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THE

LEGISLATIVE ASSEMBLY DEBATES

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THIRTEENTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,

1941



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Legislative Assembly

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

Deputy President:

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

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SIR ABDUL HALIM GHUZNAVI, M.L.A.

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

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LEGISLATIVE ASSEMBLY

Tuesday, 25th 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.

CONTRACT WITH BALLABHDAS ESWARDAS OF HOWRAH ALLOWING CONCESSIONS TO RAILWAY STAFF.

124. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please state:

- (a) the terms of the contract under which Ballabhdas Eswardas of 12 Cullen Place, Howrah, agreed with the Railway Administrations to serve the railway servants and relatives of their staff either free or on a rate lower than the rates fixed by the Railway Administrations; and
- (b) the term of the agreement under which Ballabhdas Eswardas is permitted to allow concessions to Railway staff over and above the rates fixed by the Railway Administrations?

The Honourable Sir Andrew Clow: (a) and (b). I understand that Messrs. Ballabhdas's agreement with the East Indian Railway for working the Indian restaurant cars contains a provision that the licensees shall supply employees of the Administration with meals at special rates as may be approved of by the Administration but that there is no such provision in their agreement for the working of Indian refreshment rooms, tea stalls, etc.

Mr. Lalchand Navalrai: May I know whether they give any concessions over and above what is prescribed by the Government?

The Honourable Sir Andrew Clow: I have no information of any such concessions.

RATES FOR AERATED WATERS ON THE EAST INDIAN RAILWAY.

125. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please state the difference in rates for aerated waters sold at refreshment rooms by Messrs. Kellner and Company and by Ballabhdas Eswardas and where the rates could be found prescribed by the Railway Administrations of the East Indian Railway?

The Honourable Sir Andrew Clow: I understand that there is now no difference in the rates charged by the two firms, and that the rates shown

in the current issue of the East Indian Railway Time Table and Guide, page 200, paragraph 18, will be amended in the next issue which will also incorporate the rates for aerated waters in paragraph 17.

Mr. Lalchand Navalrai: Do they supply the same kind of aerated waters, that is, of the same quality, or there is a difference?

The Honourable Sir Andrew Olow: I believe that Messrs. Ballabhdas have entered into some arrangements to obtain their supplies from Messrs. Kellners.

FIXATION OF RATES FOR ARTICLES NOT INCLUDED IN THE PRESCRIBED RATE LISTS FOR BALLABHDAS ESWARDAS CONTRACTOR.

126. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please state the authority in power who is competent to fix the rates for selling of preparations and of articles not included in the rate lists prescribed by the Railway Administration for contracts held by Ballabhdas Eswardas and how it can be ascertained that the rate charged is prescribed by the competent authority?

The Honourable Sir Andrew Olow: The Administration fixes the rates for all articles in general demand which a contractor must offer for sale; these are entered on the tariffs. If customers ask for articles not included on the tariffs and against the sale of which there is no prohibition by the terms of the agreement, a contractor would not be prevented from selling them if they were available. Prices in such cases are not prescribed by the Administration.

Mr. Lalchand Navalrai: Why has not the Administration prescribed also for those that are not provided for, so that he may not charge excessively?

The Honourable Sir Andrew Olow: You cannot provide for everything. Men's tastes are almost unlimited.

Mr. Lalchand Navalrai: At least those that are known to the Government?

The Honourable Sir Andrew Olow: I have said that articles in general demand are included in the tariff.

Dr. Sir Ziauddin Ahmad: What is the meaning of "railway administration"? Does it mean the General Manager, or the Divisional Superintendent, or the Commercial Manager?

The Honourable Sir Andrew Olow: The meaning is defined in the Indian Railways Act.

Dr. Sir Ziauddin Ahmad: But in this case who is the proper authority?

The Honourable Sir Andrew Olow: I cannot say, Sir. The General Manager is generally responsible, of course, for all orders issued.

CONTRACT WITH BALLABHDAS ESWARDAS IN RESPECT OF DELHI STATION.

127. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please state:

- (a) whether it is a fact that Ballabhdas Eswardas was given the contract for service and supply to Hindu travelling public at Delhi main station on the North Western Railway for a term of three years in 1937;
- (b) what was the amount agreed upon to be paid by Ballabhdas Eswardas to the North Western Railway and how it was recovered;
- (c) the term of the agreement under which the Railway Administration is permitted to forego the amount agreed upon or any portion of that amount, and to lay on the table the said agreement as executed by the Railway Administration and by Ballabhdas Eswardas;
- (d) the terms upon which the contract was renewed after expiry of the original contract; and
- (e) the particulars of the rent charged from Ballabhdas Eswardas including the licence fees from each hawker employed by him?

The Honourable Sir Andrew Olow: (a) Yes.

(b) and (c). Rs. 7,025 per annum. This was recovered for the first two years, 1937 and 1938. The recovery for the third year was withheld provisionally but the contractor has now been called on to pay the amount due. Now that the policy of recovering an economic rent has been decided on I understand the contractor is being ordered to pay rental for accommodation, ground rent for stalls and salesmen's fees. I do not propose to lay the agreement on the table but it may be inspected in the Railway Board's office if any Honourable Member so desires.

(d) The agreement was renewed on the terms and conditions contained in the previous agreement subject to certain stipulations which may be seen in the Railway Board's office if any Honourable Member so desires.

(e) I have not the particulars asked for but understand that the basis of the rents and license fees will be as follows: Nine per cent. per annum on the capital cost for buildings; Rs. 2 per stall per month and Rs. 2 per salesman per month.

Mr. M. S. Aney: May I just ask, why it is that the Honourable Member does not want to disclose the special modifications that have been introduced in the terms of agreement and wants Honourable Members to go to the Railway Board's office and look into the agreement?

The Honourable Sir Andrew Olow: There is nothing confidential about them, but I do not think that it is desirable that individual contracts of this kind should be incorporated in the proceedings of this House.

Mr. M. S. Aney: Am I to understand that it is the policy of the Government not to disclose terms of individual contracts on the floor of the House?

The Honourable Sir Andrew Clow: Not to lay them on the table. They are perfectly open to inspection by Honourable Members of the House.

Dr. Sir Zaunuddin Ahmad: The phrase 'economic rate' does not appear clear to me at any rate. Does the phrase mean a percentage of the profit, or does it mean, according to the services rendered by the railway administration?

The Honourable Sir Andrew Clow: I am afraid I cannot define the term further. That was the word, I think, used by the Central Advisory Council, and they must have known what they intended by that term.

Mr. Muhammad Nauman: Is there any principle regarding the hawkers' license fees charged by the contractors, fixed by the railway administration, or is it left to the sweet will of the contractor?

The Honourable Sir Andrew Clow: If the Honourable Member is referring to salesmen, I indicated at the end of my reply that in this case the fee will be Rs. 2 per salesman per month.

Mr. M. S. Aney: May I ask the Honourable Member who is the authority for defining any terms used by the Central Advisory Council in their resolutions, if there is any doubt regarding them, if not, the Chairman of the Central Advisory Council?

The Honourable Sir Andrew Clow: The duty of interpreting the terms used by the Central Advisory Council rests with themselves and the duty of interpreting orders of the Railway Board based on those proceedings naturally rests with the authority issuing the order.

Maulvi Muhammad Abdul Ghani: What is the amount of economic rent fixed in the contract?

The Honourable Sir Andrew Clow: I give the general basis of the rates and the license fees in the answer to part (e) of the question. If the Honourable Member will kindly refer to the answer he will get the rates and the license fees.

Dr. Sir Zaunuddin Ahmad: Will the Honourable Member give us the exact amounts which these persons ought to pay so that we can judge if they are paying proper rents and whether in our opinion it is an economic rent?

The Honourable Sir Andrew Clow: I do not think that giving the exact amounts that they paid would help the Honourable Member unless he knew the accommodation provided.

RENT RECOVERED FROM BALLABHDAS ESWARDAS FOR OCCUPATION OF BUILDINGS ON CERTAIN RAILWAYS.

123. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please state the particulars of railway buildings or portion of those buildings occupied by Ballabhdas Eswardas on the East Indian,

Great Indian Peninsula and the North Western Railways and the amount of rent recovered from him for each building or portion thereof and, if no rent is recovered, the reasons therefor?

The Honourable Sir Andrew Olow: I regret I have not the detailed information asked for. As regards the North Western Railway, I would refer the Honourable Member to the reply just given to part (e) of his starred question No. 127. On the East Indian Railway, rent is recovered for all the accommodation provided and this amounts to Rs. 294-7-9 per mensem. On the Great Indian Peninsula Railway, a total of Rs. 646 per mensem is recovered from this contractor, part of which is on account of rentals.

COMPLAINTS AGAINST THE URDU LANGUAGE AS USED IN ALL-INDIA RADIO BROADCASTS.

†129. ***Mr. Muhammad Azhar Ali:** Will the Honourable the Communications Member please state:

- (a) whether he is aware that the broadcasts from the All-India Radio Stations in so-called Urdu contain many bombastic words of Sanskrit and Bhasha which make it unintelligible to the majority of Indians;
- (b) whether he has noticed the tendency on the part of the All-India Radio to substitute obsolete Sanskrit and very uncommon Bhasha expressions for very popular and well-known Urdu words which make the broadcasts unnecessarily lengthy and remote from apprehension;
- (c) whether he is aware that this policy of the All-India Radio has elicited a country-wide agitation;
- (d) whether he is aware that the sanskritised Urdu used on radio has been dubbed by very prominent Urdu scholars as *Jinnati language*, i.e., language of goblins;
- (e) whether it is not the duty of Government to make Urdu which is the most understood language in India, as the *lingua franca* here;
- (f) whether Government have tried to make Urdu popular amongst masses;
- (g) if not, whether Government are justified in striking at the root of a well-established language by offending against the set idioms and expressions of Urdu; and
- (h) whether Government propose to direct the All-India Radio Department not to spoil Urdu by introducing unfamiliar words instead of familiar ones?

The Honourable Sir Andrew Olow: (a), (b), (d), (e) and (f). No.

(c) I am aware that there are complaints both from advocates of Urdu and Hindi about the language used by All-India Radio.

(g) I have repeatedly stated in this House that the aim of All-India Radio is to use a vocabulary in its news bulletins which is understood by the largest number of listeners. Talks in Urdu and Hindi are frequently given from All-India Radio stations and there can be no question of the All-India Radio wishing to undermine either of these languages.

(b) No, Sir. This is quite unnecessary for the reason I have just explained.

APPOINTMENT OF MUSLIMS AS STAFF OFFICERS ON RAILWAYS.

130. *Dr. Sir Ziauddin Ahmad (on behalf of Nawab Siddique Ali Khan): (a) Will the Honourable the Railway Member please state whether it is a fact that in their letter No. 8966-E, dated 2nd November, 1931, the Railway Board stated that one of the undertakings given on behalf of Government in February 1931 to a deputation of the Muslim Members of the Central Legislature was "that the suggestion regarding the appointments of two Muslim officers as Deputy Agents Personnel would be considered?"

(b) Is it a fact that, in connection with this undertaking, it was stated under the heading "action taken" that as the posts of Deputy Agents Personnel are filled by selection from officers with experience in staff or establishment work, the solution lies in the appointments of Muslims as staff officers from where they can work their way up to the Deputy Agent Personnel?

(c) Were any Muslims appointed on staff or establishment work so as to give them the necessary training to work their way up to the post of Deputy Agent Personnel in accordance with this undertaking? If not, why not?

(d) If the answer to part (c) above be in the affirmative, what are the names of those officers? What promotions have been given to these officers during the last ten years? When will these officers be appointed as Deputy Agents Personnel?

The Honourable Sir Andrew Clow: (a) and (b). Yes.

(c) Muslim officers have been appointed to the Personnel Branch from time to time so that their claims could be considered for posts of Deputy General Manager, Personnel, when they otherwise became eligible for such promotions.

(d) About 32 Muslim officers have held Personnel posts since 1931; I do not propose to lay the names on the table. These officers have been considered in their turn for promotions in their cadre. As for the last part, a senior Muslim may be appointed as Deputy General Manager, Personnel, in the next few months.

Sardar Sant Singh: Have these officers been selected for promotion along with others who were sent up for promotion, or is it that communal considerations were taken into consideration when these persons were appointed?

The Honourable Sir Andrew Clow: Other names are considered. These appointments are not confined to any one community.

Sardar Sant Singh: May I know to what communities the other persons, who were sent up for consideration for promotion along with these Mussalmans, belonged?

The Honourable Sir Andrew Clow: The reply I gave to part (d) gave the numbers for the last ten years, and I am afraid I could not answer the Honourable Member's question without notice.

Sardar Sant Singh: May I know if the Honourable Member is sure that the promotion was not made on communal considerations alone?

The Honourable Sir Andrew Clow: Yes.

DISMISSAL OF ENGINEERS IN MULTAN DIVISION OF THE NORTH WESTERN RAILWAY.

131. *Dr. Sir Ziauddin Ahmad (on behalf of Nawab Siddique Ali Khan): (a) Will the Honourable the Railway Member be pleased to lay a full statement on the table of this House concerning the embezzlement which led to the dismissal of five Engineers in the Multan Division of the North Western Railway?

(b) How many of these officers are being prosecuted?

(c) What steps have been taken to recover the money of the taxpayers?

(d) What is the pecuniary condition of these officers? Are they in a position to pay the amount embezzled?

The Honourable Sir Andrew Clow: (a) and (b). I would refer the Honourable Member to the reply laid on the table of the House on 16th November, 1940, in reply to Mr. Muhammad Azhar Ali's unstarred question No. 54. No officers have been dismissed, and the question of the prosecution of the three officers, whose services have been terminated, did not arise. The cases of the two other officers are still under consideration.

(c) In the circumstances of the case which led to the termination of the services of three officers it was impracticable to make any recoveries other than those involved in the reduction of pension in the case of gazetted staff and forfeiture of special contribution to provident fund in the case of non-gazetted staff. The case in which the other two officers were involved is still under investigation.

(d) I have no information regarding the pecuniary condition of the officers whose services were terminated and they were not found guilty of embezzlement.

Dr. Sir Ziauddin Ahmad: Apart from the question of discipline which is really the concern of the department, taxpayers' money is involved here, and we should like to know whether Government know, as a result of their official inquiry, what is the exact amount that has been embezzled, and what steps they have taken for recovery of the money. That is irrespective of the question of discipline?

The Honourable Sir Andrew Clow: I have said that certain officers were not guilty of embezzlement. The actual loss to Government cannot be estimated exactly but I believe that it is approximately covered by the reductions to which I referred.

Dr. Sir Ziauddin Ahmad: We ought to know, in the first place, what is the exact amount which, according to the Government's inquiry, has been embezzled. If the answer of the Government is that no money has been embezzled, then the question does not arise. We should be satisfied

here that the taxpayers' money is safe. If embezzlement has taken place, we should like to inquire what action has been taken to recover the money?

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

Dr. Sir Ziauddin Ahmad: My question is this: Will Government state on the floor of this House whether there has been embezzlement or not?

The Honourable Sir Andrew Clow: I have already said that two cases are under consideration, and on these I am not prepared to make any comments. In the case of the other 3, the officers were not found guilty of embezzlement. The actual loss to Government, as I said before, cannot be exactly estimated but it is probably in the neighbourhood of Rs. 40,000 and the reductions made in pensions and gratuities are roughly of that order also.

Dr. Sir Ziauddin Ahmad: We are not concerned with the reduction in their salary. What I want to know is whether there has been embezzlement to the extent of Rs. 40,000, and, if so, what steps have Government taken to recover this amount, irrespective of any departmental action?

The Honourable Sir Andrew Clow: I have said more than once that the three officers were not found guilty of embezzlement.

Sir Gwasji Jehangir: Then how did the money get lost?

The Honourable Sir Andrew Clow: The money was lost through the negligence of those officers. A reduction of the pensions and gratuities naturally involves a saving to Government and so far as I can estimate that is probably roughly equivalent to the loss that was incurred.

Dr. Sir Ziauddin Ahmad: The Honourable Member has admitted that there was loss to the taxpayer to the extent of Rs. 40,000, according to the inquiry of Government. Never mind how the money is lost. It is the duty of Government to make enquiries as to who is responsible for this embezzlement, and who has taken this money?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already answered that. Next question.

DISREGARD OF RAILWAY BOARD ORDERS IN RESPECT OF CERTAIN CATERING CONTRACTS ON THE NORTH WESTERN RAILWAY.

122. *Bhai Parmu Wand: Will the Honourable Member for Railways please refer to:

- (a) the speech of the Honourable Sir Guthrie Russell, during the debate on the Resolution regarding contracts for supplies of food, etc., on Railways in the Council of State on the 14th March, 1940, (page 268 of the Council of State Debates) *vis.*: "Now, with regard to part (a) of the Resolution, the Central Advisory Council unanimously agreed that the question whether the contract should be given to local

professional men or whether more satisfactory service could be obtained by giving contracts by areas or sections should be left to the various Railway Administrations to decide subject to their consulting their local Advisory Committees.
* * * * * Any orders issued by the Railway Board have, so far as I am aware, been honoured by the E. I. R.”;

- (b) letter No. 23 AC/246, dated the 22nd November, 1940, from the Divisional Superintendent, North Western Railway, Delhi, to Mr. Ladha Ram, Hindu Sweetmeat Contractor, Multan Cantonment Railway Station, reading as under :

“With reference to your application, dated 20th June, 1940, you are hereby offered the vending contract of sweetmeats, bread, drinks, tea, fruits, betels, punkhas and surahis at Dhuri Station. If you accept the offer please take over the work from 6th December, 1940, and deposit a security of Rs. 100 in the Post Office pledged in the Divisional Accounts Officer, Delhi.

“2. You will be allowed 16 (sixteen) salesmen to carry on the work out of whom 4 (four) should be Muslims.”; and

- (c) letter No. 28 AC/887, dated the 21st November, 1940, from the Divisional Commercial Officer, North Western Railway, Delhi, to the Station Master, Dhuri, regarding (1) Messrs. Tailu Ram Amar Nath, Sweetmeat and Chabrina vendors, and (2) Chiranji Lal, Hindu Bread and Fruits, etc., vendors; *vis.*: “Notice is hereby given for the termination of their contracts to take effect on expiry of a fortnight from the date of the issue of this notice”; and state :

- (i) whether Government traced any corruption in the termination of the contracts;
- (ii) the considerations upon which the contract is given to a professional man, who is not a local contractor;
- (iii) what other contracts are held by Mr. Ladha Ram;
- (iv) whether the local Advisory Committee was consulted in the matter of giving an area to Mr. Ladha Ram?
- (v) whether the Divisional Commercial Officer, Delhi, in any respect disobeyed the orders of the Railway Board;
- (vi) whether he will lay on the table a list of reports regarding unsatisfactory working of Messrs. Tailu Ram Amar Nath and Chiranji Lal upon which their contracts are terminated; and
- (vii) whether Government now propose to rectify the error by cancelling the orders of the Divisional Commercial Officer; if not why not?

The Honourable Sir Andrew Olow: (c) (i). No.

(ii) He was first on the list of approved contractors and his qualifications were good.

(iii) I understand he may hold a contract in Multan but have no details.

(iv) No. I would add that Mr. Ladha Ram was not given an area contract.

(v) No. I believe that there were no local professional caterers on the approved list.

(vi) I do not propose to disclose the various inspection notes containing complaints regarding the service rendered.

(vii) This does not strictly arise, but there are no grounds for cancelling the contract.

Mr. Lalchand Navalrai: May I know whether any local contractors applied for it, or that contracts should be given and they should be put on the approved list?

The Honourable Sir Andrew Olow: I do not know of any, but I have not those particulars.

NON-RECOVERY OF CERTAIN CONTRACTUAL AMOUNT FROM BALLABHDAS ESWARDAS.

133. *Bhai Parma Nand: (a) Will the Honourable Member for Railways please state whether it is a fact that in 1937 Ballabhdas Eswardas made an agreement with the North Western Railway for paying Rs. 21,000 (twenty-one thousand) for the catering of the Delhi Main Station? If not, what are the facts?

(b) Is it a fact that the sum of the agreement has never been recovered by the Railway? If it is not so, what is the real fact?

(c) What are the reasons for not recovering the agreed amount?

The Honourable Sir Andrew Olow: (a) No, the contract was auctioned for a sum of Rs. 7,025 per annum, for three years.

(b) I understand that the annual payment has been made for the years 1937 and 1938, and is now being made for 1939.

(c) Does not arise.

Dr. Sir Ziauddin Ahmad: The Honourable gentleman said that these contracts were given on the basis of economic rates. He has just now said that these contracts were auctioned. If that is the case, may I know where the question of economic rates comes in?

The Honourable Sir Andrew Olow: I said that this particular contract was auctioned. This was some time in 1936. Since the matter was discussed in the Central Advisory Council, the policy has been changed.

ALLEGED BOGUS APPOINTMENTS IN THE HOWRAH DIVISION, EAST INDIAN RAILWAY.

134. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Railway Member please state whether it is not a fact that in Howrah Division of the East Indian Railway, a number of unauthorised bogus appointments were made and appointment orders issued from the divisional head-quarter?

(b) Is it not a fact that persons so appointed began to function in spite of the fact that these posts were already filled up otherwise?

(c) Is it not a fact that an enquiry was instituted and the entire blame was put on a solitary clerk?

(d) Is it not a fact that this solitary clerk was prosecuted by Government? What is the finding of the judge?

(e) Is it not a fact that the judge acquitted the clerk and put the responsibility of bogus appointments on officers? What action, if any, have Government take on the finding of the judge?

(f) Are the Railway Administration prepared to have an independent inquiry by external agency, consisting of at least one person having the rank of a District Magistrate?

The Honourable Sir Andrew Olow: (a) Yes.

(b) and (e). I have called for information and will lay a further reply on the table in due course.

(c) Yes.

(d) The answer to the first part is in the affirmative; as regards the latter part I understand the trial court convicted the clerk, but that he was acquitted on appeal.

(f) No such procedure is contemplated.

Pandit Lakshmi Kanta Maitra: May I know what is meant by "unauthorised bogus appointments"? The Honourable Member has replied to the question. In what sense did he understand the expression?

The Honourable Sir Andrew Olow: I understood it to mean appointments which are not regular and proper.

Dr. Sir Ziauddin Ahmad: Has the Honourable gentleman seen the judgment of the appellate authority?

The Honourable Sir Andrew Olow: I have not seen it yet, but hope to see it in the due course.

Mr. M. S. Aney: May I know whether these bogus officers had received salaries for some months?

The Honourable Sir Jeremy Raisman: Bogus salary.

The Honourable Sir Andrew Olow: That arises under part (b) with regard to which I have called for information.

Dr. Sir Ziauddin Ahmad: May I know, in case the Judge comes to a decision that really speaking some officers ought to have been prosecuted, will he take action according to the decision of the Honourable Judge?

The Honourable Sir Andrew Olow: It is always a principle that when remarks are passed against an officer, he is entitled to a reply on a separate charge sheet before any action is taken against him.

EXCESS RECRUITMENT OF THE MINORITY COMMUNITY ON CERTAIN RAILWAYS.

135. ***Bhai Parma Nand:** Will the Honourable Member for Railways please refer to Mr. Frank DeSouza's report on communal representation in Railway Services and state the reasons for the recruitment of staff

over and above the percentage fixed for the minority community on the Eastern Bengal, the East Indian and the Great Indian Peninsula Railways and the steps taken by the Railways to reduce the excess number of the minority community? If no steps have been taken by this time, what are the reasons therefor?

The Honourable Sir Andrew Clow: I am not clear which community or excess the Honourable Member has in view, but there have been minor errors in the application of the rules. The attention of the railways concerned has been drawn to these.

DEFICIENCY IN THE PERCENTAGE OF HINDU EMPLOYEES ON CERTAIN RAILWAYS.

136. *Bhai Parma Nand: Will the Honourable Member for Railways please refer to (i) the report of Mr. K. M. Hassan, and (ii) the report of Mr. Frank DeSouza, C.I.E., on the communal representation in Railway services and state:

- (a) the percentage of Hindus employed on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways shown in the two different reports in each class or category of employment;
- (b) the reasons for any decrease in the percentage of Hindu employees in any class or category of employment on any Railway; and
- (c) how Government propose to make up the deficiency in the percentage of Hindus; if not, why not?

The Honourable Sir Andrew Clow: (a) The information is contained in both the reports, copies of which are in the Library of the House.

(b) The reservation of specific percentages in recruitment to the minority communities naturally causes a reduction in the percentage of employees belonging to the Hindu community.

(c) Government propose to take no action.

PROMOTIONS TO THE POST OF THE CHIEF COMMERCIAL MANAGER ON CERTAIN RAILWAYS.

137. *Bhai Parma Nand: Will the Honourable Member for Railways please state:

- (a) the class or category of staff eligible for promotion to the post of the Chief Commercial Manager on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways;
- (b) the particulars of the procedure prescribed for the promotion to the post of the Chief Commercial Managers;
- (c) whether the post of the Chief Commercial Manager is a Selection post; and
- (d) whether the selection is made by the Federal Public Service Commission; if not, why not?

The Honourable Sir Andrew Clow: (a) Members of the Transportation (Traffic) and Commercial cadre of the Superior Revenue Establishment of the Railways.

(b) No, special procedure has been prescribed.

(c) Yes.

(d) No; the administration is not required to obtain the advice of the Federal Public Service Commission in making such appointments, nor is it necessary.

Pandit Lakshmi Kanta Maitra: May I know what are the considerations that weigh with the authorities in making a selection?

The Honourable Sir Andrew Clow: The qualifications of the officers for the appointment.

Mr. M. S. Aney: What are the principles on which the selection of officers is left over to the consideration of the Federal Public Service Commission?

The Honourable Sir Andrew Clow: I said that the administration is not required to obtain the advice of the Federal Public Service Commission in this case.

Mr. M. S. Aney: The Honourable Member further said that he did not consider it necessary. I want to know what are the principles on which reference is made to the Public Service Commission in the matter of the selection of officers. What is the ground of the distinction between cases which are sent to the Public Service Commission and cases which are not sent to the Public Service Commission? What are the principles on which this distinction is made?

The Honourable Sir Andrew Clow: Roughly speaking, the general distinction is between first appointments to a service and promotion.

Mr. Lalchand Navalrai: May I know from the Honourable Member why it was not considered necessary in this case to refer this matter to the Public Service Commission?

The Honourable Sir Andrew Clow: I have just replied to that in answer to Mr. Aney.

Mr. Lalchand Navalrai: The Honourable Member said that this was not considered necessary in this particular case. On what grounds was it considered not necessary to send them to the Public Service Commission?

The Honourable Sir Andrew Clow: My answer had no special reference to this particular case. The same principles apply to other cases.

Dr. Sir Ziauddin Ahmad: In view of the fact that the Administration Report just published shows that out of eleven appointments on State-managed Railways in the officers' grade, not a single percentage of Muslims was there, I do not know what my Honourable friend meant when he said they wanted to make up the deficiency, since, out of eleven appointments, seven are Hindus and four Anglo-Indians?

Mr. M. S. Aney: What is the question?

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

WITHHOLDING OF A TELEGRAM CONCERNING GURU GOBIND SINGH DAY
CELEBRATION AT SARGODHA.

138. *Sardar Sant Singh: (a) Will the Honourable the Communications Member please state if it is a fact that the following telegram was not forwarded by the telegraph authorities at Sargodha to His Excellency the Governor, the Premier and others:

"Unarmed religious procession on the anniversary of Sri Guru Gobind Singh using customary route lathi-charged by the Police over 20 persons injured conditions of a few serious, about 12 persons arrested so far lorry carrying Guru Granth Sahib taken by police Gurdawara management prevented by authorities from raising Pandal in front of Gurdawara for holding anniversary dewan sikh feeling perturbed."

If, so, will he please state whether such a telegram falls within the purview of rule 15 of the Indian Telegraph Rules? Which portion of this telegram is 'plainly objectionable' or 'of alarming character'?

(b) Is it also a fact that the telegraph authorities had previously also declined to transmit telegrams relating to riots at Sargodha? Was any communication received by the telegraph authorities from District Magistrate, Sargodha, ordering or desiring them to obtain his orders before transmitting any messages relating to riots? If so, will Government place that letter of the District Magistrate on the table of the House, and state if the rules in question permit a District Magistrate to issue such instructions to the telegraph authorities?

(c) Is it a fact that the telegraph authorities did not forward the telegram quoted above due to the ban placed by the District Magistrate? Has a District Magistrate any power under the rules of the Telegraphs Department to censor telegrams, or issue general instructions except those that are contained in Rule 15?

The Honourable Sir Andrew Olow: (a) The text of the telegram quoted by the Honourable Member gives the substance of the telegram, but does not give its wording accurately. The telegram in question was not forwarded. The officer-in-charge of the telegraph office was doubtful whether it was not of an objectionable character, and, therefore, referred it under Rule 15 of the Indian Telegraph Rules to the chief civil officer of the district, and, under his advice, he treated the telegram as objectionable. He apparently held that the whole of the telegram was objectionable.

(b) As regards the first part, one previous telegram was stopped. The answer to the second part is in the negative and the third part does not arise.

(c) As regards the first part, the telegram was withheld on the advice of the District Magistrate which was sought and given under Rule 15 of the Indian Telegraph Rules. The answer to the second part is in the negative.

Sardar Sant Singh: May I know if the Honourable Member has got the text of the telegram and, if so, will he kindly let me know if in his opinion any portion of this telegram is of an alarming character or of an objectionable nature?

The Honourable Sir Andrew Olow: The Honourable Member is not entitled to ask for my opinion in putting a question.

Sardar Sant Singh: What I ask is—does he endorse the opinion of the subordinate officials who prevented the sending of this telegram on the ground that it was alarming and of an objectionable nature?

Mr. President (The Honourable Sir Abdur Rahim): The Chair rules that out of order.

Sardar Sant Singh: My question is this. A subordinate official referred this telegram to the District Magistrate. That official is subordinate to the Honourable Member. I want to know whether he endorses the opinion of his subordinate that this telegram was of an alarming or doubtful nature.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has given his answer, but he is still asking for his opinion.

Sardar Sant Singh: I am not asking for his opinion.

Mr. President (The Honourable Sir Abdur Rahim): It comes to that.

Sardar Sant Singh: What I want to ask is this. Rule 15 is being used for the purpose of suppressing a legitimate grievance of the people by the Telegraph Department. I am asking, how he interprets rule 15.

The Honourable Sir Andrew Olow: I interpret the meaning of that rule in this way that when a telegraph official refers a matter of this kind to the District Magistrate, he must be guided by the advice he is given.

Sardar Sant Singh: May I know if it is a fact that this District Magistrate issued general orders to the Telegraph Department not to forward any telegrams relating to these riots at Sargodha without consulting him?

The Honourable Sir Andrew Olow: No, Sir, as far as I know, that is not a fact.

Sardar Sant Singh: Is the Honourable Member prepared to make inquiries into the matter?

I have myself seen the letter of the District Magistrate with the Telegraph Master.

The Honourable Sir Andrew Olow: I have seen the advice given by the District Magistrate, and it does not bear that construction. In any case, I am not responsible for the action of the District Magistrate.

Sardar Sant Singh: I know you are not. May I know if the Honourable Member is prepared to issue instructions to the Telegraph Department that they are not to entertain such advice of a general nature and that they should use their discretion, as provided for in rule 15?

The Honourable Sir Andrew Olow: No, Sir; I am not aware that such advice was given.

Sardar Sant Singh: May I know if the District Magistrate has any authority under the Telegraph Act to issue such instructions of a general nature which amount to a censoring of the news?

The Honourable Sir Andrew Olow: I think I have either answered that question already, or it is coming later.

POLICY OF THE TELEGRAPH DEPARTMENT CONCERNING TRANSMISSION OF COMPLAINTS TO HIGH EXECUTIVE AUTHORITIES.

139. *Sardar Sant Singh: Will the Honourable the Communications Member make a public statement as to the policy of his department if the complaints addressed to high executive authorities, however, alarming in nature, come within the mischief of rule 15 of the Indian Telegraph Rules?

The Honourable Sir Andrew Olow: Government hold that if a telegram is of an alarming nature it comes within the mischief of Rule 15 of the Indian Telegraph Rules irrespective of who the addressee is; but as I take it that this request is made in view of the action referred to in the preceding question, I should add that both the telegrams were addressed to a press organization and a newspaper as well as to official authorities as multiple telegrams.

Sardar Sant Singh: May I know if the Honourable Member is prepared to modify this rule by saying that if they are addressed to high executive authorities, they may be forwarded, while an option should be given to the sender to strike off the names of those who are not in public service?

The Honourable Sir Andrew Olow: I am not prepared to say that every objectionable telegram should be forwarded to an official or high authority.

Sardar Sant Singh: May I know why the Telegraph Department should not be used by people for addressing persons of such a high position like His Excellency the Governor and the Premier of a province?

The Honourable Sir Andrew Olow: It certainly should be used, in the proper fashion.

Pandit Lakshmi Kanta Maitra: May I know from the Honourable Member if it is the practice in cases where a District Magistrate withholds a telegram to send a report of his action to the highest telegraph authorities?

The Honourable Sir Andrew Olow: No, Sir.

Pandit Lakshmi Kanta Maitra: Do I understand that there is absolutely no provision by which District Magistrates can be in touch in these matters with the high telegraph authorities?

The Honourable Sir Andrew Olow: There is no need for them to be kept in touch with high telegraph authorities; they are answerable to the Provincial Government to which they are subordinate.

Pandit Lakshmi Kanta Maitra: Even in such matters as withholding of telegrams, magistrates are not responsible to the telegraph authorities under whose jurisdiction they act in accordance with section 15 but they act under the orders of the Provincial Government?

The Honourable Sir Andrew Olow: They are not responsible to the Director General in respect of the advice they give.

Mr. M. S. Aney: Does not the Honourable Member see that the very right of making a representation by way of a telegraphic communication stands in danger of being taken away, and that there is a danger of a man being deprived of that facility if he wants to complain against the District Magistrate, on account of the power vested in him under rule 15?

The Honourable Sir Andrew Clow: No, Sir. I take it that if a Governor or high official to whom such a telegram is addressed finds that the District Magistrate is exercising his powers improperly, they will draw his attention to that and the necessary direction will be given.

Mr. M. S. Aney: Suppose this particular District Magistrate has abused his power, will the telegraph authorities be prepared to send that telegram direct to them without referring it to the District Magistrate if complaint with regard to the abuse of his powers is made against the District Magistrate?

The Honourable Sir Andrew Clow: If the telegraph authority is in doubt, he must be guided by the advice of the District Magistrate; it is not for him to say that that advice represents an abuse of the District Magistrate's powers.

Mr. M. S. Aney: Will the telegraph authorities be pleased to communicate a telegram protesting against the abuse of the power exercised with regard to a particular telegram without referring that telegram also to the District Magistrate?

The Honourable Sir Andrew Clow: It would depend on the character of the telegram. I take it such a telegram would not be of an alarming nature and then no question would arise.

ENQUIRY INTO CONDUCT OF THE TELEGRAPH MASTER OF SARGODHA FOR SUBMITTING TO CENSORSHIP OF DISTRICT MAGISTRATE.

140. *Sardar Sant Singh: Is the Honourable the Communications Member prepared to institute an enquiry into the conduct of the Telegraph Master of Sargodha in submitting to the censorship of a District Magistrate? If not, why not?

The Honourable Sir Andrew Clow: There was no censorship imposed by the District Magistrate as alleged. The question does not, therefore, arise.

Sardar Sant Singh: May I know if the Honourable Member proposes to abdicate his position or the position of this House in favour of the provincial executive officer?

The Honourable Sir Andrew Clow: It is not a question of abdicating one's position. The provincial executive officer is exercising powers entrusted to him by a statutory rule.

Sardar Sant Singh: May I know if this rule was made before Provincial Autonomy came in, and, in view of the complications which have arisen, will he change this rule now?

The Honourable Sir Andrew Clow: No, Sir; I think the rule is a well-designed one.

Sir Cowasji Jehangir: May I ask if any rules are prescribed whereby Telegraph Masters are guided, in their discretion to send a telegram for censorship or for directions to the District Magistrate?

The Honourable Sir Andrew Clow: This particular rule prescribes that where a telegraph authority is in doubt, he shall refer the telegram to the chief civil authority, and the implication is that he should be guided by the advice that he gets from him.

Sir Cowasji Jehangir: Are there any instructions as to what the Telegraph Master should do and what he should not do or is the discretion entirely left to him?

The Honourable Sir Andrew Clow: I read the rule in the House the other day on a discussion about an adjournment motion on this question. If the Honourable Member will refer to it, he will find the answer.

Sir Cowasji Jehangir: Is not that putting a tremendous responsibility on a Telegraph Master that he should be the sole person to decide whether a telegram should be sent to the District Magistrate or not without any sort of guidance or control?

The Honourable Sir Andrew Clow: There is guidance in the rule which refers to telegram being objectionable or of an alarming nature.

Sir Cowasji Jehangir: Who is to judge?

The Honourable Sir Andrew Clow: The point is that in doubtful cases, the chief civil authority is asked to judge.

Pandit Lakshmi Kanta Maitra: Besides the provisions contained in Rule 15, is there any specific criterion laid down by which the magistrate in coming to a decision as to the objectionable nature of a telegram might be guided, or is it all a question of personal opinion? I want to know whether the Government have prescribed any direction or laid down any criterion by which such a telegram is to be judged?

The Honourable Sir Andrew Clow: No, Sir.

PROCEDURE FOR SELECTION TO CERTAIN POSTS ON THE NORTH WESTERN RAILWAY.

141. ***Mr. Lalchand Navalrai:** Will the Honourable Member for Railways be pleased to state:

- (a) whether it is a fact that the following posts on the North Western Railway are controlled by the Divisional Superintendents:
 - (i) Signallers, to which recruitment is made through Station Masters' Group;
 - (ii) Commercial group—Booking, Goods and Parcel Clerks;
 - (iii) Ticket Collectors;

- (iv) Train Clerks; and
- (v) Guards grade II;
- (b) whether it is a fact that selection for recruitment to these posts is finally made through the Central Selection Board at Lahore;
- (c) whether the procedure followed is in conformity with paragraphs 73 and 74 and note thereto of Appendix (II), page 189 of the State Railway Establishment Code, Volume I; if not, why not; and
- (d) whether the Honourable Member proposes to issue instructions to the North Western Railway administration strictly to observe rules referred to in part (c) above: If not, why not?

The Honourable Sir Andrew Olow: (a) Recruitment to the posts specified is controlled by the Headquarters Office.

(b) Yes.

(c) The Note under rule 74 covers the practice obtaining on the North Western Railway.

(d) Does not arise.

Mr. Lalchand Navalrai: With regard to part (c), may I know whether it is a fact that the appointments that are controlled by the Divisional Office are done by one single Selection Board in the Divisional Offices, and if any appointments are made for the Headquarters office, then there are two selections?

The Honourable Sir Andrew Olow: I have got the note in front of me, and would ask the Honourable Member to go through the code. It is always a difficult matter to interpret briefly a rule. The note in question however refers to cases "where recruitment is made for posts controlled by the Headquarters Office".

Mr. Lalchand Navalrai: In view of what I have submitted just now, would the Honourable Member ask the General Manager to have only one selection board for these appointments that are being controlled by the Divisional officer and not two selection boards. Would the Honourable Member, in pursuance of the rule I have quoted, draw the attention of the General Manager not to insist on having two selection boards.

The Honourable Sir Andrew Olow: As I have explained in reply to part (a). The Honourable Member's question is based on a misapprehension. Recruitment to the posts specified is controlled by the Headquarters office.

Mr. Lalchand Navalrai: That is exactly what I am submitting. I know that this rule provides that those appointments that are required for the headquarters office and controlled by the headquarters should be put under two selections, one in the headquarters and the other in the divisional office. I am asking whether in view of that the Honourable Member will go into the question himself and once for all decide this question and give instructions accordingly to the General Manager.

The Honourable Sir Andrew Clow: I am completely in the dark as to the question which the Honourable Member wishes me to examine.

Mr. Lalchand Navalrai: I am asking the Honourable Member whether it is a fact or not and whether the procedure should be laid down or not that those appointments that are controlled by the Divisional offices should be subject only to one selection board? I am asking the Honourable Member to investigate this question.

The Honourable Sir Andrew Clow: I do not understand how if an appointment does not go beyond the Divisional office, there can be two selection boards.

Mr. Lalchand Navalrai: There are now two selection boards at present. When recruitment is required for the Division, then also the applications are called for and they are examined first of all by the Selection Board in the Division. Then they are sent to the Central office headquarters at Lahore to be subjected to another examination along with other persons from other Divisions. I am saying that that procedure is against the rules that have already been made and I am requesting the Honourable Member to investigate into this and if the rules provide like this, then the General Manager should be told that it should be only in those exceptional cases when appointments are required for the headquarters, they only should be subject to two selection boards.

The Honourable Sir Andrew Clow: The Honourable Member is now raising quite a different issue as to whether certain appointments should be controlled by the Division or controlled by headquarters. This is not a matter in which I am prepared to interfere.

Mr. Lalchand Navalrai: I say at present that it is a fact that appointments are subject to two Selection Boards.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is making a speech. He is not asking any question.

Mr. Lalchand Navalrai: I am only asking that this question should be investigated because the Honourable Member may not have read this rule. I am requesting the Honourable Member to go into this question so that the trouble that has been going on for such a long time may be removed. I am not asking for anything else except investigation.

The Honourable Sir Andrew Clow: The Honourable Member is referring to certain appointments which are submitted to the headquarters office. If they are so submitted, then they are controlled by that office.

Dr. Sir Ziauddin Ahmad: May I know whether it is not the present practice that appointments of officers of all posts which are transferable from one Division to another are always made by the General Manager and those appointments which are filled up by persons not transferable are filled up by the Divisional officers themselves?

The Honourable Sir Andrew Clow: This question does not relate to officers at all.

NON-CONFIRMATION IN CERTAIN VACANCIES OF LOCO. INSPECTORS, ASSISTANT CONTROLLERS, ETC., ON THE NORTH WESTERN RAILWAY.

142. *Mr. Lalchand Navalrai: (a) With reference to the Honourable the Railway Member's reply to part (b) of starred question No. 98, asked on the 16th November, 1940, will he be pleased to state why five Loco Inspectors' vacancies are not being filled permanently? How many of the Loco Inspectors, officiating as such, are Indians?

(b) What is the maximum duration of continuous officiating service, after which an employee must be confirmed even provisionally, if his working has not been unsatisfactory?

(c) If no such period has been fixed, do Government propose to issue such orders? If not, what steps do Government propose to take to end the suspense of persons officiating for very long periods, that they would in due course be confirmed in the officiating appointment?

(d) Have confirmation orders of Assistant Controllers and Assistant Station Masters, grade IV, or above, referred to in part (b) of starred question No. 98, asked on the 16th November, 1940, since been issued? If not, why not?

The Honourable Sir Andrew Olow: (a) The abolition of five posts of Loco. Inspectors is being considered. Three of the five officiating men are Indians.

(b) There is no period laid down and confirmation must depend on the occurrence of permanent vacancies.

(c) Government have no general orders in contemplation, but the North Western Railway will be asked to reach an early decision regarding the abolition or retention of the posts in the present case.

(d) Five Assistant Station Masters and three Assistant Controllers have been placed on probation and their confirmation will be considered in due course.

Mr. Lalchand Navalrai: May I know since how long these Assistant Station Masters and Assistant Controllers have been officiating and why have they not been made permanent? Will the Honourable Member consider their confirmation early?

The Honourable Sir Andrew Olow: No, Sir. I have said in reply to part (c) that as regards the Loco Inspectors, the North Western Railway will be asked to reach an early decision.

Mr. Lalchand Navalrai: I am asking the question with regard to part (d). Why should they remain indefinitely officiating and not made permanent?

The Honourable Sir Andrew Olow: I have no reason to suppose that their officiating will continue indefinitely.

Mr. Lalchand Navalrai: It is a very long time since they have been officiating, will the Honourable Member consider their confirmation?

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

DISCRIMINATION IN EXEMPTION FROM DEPARTMENTAL EXAMINATION IN SIND AND BALUCHISTAN POSTAL CIRCLE.

143. *Mr. Lalchand Navalrai: With reference to the Director General, Posts and Telegraphs' reply to parts (a) and (b) of my starred question No. 88 asked on the 16th November, 1940, will the Honourable Member for Communications be pleased to state:

- (a) when the examination system referred to in the reply was introduced in the department;
- (b) the dates from which the six persons, referred to in the reply, started acting in the department;
- (c) whether it is a fact that certain Hindu employees who were appointed in 1936 and prior to the issue of orders of recruitment by examination system, still continue to be temporary; if so, why;
- (d) if exemption was granted in the case of the six Muslim candidates, why it was not granted in the case of Hindus referred to in part (c) above; and
- (e) whether there are any rules or orders which authorise communal discrimination in the matter of exemption being given to employees in the Postal Department; if so, whether he will specify such orders.

The Honourable Sir Andrew Clow: (a) 26th September, 1937, in the Sind and Baluchistan Circle.

(b) The six persons of whom only four are now in the Department are now reported to have started acting on dates lying between 15th February, 1938, and 15th June, 1939. As this is not in conformity with a reply previously given to the Honourable Member further inquiries are being made into the matter.

(c) I understand that there are none.

(d) Does not arise.

(e) The reply to the first part is in the negative; the latter part does not arise.

Mr. Lalchand Navalrai: With reference to part (c), may I know if there are no Hindu employees who will continue to be temporary?

The Honourable Sir Andrew Clow: My answer was "I understand that there are none".

GIVING OF REVISED SCALES OF PAY TO RETRENCHED WORKSHOP APPRENTICES ON RE-APPOINTMENT ON THE NORTH WESTERN RAILWAY.

144. *Mr. Lalchand Navalrai: Will the Honourable Member for Railways be pleased to state:

- (a) whether it is a fact that certain out-station and Workshop apprentices on the North Western Railway were discharged owing to 1931 retrenchment campaign, for want of vacancies to absorb them on completion of their training;
- (b) whether it is a fact that on their re-appointment on occurrence of vacancies in 1933 or 1934 they were given revised scales of pay;

- (c) whether it is a fact that certain other persons who completed their apprenticeship in 1934 and 1935 were on being retained in service given old scales of pay;
- (d) whether it is a fact that this anomaly was brought to the notice of the Railway Board by the All-India Railwaymen's Federation, *vide* paragraph 8 of the amplified report of the proceedings of the eighteenth half-yearly meeting held in November 1939; and
- (e) whether it is a fact that the Railway Board referred to this anomaly as hypothetical, but the General Secretary, North Western Railway Employees Union, Karachi under his No. 45-U, dated 6th August, 1940, pointed out to the Secretary, Railway Board, some actual cases of anomaly referred to in part (d) above; if so, what action was taken to remove the anomaly; and if no action was taken, why not?

The Honourable Sir Andrew Clow: (a) Yes, but they were not retrenched.

(b), (c) and (d). Yes.

(e) The answer to the first part is in the affirmative; as regards the latter part, Government do not take cognisance of communications from unrecognised unions.

Mr. Lalchand Navalrai: May I know with reference to part (b) whether those persons who were discharged in 1931 and who were put on the waiting list were given revised scales of pay?

The Honourable Sir Andrew Clow: I believe they were given the new scales of pay, but I am not certain.

Mr. Lalchand Navalrai: If they were on the waiting list and if they were again appointed, why were they not guided by the old rules which entitle them to get old scales of pay and not new scales?

The Honourable Sir Andrew Clow: As far as I know they were not retrenched.

NON-TRANSFER OF SUPERINTENDENT OF POSTS AND RAILWAY MAIL SERVICE IN SIND AND BALUCHISTAN POSTAL CIRCLE.

145. ***Mr. Lalchand Navalrai:** Will the Honourable Member for Communications be pleased to state :

- (a) the period for which each Superintendent of Posts and Railway Mail Service in Sind and Baluchistan Circle has remained in this Circle; and
- (b) the maximum period for which Superintendents can remain in one and the same circle; if no such period has been fixed, whether Government propose to lay down such a limit so as not to allow one officer to remain in the same circle indefinitely; if not, why not?

Sir Gurunath Bewoor: (a) There are at present four permanent Superintendents of Post Offices and R. M. S. in the S. & B. Circle. Of

these, one has been in the circle for a year and a half, one for 18 years and 8 months, one for two years and 9 months and one for 3 years and 8 months.

(b) No period has been prescribed nor is it considered necessary to prescribe a period.

Mr. Lalchand Navalrai: How is it that one gentleman has been retained for more than 18 years in one place?

Sir Gurunath Bewoor: He is not in one place; he is in the Sind and Baluchistan Circle.

STEPS FOR PROTECTION OF PROPERTY OF INDIAN NATIONALS IN SAIGON, INDO-CHINA.

146. ***Mr. M. S. Aney:** Will the Secretary for External Affairs be pleased to state :

- (a) the latest position with regard to properties, moveable and immoveable, owned by the Indian nationals in Saigon, Indo-China; and
- (b) whether the British Consul General at Saigon has been instructed by His Majesty's Government to take all the necessary and possible steps to protect Indian property there, in view of the present unsettled conditions prevailing there and if so, what these steps are?

Mr. O. K. Caroe: (a) Government have no information.

(b) It is the duty of His Majesty's Consuls in all foreign countries to take all proper steps to protect the interests of British subjects residing in those countries. No special representations have been received suggesting the necessity for the issue of special instructions on the lines suggested by the Honourable Member.

Mr. M. S. Aney: Will the Honourable Member, in view of the question put in this House, move our representative there to keep himself in touch with the Indians there and make the necessary report?

Mr. O. K. Caroe: I think, Sir, that in the present situation it might possibly be difficult for His Majesty's Consul to undertake any general kind of census or anything of that kind, and it might also lead to alarm. But Government are prepared to bring to the notice of His Majesty's Consul any special cases which are represented.

Babu Baijnath Bajoria: Have Government taken any steps to repatriate Indians in Indo-China to India on account of the unsettled conditions there?

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

Babu Baijnath Bajoria: Has there been any demand from Indians to this effect?

Mr. O. K. Caroe: Not as far as I am aware.

Pandit Lakshmi Kanta Maitra: Are we to understand that the External Affairs Department of the Government of India does not keep touch with the Consuls in foreign countries so as to be able to ascertain the exact position of Indians there in these troublous times? Is there no machinery by which they can be in touch with them?

Mr. O. K. Caroe: When any cases are brought to notice they are always in a position to get into touch with His Majesty's Consuls. There has been no case so far brought to the notice of the External Affairs Department (except one which appears later in answer to another question) which would require the External Affairs Department to take any initiative.

Pandit Lakshmi Kanta Maitra: May I know if it is not the practice with this department to have a periodical report from these Consuls about the position of Indians in those countries?

Mr. O. K. Caroe: There are in certain countries reports sent in by His Majesty's Consuls and they refer to the position, commercial and otherwise, of British subjects in those countries. I do not remember to have seen any recent report from Indo-China.

Pandit Lakshmi Kanta Maitra: What I want to know is whether in these times of trouble and of international complications any policy has been laid down by Government to keep active touch with these Consuls so as to ascertain the position of Indians living in these countries.

Mr. O. K. Caroe: No, Sir; I think general orders of that kind would be undesirable and it might lead to alarm.

Pandit Lakshmi Kanta Maitra: Has the Honourable Member got any statistics to show the number of Indians there and the value of property possessed by them?

Mr. O. K. Caroe: I have no statistics by me, but I think they could probably be obtained.

STEPS FOR PROTECTION OF PROPERTY OF INDIAN NATIONALS IN SAIGON, INDO-CHINA.

147. ***Mr. M. S. Aney:** Will the Secretary for External Affairs be pleased to state:

- (a) whether the Government of India have received any representation from Shri. V. Nadimuthu Pillai, M.L.A., or other Indian nationals either directly or through the Madras Government, in regard to protection of property of Indians in Saigon; and
- (b) whether Government have taken any steps on those representations to protect their property in Saigon and, if not, why not?

Mr. O. K. Caroe: (a) No.

(b) Does not arise.

Pandit Lakshmi Kanta Maitra: May I know if, on receipt of the notice of this question where the specific name of the gentleman is given, the Honourable Member's Department made any inquiry as to the facts alleged there?

Mr. O. K. Caroe: Yes, an inquiry was made and it was ascertained that only one representation had been received, but not from the individual mentioned. That representation, however, related not to property to which this question relates but to remittances; and I think there is some confusion between property of Indians in Indo-China and remittances of funds from Indo-China to India. That will appear in my answer to the next question.

Mr. M. S. Aney: The Honourable Member stated that the representation was not received from the specific individual mentioned in the question but from somebody else. What steps were taken on that representation with reference to the same matter?

Mr. O. K. Caroe: The question there did not relate to property, but to remittances, and that will appear in my answer to the next question.

EMBARGO ON TRANSMISSION OF MONEY BY INDIAN NATIONALS FROM SAIGON TO INDIA.

148. ***Mr. M. S. Aney:** Will the Secretary for External Affairs be pleased to state:

- (a) whether Government are aware of any embargo by the British Government on remittances of money in Saigon through bankers to Indian nationals in Madras and elsewhere;
- (b) whether Government are aware that during the past six months or more the branches of the Chartered Bank and National Bank of India in Saigon refused to accept remittances to India from Saigon of money belonging to Indian nationals, though such remittances are allowed by the Government of Indo-China; and
- (c) whether Government propose to take steps to inquire into this matter and arrange for prompt remittances to India by the Banks in the interests of Indian nationals?

Mr. O. K. Caroe: (a) No. The Banks in Saigon are controlled by the Government of French Indo-China and not by the British Government.

(b) No. On the contrary Government's information is that remittances from Indo-China to India are not being allowed by the Government of Indo-China.

(c) Government are already considering the matter.

Mr. M. S. Aney: May I know if Government, in view of the specific information placed before them now, will approach His Majesty's Consul there and ask him to inquire into this matter and see that due justice is done to Indian nationals in this matter of remittances?

Mr. O. K. Caroe: Government intend to ascertain, in communication with His Majesty's Consul General, what the exact position is as regards remittances from Indo-China to India, and if there are any difficulties, to say whether it is possible to remove them.

Mr. M. S. Aney: Are Government aware that there are many families in the Madras Presidency which entirely depend, and have to live, on such remittances as are made to them from time to time by other members of their families who are working there? Are Government aware that the stopping of remittances is causing a good deal of hardship to these families here?

Mr. O. K. Caroe: These statements and allegations have been made and Government are aware that there are Indians resident in Indo-China who wish to make remittances; and naturally if there is any bar on remittances, they are also aware that it may cause hardship.

Mr. Lalchand Naralrai: Since when are Government aware of that, and have Government up to this time made any references there to allow them to make remittances?

Mr. O. K. Caroe: Hitherto there have been no difficulties on remittances, as far as Government are aware, from Indo-China to India. Difficulties have only arisen as a result of developments in that French colony.

ADVERTISEMENT BY THE DIVISIONAL SUPERINTENDENT, FEROZEPOR, FOR POSTS OF WORKS MISTRIES.

149. *Mr. H. M. Abdullah: Will the Honourable Member for Railways please state:

- (a) whether the Divisional Superintendent, Ferozepore, advertised for certain posts of works mistries in December, 1940;
- (b) whether applications were received for these posts,
- (c) whether any of the applicants were called for an interview;
- (d) whether the advertisement was cancelled;
- (e) whether the cost of the applications was refunded to the applicants; if not, why not; and
- (f) if no selection was held, how the posts were filled, and what the communal proportion was of the persons appointed to fill these posts?

The Honourable Sir Andrew Clow: (a), (b) and (d). Yes.

(c) No.

(e) Applicants were not required to apply on forms obtained after payment, therefore there was no question of a refund. Two applicants, however, who did send in forms obtained on payment were given back the forms for future use.

(f) No posts were filled as there were no vacancies and the advertisement was put in under a misapprehension. The latter part does not arise.

Dr. Sir Ziauddin Ahmad: Is it not a fact that these advertisements are not free and cost some money? Did the administration make inquiries as to why these wrong advertisements were put in resulting in expenditure to Government and to the candidates, when there was no post to be filled up?

The Honourable Sir Andrew Clow: None of us is infallible, Sir.

Dr. Sir Ziauddin Ahmad: Did Government make any inquiry as to why this mistake was made?

The Honourable Sir Andrew Clow: We are all liable to make mistakes.

Dr. Sir Ziauddin Ahmad: But is it not also our duty to find out how the mistakes occur?

The Honourable Sir Andrew Clow: It was an error.

Sir Muhammad Yamin Khan: Have Government taken any disciplinary action against the persons who made such a blunder?

The Honourable Sir Andrew Clow: If I took action against every official who made mistakes, I doubt if any officials, including myself, would be left.

Maulvi Muhammad Abdul Ghani: What was the amount of money realised from supply of application forms to candidates in this case?

The Honourable Sir Andrew Clow: I do not know what the amount prescribed is, but in this case they were not required to apply for forms on payment. Two did that.

Mr. M. S. Aney: What is the distinction in the meaning of the two words "error" and "mistake"?

The Honourable Sir Andrew Clow: I did not intend to draw any distinction, but errors generally mean rather minor mistakes.

Mr. M. S. Aney: If I understood the Honourable Member rightly did he not want to justify the mistake on the ground that it was an error?

The Honourable Sir Andrew Clow: No, Sir, on the ground that it was a mistake.

WORK MISTRIES APPOINTED ON THE NORTH WESTERN RAILWAY.

150., ***Mr. H. M. Abdullah:** Will the Honourable Member for Railways please state the number of persons who were appointed as works mistries in the various divisions of the North Western Railways during 1939 and 1940:

- (i) community-wise,
- (ii) year-wise, and
- (iii) showing community-wise, how many were recruited direct and how many promoted?

The Honourable Sir Andrew Clow: I have called for information and a reply will be laid on the table in due course.

Pandit Lakshmi Kanta Maitra: May I know whether the expressions "community-wise", "year-wise", etc., are adopted by Government in their reports, and what is the exact implication of this phraseology?

The Honourable Sir Andrew Olow: I think the meaning is clear although the words may not be English. It means, by communities or by years.

Pandit Lakshmi Kanta Maitra: May I ask whether the Government use this phraseology in their reports?

The Honourable Sir Andrew Olow: I do not think so. I should not use it in any report I was preparing.

SEPARATE CADRES FOR ELECTRICIANS AND JOURNEYMEN OF ELECTRIC BRANCH OF NORTH WESTERN RAILWAY.

151 ***Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state what the qualifications of electricians and journeymen of the Electric Branch of North Western Railway are?

(b) Is it a fact that electricians were given training for train-lighting only and journeymen were given training for power side of the electricity up to 1930?

(c) Is it a fact that they are not interchangeable and separate seniority lists were maintained separately for both cadres?

(d) If the reply to parts (a) and (b) be in the affirmative, how long is the Railway Administration going to keep the cadres separate for purposes of promotion?

The Honourable Sir Andrew Olow: (a) I presume the Honourable Member is referring to the qualifications necessary for recruitment. If so, he is referred to item (i) of the statement laid on the table of the House on 28th March, 1940, in connection with his starred question No. 213 on the 27th February, 1940.

(b) Yes to those who were recruited as apprentice mechanics up to 1930.

(c) A man who is proved suitable may be transferred from the power side to train lighting or *vice versa*. Separate seniority lists are maintained.

(d) For so long as this is in the interests of the service.

NON-TRANSFER OF THE ASSISTANT PERSONNEL OFFICER AT DELHI.

152. ***Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state how long the present Assistant Personnel Officer at Delhi has been holding this post?

(b) How long did he work in the same place as Superintendent before he was promoted as Assistant Personnel Officer?

(c) How long do the Railway administration want to keep him at Delhi?

(d) Is the Honourable Member prepared to lay down a definite policy for transfers so that Divisional Personnel Officers, Assistant Personnel Officers, and Head Clerks of establishment branches should have a change after three years?

The Honourable Sir Andrew Clow: (a) Since 1st April, 1937.

(b) For about a year and ten months.

(c) As long as it will serve the best interest of the service.

(d) No.

EXAMINERS FOR APPENDIX D EXAMINATION.

153. ***Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways state on what basis the examiners for Appendix D examination are appointed?

(b) What was the number of Muslim examiners for the examination held in November, 1940?

(c) Is the Honourable Member aware of the fact that the preponderance of one particular community among examiners is discouraging the Muslim staff to take this examination?

(d) Are Government prepared to revise the rules of appointing examiners for this examination in order to take a good number of Muslim examiners?

The Honourable Sir Andrew Clow: (a) Suitable officers in the Railway Accounts Department are appointed as examiners, the selection being made with the approval of the Financial Commissioner, Railways.

(b) Three (out of a total of seven examiners including one European, one Indian Christian and two Hindus).

(c) The question does not arise. There is no preponderance of one particular community among the examiners.

(d) Government do not consider any revision of the existing procedure necessary.

WAR ECONOMY ON STATE RAILWAYS AND PURCHASE OF RAILWAY MATERIALS.

154. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable Member for Railways be pleased to state the amount saved by reduction of the size of the Railway budget papers to be presented to the Legislative Assembly, as per memorandum passed by the Standing Finance Committee for Railways on the 22nd November, 1940?

(b) What other steps have been taken to cut down the expenses of the Railways managed by Government on account of war economy?

(c) What is the total amount of purchases of Railway materials already made since 22nd November and up to date, and have all purchases been made of Indian manufacturers? If not, what is the percentage of purchases of Indian manufactured materials?

(d) If any material for Railways has been purchased from countries outside India, which are those countries and what materials have been purchased, and what was the amount of purchase?

The Honourable Sir Andrew Clow: (a) The saving resulting from the proposal to which reference is made is estimated at Rs. 430.

(b) Reference is invited to para 14, Chapter I of the Report on Indian Railways Volume I for 1939-40, a copy of which will be found in the Library of the House.

(c) and (d). The Honourable Member is referred to paras. 85 and 86, Chapter VII of the Report on Indian Railways, Vol. I, 1939-40, covering the financial year in question. Detailed information in regard to the purchases between 22nd November and present time are not readily available and could not easily be compiled.

TECHNICIANS OR MECHANICAL ENGINEERS FOR RESEARCH WORK UNDER THE CENTRAL STANDARDS OFFICE.

155. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable Member for Railways be pleased to state what achievements have been effected by the use of Dynamometer Car by the Dynamometer Officer since his appointment in 1935?

(b) Is there any Indian technician or mechanical engineer appointed for research work under the control of the Central Standards Office?

(c) If the answer to part (b) be in the affirmative, what are the qualifications of that person?

(d) If the technicians or mechanical engineers are all Europeans, what are their qualifications?

The Honourable Sir Andrew Clow: (a) Twenty-three Dynamometer car trial reports have been issued since 1st January, 1935; the information contained in these reports has already proved of value to Railways in determining the weights and speeds of trains that can be hauled by the different classes of locomotives; it has also influenced the design of new locomotives and enabled expenditure to be avoided on special equipment shown to be uneconomic in operation. In the future the data accumulated will be of value in solving various problems awaiting investigation.

(b) Nine Indian technicians are employed in the Research Branch of the Central Standards Office.

(c) The staff, where necessary, have been given special training to make them suitable for work they are required to undertake.

(d) Does not arise.

Babu Baijnath Bajoria: What is a Dynamometer car?

The Honourable Sir Andrew Clow: It is a very technical matter which could not easily be explained in a brief reply.

Babu Baijnath Bajoria: Does the Honourable Member himself know it thoroughly?

The Honourable Sir Andrew Clow: I do not know it thoroughly. It is mainly a car designed for researches into matters concerning power.

Mr. M. S. Aney: May I explain, Sir, on behalf of the Honourable Member?

The Honourable Sir Andrew Clow: Certainly.

Mr. M. S. Aney: An Engineer was especially brought before the Standing Finance Committee for Railways to explain to us what the Dynamo was. We heard him for half an hour, and we said we understood it.

The Honourable Sir Andrew Clow: I have been more truthful!

(Dr. Sir Ziauddin got up to speak.)

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to explain the Dynamometer car?

Dr. Sir Ziauddin Ahmad: Yes, Sir. It is really a car to test the Dynamos which are fixed to these carriages. That is all.

Mr. J. H. F. Raper: Sir, that is altogether wrong.

PROGRAMME OF RAILWAY RESEARCH WORK.

156. *Mr. Amarendra Nath Chatteropadhyaya: With reference to the Annexure A—page 7 of the Proceedings of the meeting of the Standing Finance Committee for Railways, dated the 22nd November, 1940, giving 25 items of proposed programme of research under Mechanical Engineering Branch and eleven items under Civil Engineering Branch, will the Honourable Member for Railways be pleased to lay on the table a list of items taken up already in both the branches and the results of researches arrived at up to the present?

The Honourable Sir Andrew Clow: I lay on the table of the House a statement showing the present position of the items of proposed programme of research under Mechanical Engineering and Civil Engineering branches.

Creation of a permanent research organisation for Indian Railways.

MECHANICAL ENGINEERING BRANCH.

The Mechanical Research Branch was formed on 1st January 1941 and dynamometer car trials with a modified locomotive are now in progress. These trials, which are expected to throw considerable light on items 13 to 17 in the proposed programme of research, will be completed by 31st March, 1941 and the report of the trials should be available in August, next. The collection of data in connection with items 2 and 4 to 8 is also proceeding.

CIVIL ENGINEERING BRANCH.

The two Civil research officers are still fully employed on experimental work in connection with the oscillation trials of locomotives. The opportunity is, however, being taken during the progress of these trials to collect data in connection with item 3 in the proposed programme of research and special apparatus is now being fabricated for this purpose. The collection of data in respect to item 5 is also proceeding.

PERCENTAGE OF LOWER GAZETTED AND SUPERIOR REVENUE SERVICES FIXED FOR PROMOTION FROM THE RANKS.

157. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Communications be pleased to state what percentage of lower gazetted and superior revenue services has been fixed for promotion from the ranks?

(b) If fixed ratio is not complete, or is not up to the cadre, are Government prepared to have it completed at an early date?

(c) Are Government prepared to fix fifty per cent. of the cadre of lower gazetted service to be filled by promotions from subordinates?

The Honourable Sir Andrew Olow: (a) The Lower Gazetted Service is almost exclusively filled by the promotion of non-gazetted staff; there is no percentage fixed for the promotion of non-gazetted staff direct to the superior service.

(b) and (c). These parts of the question are not clear. There is no "fixed ratio" of posts to be filled by promotion. Appointments to the lower gazetted service are almost exclusively made by promotion from the subordinate ranks. Government are not prepared to limit such promotions to 50 per cent. of the available vacancies.

PANEL SYSTEM FOR SELECTION TO LOWER GAZETTED SERVICE ON THE EAST INDIAN RAILWAY.

158. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that the system of formation of panel for lower gazetted service on the East Indian Railway has been introduced since 1939 to give sufficient representation to the minority communities?

(b) What is the number of Muslims, Hindus and Anglo-Indians selected in this way since January 1939?

(c) What is the number of Muslims, Hindus and Anglo-Indians who were given chances in vacancies, who were selected and who were retained and again how many and of which communities were reverted in each category?

The Honourable Sir Andrew Olow: (a) No, as promotions are not made on communal considerations.

(b) and (c). I have called for information and will lay a reply on the table of the House in due course.

PANEL SYSTEM FOR SELECTION TO LOWER GAZETTED SERVICE ON THE EAST INDIAN RAILWAY.

159. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Railways be pleased to state whether the panel formed for lower gazetted service on the East Indian Railway, since 1939, has given any relief to minorities?

(b) What is the requisite qualification for selection in Transportation, Commercial and General Branches of the Lower Gazetted Service on the East Indian Railway and was the same criterion observed in the past, while numerous Anglo-Indians were promoted?

(c) What probationary period is fixed for the lower gazetted service on the East Indian Railway?

The Honourable Sir Andrew Olow: (a) The panels are not formed for the purpose the Honourable Member has in view.

(b) It is not possible precisely to specify the qualifications but experience, ability, personality and education are some of the criteria applied in making promotions. I have no reason to suppose that these were not followed in the promotions that were made in the past.

(c) There is no 'probationary period' after promotion to the Lower Gazetted Service, but staff generally do not get such promotion till they have officiated for some time.

Mr. Muhammad Nauman: With regard to part (b), may I ask whether the promotion is made by any Selection Board, or it is made by certain individuals?

The Honourable Sir Andrew Olow: I believe the officiating appointments are made by the General Manager after considering the views of the Heads of Departments in the first instance.

Mr. Muhammad Nauman: Is it a fact that no Selection Board is appointed even for the final promotions?

The Honourable Sir Andrew Olow: No; I do not think there are Selection Boards for officers.

Mr. Lalchand Navabhai: With regard to the last line of part (b), may I ask whether the same criterion has been observed in the past when numerous Anglo-Indians were promoted? Is the same criterion applied to all of them or is there any difference here also under the Government of India Act?

The Honourable Sir Andrew Olow: The same criterion is applied to all communities. The Government of India Act merely affects the proportion to be recruited.

UNSTARRED QUESTIONS AND ANSWERS.

LOCALISATION OF CADRES IN SUBORDINATE SERVICES OF ACCOUNTS DEPARTMENTS OF STATE RAILWAYS.

15. **Mr. Govind V. Deshmukh:** Will the Honourable Member for Railways please state:

- (a) if it is a fact that the principles of localisation of cadres in the subordinate services of the Accounts Department of each of the State-managed Railways was accepted by Government; if so, whether Government now propose to depart from this principle;
- (b) if it is a fact that some clerks have been or are proposed to be transferred from other Accounts offices to the office of the Chief Accounts Officer, East Indian Railway, Calcutta; if so, (i) what is the special justification for doing so, and (ii) how many of them are the relations of the Chief Accounts Officer (Mr. T. R. V. Sarma), East Indian Railway, Calcutta; and
- (c) if it is a fact that there is a proposal to transfer Accountants and Sub-heads from other Railways to the office of the Chief Accounts Officer, East Indian Railway, Calcutta; if so, (i) what is the justification for doing so; and (ii) how many of them are the relations of the Chief Accounts Officer (Mr. T. R. V. Sarma), East Indian Railway, Calcutta?

Mr. B. M. Staig: (a) Yes; no departure from the principle is contemplated. This does not preclude individual transfers in the interests of public service.

(b) Yes. Four clerks from the Railway Clearing Accounts Office have been transferred on the recommendation of the Director of that office; two along with their work and two in the interests of service. None of these four clerks is related to the Chief Accounts Officer.

(c) In connection with a general scheme of interchange of outdoor and indoor staff with a view to improve efficiency, there is a proposal to exchange on a voluntary basis Accountants and Sub-heads of the Clearing Accounts Office with similar staff of the other Railway Accounts Offices including the office of the Chief Accounts Officer, East Indian Railway. None of the men whose names are under consideration for transfer to the East Indian Railway is related to the Chief Accounts Officer.

KEEPING IN ONE OFFICE RELATIONS OF THE HEAD OF THE OFFICE ON RAILWAYS.

16. **Mr. Govind V. Deshmukh:** Will the Honourable Member for Railways please state whether it is the policy of the Financial Commissioner for Railways to keep together in one office the relations of the Head of the Office on Railways under him? If not, will he please lay on the table a statement showing the community, caste or creed, and the province of domicile and birth, respectively, of the persons holding the following appointments in the office of the Chief Accounts Officer, East Indian Railway, Calcutta, on the 1st April, 1940, and on the 31st January, 1941:

- (a) the Chief Accounts Officer,

- (b) the Deputy Chief Accounts Officer,
 (c) Accounts Officer-in-Charge Establishment Section,
 (d) Senior and Junior Accountants, Establishment Section, and
 (e) Sub-heads, Administration Section?

Mr. B. M. Staig: The answer to the first part of the question is in the negative. With regard to the second part a statement showing the particulars required is placed on the table of the House.

Statement.

		1st April 1940.		31st January 1941.		
Designation.	Name.	Communi- ty, caste or creed.	Province of domi- cile and birth.	Name.	Communi- ty, caste or creed.	Province of domi- cile and birth.
C. A. O.	Mr. T. R. V. Sarma	Hindu	Madras.	Mr. T. R. V. Sarma	Hindu	Madras.
Dy. C. A. O. (G. B.)	Mr. C. Bhaskaraiya	Hindu	Madras.	Mr. K. R. Rama Iyer.	Hindu	Madras.
Dy. C. A. O. (Traffic).	Mr. K. R. Rama Iyer	Hindu	Madras.	Mr. N. K. Sen	Hindu	Bengal.
A. O., Estt.	Mr. M. E. Swaminathan.	Hindu	Madras.	Mr. P. N. Bose	Hindu	Bengal.
Sr. Acctt. Estt.	Mr. P. N. K. Iyer	Hindu	Madras.	Mr. K. M. Mukherji.	Hindu	Bengal.
Jr. Acctt. Estt.	Mr. B. E. Nissen	Anglo-Indian (Domesticled European).	...	Mr. D. C. Mitra	Hindu	Bengal.
Sub-head, Admn. (G. B.)	Mr. P. V. V. Raghavan.	Hindu	Madras.	Mr. K. L. Chakrabarty.	Hindu	Bengal.
Sub-head, Admn. (T. A.)	Mr. S. Ghosh	Hindu	Bengal.	Mr. P. V. V. Raghavan.	Hindu	Madras.

PUBLICATION CONTAINING CERTAIN RAILWAY SERVICES RULES.

17. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please refer to Part IV—Railway Services Class II—of the Railway Services (Classification, Control and Appeal) Rules and state the particulars of the publication in which the rules, referred to in the said Part IV, and made by the Governor General in Council or by the Railway Board and the Railway Administrations are to be found?

The Honourable Sir Andrew Clow: The State Railway Establishment Code, Volumes I and II (1940 edition), copies of which are in the Library of the House.

ELIGIBILITY FOR SELECTION POSTS OR GRADES OF CERTAIN NON-GAZETTED SERVICES ON STATE RAILWAYS.

18. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state whether a person, holding an appointment (temporary, officiating, provisional or permanent substantively) in the following classes of Non-Gazetted Railway Services on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways, is eligible for selection and subsequently for appointment in the selection post or grade (as referred to in the statement of the information given in this House on the 5th November, 1940, in reply to unstarred question No. 11, asked on the 6th February, 1940):—

- (a) Signaller, Assistant Head Signaller, Assistant Station-Master (Lower grade), Station Master (Lower grade), Assistant Station Master (Higher grade); Assistant, Deputy and Section Controller and Assistant Yard Foreman or Master;

- (b) Probationary Guard, Goods, Passenger, Express and Mail Guard;
- (c) Assistant Number Takers, Number Takers, Head Number Takers and Trains Clerk;
- (d) Ticket Collector, Travelling Ticket Inspector, Train Conductor, Crewman and Crew-in-Charge;
- (e) Assistant Booking Luggage and Parcel Clerk, Tally Clerk, Assistant Transhipment and Goods Clerk, Relieving General Clerk, Senior Assistant Booking Clerk, Transhipment and Goods Clerk; and
- (f) Clerk (Office)?

The Honourable Sir Andrew Olow: Temporary staff are not ordinarily eligible for promotion to selection grades. Other staff are, generally speaking, eligible if they have the necessary qualification and the posts lie in their own channel of promotion. But ordinarily men in the lower grades would have to attain a sufficiently high grade and seniority before being considered for selection posts.

ELECTRICAL RATES CHARGED BY RAILWAYS AND OTHER ELECTRICITY PRODUCERS AT HOWRAH.

19. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state the rate charged by the Railways and the electricity producers and suppliers at Howrah (Bengal) from the consumers (public, Railway servants and Railway Refreshments Rooms separately)?

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

CLASSES IN NON-SELECTION POSTS OR GRADES FOR WHICH SELECTION-cum-EXAMINATION METHOD IS PRESCRIBED ON STATE RAILWAYS.

20. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please refer to Rule 5 of Appendix XXII of State Railway Establishment Code (1938) and state the particulars of "any other class" in non-selection posts or grades for which the General Managers of the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways have prescribed the selection-cum-examination method together with the date of such prescription?

The Honourable Sir Andrew Olow: As far as the information with Government goes, only "Apprentice Mechanics" on the Great Indian Peninsula Railway.

GRADING OF THE STRENGTH OF NON-GAZETTED RAILWAY SERVICES.

21. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state the policy or principles laid down by the Railway Administration and by the Governor General in Council, respectively, for grading the strength of non-gazetted services (that is, dividing the strength of a class, cadre, branch, group or department into different grades or scales of pay) on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways?

The Honourable Sir Andrew Olow: The guiding criterion is the amount and nature of the work to be performed; the application of this criterion

is a matter within the competence of Railway Administrations. Ordinarily there are incremental scales in the earlier years and fixed grades thereafter.

PANEL SYSTEM FOR NON-GAZETTED RAILWAY SERVICES.

22. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state:

- (a) the policy or principle laid down by the Governor General in Council and by the Railway Administration, respectively, for creating "Panel" in posts in a class, cadre, grade, scales of pay, branch, group or department of non-gazetted Railway services on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways;
- (b) the procedure or rule prescribed for selecting staff for the "Panel";
- (c) the description and particular of the posts for which "Panel is created" with the dates of the creation of the "Panel" for a post;
- (d) the procedure or rule made for the removal of staff from the "Panel" and
- (e) the reasons for creating "Panels" in subordinate services not eligible for selection in lower gazetted services?

The Honourable Sir Andrew Clow: (a) The Governor General in Council has prescribed no such rules; Government have no information as to whether railways have issued any instructions, but such 'panels' can be formed for any selection grade or post.

(b) There is no specific rule, but the procedure relating to Selection Boards will ordinarily apply.

(c) Government have no information.

(d) Government have made no such rule, but staff who are placed on the panel may be removed from it if they subsequently become ineligible for the promotion.

(e) It obviates the necessity for convening Selection Boards on every occasion when a vacancy has to be filled.

PASS INSPECTORS AND PERSONNEL INSPECTORS ON EAST INDIAN RAILWAY.

23. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state:

- (a) the date on which the posts of Pass Inspector and of Personnel Inspectors on the East Indian Railway were created;
- (b) the scales of pay sanctioned for those posts;
- (c) the qualifications required for those posts;
- (d) the conditions of service and nature of employment; and
- (e) the rules prescribed for recruitment and advancement in those posts?

The Honourable Sir Andrew Clow: (a) The posts of Pass Inspectors were created on 17th May, 1940. One post of Personnel Inspector was created on 14th May, 1938 and two others on 18th September, 1940.

(b) Rs. 260—20—340. The post of Personnel Inspector created in 1938 was first on a fixed pay Rs. 280, which was later increased to Rs. 300, and finally placed in May, 1940, on the scale of Rs. 260—20—340.

(c) The Pass Inspector is required to have a thorough knowledge of pass regulations while the Personnel Inspectors are required to have a sound knowledge of establishment rules and particularly the Hours of Employment Regulations and the Payment of Wages Act and Rules.

(d) The conditions of service are the same as for other subordinates; the nature of the duties has been specified in the reply to part (c).

(e) These posts are filled by selection, there is no particular avenue of advancement specified.

SCALES OF PAY OF STENOGRAPHERS ON STATE RAILWAYS.

24. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state the scales of pay sanctioned for:

- (a) the stenographer, General Manager's office,
- (b) the stenographers, Accounts Department,
- (c) the stenographers in other offices, Branches and Departments, on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways before 1929 and after 1929 respectively;
- (d) the qualifications required and method of recruitment to those posts;
- (e) the nature of employment of those posts; and
- (f) the reasons for the difference, if any, in scales of pay, qualifications, method of recruitment and nature of employment of those posts?

The Honourable Sir Andrew Olow: I have called for information and will lay a statement on the table of the House in due course.

PERSONNEL AND RESEARCH BRANCHES ON STATE RAILWAYS.

25. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state:

- (a) the date on which Personnel and Research Branches were created on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways;
- (b) the number of staff employed as gazetted and non-gazetted railway servants;
- (c) the scales of pay sanctioned for the staff;
- (d) the designation of the staff;
- (e) the nature of employment of the staff in the designation; and
- (f) the reasons for difference, if any, between different railways?

The Honourable Sir Andrew Olow: (a) Information is being obtained as far as Research Branches on the Railways are concerned. There is no Personnel Branch on the Great Indian Peninsula Railway. Personnel

Branches were introduced on the North Western, East Indian and Eastern Bengal Railways in October, 1924, February 1936 and early in 1930 respectively.

(b), (c), (d) and (f). I have called for information relating to the research and headquarters personnel offices and will lay a further reply in due course.

(e) The staff do the work ordinarily done by staff with similar designations.

RAILWAY NON-GAZETTED SERVICES AND COMMUNAL PERCENTAGE.

26. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please lay on the table of this House a statement showing the appointments in non-gazetted services on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways, to which direct and indirect recruitment and promotions, respectively, are made according to communal percentage?

The Honourable Sir Andrew Olow: The rules regarding the representation of minority communities apply to all the initial grades of subordinates to which direct recruitment is made, as also to certain intermediate grades, specified in the reply to Dr. P. N. Banerjea's unstarred question No. 11 put on the 5th November, 1940. These rules do not apply to promotions. I do not know what is meant by indirect recruitment.

RULES FOR ALLOTMENT, ETC., OF RENT-FREE OR RENTED RAILWAY QUARTERS.

27. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please obtain and lay on the table the rules prescribed by the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways for the allotment, transfer and vacation of rent-free railway quarters or those for which rent is to be charged for both gazetted and non-gazetted staff, separately, and, if no rules are prescribed, what are the reasons therefor?

The Honourable Sir Andrew Olow: Copies of the rules have been called for from the Railway Administrations and if they can be received in convenient form, they will be placed in the Library in due course.

SENIORITY OF NON-GAZETTED STAFF ON AMALGAMATION OF THE OUDH AND ROHILKHAND AND THE EAST INDIAN RAILWAYS.

28. Mr. Govind V. Deshmukh: (a) Will the Honourable Member for Railways please state if it is a fact that Grade A (Highest) of non-gazetted services on the Old Oudh and Rohilkhand Railway is equal to Grade I (Highest) of non-gazetted services on the Old East Indian Railway (Company-management); if not, what is the equal grade of those two Railways?

(b) How was seniority reckoned on and after amalgamation of these two Railways in each grade, that is, grades A, B, C, D, E, F, G, H on Old Oudh and Rohilkhand Railway and Grades I, II, III, IV, V on East Indian Railway (State-managed)?

The Honourable Sir Andrew Olow: (a) On the assumption that the Honourable Member is referring to Train Examiners. The answer to the first part is in the negative; grade II of the old East Indian Railway scale is equivalent to grade A of the Old Oudh and Rohilkhand Railway scale.

(b) The Honourable Member is referred to the reply to unstarred Question No. 84 asked by Bhai Parma Nand on the 16th November, 1940.

CERTAIN SUPPLEMENTARY INSTRUCTIONS CONCERNING DEPARTMENTAL ENQUIRIES ON STATE RAILWAYS.

29. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state if any instructions have been issued in the Supplement to Rule 686 of the State Railway Establishment Code (1938) providing for (a) the issue of a charge sheet on the conclusion of the enquiry in connection with the charges (for which explanation has already been received before the enquiry is ordered) that are proved or are considered proved in the enquiry; and (b) the accused official having the right of getting copies of evidence, findings and other depositions on record of the Inquiry Committee or enquiring official, free of cost and obligation? If not, why not and what reasonable facilities are provided for the accused subordinate in preparing his defence and in preferring an appeal against the evidence, and finding of the Inquiry Committee or Enquiring official upon whose report the penalty, if any, is imposed?

The Honourable Sir Andrew Clow: No instructions have been issued to supplement paragraph 686 of the State Railway Establishment Code (1938), in the manner suggested by the Honourable Member, as it is not considered necessary. As regards the last part, paragraph 686 itself specifies the facilities which are considered reasonable in addition to which the employee is now permitted to cross-examine witnesses.

PANEL SYSTEM FOR NON-GAZETTED STAFF ON EAST INDIAN RAILWAY.

30. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state :

- (a) if it is a fact that the East Indian Railway do maintain "Panels" of approved non-gazetted staff selected for promotions to the Lower Gazetted Service; if not, how promotions are regulated;
- (b) if it is a fact that separate "Panels" are maintained for Operating, Commercial, Personnel and Watch and Ward Departments; if not, whether the posts in those departments are interchangeable;
- (c) the qualifications prescribed for those departments separately;
- (d) the reasons for not amalgamating these departments under one head; and
- (e) whether Government now propose to prescribe separate "Panels" for each department; if not, why not?

The Honourable Sir Andrew Clow: (a) Yes, the latter part does not arise.

(b) The answer to the first part is in the negative, but a subordinate is only promoted to the Department for which he is considered suitable; as regards the latter part the answer is in the negative, although a person may be suitable for promotion to more than one Department.

(c) It is not possible precisely to specify the qualifications, but experience, ability, personality and education are some of the criteria applied in making promotions.

- (d) It is not administratively advantageous to do so.
 (e) No, as they do not consider it necessary.

**BLOCK IN PROMOTION OF THE EMPLOYEES IN THE COMMERCIAL DEPARTMENT
 EAST INDIAN RAILWAY.**

31. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways be pleased to state :

- (a) if it is a fact that two non-gazetted employees of the Accounts Department on the East Indian Railway have recently been promoted in officiating vacancies in the Lower Gazetted Service and are attached to the office of the Chief Commercial Manager; if so, whether this is their normal avenue of advancement and whether no subordinates in the Commercial Department with required qualifications were eligible for selection in that Department; and
 (b) if he is prepared to take action against the block in promotion of the employees in the Commercial Department, particularly in case of those whose names are borne on the panel and are awaiting promotions? If not, why not?

The Honourable Sir Andrew Clow: (a) The answer to the first part is in the affirmative; the Lower Gazetted Service is not the normal channel of promotion of any particular class of subordinates. The reply to the last part is in the affirmative.

(b) No action is necessary, the staff referred to are considered when selections are made for promotion to the Lower Gazetted Service.

**APPOINTMENT OF A WATCH AND WARD INSPECTOR AS AN ASSISTANT
 PERSONNEL OFFICER AT ALLAHABAD.**

32. Mr. Govind V. Deshmukh: (a) Will the Honourable Member for Railways please state if it is a fact that the East-Indian Railway has recently appointed a Watch and Ward Inspector to the post of an Assistant Personnel Officer at Allahabad?

(b) If the reply to part (a) be in the affirmative, what are the reasons for ignoring the claims of those who are in the Transportation and Commercial Branches and are senior to him in service and pay who could not be appointed as Assistant Personnel Officers?

The Honourable Sir Andrew Clow: (a) Yes.

(b) Promotion to the Lower Gazetted Service is by selection.

**EXECUTIVE AND ASSISTANT ENGINEERS IN THE PERSONNEL DEPARTMENT OF
 EAST INDIAN RAILWAY.**

33. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state :

- (a) the number of Executive and Assistant Engineers holding appointments in the Personnel Department of the East Indian Railway on 31st January, 1941; and

- (b) the reasons for employing technical experienced staff in the non-technical posts against non-technical staff available with resultant economy?

The Honourable Sir Andrew Clow: (a) One Executive Engineer (provisional rank) and five Assistant Executive Engineers.

(b) It is administratively advantageous that technical staff should have experience of personnel work, and though not essential, it is of assistance to personnel officers to be directly acquainted with outdoor working conditions.

NORMAL CHANNEL OF PROMOTIONS ON STATE RAILWAYS.

34. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state if it is a fact that promotions or advancements to higher appointments on the Eastern Bengal, the East Indian, the Great Indian Peninsula and North Western Railways are, as an obligation on the railway, made from amongst the employees in the same class, cadre, branch, or department, according to the normal channel of advancement prescribed in the rules (Appendix XXII of the State Railway, Establishment Code) and, if not, the reasons therefor and for the necessity of prescribing a normal channel of advancement?

The Honourable Sir Andrew Clow: The channels of promotion are laid down to serve as a guide for the normal manner of promotion; but departures from them are permissible when the interests of the public service will be served thereby.

UNSATISFACTORY PERFORMANCE OF THEIR DUTIES BY THE RAILWAY POLICE DEPARTMENT.

35. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Railways please refer to paragraph 279 on page 149 of the East Indian Railway Standing Orders of the Operating Department 1929 (reprinted 1939) *viz.*: "and to generally preserve the travelling public from the activities of pick-pockets and other bad characters to act as official witnesses in the search for and inventory of lost luggage, etc., to prevent the boarding of trains from the off side at stations for dishonest purposes and to assist in enforcing the Railway Act" and state whether it is not the duty of the Railway Police Department to keep the platforms and station surroundings and buildings free from professional and other beggars? If not, whose duty is it?

(b) Is it not the duty of the Railway Police Department to prevent the overcrowding of compartments by enforcing sections 93 and 102 of the Railway Act?

(c) Will he please lay on the table the statement of prosecutions and convictions under sections 93 and 102 of the Indian Railways Act, 1890 since 1890 or as far near as possible, and if no convictions and prosecutions are made, what are the reasons therefor?

The Honourable Sir Andrew Clow: (a) This is one of the duties of the Railway Police.

(b) No.

(c) No case has come to my notice in which prosecution was desirable and so far as I am aware there have been no prosecutions in recent years.

GOVERNMENT OF INDIA PUBLIC WORKS DEPARTMENT CIRCULAR OF 26TH JULY, 1883.

36. Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please lay on the table the Government of India Public Works Department circular No. XXIII-Railway, dated Simla, the 26th July, 1883, and if not, why not?

The Honourable Sir Andrew Clow: I regret I cannot place a copy of the circular on the table of the House as it was not intended for publication and is in any case obsolete.

STAFF IN CONTROL DELHI AREA AND IN DOUBLE LINE SECTIONS.

37. Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please lay on the table a statement showing *inter alia*:

- (a) the number of the staff in the Control Delhi Area on the North Western Railway, nature of their duty, hours of their employment, and scales of their pay;
- (b) the number of the staff employed in Double Line Sections on the North Western Railway, nature of their duty, hours of their employment, scales of their pay;
- (c) the difference, if any, in nature of duty, in hours of employment, and in scales of pay of the staff employed as referred to in parts (a) and (b) and the reasons therefor;
- (d) the responsibilities considered higher according to Fundamental Rule 22 of the staff referred to in parts (a) and (b) and the reasons therefor;
- (e) whether it is a fact that the staff at Lahore are employed in rotation for the duty of a Train Despatcher amongst Train Despatchers, Assistant Station Masters, Station Masters and Controllers, and, if not, what is the system of working in Lahore Division; and
- (f) the reasons for the difference, if any, in the working of the system (Train Despatch) between Lahore and Delhi Divisions?

The Honourable Sir Andrew Clow: (a) There are four Assistant Controllers in the scale of Rs. 260—10—300; they work in shifts of six hours. Their duties are concerned with the movement and control of trains.

(b) Information is not readily available with Government in respect of the number of staff employed in the Double Line sections. The duties of Assistant Controllers are the same as in (a), and there are Chief and Deputy Controllers who perform supervisory duties in connection with the control. Except on the Ludhiana-Saharanpur Section, Deputy and Assistant Controllers work in shifts of eight hours; the shifts are six hours on the Ludhiana-Saharanpur Section.

(c) There is no difference in the nature of the duties, nor in the scales of pay. As for hours of duty the difference is due to the difference in the traffic controlled.

(d) There is no difference in the responsibilities, the latter part does not arise.

(e) The answer to the first part is in the negative; as regards the latter part, staff are employed in the duties attaching to their designations, and do not change to other duties.

(f) There is no difference in the system of working on the two divisions.

ASSISTANT STATION MASTERS AND ASSISTANT CONTROLLERS ON NORTH WESTERN RAILWAY.

38. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Railways please refer to circular No. 681-P/O, dated the 8th October, 1938, regarding Assistant Station Masters and Assistant Controllers, issued by the Divisional Personnel Officer, Delhi on the North Western Railway, and state whether the devaluation of Grade V (280—10—300) to Grade IV (200—10—250) affected a whole class or grade of employees?

(b) Are Assistant Station Masters (higher grade) and Assistant Controllers considered in the same category for normal advancement to Station Masters (higher grade)?

(c) What are the reasons for devaluing the Grade?

(d) There is no difference in the responsibilities, the latter part does increment, on repromotion and given the pay in Grade IV (200—10—250) to be accounted for when Grade V is devaluated?

The Honourable Sir Andrew Olow: (a) The abolition of grade V of Assistant Station Masters did affect employees who might have been promoted to the grade had it continued to exist.

(b) The Honourable Member is referred to the reply given to part (b) of Mr. Lalchand Navalrai's starred question No. 208 asked on the 19th September, 1939.

(c) The grade was abolished as it was no longer considered necessary to retain it for Assistant Station Masters.

(d) Government have no information of any orders on the subject, but the General Manager will be asked to consider the question when cases arise.

ASSISTANT STATION MASTERS AND ASSISTANT CONTROLLERS ON NORTH WESTERN RAILWAY.

39. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Railways please state the next higher grade, class or cadre of promotion on the North Western Railway for (i) an Assistant Station Master, Grade IV and V, respectively; and (ii) an Assistant Controller (280—10—300)?

(b) Is the promotion to a higher grade, class or cadre of an Assistant Station Master Grade IV or V and of an Assistant Controller (280—10—300) by seniority or by selection?

(c) Is subsequent selection for intermediate grades or scales of pay in the same class, or cadre-necessary after the initial appointment in the same class is made by selection?

(d) How is seniority reckoned in the class of Assistant Station Masters and Assistant Controllers, whose scales of pay are identical (260—10—300) and who are equally qualified and selected, for promotion to Station Masters (higher grade)?

(e) How is promotion made from that seniority?

(f) What are the reasons for deviating from the principles underlying the normal channel of further advancement laid in Appendix XXII (page 377) of the State Railway Establishment Code, by separating the identical classes eligible for promotion to one and the same class?

(g) Do Government propose to order the General Manager, North Western Railway to maintain a combined list of seniority of all staff irrespective of their class, cadre or grade who are eligible for common promotion? If not, why not?

The Honourable Sir Andrew Clow: (a) As far as Government is aware:

(i) Station Master grade V; there is grade V for Assistant Station Masters.

(ii) Deputy Chief Controller.

(b) By selection.

(c) Selection is necessary for all posts designated as selection posts.

(d) and (e). Government have no information; but promotion to selection posts is not regulated by seniority.

(f) The channels of promotion given in the rules are only intended for general guidance and the administration has the right to depart from them when it is in its interest to do so.

(g) No. Government do not consider it necessary to take the action suggested.

V. P. P. SYSTEM AS REGARDS LIVE-STOCK AND POULTRY ON RAILWAYS.

40. Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please refer to item "Poultry" on page 59, Chapter III of the Indian Railway Conference Association, Goods Tariff, including the exceptional maxima authorized by the Railway Board and General Rules for acceptance, carriage and delivery of goods including variation to the classification and exceptions to the rules and rates to be used in through booking in force from 1st January, 1940, viz.: "S. 1.—Livestock including Fowl and Perishables under V. P. P. System—Non-acceptance of—The railway will not accept the V. P. P. arrangement as regards live-stock including fowls and perishable" and state the reasons for not having the same rule in operation on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways?

The Honourable Sir Andrew Clow: The four State Railways mentioned in the question have not notified that they will not accept the V. P. P.

system for bookings of live-stock, fowls and perishables, presumably because they have seen no sufficient reason for withholding the facility.

OPERATION OF THE RULES re RENT-FREE QUARTERS ON STATE RAILWAYS.

41. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Railways please refer:

(i) to the reply given to unstarred question No. 80 asked in this House on the 16th November, 1940 regarding option to State Railway Employees to elect old or revised Rent Rules, viz.: "No option was given to the staff but on this point, the attention of the Honourable Member is invited to paragraph 1904 of the State Railway Code for the Engineering Department which indicates the measure taken to avoid hardship to persons who had already enjoyed the concession of rent-free quarters or an allowance in lieu thereof"; and

(ii) to the circular No. E11G/Rent, dated the 6th August, 1940, issued under the signatures of "G. W. Watkins" in the name of "J. G. Gibson" Divisional Superintendent, East Indian Railway, Lucknow, regarding occupation of railway quarters by the staff while on leave, viz.: "the rules contained in the State Railway Rent Rules have been superseded by the Chapter on 'Building and Rents' contained in the State Railway Code for the Engineering Department. The latter rules do not provide for the privilege of granting free quarters to employees while on leave. Therefore with effect from 1st July, 1940 the rent at the pooled rate must be recovered from all the State Railway Employees who are enjoying the privilege of rent-free quarters, whenever they proceed on recorded leave of whatever duration, i.e., on any leave except casual leave"?

(b) Is it a fact that State Railway Employees before the rules contained in the State Railway Code for the Engineering Department and before the issue of the circular did enjoy the privilege of free quarters while on leave to the extent of four months at a time and to the unlimited extent on medical certificates while sick and under medical observations?

(c) Is it a fact that the employees taken over from the East Indian Railway Company Management are not included in the circular and the rent is not recovered from them under the terms of the circular?

(d) Is it a fact that the employees taken over from the East Indian Railway Company Management have agreed with the Government of India in their service agreements that they will be governed by the revised State Railway Rent Rules, when issued, which were under consideration at the time the terms were offered to them?

(e) What are the reasons for the discrimination between the reply and the circular and between the State Railway staff and the staff taken over from the old East Indian Company?

(f) What was the action taken by Government to remove the discrimination and if no action has been taken, why not?

The Honourable Sir Andrew Olow: I am obtaining information from the East Indian Railway administration and a reply will be laid on the table in due course.

CONFIRMATION IN HIGHER GRADES FROM THE HOWRAH GOODS STAFF.

42. Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please refer to the circular No. E.-Mis.-48, dated the 10th June, 1939 issued by the Divisional Superintendent, East Indian Railway, Howrah, regarding Goods Account Examination—Lower Standard, *vis.*, "No permanent promotions can be made to the post of Goods Clerks until the men have passed the Goods Account Examination (Lower Standard) within three months on being promoted failing the next man will be promoted. All goods shed staff in grades higher than the lowest grade, *i.e.*, Rs. 30—4—70 old East Indian Railway or equivalent revised and new grades and all goods clerks irrespective of their grades must pass the goods accounts examination (Lower Standard) before they can be confirmed in their posts", and state:

- (a) the number of the staff of Howrah Goods confirmed in grades higher than the lowest who have not passed this examination, and the reasons therefor;
- (b) the number of the staff of Howrah Goods, who have passed this examination and are working in lower grades;
- (c) whether it is a fact that the following staff of Howrah Goods, who have not passed this examination (as per Divisional Superintendent's Minute Sheet No. EHE/2/40, dated the 2nd July, 1940, are employed in grades higher than the lowest for more than three months:
 - (i) In grades Rs. 230; Messrs. N. Sen, P. N. Benbou, Muhammad Ghias-ud-Din, S. K. Mukerjee, E. C. Colman, H. C. Shaw and Panna Lal; and
 - (ii) in grades Rs. 150; Messrs. D. N. Choudhury, Dr. Manna and P. B. Bose; if not, what are the true facts?
- (d) if it is a fact that the Divisional Superintendent in his Minute Sheet No. EHG/262, dated 5th February, 1940 has declared them "not selected and unsuitable" for higher appointments, and, if not, what are the true facts; and
- (e) the reasons for not appointing the staff, who have passed this examination in place of those who have not passed this examination, in grades higher than the lowest?

The Honourable Sir Andrew Clow: I have called for information and a reply will be laid on the table of the House in due course.

RECRUITMENT TO THE MINISTERIAL ESTABLISHMENT OF THE TELEPHONE REVENUE ACCOUNTS OFFICE, DELHI.

43. Bhai Parma Wand: (a) Will the Honourable Member for Communications please state whether it is a fact that the Telephone Revenue Accounts Office, Delhi, is a part of the Director General, Posts and Telegraphs, New Delhi, and that the recruitment to the latter office is based on the communal ratio fixed for the Centrally administered departments?

(b) Is it a fact that the recruitment to the ministerial establishment of the Telephone Revenue Accounts Office is based on the ratio fixed for the Government of the Punjab?

(c) If the replies to parts (a) and (b) be in the affirmative, will Government please state how they reconcile the position as regards the recruitment to the Telephone Revenue Accounts Office on the basis fixed for the Government of the Punjab, and how and when Government propose to rectify the mistake?

(d) If the reply to part (b) be in the negative, will Government please state how many appointments were made in the ministerial establishment of the Telephone Revenue Accounts Office in the years 1937-38, 1938-39 and 1939-40, giving the number of clerks so employed community-wise?

The Honourable Sir Andrew Olow: (a) The Telephone Revenue Accounts Office is not a part of the Office of the Director General, Posts and Telegraphs, New Delhi. Recruitment to the latter office is based on the communal ratio fixed for the centrally administered Departments.

(b) No. Recruitment to the ministerial establishment of the Telephone Revenue Accounts Office, Delhi, is based on the communal ratio prescribed for the Punjab and North-West Frontier Postal Circle.

(c) The question does not arise.

(d) The information required by the Honourable Member is available for calendar years only and is as follows:

Year.	Total number of vacancies filled.	Hindus.	Muslims.	Anglo-Indians.	Sikhs.	Indian Christians.
1938	54	21	27	1	2	3
1939	26	5	19	1	1	..
1940	22	8	11	1	1	1

N. B.—Figures include both permanent vacancies and temporary vacancies likely to become permanent.

RAILWAY ACCIDENT BETWEEN HARANGAU AND FERAZABAD STATIONS, EAST INDIAN RAILWAY.

44. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Railways please state whether it is a fact that an accident took place on 20th January, 1941, at about 8-30 P.M. between Harangau and Ferozabad Railway Stations on the East Indian Railway, resulting in injuries to passengers of No. 144 Down Passenger train?

(b) Is it a fact that the Senior Government Inspector enquired into the accident on the 26th January, 1941?

(c) Is it a fact that both the stations are worked by double line system?

(d) Is it a fact that an automatic block is caused by the Electric Block System installed between the two stations?

(e) Is it a fact that the Block Instruments fixed at the two stations are protected from use by any unauthorised person? If so, will he please state the particulars of the protection?

(f) Is it a fact that the Station Masters of the two stations are required to leave the Block Instruments for the performance of their duties on the platform and outside the rooms?

(g) Has the Senior Government Inspector submitted his report of enquiry? If so, what is the finding given by him and the cause of the accident described by him and who is held responsible by him?

The Honourable Sir Andrew Olow: (a) and (b). Yes.

(c) to (g). The information is not available but the Senior Government Inspector's report which is expected shortly will probably contain information enabling me to lay a reply on the table.

ELECTRICAL BLOCK INSTRUMENT SYSTEM ON STATE RAILWAYS FOR PREVENTION OF ACCIDENTS.

45. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Railways please state whether it is a fact that the object of "Electrical Block Instrument" on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways is "to guard against two trains being admitted into a Block Section at the same time"?

(b) Is it a fact that a "Block Instrument without lock" is not according to the object of "Electrical Block Instrument" inasmuch as it does not guard against two trains being admitted into a Block Section at the same time?

(c) Is it a fact that the Block Section between Tundla and Cawnpore on the East Indian Railway is provided with "Block Instrument with lock"?

(d) Will the Honourable Member please state the particulars of the precautions against accidents or collisions of trains provided in "Block Instruments without lock", and if no preventive device is provided within it, what are the reasons therefor?

The Honourable Sir Andrew Olow: (a) and (b). The object of Electrical Block Instruments is to assist the staff in the observance of the General Rules governing the working of the absolute Block system by providing a visual indication of the state of the Block Section.

(c) No.

(d) The precautions against accidents or collisions are provided in the General Rules relating to the working of the Absolute Block system. Block instruments without Lock are in themselves a preventive device. The second part of the question does not, therefore, arise.

SELECTION BOARDS OR COMMITTEES HELD IN DINAPORE DIVISION, EAST INDIAN RAILWAY.

46. Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please state:

- (a) the number of selection boards or committees held since the present Superintendent, Transportation (Mr. B. N. Ghose) assumed charge of his office in Dinapore Division on the East Indian Railway;
- (b) the number of selection boards or committees in which he has taken part either as a Chairman or as a member;
- (c) the number of candidates communitywise, who appeared before those boards or committees;

- (d) the percentage of "Bengalis" selected by those boards and committees; and
- (e) the reason for rejecting Muslims in large proportion by those boards and committees?

The Honourable Sir Andrew Olow: (a) to (e). Government do not receive reports of the proceedings of selection boards, and have no grounds whatever for believing that selections are not made otherwise than on the merits of the candidates. I am inquiring whether the proportion of Bengalis and Muslims selected by boards on this division during 1940 has been disproportionately large or small having regard to the candidates appearing, and if so, if there are any special reasons to account for this.

VAN SORTERS ON THE NORTH WESTERN RAILWAY.

47. Mr. Lalchand Navalrai: (a) With reference to the Honourable the Railway Member's reply to part (b) of my unstarred question No. 120 asked on the 20th November 1940, will he be pleased to state whether the Van Sorters on the North Western Railway revert to their former pay while proceeding on long leave, either privilege or leave on average pay, etc.? If so, why and under what rules?

(b) What is implied by consolidated pay for Van Sorters? Will the Honourable Member please refer to the relevant rules on the point?

(c) Are the Van Sorters in receipt of the consolidated pay of Rs. 80, considered as permanently promoted to that grade? If not, why not?

(d) Is it a fact that letters were issued to some of these Van Sorters that they were promoted 'On probation' to Rs. 80 grade. If so, were such persons confirmed after the probationary period? If not, why not?

(e) Under what circumstances can the Van Sorters on consolidated pay be reverted to lower grades? In degrading them are the provisions of the rules issued under the Railway Board's letter No. E.-34/R. G./6, dated the 22nd June, 1935, observed? If not, why not?

The Honourable Sir Andrew Olow: (a) The answer to the first part is in the affirmative. As staff are not promoted permanently to the posts of Van Sorters they revert to their substantive appointments when on leave; under Paragraph 2007 of the State Railway Establishment Code, Volume II.

(b) Consolidated pay means in this connection the pay fixed for the posts; the term consolidated pay does not occur in the rules.

(c) No; because the administration has not considered it desirable to make permanent appointments.

(d) So far as I have been able to ascertain, the answer to the first part is in the negative; the other parts do not arise.

(e) There is only one grade of Van Sorters; their reversion to their substantive posts does not fall under the rules referred to by the Honourable Member.

AMALGAMATION OF CLERKS, GRADES I AND II, IN DIVISIONAL OFFICES ON NORTH WESTERN RAILWAY.

48. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that there is no difference in the duties of grade I and II clerks in Divisional Offices on the North Western Railway?

(b) If the reply to part (a) above be in the affirmative, why are grades I and II for this staff not being amalgamated as has been done in the case of Accounts Clerks on the North Western Railway, with effect from 1st January, 1935?

(c) If the reply to part (a) above be in the negative, will the Honourable Member please lay on the table of the House, a model copy of duty lists of grade I and II clerks in Divisional Offices?

(d) Is it a fact that all Divisional Superintendents have testified from time to time to the fact that there is no difference in the duties of grade I and II clerks in their offices?

(e) Is it a fact that Colonel Walton, former Agent, North Western Railway in his letter No. 501-E./39, dated 22nd February, 1930, addressed to the Secretary, Railway Board, definitely stated that there was no difference in the duties of grade I and II clerks in Divisional offices? If so, when and how were the duty lists of grade I and II clerks revised so as to have material difference in duties, not justifying the amalgamation of grades?

The Honourable Sir Andrew Olow: (a) and (c). I understand that duties are not specifically demarcated but the comparative strengths of the two grades are regulated by the nature of the work to be done.

(b) Because there is no sufficient ground for so doing and it would result in unjustifiable expenditure.

(d) Government have no information.

(e) I would refer the Honourable Member to the reply given to parts (c) and (d) of his question No. 1046 of the 9th March, 1936.

TRAVELLING ALLOWANCE ADMISSIBLE TO WORKS MISTRIES ON NORTH WESTERN RAILWAY.

49. Mr. Lalchand Navalrai: Will the Honourable Member for Railways be pleased to state:

(a) whether it is a fact that Works Mistries on the North Western Railway are paid travelling allowance on the same scale as is admissible to the members of subordinate staff;

(b) if the reply to part (a) above be in the affirmative, why Works Mistries are classed as members of Labour service;

(c) which other class of labourers employed on the North Western Railway are eligible to travelling allowance as admissible to members of subordinate services; and

(d) if the reply to part (c) above be in the negative, whether it is proposed to classify Works Mistries as members of subordinate service, if not, why not?

The Honourable Sir Andrew Olow: (a) Yes, but the question whether they should continue to enjoy this privilege is being examined.

(b) Because the rate of travelling allowance paid is not one of the criteria for classifying staff as inferior or otherwise.

(c) Permanent Way Mistries.

(d) Does not arise.

JUDGMENT OF THE CHIEF COURT OF SIND CONCERNING REDUCTION IN PAY OF A RAILWAY SERVANT.

50. Pandit Nilakantha Das: (a) Will the Honourable Member for Railways please state whether it is a fact that the Chief Court in Sind has recently held that the pay of a Railway Servant cannot be reduced? If not, what are the facts?

(b) Will the Honourable Member please lay on the table of the House the judgment of the Chief Court referred to above?

The Honourable Sir Andrew Olow: (a) I have seen reports in the press of a judgment of the court relating to a temporary reduction in the pay of an engine-driver. If these reports are accurate the court held on the facts before it that the reduction in this case amounted to a deduction which was not covered by section 7 or section 8 of the Payment of Wages Act, 1936. I do not read it as involving the generalization set out by the Honourable Member.

(b) No. Government have not received an authentic copy of the judgment and if it is treated as a reported decision it will be printed in the authorized law reports which are placed in the Library of the House.

RULES FOR RESERVATION OF BERTHS OR SEATS ON STATE RAILWAYS.

51. Pandit Nilakantha Das: Will the Honourable Member for Railways please lay on the table a copy of the rules of procedure for reservation of berths or seats in any class on the Eastern Bengal, the East Indian, the Great Indian Peninsula, and the North Western Railways?

The Honourable Sir Andrew Olow: I would refer the Honourable Member to the rules regarding reservation of berths or seats which are incorporated in the respective time tables and guides of the Railways mentioned.

RAILWAYS CONDUCTING CENSUS OF RAILWAY PASSENGERS.

52. Pandit Nilakantha Das: Will the Honourable Member for Railways please state:

- (a) the particulars of the Railways who conduct quarterly, half yearly, or yearly census of the passengers travelling by each train;
- (b) the result of the census, and the action taken thereon;
- (c) the particulars of the staff employed for taking census; and
- (d) the cost of the census?

The Honourable Sir Andrew Olow: (a) All Class I Railways take a yearly census about the month of June; the Bombay, Baroda and Central India Railway take a half-yearly census usually about March and September each year. No Class I Railways conduct a quarterly census.

(b) The results of the census are placed by each Railway before their Local Advisory Committees and copies are also sent to the Railway Board's office where they are examined and action taken where considered necessary. These details are too voluminous to be incorporated in the proceedings of the House but are available for inspection, should the Honourable Member so desire, at any time in the Railway Board's office. I

lay on the table, however, a brief summary of the results of the census taken by Class I Railways in 1940. Where overcrowding is detected action is taken by the Railway Administrations to increase accommodation when necessary.

(c) and (d). The information is not available.

Statement showing results of census taken by class I Railways during 1940.

Railway.	Total number of trains checked.	Number of trains in which overcrowding was detected.
1. B., B. & C. I. (Feb. & March)	B. G. 48	9
	M. G. 44	Nil.
2. A. B.	1,143	24
	336	Nil.
3. B. & N. W. and R. & K.	B. G. 1,387	2
	N. G. 364	34
5. F. B.	B. G. 294	9
	M. G. 208	3
6. E. I.	5,168	180
7. G. I. P.	4,246	12
8. M. & S. M.	B. G. 105	11
	M. G. 126	3
9. N. W.	1,112	11
10. S. I.	B. G. 876	Nil.
	M. G. 1,903	1
11. B., B. & C. I. (August & September)	B. G. 66	Nil.
	M. G. 44	7

SUB-LETTING OF CONTRACT BY BALLABHDAS ESWARDAS, VENDING CONTRACTOR OF DELHI STATION.

53. Pandit Nilakantha Das: Will the Honourable Member for Railways please state:

(a) whether it is a fact that Ballabhdas Eswardas vending contractors of Delhi Main Station on the North Western Railway, have sub-let the supply and vending of (i) milk, (ii) sweet-meats, (iii) *poorees*, (iv) *dahi-pakauri*, etc., and (v) *pan, biris*, etc; and

(b) if not, what are the facts and the particulars of the place at or from where Ballabhdas Eswardas prepares, manufactures, or procures the above supplies?

The Honourable Sir Andrew Olow: (a) No information regarding any subletting of the contract has come to the notice of Government.

(b) Particulars are not kept of the sources from which contractors obtain supplies.

RENT RECOVERED FROM BALLABHDAS ESWARDAS FOR OCCUPATION OF BUILDINGS ON CERTAIN RAILWAYS AND MISUSE OF AUTHORITY TO TRAVEL GRATUITOUSLY BY THEM.

54. Pandit Nilakantha Das: Will the Honourable Member for Railways please state:

(a) the particulars of the rent paid by Ballabhdas Eswardas on the East Indian and the North Western Railways, if no rent is recovered, the reasons therefor;

- (b) the particulars of the buildings or the accommodation provided for them by the railways, and the capital cost of the same;
- (c) the particulars of the authority given by the railways authorizing Ballabhdas Eswardas and their employees to travel as passengers on the railways gratuitously; and
- (d) the particulars of the reports made by the ticket collecting and checking staff of the railways against Ballabhdas Eswardas and their employees for misuse of the authority given to travel gratuitously, and the action taken on those reports, if no action has been taken the reasons therefor?

The Honourable Sir Andrew Olow: (a) The rent paid by Messrs. Ballabhdas Eswardas on the East Indian Railway is Rs. 294-7-9 per mensem. As regards the North Western Railway, I understand that they are now dealing with the question of rentals to be recovered from the various contractors.

(b) The information is not available.

(c) I would refer the Honourable Member to the reply to part (a) of his unstarred question No. 57.

(d) No such report has come to the notice of Government.

CATERING CONTRACTS ON EAST INDIAN AND NORTH WESTERN RAILWAYS HELD BY BALLABHDAS ESWARDAS.

55. Pandit Nilakantha Das: Will the Honourable Member for Railways please state:

- (a) the particulars of the catering contracts given by the East Indian and North Western Railways to Ballabhdas Eswardas, for catering to Muslim travelling public, and the reasons therefor;
- (b) the particulars of Muslims employed by Ballabhdas Eswardas in execution of the contracts held for catering to Hindu travelling public and the reasons for their employment;
- (c) the particulars of the staff employed by the contractors for the inspection of raw and cooked stuff and the community to which the staff belongs; and
- (d) the procedure or the instrument through which the staff conducts the inspection?

The Honourable Sir Andrew Olow: (a) No contracts for Muhammadan refreshment rooms or tea stalls have been given to the contractor by the North Western Railway. I have called for the information required relating to the East Indian Railway and will lay a reply on the table of the House in due course.

(b) and (c). Government have no information.

(d) I am unable to follow the question.

UNREASONABLE RATES CHARGED BY BALLABHDAS ESWARDAS FROM THE TRAVELLING PUBLIC.

56. Pandit Nilakantha Das: Will the Honourable Member for Railways please refer to his speech on page 195 of the Legislative Assembly Debates of the 8th February, 1940 on the Resolution regarding

Guiding Principles in respect of catering contracts on Indian Railways, *vis.*, "bearing in mind the paramount importance of adequate supplies at reasonable rates to the travelling public" and state :

- (a) the price charged by Ballabhdas Eswardas, catering contractors for the Hindu Refreshment Room at Delhi Main Station on the North Western Railway for a plate of fish and potato chips, and whether it is a reasonable rate to be charged from the travelling public;
- (b) the quantity of fish and potato chips supplied in a plate;
- (c) the market price per seer of fish;
- (d) how many plates are obtained from a seer of fish; and
- (e) the reasons for not having the charge for a plate of fish, and potato chips included in the schedule of rates fixed by the Railway Administration?

The Honourable Sir Andrew Olow: (a) and (e). I believe that the item now appears in the rate list as "One plate fried fish, 4 chhataks—4 annas" which appears reasonable.

(b) I presume that the amount of fish is that given in the list: I have no particulars regarding chips.

(c) This probably varies according to the kind of fish and time of the year.

(d) I have no particulars, but presume that it varies with the type of fish.

MISUSE OF THE AUTHORITY TO TRAVEL GRATUITOUSLY ON CERTAIN RAILWAYS BY BALLABHDAS ESWARDAS.

57. Pandit Nilakantha Das: (a) Will the Honourable Member for Railways please state whether it is a fact that authority to travel gratuitously as a passenger on a railway on the Bengal Nagpur, Bombay, Baroda and Central India, East Indian, Great Indian Peninsula and North Western Railways is given to Ballabhdas Eswardas and his staff for the definite object of their serving the travelling public and not for objects otherwise? If not, what are the facts?

(b) Is it a fact that that authority is used for purposes not connected with the service to the travelling public? If not, what are the facts?

(c) Do Government now propose to order the Railway Administrations to cancel that authority and replace it with Seasonal Tickets on payment? If not, why not?

The Honourable Sir Andrew Olow: (a) I understand that the Great Indian Peninsula and East Indian Railways issue certain passes to this contractor and his staff for the efficient conduct of his contract. I have no information regarding passes on other Railways.

(b) Government have no information.

(c) No. It is considered that the issue of passes is a reasonable facility towards the proper performance of the contracts.

CONTINUATION OF THE CONTRACT FOR THE HINDU REFRESHMENT ROOM AT DELHI STATION GIVEN TO BALLABHDAS ESWARDAS.

58. Pandit Nilakantha Das: (a) Will the Honourable Member for Railways please state whether it is a fact that Ballabhdas Eswardas was given

the contract for the Hindu Refreshment Room at Delhi Main Station on the North Western Railway in 1937 for a period of three years on payment of Rs. 21,000? If not, what are the facts?

(b) Is it a fact that that contract expired in 1940? If not, what is the fact?

(c) Is it a fact that that contract was given after tenders were called for? If not, what is the fact?

(d) Is it a fact that on expiry of that contract, neither tenders were called for, nor were applications invited? If so, why? If not, what is the fact?

(e) What was the consideration upon which the contract was again given to Ballabhdas Eswardas?

(f) Will the Honourable Member please lay on the table of the House a list with particulars of complaints and punishments recorded during his previous contract (1937—1940)?

The Honourable Sir Andrew Clow: (a) I would refer the Honourable Member to the reply given today to part (a) of Bhai Parma Nand's starred question No. 133.

(b), (c), (d) and (e). I am calling for the information and will lay a reply on the table of the House in due course.

(f) I am asking the North Western Railway to supply this information for the year 1939-40.

PRESENTS DISTRIBUTED AMONGST THE RAILWAY SERVANTS BY BALLABHDAS-ESWARDAS.

59. Pandit Nilakantha Das: (a) Will the Honourable Member for Railways please state whether it is a fact that Ballabhdas Eswardas, Railway Catering Contractor, in December 1940 distributed sweetmeats, cakes, wines and other presents amongst the Railway servants (gazetted and non-gazetted both) as a mark of relationship? If not, what is the fact?

(b) Is it a fact that Government have prohibited for all public servants the acceptance and presentation of gifts or *dalies*? If, not, what is the fact?

(c) What is the action taken against such presentation, etc.? If no action has been taken, what are the reasons therefor, and have Government enquired into the matters through the agency of the Home Department Intelligence Bureau? If not, do they propose to do so?

The Honourable Sir Andrew Clow: (a) Government have received no information of any such distribution.

(b) As regards railway servants, I would refer the Honourable Member to Appendix XI—Railway Servants Conduct Rules—published in the State-Railway Establishment Code, Volume I, a copy of which is in the Library of the House.

(c) Does not arise.

THE ASSAM RIFLES BILL.

Mr. O. K. Caroe (Secretary, External Affairs Department): Sir, I beg to move for leave to introduce a Bill to provide for the regulation of and the maintenance of discipline in the Assam Rifles.

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

"That leave be granted to introduce a Bill to provide for the regulation of and the maintenance of discipline in the Assam Rifles."

The motion was adopted.

Mr. O. K. Caroe: Sir, I introduce the Bill.

THE DELHI RESTRICTION OF USES OF LAND BILL.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, I beg to move for leave to introduce a Bill to regulate in the province of Delhi the use of land for purposes other than agricultural purposes.

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

"That leave be granted to introduce a Bill to regulate in the province of Delhi the use of land for purposes other than agricultural purposes."

The motion was adopted.

Mr. J. D. Tyson: Sir, I introduce the Bill.

THE PETROLEUM (AMENDMENT) BILL.

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

"That the Bill further to amend the Petroleum Act, 1934, be taken into consideration."

Sir, this is a single clause Bill and has been necessitated by the fact that the actual person in charge of the storage premises or a kerb-side pump for petroleum cannot be an accounting party under the system which now prevails under section 23 (1) (c) of the Petroleum Act. Under that section any breach of the conditions of the licences is punishable so far as the licensee is concerned. These big oil companies take out a licence in their own name for the various kerb-side pumps and other storages which they have all over the country. If they are to be punished for any infringement of the rules of the licence, it is very unlikely that courts will hold them responsible for conduct for which they are not personally responsible and with reference to conditions which are far away from the centre of the company's head office. Therefore, it is considered necessary that in addition to the responsibility which will be thrown on the companies which they cannot in any case escape, there should be a further liability on the part of those who are actually operating these kerb-side pumps or other storage premises if the conditions are violated by them or by their servants. That is the reason why this amending Bill has been proposed.

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

"That the Bill further to amend the Petroleum Act, 1934, be taken into consideration."

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muham-
 12 noon. madan Rural): Sir, I just wanted to know from the Honour-
 able the Commerce Member what he meant exactly when he
 said that the passing of this Bill was necessary to deal with cases where
 agents committed certain breaches of the conditions of a licence. I think
 the ordinary law of the land governing the relationship between agent
 and principal covers the classes of cases contemplated by the Honourable
 Member in so far as civil liability is concerned. Of course, if on account
 of infringement of certain provisions contained in the licence a criminal
 liability cannot be fastened on the agents of the licencees, I for myself
 am not quite clear how extension of the penal provisions by which the
 agents of these licencees could be roped in would cover the cases when
 these combustible things are in the course of transit. I want to draw
 my Honourable friend's attention to the fifth line of the proposed sub-
 clause:

"being the holder of a licence. . . . or in charge of any place where petro-
 leum is being imported or stored or is under transport. . . ."

Now, what does this question of transport specifically relate to? Does
 it relate to the transport of petroleum by the transport services or does
 it simply relate to cases of transport by private transport agencies? In
 the case of private agencies, one can understand the necessity of a pro-
 vision like this; but one can not understand how the transport by public
 carriers can be covered by extension of these provisions. I, therefore,
 expect my Honourable friend to explain clearly what exactly is sought
 to be conveyed by these provisions which he wants to be enacted into
 law. I am not speaking of transport by private agencies but by railways
 and by steamship companies or by other public carriers.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir,
 at present, under the Act, it is only the holder of a licence that can be
 held liable for any infringement of the conditions under which a licence
 is given

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable
 Member replying now, or is he giving information?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I am
 replying.

Mr. President (The Honourable Sir Abdur Rahim): Is there any other
 Member who wishes to speak?

Mr. L. O. Buss (Nominated: Non-Official): I should just like to ask
 one question. It says here: "or a person for the time being placed by
 the holder of such licence in control or incharge of any place . . ." I
 presume that steps will be taken to establish who is for the time being
 in control or in charge, and that presumably will be done under the rule-
 making powers.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, with reference to the question that has been raised by my Honourable friend, rules will be framed which will prescribe who is the person in charge or in control of such places. As regards what my Honourable friend, Pandit Maitra, said, this is not a question of a civil liability: it is a question of a criminal liability. As I said, the holder of the licence is the big company which is far away and which cannot be really responsible for such infringements as take place in the premises: for instance, smoking is strictly prohibited. If the agent at a wayside station, where the oil is stored, allows his servant, to infringe any of these clauses, or does so himself, then it is not reasonable to hold the holder of the licence responsible. On the other hand, there are conditions with reference to spacing and the circumstances under which an oil installation should be erected at a certain place, for which the holder of a licence alone is responsible because he is the constructor of the whole of the installation. If those conditions are in any way infringed or not properly regarded, then the original holder of the licence will certainly be liable.

Mr. M. S. Aney (Berar: Non-Muhammadian): When it is a company, how can a company be prosecuted? That is what I wanted to know. Somebody signing in the name of the company will be prosecuted, not the company as such?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Yes. As regards transport, the clause says "a person for the time being placed by the holder of such licence in control or in charge of any place . . . where petroleum is under transport." It does not of course apply to public carriers. As my Honourable friend is aware, a company or the holder of a licence, as I shall call him, sends petrol through a bus or lorry or whatever it is; and if the driver of the lorry or any person in charge of that lorry violates those conditions during transport, he will be held liable. There is no question of any public carriers or any buses which ply for trade being held liable. He must be placed by the original holder of the licence in charge or in control of the premises or of the transport.

Mr. M. S. Aney: May I ask how he excludes the case of the public carrier from this category? Suppose he places somebody in charge of it and then that somebody puts this petrol in a public carrier for being taken to another place. Is it not that the public carrier which receives the petrol on the understanding that it has to be taken to some other place is one of the persons who is placed in charge of the petrol by the holder in that case?

Pandit Lakshmi Kanta Maitra: I was contemplating a case like that. That is why I referred to public carriers.

Mr. M. S. Aney: I do not know whether the Honourable Member has followed me. My point is this. I understood the Honourable Member to mean that this is intended only to cover the cases of those persons who have been placed by the holder of the licence in charge of petrol or in charge of the premises or of transport of petrol. I took the example that whenever petrol is carried by a public carrier, leaving aside the use

of private carriers, for the moment, because it is generally in public carriers petrol is transported,—the public carriers are for the time the persons who are holders of the licence,—is their case altogether excluded from the operation of this clause; if that is not so, how are you going to provide punishment for those people? My own information is that there are special rules in regard to carrying of petrol, but whether those rules are sufficient or not I cannot say.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, I must draw the Honourable Member's attention to the words "any place". The clause says "being the holder of a licence issued under section 4 or a person for the time being placed by the holder of such licence in control or in charge of any place where petroleum is being imported. The word 'place' governs all other words that follow,—"any place where petroleum is being imported or stored, or is under transport"

Mr. M. S. Aney: I do not think so. That has to be read separately, and not along with it. It is a question of using proper language.

Mr. N. M. Joshi (Nominated Non-Official): The question can be adjourned now.

Mr. M. S. Aney: We leave this matter to you. We have only brought that difficulty to your notice.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I submit that the language is quite clear.

Mr. M. S. Aney: You can change the language in the other House before you take this matter there.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Yes.

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

"That the Bill further to amend the Petroleum Act, 1934, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

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

"That the Bill be passed."

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

"That the Bill be passed"

The motion was adopted.

RESOLUTION RE PAYMENT OF COMPENSATION TO MASTERS AND SEAMEN OF SEA-GOING SHIPS FOR WAR INJURIES AND DAMAGE.

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

"That this Assembly recommends to the Governor General in Council to take steps to establish schemes providing for the payment from Central Revenues of compensation in respect of war injuries and war damage to effects sustained during the period of the present emergency by masters and seamen employed on sea-going service on ships registered in British India under the Bombay Coasting Vessels Act, 1838, or under the Indian Registration of Ships Act, 1841."

Sir, there are several kinds of ships that are navigated about the coast of this country. There are ships which are registered in Great Britain and which come under the British Merchant Shipping Act of 1894. Those are British ships in the proper sense of the word. There are again ships which are registered in India on the Indian Register, but come under the provisions of the British Merchant Shipping Act of 1894. Both these kinds of ships have crews, Indian seamen, Indian lascars and so on. His Majesty's Government soon after the war broke out passed Parliamentary legislation whereby these seamen should have certain amounts of compensation with reference to damage to effects which they carry on these ships and with reference to war injuries that they may sustain

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Only British ships.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Ships which are on the Indian Register but work under the British Merchant Shipping Act of 1894, and ships which are on the British Register and are under the British Merchant Shipping Act of 1894. These are really the bigger ships which ply either on the coastal trade or may go on the international trade over the broad seas. Rates of compensation for war damage or injury, rates of pension to widows and children in case of death, rates of compensation for war damage to effects carried on those ships, have been provided for by His Majesty's Government for those seamen who are on the British ships registered in the United Kingdom. The same rates have also been extended to Indian seamen on ships registered in the Indian Register, but coming under the British Merchant Shipping Act of 1894. The Government of India are paying those rates of compensation to such seamen

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Under whose authority are the Government of India paying those rates of compensation? No Act has been passed yet.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: On the last occasion, Sir, I introduced a Bill which provided that the employers should not be liable for ships which are on the Indian Register; they are under the control of the Government of India, and, therefore, the compensation for them is a liability of the Government of India. Now, there are small vessels of 200 and 300 tons, a few of them mechanically propelled, but most of them are sailing ships, which go about the coast of India carrying little cargoes, sometimes carrying the trade of fishing and so on. These are about seventy thousand in number, all told.

The possibilities of war damage are very remote, no doubt, but in essence they carry on the same trade so far as the coast is concerned as the very much bigger and faster steam vessels on the Indian Registers. These vessels have been registered under the two Acts referred to in the Resolution, the Bombay Coasting Vessels Act, 1838, and the Indian Registration of Ships Act, 1841; these not having been covered by the scheme of compensation which is now in force for those other Indian registered vessels which came under the Merchant Shipping Act of 1894, it is now intended that the lascars and seamen of these vessels should also have schemes of compensation analogous to the schemes of compensation that have been provided for, for the other set of crews. Before the Government frames the scheme, it has been considered necessary that this House should give its approval to this Resolution so that the Government may go ahead with preparing such a scheme for these seamen also. The danger, as I have already said, is not the same with reference to the personnel on these vessels as the danger on the other vessels, but a scheme should be ready so that if at any time such a danger comes nearer, and we hope it may not, but if it should come nearer we may have the schemes working, so that the lascars may have the compensation provided for under this scheme. It is, Sir, under these circumstances that I move this Resolution, and I trust the House will accept it.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Who pays for the British ships on the Indian Register?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: There are no British ships on Indian Register.

Qasi Muhammad Ahmad Kazmi: Will the Honourable Member say what is the principle involved . . . ?

Mr. President (The Honourable Sir Abdur Rahim): Has the Resolution been moved?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Yes, Sir.

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

"That this Assembly recommends to the Governor General in Council to take steps to establish schemes providing for the payment from Central Revenues of compensation in respect of war injuries and war damage to effects sustained during the period of the present emergency by masters and seamen employed on sea-going service on ships registered in British India under the Bombay Coasting Vessels Act, 1838, or under the Indian Registration of Ships Act, 1841."

Mr. M. S. Aney (Berar: Non Muhammadan): The beneficent nature of the scheme which the Honourable Member in charge of the Resolution wants this House to give its consent to will be readily realised by Members on this side of the House. Although the risk for the protection of which the scheme is intended to be made may not be as great as it is in the case of Indian ships on British register, still we can imagine some contingency where such a scheme will be useful.

[Mr. M. S. Aney.]

I have only one suggestion to make in this matter. Even if this House gives its general approbation to the Government of India to prepare a scheme like that, I think it will be necessary, in my opinion, for the Government to approach, if not this House, at least the Standing Finance Committee, with the actual scheme when it is ready, because in that case it will be the duty of the members of that Committee to see whether the scheme is really analogous or the provisions made therein are equitable or not and are such as will meet the requirements of the situation. There is one more point to which I wish to invite the attention of the Honourable Member. If I have understood the Honourable Member aright, he made a reference to certain legislation passed by us last time at Simla about the compensation to be given to our crews and lascars on the ships on the British register. If a similar scheme is to be made for these ships also now, I think they will have to come with some kind of legislation before this House. If the Government only want this House to arm them beforehand with some kind of authority to come with a legislation like that

Mr. N. M. Joshi (Nominated Non-Official): Why legislation necessary?

Mr. M. S. Aney: That is what they have done before.

Mr. N. M. Joshi: I think legislation was necessary last time because the compensation was to be obtained from the employers. The responsibility has been transferred from the employers to the Government and the Government are entitled to spend their own money on compensations of this kind. Government can certainly spend their own money without legislation.

Mr. M. S. Aney: If they can do so without legislation I will not seriously demur to it, but what I want to say is that if they cannot do it without legislation—and I believe my Honourable friend, Mr. Joshi, should be jealous of the rights of this House in matters of arming Government with greater powers of spending public money

Mr. N. M. Joshi: I am only explaining the law.

Mr. M. S. Aney: I have not studied the point carefully, so I am not in a position to give a definite opinion on the point, but I am putting it on this hypothetical basis. If the Government want this Resolution to arm them with the power beforehand for preparing a legislation like that, then this House should have no objection whatsoever, and in that spirit I support this Resolution.

Sir Muhammad Yamin Khan (Agra Division: Muhammadn Rural): Sir, the legislation which was passed in 1939 in Simla was done in such a hurry that I took exception to a Bill being introduced on the last day of the Session and being hurried through in the manner in which it was done. I knew at that time that there would be difficulties which we would have to face later, but the Honourable Member did not feel it necessary then to send that Bill to Select Committee or to postpone it even for two days to give time to Honourable Members to think over the matter. Unfortunately, of course, though the Honourable Member remained in his seat, his following went into the Lobby and voted down our proposal

An Honourable Member: for reference to a Select Committee.

Sir Muhammad Yamin Khan: for reference to a Select Committee. We knew that that Bill was really a defective one. It did not give proper benefit to Indians as it ought to have done, and, unfortunately, some of my friends on this side did not foresee what the results of the war would be, and what risks people would have to run whenever they had to go on the seas during the war.

Sardar Sant Singh (West Punjab: Sikh): That Bill provided for all that.

Sir Muhammad Yamin Khan: I know it did, but it did not give sufficient relief.

Sardar Sant Singh: Has there been any complaint about it?

Sir Muhammad Yamin Khan: Yes, there is. If the Honourable Member wants to bring in any kind of legislation, I want that that legislation should be comprehensive, even including the provisions of the last Bill, so that there may be one consolidated law, not piecemeal, like the one which was introduced in 1939, another in 1941, and so on. The legislation should be complete, comprehensive and consolidated, and we shall welcome a Bill of that nature if that comes in.

There is one point in my Honourable friend's speech which I could not understand. He says that there are ships which are registered in Great Britain and they are working there under the British Merchant Shipping Act of 1894, or whatever the year may be, I do not remember it. The compensation in respect of those ships is paid by His Majesty's Government, but there are other ships which are registered in India, and they are also working under the British Merchant Shipping Act. The compensation in respect of these ships is paid by the Indian Exchequer. Why should it be so? Although they have been registered here, they are working under the British Merchant Shipping Act, and why should the Indian Exchequer pay for the risks which are run by those ships, and not the British Government from the British Exchequer? If these ships run any risks on behalf of India, the compensation should certainly be paid by India. Supposing some of our ships are carrying goods from India for the purpose of defence of India, may be to Africa or may be to Malaya—that is what I understand, these are the two places which are said to be for the purposes of defence of India. If any ship is sunk here in these waters while running between these two places, the compensation may be given from the Indian Exchequer. But if the ships are hired or chartered by the Home Government for their own purposes, or for the purposes of war or some other necessities which the Government carry, the compensation must be borne by His Majesty's Government, and not from the Indian revenues. Here the Honourable Member is perfectly justified in asking this House to sanction the payment from Indian revenues for the loss which may be incurred by the ships which are plying in the coastal traffic, because when they are working within our own waters, for our own purposes, on our own coast, we are responsible for any risk which they run, even if it be too far off. Suppose one of our ships collides with the mines

[Sir Muhammad Yamin Khan.]

which we have laid for the purpose of protection of our own coasts, certainly they are entitled to ask compensation to be given by us, but I do not see how can the Indian Exchequer be made to pay for the loss of the ship or for the loss of life and property which is incurred in the Atlantic Ocean. If any loss is incurred, it does not matter whether it is to the Indians or the British people, but if it is incurred in the Atlantic Ocean or in the Pacific Ocean beyond Malaya, I do not see it is in the interests of India at all. I do not think that the Indian Exchequer should be asked reasonably to make any payment of that kind. Certainly a payment should be made, but payment from which Exchequer? That has to be judged on the merits of each case. I wholeheartedly support this Resolution as it is, but I want that before we give sanction into the hands of the Honourable Member to introduce or frame any scheme, this House would like that the scheme should be a comprehensive one, that it should be put before the House at such a time when legislation may not be hurried up, and this House will have sufficient time to think over what best steps they can take to safeguard the interests of Indians. With these words, I support this Resolution.

Babu Baijnath Bajoria: I support this Resolution. I am glad that Government have shown some foresight in coming forward with a Resolution of this nature, though the emergency for which this scheme will be put into force is considered to be remote. From the Honourable Member's speech I learn that the scheme under this Resolution will give relief to 70,000 odd small sailing vessels. So much the better but I am not very clear in my mind as to what happens about the big ships. There are Indian ships, by which I mean ships owned by Indian companies on Indian register, like the Scindia Steam Navigation Company, and there may be some other ships too. If those ships are damaged, will the Government of India compensate the seamen and masters employed on those vessels or will His Majesty's Government pay the damage. Secondly, there are British ships owned and controlled by Britishers but they are plying in Indian waters for coastal service or service between Rangoon and Singapore and the Indian ports. I do not know who will pay for damage to these ships. In my opinion, in the case of those ships which are owned and controlled by Britishers, the cost should be borne by the British Exchequer. As regards ships owned by Indian nationals, the cost should be borne by the Indian Government if they are plying in coastal service. If they go out for international trade, the cost should be borne by the British Government.

Another thing is this. This Resolution wants us to give a blank cheque to the Government. It says 'to establish schemes'. We do not know anything about the schemes, what will be the nature of the scheme, what will be the extent of the relief which will be given. I would have much liked that Government would have given us some scheme or some framework of a scheme and also some idea as to the nature of the relief which they propose to give but they have not done so. I trust that when they formulate the scheme, before the scheme is put into action, it will be placed before this House and this House will be given full opportunity of expressing its views on that scheme. With these few words, I support the Resolution.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Sir, I do not think it is necessary at this stage to go into the broader question as to who should pay compensation in the case of loss of a ship registered in British India, if such ship is lost on a voyage to England, say, in the Atlantic Ocean. That, no doubt, is a very important question but I do not think it arises exactly out of the scope of the Resolution that is before us. Therefore, I do not propose to dwell on that question, extremely important though that question is. Confining myself to the Resolution before us, I would remind my Honourable friend, the Commerce Member, that he was responsible for a Bill when the September Session in Simla was closing in 1939. His claim then was that that Bill which we discussed, I believe on the last day or last but one day of the Session, was more beneficial to our Indian seamen than the benefits they would get under the Indian Statute. When I asked him as to what the scheme propounded by His Majesty's Government was, he pleaded his inability to tell us anything in detail about the character of that scheme. He, however, hoped and hoped strongly that the scheme to be devised by His Majesty's Government would according to his information be certainly more favourable than anything our seamen would be able to get under the operation of our own Indian statute. Well, we have not been told anything about that. In the course of his speech he also refrained from telling us as to what are the directions in which the scheme propounded by His Majesty's Government immediately on the outbreak of hostilities was more beneficial to Indian seamen than what they would be able to get under the Indian Workmen's Compensation Act. I find that he wishes to extend the benefit of certain proposals contemplated by the Government of India to those seamen who are employed on boats registered in British India either under the Bombay Coasting Vessels Act, 1838, or under the Indian Registration of Ships Act, 1841. He gave the total number of vessels operating on the coast as 70,000. I take it that seventy thousand is the total number of vessels employed which do not all necessarily come under the Bombay Coasting Vessels Act, 1838, or the Indian Registration of Ships Act, 1841. I take it that this number of seventy thousand vessels operating on the coast is the total number of vessels whether they are registered under the two Acts mentioned in the Resolution or under other Acts?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: They are the number registered under these two Acts. The actual number is 77,704. Every sailing vessel, every fishing vessel, everything, has to be registered and that is the number registered under these two Indian Acts.

Mr. M. S. Aney: They are more than a hundred years old.

Sir Syed Raza Ali: Seventy thousand is the total number of these coastal boats?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Not only coastal; some of them are inland, on the rivers, and they are operating under the two Acts mentioned here.

Sir Syed Raza Ali: I am thankful for the information. I can quite see the anxiety of my friend, Mr. Joshi, to empower the Government of India to formulate a scheme. Of course, he is interested in labour and

[Sir Syed Raza Ali.]

naturally he is very anxious that no time should be lost and the scheme should be drawn up as quickly as possible.

Dr. P. N. Banerjee: Not only drawn up quickly, but given effect to quickly.

Sir Syed Raza Ali: Here I believe, Mr. Joshi, the labour leader, has his feelings in conflict with those of Mr. Joshi, a legislator of this House. I do not blame him for that. The point is this. I do really object to the Government of India taking these administrative powers. What was there to prevent my Honourable friend, the Commerce Member—who I know is an extremely busy man, but these are not remarks applying to my friend exclusively; some of the other Members of the Government of India are equally busy—what was there to prevent my friend, the Commerce Member, from introducing a Bill under which the Government could have taken powers to introduce legislation which would empower them to formulate and bring forward a scheme? I entirely agree with my Honourable friend, Mr. Aney. As a matter of fact I am glad that the Commerce Member has, after all, now woken up to find that there are seamen on seventy thousand vessels and more for whom no provision has been made by the Acts which were passed in India one hundred and three years ago. I congratulate my Honourable friend, the Commerce Member, for discovering that omission, but it has taken him two years to do so—though he was anxious at that time that this House should not delay the consideration of such a Bill even by two days. On that occasion he practically told us: "You will be depriving your own people of the benefits of the Bill if you delay passing it." In any case I am not quite clear on one point. If the Honourable Member so wants, constituted as this House is today, he can certainly insist upon his pound of flesh. If he wants power to be given to him under this Resolution, he can certainly have it; we cannot resist it. Even if all of us joined in resisting him the Resolution would be carried by a great majority all the same. But let me tell him that that would be a very wrong procedure, that would be taking advantage of the thinned ranks of this House.

Dr. P. N. Banerjee: They have been taking advantage of that.

Sir Syed Raza Ali: I do not know how far my Honourable friend, the Commerce Member, has participated in these ill-begotten advantages. There would be no harm done if he were to move that the discussion on this Resolution should be postponed *sine die*. He can do it. In the meantime, having got the Resolution postponed *sine die*, Government should bring forward a Bill in which they should seek to get the power to frame a detailed scheme. As I have said, it would be very very wrong for Government to draw up such a scheme under their executive powers. That scheme should be drawn up in conformity with the well-considered provisions of a Bill—which provisions need not by any means be lengthy; a Bill with two or three clauses, so far as I can see, would do. Therefore, Sir, while I think I must congratulate the Government of India on waking up after two years to the importance of this class of people who have been neglected by the Government for more than two years, I am quite free from doubt that it would be positively wrong of the Government of India to draw up a scheme under their executive powers. That scheme should be drawn up, as I have already said, in exercise of the powers to be taken

by the Government under a Bill to be passed by this House. Therefore, Sir, while sympathising with the object underlying this Resolution, I oppose the Resolution.

Mr. N. M. Joshi: Mr. President, I admit that the Honourable Members are at a disadvantage in discussing this question for want of knowledge. This is not a subject which we generally deal with in this Assembly, and I myself do not claim that I possess all the knowledge regarding this subject. To some extent our want of knowledge is due to the fact that the Government of India do not consider it their responsibility to circulate to Members of the Legislature all the reports and all the memoranda which they issue, if they do so, we shall be in a better position to discuss matters of this kind. Now, Sir, as regards this particular subject, I would certainly support this Resolution. At the same time I must request the Honourable Member to see that the rates of compensation paid under the schemes which they would establish would not be less than the rates which are paid to the European sailors under the Parliamentary legislation. I would also like them to see that the rates of compensation under this Resolution will not be less at least than the rates which are paid under the previous legislation.

An Honourable Member: Are they the same?

Mr. N. M. Joshi: Sir, as regards the question whether this should be done by legislation or by mere Resolution, I must say that I am not a lawyer, much less am I a constitutional lawyer. But I do not understand why for giving effect to this particular scheme, legislation is necessary. Under the Government of India Act, the Government have got the power to spend money on various kinds of schemes. I have not seen Members rising in their seats and suggesting that for giving effect to every kind of scheme legislation is necessary. Legislation will be necessary and is necessary in order to give rights to the seamen who compel Government to give compensation. That does require legislation, but certainly legislation is not required to enable the Government to spend money. I would certainly like to have legislation to give rights to the seamen to have compensation from Government.

Then, Sir, as regards the point raised by my Honourable friend, Mr. Bajoria, whether there should be compensation paid to the masters of vessels, I think he was rather wrongly interpreting the word 'Master' there. The 'Masters' of vessels do not necessarily mean the owners of vessels.

Babu Baijnath Bajoria: I never meant that. I know what the word 'Master' means. It means the Captain of the vessel.

Mr. N. M. Joshi: That is right. This Resolution is not intended to give compensation to the owners at all.

Then, there is another point which was raised by some of the Members. That point is: why should not the British Exchequer pay?

Mr. M. S. Aney: It was not in this connection: it was in connection with another matter.

Mr. N. M. Joshi: So, it was for the other scheme. Sir, I am not against the money being recovered from the British Treasury at all.

[Mr. N. M. Joshi.]

If seamen are employed on British ships, I think the responsibility of paying them compensation should be of the British Government and of the British people. But there is a small difficulty in this matter. The Indian seamen have to get compensation. If you throw on them the responsibility of getting that compensation from either the British owners or the British Government, it will be difficult for them to get that compensation. It will at least be more difficult than recovering the compensation from the Indian Government. I do not care, who ultimately pays the cost but I would certainly like the Indian seamen to have the right to receive the amount of compensation from the Indian Government. I would not leave it to the resources of the Indian seaman to recover the compensation from the British Government or the British people. With these remarks, Sir, I support the Resolution.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhamadan Rural): Mr. President, Sir, this Resolution seeks a recommendation of this House to establish certain schemes providing for the payment from the Indian revenues of compensation in respect of war injuries or damage that may be sustained during this period of emergency. I am at a loss to understand why my Honourable friend, the Commerce Member, should think of seeking this recommendation from us to conceive certain measures when he has got adequate powers to carry on without consulting this House, unless the idea at the back of his mind is that those schemes should be put into immediate operation on the strength of the recommendation that may be made by this House. From the point of view of the Indian exchequer, I think it would be a very unwise and unwarranted step if we make this recommendation. We may be taking a leap in the dark. We are not in a position to know up till now, at any rate, what are the financial commitments that this Resolution would lead us to. My Honourable friend has just stated that as many as 77,000 vessels are involved. That is an appalling figure and I, for one, do not understand what are the classes of vessels that are sought to be covered by this Resolution. We never knew that India possessed a mercantile marine of that magnitude. It may consist of country boats but it can also cover vessels propelled by mechanical agencies. It is not indicated in the speech just made by my Honourable friend, the Commerce Member, what portion of this mercantile shipping of 77,000 vessels belongs to the Indians and what portion to non-Indians. In times of war, Government has got the justification, the justification that is pleaded by them in season and out of season, to incur any expense without even consulting this House. Why have they so suddenly become solicitous of consulting the House unless they mean straightaway to proceed with the schemes which may be evolved under cover of this recommendation. We do know how these schemes are going to be worked. At the present moment, we have not got the faintest idea of the schemes that are in the contemplation of the Government. We have got also to consider whether these 77,000 vessels, call them by any name you like, are plying in coastal waters or in territorial waters in the interests of Indians or whether they have been doing somebody else's work with which we may not have anything to do. Unless we, Indians, know fully well that the provision that we are asked to make for compensation is going to benefit the Indians who are working for India, I do not think we shall be justified in passing this Resolution.

Nothing has been said on this point. It might benefit people who are not working for us at all. The House has not been placed in a position to know that these cargo vessels are working in the interests of India. It should be definitely stated what kind of work they are doing. We must be told whether they are doing any work for the coastal defence of India or whether they are carrying on any work in the interests of India. (Interruptions from Mr. N. M. Joshi) Mr. Joshi has taken up the role of the Commerce Member. He is carrying on a series of interminable interruptions.

Mr. N. M. Joshi: If the Honourable Member does not like interruptions, I shall not interrupt him.

Pandit Lakshmi Kanta Maitra: I have always attended to the interruptions of my Honourable friend, but then he makes it impossible for me to carry on my speech

Mr. N. M. Joshi: I am very sorry and I apologise to the Honourable Member.

Pandit Lakshmi Kanta Maitra: The Honourable Member need not apologise.

Mr. N. M. Joshi: Not that you needed an apology, but I do apologise. For, there are some sensitive Members.

Pandit Lakshmi Kanta Maitra: There is no necessity for any apology; I P.M. however I accept it to satisfy my Honourable friend.

I want to elicit from the Honourable the Commerce Member certain facts before we come to a decision. Sir, we feel that the Members of the Legislature should be taken into their confidence by the Government in respect of the schemes which they may be drawing up. I am suspicious of the word 'establish' as I feel that that word is meant to convey the idea of immediately putting into execution any scheme which they may draw up without any further reference to the Legislature. I think it would be extremely unfair if the Indian exchequer is merely asked to shoulder a financial burden while at the same time the legislature whose approval is sought is not placed in a position to know what these schemes are that are going to be put into effect. Sir, it has been suggested that a comprehensive Bill should be brought up before the House dealing with this specific matter. I do not think that a Bill would really serve the purpose as a Bill may be a one-clause or two-clauses Bill, laying down the principle which is embodied in this Resolution. What we really want is that the details of these schemes should be placed before us for our consideration so that we may form an idea of the magnitude of the financial commitments that may be involved in it. Unless that is done, however much we might sympathise with the objects of this Resolution, we cannot be a consenting party to it. My Honourable friend, the Honourable Commerce Member, said that the chances of having to pay compensation or award damages are very remote. I do not agree with him in that. We are passing through a most momentous and eventful period in the history of mankind when events are rushing through at a speed which is absolutely inconceivable. What seems absolutely remote to him today

[Pandit Lakshmi Kanta Maitra.]

may be probable tomorrow and even inevitable the day after. So, we do not think of giving him a sort of blank cheque in this respect. We feel that he should make us thoroughly posted with his plans and with the financial obligations that are involved in them. With these words, I oppose this Resolution.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir, I think my Honourable friend, the Commerce Member, might have explained possibly a little more clearly than he did. But having refreshed my memory to the best of my ability, I am in a position to support this Resolution. I understand that the position is that all crews on ships registered under British legislation will be compensated whether they be lascars or not. There may be some reciprocal arrangements made. This Resolution refers to coastal ships which are not included in the British legislation which was referred to at Simla. I understand that the Simla Act merely relieved owners of the responsibility under the Workmen's Compensation Act of compensating such seamen. So far as I understand that was the Simla Act. The seamen on registered ships today are compensated under British legislation in England. If Indian ships, like the Scindias or the Moghuls, have British registration, there may be reciprocal arrangements. This Resolution merely refers to coastal shipping which is not included in any legislation passed up till now. That, I understand, is the position. If that be so, it is only fair that any seamen in coastal shipping should be compensated just as well as lascars serving on ships registered under the British Act. I presume they will be compensated to the same extent and in the same way as lascars will be compensated under the British legislation. I presume the scheme will follow the same lines.

Sir Syed Raza Ali: We do not know. There is no legislation before us. We do not know what the Government propose to do.

Sir Cowasji Jehangir: I understand that compensation is fixed by the British Government, to lascars serving on British ships. Our compensation paid to lascars or seamen on coastal shipping should be on the same lines. I presume that some provision will have to be made in the Budget and at that time the Honourable Member will inform the House exactly what will be our liabilities if there is danger on the coast. At present most probably it is very difficult to say what our liabilities will be. It is practically impossible to say. At present, with some justification we can say that our liabilities are nil. But as long as the House is assured that compensation will be no more or no less than paid to lascars who are in danger today and who have been injured already, I think the House should be satisfied. Under the circumstances,—it is very near Lunch time—I trust this Resolution will be passed if the Honourable Member will give assurances on the lines I have just indicated.

Mr. Muhammad Ashar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, it is very unfortunate that the wordings of the Resolution are such that there has arisen some misunderstanding in the House. It is also unfortunate that this has come in the form of a Resolution. It is also unfortunate that we are, by this Resolution, to be bound down to

give our sanction to £. s. d. As has been rightly said, we do not know what will be the amount of our liabilities. Besides, my Honourable friend, Sir Cowasji Jehangir, explained that it refers only to coastal shipping. But the number that has been stated, that is 77,000 or so, is a formidable number. It is rather difficult for us to estimate the loss or the expenditure that we may have to incur. Unfortunately the expression "to take steps to establish a scheme" leaves us completely in the dark. There is no scheme. We do not know what steps will be necessary to establish a scheme. It is also said here the word "establish" is rather ambiguous and so, Sir, we consider that the object of this Resolution as has been explained by the Honourable the Commerce Member may be laudable. We do not object to them but the wording is rather ambiguous and there is also ambiguity about the steps to be taken for establishing the scheme. We remember that there were schemes to compensate the fighting soldiers by the British Government or by the British Exchequer during the last war. We remember how difficult it was to appraise or give compensation. On the floor of this House a committee was formed after that and still there was very great difficulty in giving compensation to the soldiers who were killed or disabled. Therefore, Sir, as I said, the object may be laudable but to ask the sanction of the House on such an ambiguous scheme is rather too much. If the Honourable Member says that the scheme that will be framed and the steps that will be taken will be placed before this House I think there may not be very great objection to this Resolution and we can accept it. But here the position is rather difficult and we object to the form and to the procedure that is being adopted in getting this Resolution passed.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, I must confess that I am a little taken aback that when I come to the House and ask for sanction even for framing a scheme I should be found fault with as doing something unconstitutional. Let me explain the position. These are grants which are made *ex-gratia*, and it is perfectly open to Government to make these grants, subject, of course, to the budgetary sanction of this House, without any reference to this House whatsoever. That is to say, we can frame a scheme, allot the amounts which can be paid by way of compensation, put that allotment in the next Budget and ask the House to sanction that item at that time. I have taken the precaution of coming beforehand and asking this House for its approval to such a scheme at all being framed; and I propose that when the scheme is actually framed in consultation with the Finance Department, which is the watch-dog in these matters, I shall put that scheme further before the Standing Finance Committee for its approval. Having tried to get the sanction of this House even at this stage, for the House to turn round and say that I am doing something perfectly unconstitutional seems to me rather hard lines on me.

Now, Sir, there has been a good deal of misunderstanding over the general issues that have been raised in the course of this debate. My Honourable friends, Sir Raza Ali and Sir Yamin Khan, complained that I rushed through the House a Bill in 1939 and that I did not foresee the possibility of this particular section of seamen requiring similar compensation, and that all this is due to the fact that I am accustomed to rush in with legislation where others fear to tread, and that, therefore, this is another glorious example of haste making for waste. I may assure my

[Sir A. Ramaswami Mudaliar.]

Honourable friends that that is not the position. The question that we had to consider in 1939 was the position of seamen who were risking, under the circumstances of the war at that time, their lives and their property by going on what I may call deep sea routes. The question further related to this that with reference to those steamers which all came under the Merchant Shipping Act of the British Parliament of 1894 the scheme of compensation should be exactly the same as the scheme of compensation which would be paid by His Majesty's Government for British ships registered in the United Kingdom. Let me explain the position because it is a little obscure. There are two kinds of ships which are dealt with under the British Merchant Shipping Act of 1894,—British ships which are registered in the United Kingdom over which His Majesty's Government have got complete control and,—the same wording is used,—British ships which are really Indian ships registered under the Indian Merchant Shipping Act of 1923, in the Indian register but which come by Parliamentary legislation under the British Merchant Shipping Act. All sea-going vessels which traverse the high seas, whether of India or the Dominions, are controlled by the British Merchant Shipping Act,—a Parliamentary legislation. Now, when His Majesty's Government was framing a scheme for compensation to Indian seamen on British ships properly so called, that is, British ships registered in the British register, it was obvious that for the same kind of seamen in the Indian registered ships who were faced with the same sort of risks,—that is to say, because they were going to Aden and up to the Red Sea ports and so on,—we should come to an understanding with His Majesty's Government that the same rates should apply to both and that, therefore, we must have a necessary voice in the scale of compensation which His Majesty's Government fixed for Indian seamen on British ships on the British register. Now, so far as Indian seamen on British ships registered in the United Kingdom are concerned, His Majesty's Government pay all compensation. So far as Indian seamen on what are still called British ships under the Parliamentary Act but which are registered in the Indian register, the Government of India naturally have to pay compensation; but since no distinction or differentiation could be made between the rates of compensation to lascars on those ships, or Indian seamen on those ships as I would prefer to call them, and the Indian seamen on Indian registered ships, it was absolutely incumbent that some agreement should be arrived at between the Government of India and His Majesty's Government. And because I was in the middle of these negotiations and these negotiations could not be carried out without the approval of the House which I then sought regarding removing the liability of the owners for compensation, I came in with that legislation. Now what is the present legislation? It has no reference to His Majesty's Government; it has nothing to do with any ships which are on the United Kingdom register. These are small vessels from three tons to 200 tons which are plying along the coast and with reference to which we now think that a situation may develop when we should be at least ready with schemes of compensation. So there was no lacuna in the last Act. The last Act that I placed before the House and the scheme with reference to which I was then negotiating with His Majesty's Government referred to relieving the owners of the compensation which they might otherwise have to pay.

An Honourable Member: Under what Act?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Under the Workmen's Compensation Act.

Similarly, if this Resolution is approved I hope to come at the next Session with a Bill for relieving the owners of any similar liability. My Honourable friend said, why should you relieve the owners of this liability? The reason is very simple. This war damage is not an insurable risk and owners cannot be saddled with them. This is a matter arising out of war conditions, and every belligerent country has felt that it is the duty of the Government of that country to give relief in similar cases and pay compensation. The Government of India feel that they are in the same position as the most advanced of governments; therefore we think that compensation should be paid by the Government of India and that the representatives of the people will readily accept the principle that in such cases the government of the day should pay the compensation.

There is another reason why this Resolution has been placed before the House. This compensation is of two kinds. One is for disablement or for death in the form of an immediate grant or in the form of a pension: that is to say, a recurring liability cast on the Government from year to year; and I felt that where it was not a question of merely asking for a particular grant in a particular year but carrying on a liability from year to year, the vote of the House would strengthen my hands in placing such a scheme before the Departments concerned. It is under these circumstances that I move for the whole-hearted and unanimous acceptance by this House of the Resolution that I have placed before it.

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

"That this Assembly recommends to the Governor General in Council to take steps to establish schemes providing for the payment from Central Revenues of compensation in respect of war injuries and war damage to effects sustained during the period of the present emergency by masters and seamen employed on sea-going service on ships registered in British India under the Bombay Coasting Vessels Act, 1838, or under the Indian Registration of Ships Act, 1841."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): This concludes the business of the day.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 26th February, 1941.