This decision rather amused me because Government on the one hand have recognised a communal differentiation i.e., percentages in the services and on the other hand they refuse to recognise a communal union. I did not press the point because I felt that I could as well voice my views on the floor of this House. But there is such a Body as the Anglo-Indian and Domiciled European Association, All-India; but it is not organized or functioning in the shape of a union. Nor is this Association registered under the Trade Unions Act.

The next point I wish to correct is about the National Union of Railwaymen of India and Burma of which Union I am the Advisory President. I desire to state that that Union has been pronounced on the floor of this House by the Government Member as being the best organized Railway Union in the whole of India; and correctly so. It is not a communal Union. It has as members an equal number of Indians—Hindus and Muslims as Anglo-Indians and Europeans whose cause it has fought with just the same vigour and enthusiasm as it does for its other members though I admit it was once upon a time composed of Anglo-Indians and Europeans. Today it is certainly an All-India Railway Union well organized and of great help to Government. It has a very capable President and General Secretary and has Indians on its Councils. It certainly is not a communal Union. With these two preliminary remarks I will now deal with the Resolution. A Resolution of this nature has my sympathy for more reasons than one; the Chief cause of my sympathy may be one that will irritate some of my Honourable colleagues in this House. I hope it will not have this effect for I have no such desire. It is this: The Government of India meet what is called the Federation of Railwaymen's Unions twice a year. That Federation, with all respect to it, is more or less entirely a Hindu concern.

Mr. H. M. Joshi: No.

Lieut.-Colonel Sir Henry Gidney: I say Yes and this is very easy of proof if you will examine its membership rolls.

Mr. N. M. Joshi: And I say No.

Lieut.-Colonel Sir Henry Gidney: I again say emphatically Yes. I attended one of these meetings as a representative of the National Union of Railwaymen, and the Chief of that Federation denied me the right to speak. I told him I would speak and I did speak and spoke out my mind regarding its Hindu composition. There were all Hindus but there was one Muslim—I think he wore a white cap. Whatever that may be, the fact is the Railway Board toys with this union representing as it does only one community in the whole of the Railways in India and it imagines that it is dealing with the problem of all the Railway employees throughout India. That is as far as my experience goes. To accept and to meet one Union only and to settle matters affecting the interests of all Railwaymen in India is to deny the other Unions and employees the right of being heard. Many employees with their own unions have not associated themselves with the Federation because they lend themselves to being used by political wire-pullers and who under such influence often embarrass Government with threats of strikes, etc. The Mohammedan Railway Association had once closely associated themselves with the National Union of Railwaymen and amalgamated with it but for some reason best known to, once my friend but now my enemy in this House, Dr. Sir Ziauddin Ahmad. They prefer to live an independent existence and which I think is not to their advantage. And was it not Dr. Sir Ziauddin who the other day objected to the minimum wage of Rs. 55 to Anglo-Indian Railway employees. But he clean forgets that he is the biggest bigot demanding all sorts of percentages and preferential treatment for Muslims. Again, when he condemned this grant to Anglo-Indians he and others in this House and in the Press were remarkably silent in admitting that this Rs. 55 minimum wage was today being received by Hindus, Muslims, etc., in the Telegraph Department and for which they must thank the Anglo-Indian Association.

The point, however, is that this Railway Association of Muslims is a very strong body. It represents a large percentage,—a growing percentage of Muslims on the Railways. For reasons best known to themselves they will not associate themselves with the Federation of Railway Unions, and, if you ask my view on that matter with about 25 years experience of Railway matters, I think they are wise in their decision. But the question is this. If Government are prepared to recognise one Union called the Federation of so-called Unions some of whom had a paper strength—many of whom I hear are not even registered under the Trade Unions Act and many of them have nothing in their bank accounts,—I say if Government think they are going to deal with Railway problems in this fashion then I say it is not fair. I am told that the Muslim Association have been told times out of number that it is against the policy of the Government to recognise communal labour unions. I ask why should there be one policy in recognising communal percentages in services and another policy in refusing to recognise communal unions? I do not know. I think it was Mr. Fazlul Huq who said communities divide and Government rules. On Railways, unfortunately, there is a complete division between Hindus and Muslims and other communities. I wish we could get together and

form one powerful union of labour on a par with the Trade Unions in England. For reasons best known to themselves our Mohammedan friends are side-tracking; they demand a separate union for a variety of reasons, and if Government do not grant them recognition it will be, to say the least, a short-sighted policy on their part. If Government refuse such recognition I say let them at least recognise the representation of an adequate number of Muslims and other communities who serve on the Railways at all conferences that they have with the Federation of Railway Unions. That way and that way alone will they get the employees' views straight from the horse's mouth, otherwise they will get it from Mr. Jinnadas's mouth. I have a great admiration for Mr. Jinnadas. He has done a lot of good work. The Federation of Railway Union has represented many matters to the Railway Board, and all employees have benefited considerably. But it is not right for the Railway authorities to refuse recognition of a large body of its employees in the way it is doing. I repeat if it cannot recognise a separate union even as a separate communal entity, then I suggest to the Honourable the Communications Member that he do order that at every meeting of the Federation of Railway Unions there should be representatives of Muslims, Anglo-Indians, Europeans, Parsis, Christians and Depressed Classes because then and then only will you have the views of a body of employees who will present to the Railway Board true facts. I suggest to the Honourable the Mover that if Government are prepared to accept my suggestion he should withdraw his Resolution.

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): Sir, I rise to support this Resolution which has been moved just now for the recognition of unions. Although I know the fate of this Resolution, yet, I want to say a few words in support of it. Probably this is going to meet the same fate as the one previous to this and this reminds me of a line in urdu:

*"Qasid ke ate ate khat or likhrakhooon
Maloom hay keh kia voh likhengay jawab men"*

which means "that before the messenger returns let me write another letter, because I know what reply I am going to get". However, I feel it is my duty to point out that Government are not doing what they ought to have done. Government are in the wrong in this matter, and they ought to realise the fact before it is too late that they are in the wrong. There was a time when Government used to say that the Congress group opposes everything, and the Congress Members had come here merely for the sake of opposition to every proposal. Now, even those who were the supporters of the Government on some most vital issues are today flouted by the Government and are meeting same fate of "No" to everything. We supported the Government on the Army Bill, which was a vital issue. We have not come here to oppose the Government for the mere sake of opposition, and we only propose things which appears to us to be absolutely right. The Government would not agree with us even there. As some time ago our Leader, Mr. Jinnah, said, when we are in the right, nobody is prepared to support us, but everybody says: 'You support me because I am in the right'. On many occasions the Congress thought that they were in the right and wanted our support but my party supported the Government. But when we are in the right, nobody comes and says that they would support us.

[Mr. Muhammad Nauman.]

With this introduction, I wish to say a few words in support of this Resolution. Now, what does this Resolution seek? It says that the present discriminatory policy of the Government as regards the recognition of so-called communal unions of Government employees and non-recognition of the so-called communal unions of Government employees should be done away with, and unions of employees belonging to any particular community or section should be officially recognised. My friend, the Member from Lyallpur, has already explained that the Muslims have taken a definite stand, that they are a separate entity, that there are a distinct and a separate nation in this country, that they cannot submerge their identity with any other people in any sphere unless it be on some particular consideration or understanding that may be arrived at by mutual agreement or consent in some distant future. As we stand here, we have made it abundantly clear that we are a nation, and we must have a separate identity in politics, economics and society of this country.

Mr. M. S. Aney (Berar : Non-Muhammadian) : No, no.

Mr. Muhammadan Nauman : The Government of India have recognised our claim of a separate nation by granting us separate electorates.

Mr. M. S. Aney : No.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair does not think the Honourable Member can be interrupted like that. He must be allowed to proceed without such interruptions.

Mr. Muhammad Nauman : The Government of India have recognised our position as a separate entity by granting separate electorates to Muslims. That was done long ago, and that shows that two different nations are living in this country. And to tell us now that in matters of labour unions, there should be only one joint Union is a thing which I for one cannot understand. The Government should have asked us to submerge ourselves with other communities from the very beginning, and they should have said that there is only one nation in this country. They have not done so. On the other hand, they have accepted the position that there are different communities, there are divisions, and there are distinctly different political and social orders, and as such they ought to have separate rights and separate privileges for themselves. Sir, last year also I laboured this point when I moved a cut motion and my friend, Sir Henry Gidney, advocated our point very well even today. I think when the Honourable Member in charge rises to speak he will be able to support what I have said, because it is a conclusion which cannot now be resisted without introducing fiction and fallacies.

Now, Sir, you may ask why should Muslims be shy of joining one and the same joint union. The position is absolutely clear. They can never have any distinctive or appreciable majority to do something in that organisation which is named the so-called Joint Labour Union. That is our conscientious objection even to the Congress organisation. That is our objection to the organisations of Labour Unions as well. Then, again, what is the harm if the Government of India recognise one, two or three or ten unions? Is there any limit prescribed? Have the Government of

India made any regulation? Has any resolution of Executive Council been passed to the effect that they would not recognise more than five unions, more than ten unions, more than hundred unions? Then why should it be argued on behalf of the Government that because a certain community people have joined a certain organisation they will not be recognised? I could well understand if there be a limit of membership prescribed. I could understand if the Government of India said, "We would only recognise a union which would have ten thousand persons, or which would have twenty thousand persons, as members". I could understand that. I could understand if the Government said: "We would only recognise such unions as are being run and worked on a particular basis and on a particular system", but I do not understand for a moment the argument that they would not recognise a certain labour union because it consists of members of a particular community, a particular nation; and particularly, when that nation, that particular community has made it clear in unequivocal terms that they cannot combine with any other nationals or with the people of any other community in this country in any sphere of activities for reasons better known to them, or at least for reasons which I am not prepared to state on the floor of the House as they would be rather too much and may not be relevant. Thus, it is not only a question of principle with Muslims, but also one of practical utility. The number of Muslim employees in the railways is not more than 15 per cent. at the moment. Even if the entire Muslim employee population are persuaded to join a particular union, they would be at best only 15 per cent. and, naturally, a community which has got a voice of 15 per cent. in a particular organisation cannot be expected to wield any influence worth the name and has to accept the position of "Camp followers" for all times.

Another argument sometimes advanced by certain Government officials is, what is the difference between your requirements and the requirement of the members of other communities who are also employees? There may not be, but why should Government be shy of recognising the union which is composed of members of only one community? My Honourable friend, Dr. Sir Ziauddin Ahmad, has written in his book, that in Europe also such examples are not wanting. In Germany there were certain trade unions which were entirely those of the Jews,—baker's unions. There were certain unions in Holland which consisted of members of only one community there. I know there are certain clubs in Germany which are meant only for Indians. There are certain clubs in England which consist only of Indians. Do you mean to suggest that for the mere fact that those clubs consist entirely of Indians, that they should be dubbed as communal and should not have been permitted to exist in those countries?

Mr. N. M. Joshi: They are regarded as communal.

Mr. Muhammad Nauman: You may regard them, but they are not shy of being so-called. Some Honourable Members have said, "Why cannot you take away the name 'Muslim Employees' Association"? If you take the name 'Muslim', then we have no objection." We do not want to do that. Whether you recognise or do not recognise, whether you accept or not we will call white white, black black. We will not be shy of saying that it is "Muslim Employee's Association". I think it is in the interests of the administration to have better understanding with their employees,

[Mr. Muhammad Nauman.]

to have a better understanding with the organisation which their employees may have. Instead of having to settle with all the other employees over a particular dissatisfaction or misunderstanding which might arise in a particular class of people, instead of approaching the entire clientcy of the employees, you can argue with one particular representatives of that section through the organisation and set right matters. It will be the duty of the representatives of that organisation to explain their members' feelings and avoid any difference which might have been created even wrongly in regard to any matter. So, I think it is in the interests of the administration as well. Again, it may be said, once the Government have said "No" in a particular manner they will have to remain so. But that is not practical politics. That has not been the practical politics in any part of the world. If a certain action was considered to be right a year before or ten years before, it is not necessary that it should be considered right today. I would ask the Government to think over the matter and I hope and trust that they have had enough time to consider whether our demand is absolutely cogent, is absolutely consistent and right or not. We have no quarrel with any other community. We do not want to trample on the rights of other people. We do not want to take anything from anybody else. We have nothing to do with the rights of members of other communities in being recognised as separate from us. •

Mr. Persident (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. Muhammad Nauman: We only demand our own rights, our own liberties, our own share in the administration, and for the better understanding of all concerned I feel that it is absolutely necessary for the communal unions, the so-called Muslim organisations and Muslim unions, to be recognised by the State. With these few words, I support the Resolution.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 22nd February, 1941.