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Legislative Assembly.

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SYED GHULAM BHIK NAIRANG, M.L.A.

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

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LEGISLATIVE ASSEMBLY.

Friday, 12th August, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

ABOLITION OF FIRST CLASS COMPARTMENTS ON RAILWAYS.

141. ***Mr. T. S. Avinashilingam Chettiar** : Will the Honourable the Railway Member state :

(a) whether Government have consulted the various Railways over the matter of the abolition of first class ;

(b) if so, what is their opinion ; and

(c) whether Government have come to a conclusion in the matter ?

The Honourable Mr. A. G. Clow : (a) Railways have been asked for their views and certain replies are still awaited.

(b) The majority of Railways are opposed to the abolition of the first class, but certain principal Railways are examining the possibility of curtailing upper class accommodation where local conditions justify such action being taken.

(c) No.

Mr. T. S. Avinashilingam Chettiar : May I know whether they give any reasons for retaining the first class ?

The Honourable Mr. A. G. Clow : Yes, both convenience and economy : commercial considerations in fact.

Mr. Lalchand Navalrai : May I know from the Honourable Member, whom I am glad to see in that seat and whom I congratulate on his elevation, whether he is aware that first class carriages on several railways go completely vacant ?

The Honourable Mr. A. G. Clow : Carriages are certainly vacant at times.

Mr. Lalchand Navalrai : May I know whether the companies or state railway officers do not convert the first class into second class when the first class is vacant and the second class is overcrowded ?

The Honourable Mr. A. G. Clow : No : certainly they do not.

Dr. Sir Ziauddin Ahmad : Is it not financially advantageous to the railways to tell the first class passengers " We will pay you the first class fare : will you please travel in the third class ? " Will it not be more economical to the railways ?

The Honourable Mr. A. G. Clow : I am afraid I have not followed the learned Doctor's question.

Dr. Sir Ziauddin Ahmad : I say, instead of taking fares from these first class passengers, if the railways give them the equivalent of the first class fare and request them to travel third class, will it not be more economical ?

The Honourable Mr. A. G. Clow : Does the learned Doctor guarantee that they will travel third ?

Seth Govind Das : The Honourable Member said that generally the first class compartments are vacant.....

The Honourable Mr. A. G. Clow : No : I said they do go vacant at times.

Mr. Abdul Qaiyum : Is it a fact that the first class is maintained for racial considerations ?

The Honourable Mr. A. G. Clow : No : not in the least.

Mr. K. Santhanam : With reference to the answer to part (c), may I know whether Government, in spite of the fact that they have not come to a conclusion, are still building first class carriages ?

The Honourable Mr. A. G. Clow : Some are being built.

Mr. Manu Subedar : Apart from the question of new construction, may I enquire whether the Railway Board have gone into the question of the outlay on first class carriages relative to the return on the first class ?

The Honourable Mr. A. G. Clow : Yes, that has been examined.

Mr. Manu Subedar : What is the result of that enquiry ?

The Honourable Mr. A. G. Clow : I am afraid I have not got the results in front of me.

Mr. Manu Subedar : May I ask whether the Honourable Member will make that result available to us ?

The Honourable Mr. A. G. Clow : If the Honourable Member tables a question I will do my best to give him an answer.

Mr. T. S. Avinashilingam Chettiar : Is there any definite proposal to abolish the first class in any of the railways ?

The Honourable Mr. A. G. Clow : It has been done to a certain extent—I think entirely on the Assam Bengal Railway.

Mr. T. S. Avinashilingam Chettiar : May I know whether in these railways at least first class carriages are not being built now ?

The Honourable Mr. A. G. Clow : Not so far as I am aware.

Mr. T. S. Avinashilingam Chettiar : May I know whether the Honourable Member will place before this House, after receiving the replies from all railways, the results of the Government's consideration in the matter ?

The Honourable Mr. A. G. Clow : It is open to the Honourable Member to table a question at any time : I should think there will be no difficulty about that.

PROVISION OF FANS IN THIRD CLASS COMPARTMENTS ON RAILWAYS.

142. *Mr. T. S. Avinashilingam Chettiar : Will the Honourable Member for Railways state :

- (a) whether the Nizam State Railway has provided fans in third class in the Diesel third class coaches from V. T. to Secunderabad, etc. ;
- (b) whether Government have considered the advisability of introducing fans in third class on State-owned railways ; and
- (c) what is the extra cost involved, if this is done ?

The Honourable Mr. A. G. Clow : (a) Government understand that new third class coaches on H. E. H. the Nizam's State Railway are being fitted with electric fans. If by ' V. T. ', the Honourable Member means Victoria Terminus, Bombay, Government are not aware that Diesel third class coaches are running between there and Secunderabad.

(b) and (c). The attention of the Honourable Member is invited to the reply given in this House on the 24th September, 1935, to starred question No. 648, asked by Mr. N. M. Joshi.

Mr. T. S. Avinashilingam Chettiar : What is the answer to clause (c) ?

The Honourable Mr. A. G. Clow : I think that was given in the answer which Sir Raghavendra Rao gave to Mr. Joshi on the date I have mentioned.

Mr. T. S. Avinashilingam Chettiar : The Honourable Member says " I think " : he might as well read out the answer.

The Honourable Mr. A. G. Clow : The answer was given in 1935. If the Honourable President has no objection, I will read it. Sir Raghavendra Rau said :

" The capital required to provide fans in third class compartments of Class I Railways is roughly estimated to be from 1½ to 2 crores of rupees and the recurring expenditure at about Rs. 30 lakhs per annum.

Government regret they are unable to provide any money for this purpose in the immediate future."

Mr. N. M. Joshi : May I ask whether this cannot be done by instalments ?

The Honourable Mr. A. G. Clow : It depends on the money available and whether it is a matter that we ought to undertake.

Mr. N. M. Joshi : May I ask whether Government have gone into the matter and seen whether the introduction of fans in the N. G. S. R. has been working economically ?

The Honourable Mr. A. G. Clow : I have not got figures for the expenditure there.

Mr. N. M. Joshi : May I know, if H. E. H. the Nizam's Railway can introduce it in their system, why they cannot introduce it here ?

The Honourable Mr. A. G. Clow : I suppose they are better off : we have not got 1½ to 2 crores to spend on this.

Mr. N. M. Joshi : Will you kindly go into the matter ?

The Honourable Mr. A. G. Clow : No.

Mr. Lalchand Navalrai : Does the Honourable Member know that the Central Advisory Council decided about two years ago that there should be fans in the third and intermediate classes and they will make a beginning with the intermediate : may I know if anything has been done in that direction during the last two or three years ?

The Honourable Mr. A. G. Clow : I am not aware of that conclusion.

Mr. Lalchand Navalrai : Will the Honourable Member inquire into the matter and find out whether that was the opinion of the committee and if so to implement it ?

The Honourable Mr. A. G. Clow : I am perfectly prepared to find out what the opinion of the committee was, but I cannot guarantee to implement it.

Mr. Lalchand Navalrai : Will the Honourable Member do something in that direction if it appears to the Honourable Member that it is a reasonable thing to do ? Will he make a beginning ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is not entitled to ask for action.

Mr. S. Satyamurti : May I know if Government have made any estimate for having these fans put only in long distance trains, trains that travel for 12 or 24 hours and more, especially in the hottest months of the year and if not, will they get an estimate of that cost ?

The Honourable Mr. A. G. Clow : I am not sure that there is a separate estimate for such trains, but the capital cost would be the same whether they ran for a few months or for the whole year.

Mr. S. Satyamurti : I am talking about long distance trains : I take it there is separate coaching traffic for such passenger trains running for more than 12 or 24 hours. Will Government obtain an estimate of the cost of fitting fans in such trains ?

The Honourable Mr. A. G. Clow : I appreciate the Honourable Member's point : but he must remember that a good deal of the stock is inter-changeable between long distance trains and others, and I do not think that the financial position of the railways is now such that we can embark on any substantial expenditure at this stage.

FITTING UP OF SPEEDOMETERS IN ENGINES.

143. *Mr. T. S. Avinashilingam Chettiar : Will the Honourable Member for Railways state :

- (a) whether they have considered the statement in the Thom Report that speedometers are not fitted in the engines ;
- (b) whether they consider it safe ; and
- (c) whether they have taken any steps to introduce speedometers ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) Whether the addition of speedometers would make for a greater degree of safety is a matter of opinion.

(c) The general question of fitting speedometers or speed recorders is under the consideration of the Railway Board. I am laying on the table of the House a statement showing :

- (i) The railways that are using speedometers or speed recorders and the number (where known) that they have so far fitted ;
- (ii) a precis of their experience therewith ; and
- (iii) the proposals of certain railways for fitting additional instruments.

Locomotive speed indicators and recorders.

Railways.	No. of speed indicators and recorders in use.	Experience with instruments in use.	Proposals for providing additional instruments.
A. B. ..	2 locos. fitted with speed indicators and recorders.	The instruments are satisfactory for both indicating and recording, the fitting of recording chart rolls, however, is rather awkward and the recording gear of both instruments has suffered damage due to rough handling.	The use of an Electric type speedometer is under consideration. The general use of speedometers on all engines, however, is not under contemplation.
B. & N. W. ..	Nil ..		6 'YB' type engines on order for 1938-39 have been recommended to be fitted with speed indicators.
B. B. & C. I. . .	Nil ..		It is proposed to fit 31 B. G. engines working fast schedules, with speed indicators and recorders.

Railways.	No. of speed indicators and recorders in use.	Experience with instruments in use.	Proposals for providing additional instruments.
E. B. ..	<i>Nil</i> ..		Arrangements are in hand for the purchase of one Electrical speed indicator for trial purposes.
E. I. --	No loco. is fitted with speed indicator or recorder. During last few months 6 speed recorders have, however, been fitted to brake vans of certain important trains.	To start with these instruments gave excellent results. Recently they have given considerable trouble due mainly to tampering.	No decision reached as to the fitting of speedometers.
M. & S. M. ..	A number of locos. are fitted with speed indicators and recorders.	So far it has not been possible to get the transmission from engine wheel to instrument to stand up to service conditions, inspite of numerous trials and changes.	Experiments are still being made with the existing transmission and with other types of indicators and transmissions.
N. W. ..	5 engines are fitted with speed indicators.	These indicators are still in use, but 2 of the clock-work units have had to be returned to the makers for repairs. The drive of these indicators has also given trouble, and there have been many instances of driving shafts breaking. The differential joints in the drive operate at angles which put a great strain on the shaft, and the method of lubrication is defective. The makers have supplied recently a modified design of drive which is under trial.	Administration does not contemplate the provision of speed indicators or recorders to any more locomotives at present.
N. S. ..	<i>Nil</i> ..		Speed indicators are on order for 7 'XB' engines and under contemplation for 4 'XA' engines.
R. & K. ..	<i>Nil</i> ..		3 Locos. fitted with speed indicators and recorders are being imported this year.
S. I. ..	<i>Nil</i> ..		Fitting of speed indicators to 11 XB type engines is proposed.

Railways.	No. of speed indicators and recorders in use.	Experience with instruments in use.	Proposals for providing additional instruments.
G. I. P. ..	65 Electric locos. are fitted with speed indicators and recorders. 10 XA steam engines were also fitted with these instruments in 1931 but were subsequently removed in 1933-34 as they were considered too fragile.	The instruments fitted to Electric locos. have proved quite satisfactory in service. It is now thought that had the instruments removed from the steam engines been maintained and spares kept in stock, in accordance with the procedure adopted for the instruments fitted on the Electric locos. they would have proved satisfactory.	The refitting of the original 10 speed indicators to XA engines is in progress also the fitting of 4 more originally purchased for shunting engine trials. Investigations are being made to find a more efficient type of speedometers for use on fast train engines.
B. N.	2 engines are fitted with speed indicators and recorders and 2 engines with speed indicators only.	The Hasler Teloc type and Teloc type indicators and recorders and Teloc type indicator (non-recording) have proved satisfactory. Stone Deuta speed indicator fitted to an engine has not been entirely satisfactory but one fitted to a saloon has proved quite satisfactory.	Arrangements are being made to fit two electric speed indicators to two express engines and two speed indicators with recording mechanism to two branch line engines. The question of fitting further speed indicators and recorders is under consideration.

Mr. T. S. Avinashilingam Chettiar : What would be the additional cost involved in fitting speedometers ?

The Honourable Mr. A. G. Clow : Everywhere ?

Mr. T. S. Avinashilingam Chettiar : In those in which there are no speedometers ?

The Honourable Mr. A. G. Clow : I don't have figures at the moment, but the cost will vary according to the type you use.

Mr. S. Satyamurti : Is it open under the terms of reference to this Committee which has been appointed to examine the working of XB Engines to make a recommendation with regard to the necessity or otherwise of fixing speedometers in all these engines ?

The Honourable Mr. A. G. Clow : There is no specific reference in the terms of reference, but I should not be surprised if the Committee dealt with it.

Mr. Lalchand Navalrai : May I know if the Honourable Member knew before this Report was made that there was a necessity for fixing speedometers in these engines ?

The Honourable Mr. A. G. Clow : I would refer the Honourable Member to the answer I gave to part (b) of the question.

SCALES OF SALARY FOR PROGRAMME ASSISTANTS AND TECHNICAL ASSISTANTS
IN BROADCASTING STATIONS.

144. ***Mr. K. Santhanam** : Will the Honourable Member for Communications be pleased to state :

- (a) the scale of salary for programme assistants at Delhi, Madras and other stations ;
- (b) the scale of salary for technical assistants ;
- (c) why the latter scale is lower than that of the former ;
- (d) whether it is the opinion of Government that the qualifications for the job of technical assistants are inferior to those of the programme assistants ; and
- (e) if the answer to part (d) be in the negative, whether he proposes to take steps to equalise the scales ?

The Honourable Mr. A. G. Clow : (a) Rs. 150—10—250.

(b) Rs. 100—5|2—150.

(c) and (d). The qualifications for the two posts are so different that a comparison is not possible. The scales of pay were fixed with due regard to the respective duties of these posts and the need of attracting the right type of recruit in each case.

(e) Does not arise.

Mr. K. Santhanam : May I know if it is a fact that many of these Technical Assistants are M. A.'s in science and also possess further technical qualifications, while the programme assistants are hardly graduates ?

The Honourable Mr. A. G. Clow : I am quite prepared to believe it ; but I don't know it for a fact.

Mr. K. Santhanam : May I know what are the special qualifications of these programme assistants which entitle them to a higher scale of salary ?

The Honourable Mr. A. G. Clow : It is the difficulty of getting the right type of men. Their qualifications are not easy to define, but perhaps their best qualification I can give is intellectual curiosity which is not a very common attribute.

Mr. K. Santhanam : Are Government aware that the programme assistants whom they have selected have got intellectual curiosity ?

The Honourable Mr. A. G. Clow : They were selected with that in view.

Mr. M. Ananthasayanam Ayyangar : How do Government find that these people have got intellectual curiosity ?

Mr. Manu Subedar : Why do not Government appreciate the intellectual curiosity on the opposition Benches ?

The Honourable Mr. A. G. Clow : I do not think they have applied for any of these posts.

APPOINTMENT OF DIRECTORS OF PROGRAMMES FOR THE NEW BROADCASTING STATIONS.

145. ***Mr. K. Santhanam** : Will the Honourable Member for Communications be pleased to state :

- (a) whether Government propose to appoint Directors of Programmes for the new Broadcasting Stations at Madras, Trichinopoly and other places ;
- (b) what the duties of those Directors are ;
- (c) whether those duties cannot be performed by the Station Director ;
- (d) whether Government have considered that it will be more economical to make the Station Director the Director of Programmes also ; and
- (e) whether Government have tried such combination and found it difficult in practice ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) The duties of a Director of Programmes are :

- (i) to guide, supervise and co-ordinate the work of programme assistants under him who are responsible for arranging and organising different sections of the programmes,
- (ii) to supervise the work of the announcers,
- (iii) to supervise studio arrangements for the satisfactory conduct and transmission of programmes,
- (iv) to supervise rehearsals, additions, relays, outside broadcasts, and regular daily transmissions.

(c) No ; the Station Directors' duties are sufficiently heavy, as he is responsible for the general administration of the station, including its programmes, finances and the control of the staff.

(d) and (e). Except at Peshawar, which has a small station of limited range, Government have not tried to combine the two posts. At other stations, it would be impracticable to do so.

Mr. K. Santhanam : May I know if the Government started with the idea that these Station Directors have enough work or they have arrived at that conclusion as a result of experience ?

The Honourable Mr. A. G. Clow : I don't remember what the origin was, but I think this is the practice in other countries too.

Mr. K. Santhanam : May I know, Sir, if, in view of the high salaries paid to Station Directors, the Government will make an attempt to combine both the duties and see what happens ?

The Honourable Mr. A. G. Clow : I have recently visited some stations, and I am quite convinced it is not practicable in the interests of efficiency to combine the two posts.

Mr. K. Santhanam : May I know if the Government are aware that there is a general feeling that many of these people have not got sufficient work ?

The Honourable Mr. A. G. Clow : I am afraid I am not responsible for the general feeling.

LOSS TO RAILWAYS DUE TO COMPETITION WITH BUSES.

146. *Mr. Brojendra Narayan Chaudhury : Will the Honourable Member in charge of Railways please state :

- (a) if his attention has been particularly drawn to portions of the Kirkness-Mitchell and Wedgwood reports where definite figures have been given showing the amount of loss suffered by different Railway Administrations owing to bus competition ;
- (b) whether the Honourable Member will inquire and state how those figures were collected and worked out ;
- (c) if the Honourable Member is aware that Messrs. Kirkness and Mitchell have stated that these are mere guesses ;
- (d) if it is a fact that one of the main objects of Motor Vehicles Legislation, now before the Assembly, is to prevent Railways' loss by bus traffic ; and
- (e) whether Government are in possession of facts showing that the Railways are losing more from buses on parallel roads than they are gaining by the appearance of buses on feeder-roads ?

The Honourable Mr. A. G. Clow : (a) I have seen the passages in question.

(b) I would refer the Honourable Member to paragraph 13 of the Report submitted by Messrs. Mitchell and Kirkness, a copy of which is in the Library of the House. The figure given in the Report of the Indian Railway Enquiry Committee was based on particulars submitted by Railway Administrations whose estimates were arrived at by various methods, the details of which would involve the compilation of a somewhat compendious pamphlet. Government accept the conclusion of the Wedgwood Committee that it is not possible to assess the loss with accuracy, but that it is substantial.

(c) No. What they say in their report is that the figures " must be treated with all the reserve due to conjectural estimates, though we do not think that they are very wide of the mark ".

(d) I would not accept this as an accurate statement of the position. I would refer the Honourable Member to the Statement of Objects and Reasons appended to the Bill.

(e) I cannot furnish the Honourable Member with statistics, but any increase in railway traffic due to motor transport feeder services would seem to be small compared with the decrease due to direct competition. It does not appear that motor transport has induced goods to move to or from railways, in any substantial degree, that did not previously move by

other means. There have probably been a number of people who travelled by rail because of the more convenient access to railway stations afforded by motor transport, but the fact remains that there has been a serious decrease in passengers travelling which must be attributed in the main to direct competition by motor transport.

Mr. Brojendra Narayan Chaudhury : Will the Honourable Member please lay on the table of the House the evidence tendered by the Railways before the Wedgwood Committee regarding the losses sustained due to motor competition ?

The Honourable Mr. A. G. Glow : I would refer the Honourable Member to the Report submitted by Messrs. Mitchell and Kirkness. I do not know that I have any other papers.

Mr. Brojendra Narayan Chaudhury : Is the Honourable Member aware that at page 102 of the Wedgwood Committee's Report it is stated that the evidence was placed before them by the railway administrations relating to losses incurred as a result of motor competition. I want that evidence to be placed on the table of the House.

The Honourable Mr. A. G. Glow : I am sorry ; I thought the Honourable Member referred to the Report submitted by Messrs. Mitchell and Kirkness. I will look into the matter, but I do not know whether it is available and whether it is in a suitable form for laying it on the table of the House.

Mr. Brojendra Narayan Chaudhury : Have Government taken a census of motor transport as recommended by Messrs. Mitchell and Kirkness at page 11 of their Report ?

The Honourable Mr. A. G. Glow : I am afraid I must ask for notice of that question.

Mr. Lalchand Navalrai : May I know, Sir, if it is a fact that the Railways have started their own buses to work in competition with private enterprise at certain stations, and is that a profitable venture ?

The Honourable Mr. A. G. Glow : There is a company on the North Western Railway which has some connection with that Railway, but I am not in possession of the details.

Mr. Lalchand Navalrai : The Honourable Member may take it from me that it is at Lyallpur the North Western Railway have started running their own bus service, but I want to know if it is really profitable to the Railways or it is only started to kill private enterprise ?

The Honourable Mr. A. G. Glow : It is really not possible to say anything at present ; it was started only recently.

EARTHQUAKE SHOCKS AND BUILDINGS IN QUETTA.

147. ***Mr. Lalchand Navalrai :** (a) Will the Secretary for External Affairs be pleased to state how many earthquake shocks were experienced in Quetta since last year and with what result ?

(b) Is it a fact that an earthquake shock of fair intensity, accompanied by rumbling sound, was experienced on the evening of 29th May, 1938 ?

(c) What steps do Government propose to take to overcome such shocks and to provide against the danger arising therefrom ?

(d) How far has the construction of Quetta buildings progressed, and what provisions have Government in contemplation to avert any danger to these new buildings in particular, and the whole area of new Quetta, in general, against these earthquake shocks ?

(e) Do Government propose to continue building Quetta on the old ruined area ? If so, why ?

Sir Aubrey Metcalfe : (a) As there is no Seismograph in Quetta the number of earthquake shocks experienced there is not recorded, but no damage to permanent or temporary buildings has occurred during the last year.

(b) Yes.

(c) and (e). The Honourable Member's attention is invited to the reply given in this House on the 25th January, 1937, to his starred question No. 160.

(d) Progress in the construction of private buildings in Quetta is proceeding rapidly. In the city and municipal area streets have been widened and all buildings are erected in accordance with the Building Code which provides several types of earthquake resisting buildings. Government rebuilding in the Civil area has only just begun. All buildings will be of earthquake resisting types. The subsoil drainage scheme by which the force of shocks is expected to be limited has been nearly completed.

Mr. Lalchand Navalrai : With regard to clause (a), is it or is it not a fact that there have been several earthquakes during the period I have mentioned ?

Sir Aubrey Metcalfe : I have already said that there have been some shocks experienced.

Mr. Lalchand Navalrai : Have Government found out the real cause of these shocks and have they done anything to prevent further shocks ?

(No reply.)

RAILWAYS COLLECTING TAXES FROM PASSENGERS AND GOODS FOR LOCAL BODIES.

148. ***Dr. Sir Ziauddin Ahmad :** (a) Will the Honourable Member in charge of Railways be pleased to give a list of the municipalities and other local bodies for which Government collect taxes from passengers and goods ?

(b) Why have the Indian Railways undertaken to collect money for local bodies ?

The Honourable Mr. A. G. Clow : (a) The list desired, prepared as accurately as is possible in the time available, is laid on the table.

(b) The underlying considerations have been the convenience and economy to local bodies, which this system of collection affords and the avoidance of the inconvenience to the travelling public which would arise if such taxes were to be collected by local bodies outside railway limits. In some cases the liability to collect the tax is imposed on railways by local Statute.

List showing the names of the Municipalities and other Local Bodies on whose behalf taxes on passengers and goods are collected.

Terminal Tax on passengers including
Pilgrim and visitor's tax.

Terminal Tax on goods.

I.

1. Muttra.
2. Government of Bombay.
3. Gwalior Darbar.
4. The Calcutta Improvement Trust.
5. The District Board, Vizagapatam.
6. Commissioners for the New Howrah Bridge.
7. Government of Bihar and Orissa (now Government of Orissa).
8. Madura Municipality.
9. Negapatam Municipality.
10. Chidambaram Municipality.
11. Mayavaram Municipality.
12. Tiruvannamali Municipality.
13. Trichinopoly Municipality.
14. Srirangam Municipality.
15. Conjeevaram Municipality.
16. Dhanushkodi Panchayat Board.
17. Rameswaram Panchayat Board.
18. Taran Taran Municipality.
19. Karnal District Board.
20. Montgomery District Board.
21. Nankana Sahab Municipality.
22. Sehwan Municipality.
23. Soron Municipality.
24. Ajmer Municipality.
25. Brindaban Municipality.
26. Ujjain Municipality.
27. Tirupati Municipal Council.
28. Chittoor District Board.
29. Tiruttani Panchayat Board.

II.

1. Bombay Municipality.
2. Agra Municipality.
3. Banda Municipality.
4. Cawnpore Municipality.
5. Amraoti Municipality.
6. Betul Municipality.
7. Chhota Chhindwara Municipality.
8. Damoh Municipality.
9. Ellichpur Municipality.
10. Gadarpada Municipality.
11. Harda Municipality.
12. Hinganghat Municipality.
13. Kareli Municipality.
14. Khamgaon Municipality.
15. Malkapur Municipality.
16. Narsingpur Municipality.
17. Pipariya Municipality.
18. Pulgaon Municipality.
19. Seoni Malwa Municipality.
20. Shegaon Municipality.
21. Sohagpur Municipality.
22. Wardha Municipality.
23. Wun Municipality.
24. Yeotmal Municipality.
25. Balaghat Municipality.
26. Bhatpara Municipality.
27. Dhamtari Municipality.
28. Drug Municipality.
29. Gondia Municipality.

Terminal Tax on passengers including
Pilgrim and visitor's tax.Terminal Tax on goods.

I.

30. Trivellore Panchayat Board.
31. Bezwada Municipal Council.
32. Ongole District Board.
33. Gaya Municipality.
34. Allahabad Municipality.
35. Prayag Municipality.
36. Ajodhya Municipality.
37. Fyzabad Municipality.
38. Bindhachal Municipality.
39. Hardwar Municipality.
40. Benares Municipality.
41. Rikhikesh Notified Area Committee.
42. Katra Municipality.

II.

30. Mandla Fort Municipality.
31. Raipur District Council.
32. Bhandra District Council.
33. Arifwala Municipality.
34. Amballa City Municipality.
35. Chak Jhumra Municipality.
36. Chichawatni Road Municipality.
37. Delhi Shahdara Municipality.
38. Gojra Municipality.
39. Khanewal Municipality.
40. Kamalia Municipality.
41. Lyallpur Municipality.
42. Mandi Burewala Municipality.
43. Moga Tahsil Municipality.
44. Montgomery Municipality.
45. Mian Channu Municipality.
46. Muzaffar Nagar Municipality.
47. Pakpattan Municipality.
48. Okara Municipality.
49. Qila Sheikhpura Municipality.
50. Shaharanpur Municipality.
51. Sillanwali Municipality.
52. Toba Tek Singh Municipality.
53. Vihari Municipality.
54. Bahraich Municipal Board.
55. Kasganj Municipality.
56. Moradabad Municipality.
57. Madras Corporation.
58. Calcutta Port Commissioners.
59. Calcutta Bridge Commissioners.
60. Etawah Municipality.
61. Farukhabad Municipality.
62. Khurja Municipality.
63. Chandausi Municipality.
64. Dehra Dun Municipality.
65. Mirpur Khas Municipality.
66. Ahmedabad Municipality.
67. City of Bombay Municipality.
68. Baroda Municipality.
69. Bathras Municipality.
70. Muktsar Municipality.
71. Nadiad Municipality.
72. Petlad Municipality.
73. Umreth Municipality.

Maulvi Abdur Rasheed Chaudhury : Are the local bodies paying the railway authority for collecting their taxes ?

The Honourable Mr. A. G. Clow : I believe they do.

Dr. Sir Ziauddin Ahmad : May I ask whether any bus services also collect these taxes from the passengers ?

The Honourable Mr. A. G. Clow : I am not responsible for these services.

Dr. Sir Ziauddin Ahmad : I am merely asking for information.

The Honourable Mr. A. G. Clow : I am not in possession of the facts. This is really a matter for the local bodies.

Dr. Sir Ziauddin Ahmad : If these road services do not collect the taxes and the railways do, then will it not handicap the railways in general competition ?

The Honourable Mr. A. G. Clow : It would, certainly, but I am not sure of the facts.

Maulana Zafar Ali Khan : In the case of local bodies a certain concession has been given. Will the same concession be given to the Muslim League also ?

The Honourable Mr. A. G. Clow : I do not think it is a statutory body.

Mr. Lalchand Navalrai : Do Government get any consideration for this collection ?

The Honourable Mr. A. G. Clow : As I said earlier, I believe it does.

ARREST OF MR. ERIC DUTT AT VALENCIA.

149. ***Mr. Govind V. Deshmukh** : Will the Foreign Secretary please state :

(a) if Mr. Eric Dutt, son of Mr. P. C. Dutt, Bar.-at-Law of Jubbulpore, Central Provinces, has been arrested at Valencia in Spain ;

(b) the circumstances leading to his arrest ; and

(c) if Government took any steps to get him released ; if so, with what result ?

Sir Aubrey Metcalfe : (a) Yes.

(b) He stayed at Valencia with an invalid passport and was arrested by the Spanish Government on a charge of espionage.

(c) Everything possible has been and is being done by His Britannic Majesty's Representatives in Spain to secure his release. The latest reports show that Mr. Dutt is still under detention.

Mr. Govind V. Deshmukh : Was an inquiry made as regards the charge of espionage ?

Sir Aubrey Metcalfe : That is not a charge into which His Majesty's Representative can inquire.

Mr. Abdul Qaiyum : How long has he been under detention ?

Sir Aubrey Metcalfe : About four months but I must have notice if you want exact information.

Mr. Abdul Qaiyum : Has the trial begun ?

Sir Aubrey Metcalfe : I do not think so.

Mr. S. Satyamurti : Have Government no information as to whether this gentleman is being detained with a view to trial or is he being simply detained ?

Sir Aubrey Metcalfe : The only information available when I last received information was that he was in detention and would probably be tried, but this is a matter which rests not with His Majesty's Representative, but with the Spanish Government.

Mr. S. Satyamurti : Will Government ask His Majesty's Representative in Spain to find out from the Spanish Government what their intention is with regard to this unfortunate gentleman whether they are going to try him and if so for what offence, and on whose behalf was this espionage conducted ?

Sir Aubrey Metcalfe : I have already said that His Majesty's Representatives in Spain have under instructions from His Majesty's Government made every effort to ascertain what the intentions of the Spanish Government are with regard to this gentleman.

Mr. S. Satyamurti : When was the last time they heard about this affair ?

Sir Aubrey Metcalfe : About a month ago.

Mr. Sri Prakasa : Are Government satisfied that this gentleman is being properly treated ?

Sir Aubrey Metcalfe : The Honourable Member is asking for an expression of opinion.

Mr. S. Satyamurti : Have Government any information as to the charge of espionage and the definite nature of the charge ? On whose behalf is this gentleman supposed to have been carrying on espionage in Spain ?

Sir Aubrey Metcalfe : I have no further information than I have already given to the House.

Mr. S. Satyamurti : Will Government remind His Majesty's Government on this subject and ask them to expedite matters because this gentleman has been detained already for three or four months ?

Sir Aubrey Metcalfe : I will certainly address His Majesty's Government but I can assure the House that every possible endeavour has been and is still being made to secure justice for Mr. Dutt.

DETENTION OF MR. VIRENDRA CHATTOPADHYA IN RUSSIA.

150. ***Mr. Govind V. Deshmukh** : Will the Foreign Secretary please state :

- (a) if Mr. Virendra Chattopadhyia is either arrested and detained without trial by the Soviet Government, or is undergoing imprisonment in Russia for conviction of any offence ;
- (b) the circumstances leading to his arrest and conviction ; and
- (c) if Government took any steps to render him any help or get him released ?

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

(c) Does not arise.

Mr. Lalchand Navalrai : May I know if the Government have any information that he has been arrested ? Have the Government made any inquiries ?

Sir Aubrey Metcalfe : Government have certainly made inquiries and they have no information. As the House will remember, the whole of the story rests upon a statement made in the House of Commons by a gentleman called Mr. McGovern who asserted that a large number of Indians had been arrested. Mr. Butler replying said he was not aware of this but if Mr. McGovern would supply particulars he would ask His Majesty's Ambassador to make inquiries. So far as I know and so far as I have been able to ascertain from His Majesty's Government, no further particulars have been supplied either by Mr. McGovern or any person in this country ?

Mr. Lalchand Navalrai : Is this gentleman really there or not ?

Sir Aubrey Metcalfe : That is a question to which I should like to have an answer.

Mr. M. Ananthasayanam Ayyangar : Have the Government of India ascertained independently of His Majesty's Government whether any Indians have been arrested ?

Sir Aubrey Metcalfe : The Government of India have telegraphed to His Majesty's Government on this subject and His Majesty's Government say that until somebody can produce more information they cannot produce any.

ARRANGEMENTS WITH THE IMPERIAL AIRWAYS AS A PART OF THE EMPIRE AIR MAIL SCHEME.

151. ***Seth Govind Das** : Will the Honourable Member for Communications please state :

- (a) whether it is a fact that Government have made new arrangements with the Imperial Airways as a part of the Empire Air Mail Scheme ;
- (b) whether he will lay a copy of the scheme regarding the entire arrangement on the table ;

- (c) whether the arrangement will continue to be in force for a period of 15 years ;
- (d) the necessity for this long term of years ;
- (e) when the present term was due to expire ;
- (f) the reason for premature and early arrangement of the new agreement ;
- (g) the date since when negotiations have been going on for the conclusion of the fresh agreement ;
- (h) whether Government took the public or the legislature into their confidence regarding their intention for concluding an early and premature agreement ; and
- (i) if not, the reasons therefor ?

The Honourable Mr. A. G. Clow : (a) The arrangement is with His Majesty's Government to participate in the Empire Air Mail Scheme, which forms the subject of an agreement between His Majesty's Government and Imperial Airways.

(b) Yes. The Honourable Member is referred to the memorandum on the Empire Air Mail Scheme, submitted to the Standing Finance Committee, Volume XVI, No. 5, dated the 27th February, 1937.

(c) Yes.

(d) The scheme involved the raising of about two million sterling capital and it was considered that fifteen years would be the minimum period adequate to ensure the requisite security of tenure for a scheme of this magnitude.

(e) The former arrangements for the carriage of mails to and from India were due to expire on the 31st of March, 1939.

(f) The arrangement was the result of developments not foreseen at the time when the old contract was entered into and the transition date from the old scheme to the new could not be exactly adjusted to the date of expiry of the old agreement. The advantages of the new scheme involving the abolition of the air mail surcharge, the increase in frequency, and the consequent development of air transport affecting not only Imperial Airways and Indian Trans-Continental Airways Services, but the feeder air mail services of India, made it undesirable to delay the new arrangement longer than was absolutely necessary.

(g) The outlines of the scheme were first mooted in 1934, and negotiations were then commenced for the settlement of terms of India's participation in it.

(h) and (i). The negotiations were of a protracted character and were not made public before the details were worked out. The scheme was placed before the Standing Finance Committee in February, 1937, and passed by them, the necessary budgetary grants to implement the scheme in 1937-38 being subsequently passed by the Assembly. It was not possible to make a public announcement about the scheme any earlier.

Seth Govind Das : Have any commercial bodies in this country declared that this agreement is against the interests of India ?

The Honourable Mr. A. G. Clow : I do not think that it is a fact that all commercial bodies have protested.

Seth Govind Das : Is it a fact that the Federation of Indian Chambers of Commerce, the Bombay Chamber of Commerce and the Calcutta Chamber of Commerce have all protested against this agreement ?

The Honourable Mr. A. G. Clow : I think the Federation of Indian Chambers of Commerce have protested but I am not aware of the others.

Mr. T. S. Avinashilingam Chettiar : What is the net extra expenditure involved in this scheme.

The Honourable Mr. A. G. Clow : The Honourable Member will get full information from the memorandum to which I have referred.

Mr. S. Satyamurti : With reference to clause (f) of the question, may I know if Government have made any rough calculation in rupees, annas and pies of the advantages which accrue to this country because of our adherence to the scheme and have they come to any tentative conclusion that taking the approximate figures on the whole this is financially advantageous to India ?

The Honourable Mr. A. G. Clow : The estimate of the figures was given in the memorandum to which I referred. Speaking from memory, I think actually the Empire Air Mail Scheme proper shows a net financial advantage, apart from other advantages gained.

Mr. S. Satyamurti : Can the Honourable Member give some rough idea of the net financial advantage ?

The Honourable Mr. A. G. Clow : I think if the Honourable Member will look at the statements appended to this memorandum he will find all the information he wants.

Mr. M. Ananthasayanm Ayyangar : May I ask what is the additional expenditure involved in the new scheme over and above what was incurred under the previous arrangements ?

The Honourable Mr. A. G. Clow : That, again, is given in that memorandum if the Honourable Member will kindly look at it.

ARRANGEMENTS WITH THE IMPERIAL AIRWAYS AS A PART OF THE EMPIRE AIR MAIL SCHEME.

152. ***Seth Govind Das :** Will the Honourable Member for Communications state :

- (a) whether it is a fact that the Honourable Sir Frank Noyce made a statement on the 20th September, 1937, that " Government will be at liberty in 1939 to re-consider the whole position regarding the future arrangement with the Imperial Airways " ;
- (b) whether it is a fact that the Indian commercial bodies insisted upon being given an opportunity of subscribing to the share capital of the Imperial Airways Company with some administrative control ;

- (c) whether Government considered this popular demand of the commercial bodies while concluding the fresh agreement ; if so, whether Government secured for the Indian commercial interests their legitimate share in the Air Mail scheme ;
- (d) whether Government consulted the Indian commercial bodies before concluding the fresh agreement ; if not, why not ;
- (e) the percentage of shares owned by Indians in the Imperial Airways ; and
- (f) whether it is a fact that the contract for the Air Mail Scheme was given to a non-Indian Company for considerations of Air Defence ; otherwise, what are the justifiable reasons ?

The Honourable Mr. A. G. Clow : (a) No ; the statement cited was made on the 20th September, 1933.

(b) Not so far as I am aware. The fresh capital required by Indian National Airways for the Indian Trans-Continental Airways has not yet been called up and the public will have an opportunity of subscribing to it.

(c) The Government of India considered most carefully the advantages which would accrue to India by participation in the Empire Air Mail Scheme, and they were satisfied that Indian interests had been well secured.

(d) No reference was made, nor was it thought to be necessary.

(e) The number of Indians who hold shares in Imperial Airways which is a British Company is not known.

(f) No ; considerations of defence formed no part of the discussions. I must refer my Honourable friend to the memorandum submitted to the Standing Finance Committee for the reasons which led Government to conclude the arrangement.

Mr. Manu Subedar : With reference to the answer to part (d) of the question, may I ask why was it not thought necessary to make a reference to commercial bodies ?

The Honourable Mr. A. G. Clow : That is a matter of judgment.

Mr. Manu Subedar : May I know what were the reasons ?

The Honourable Mr. A. G. Clow : I am not prepared to amplify the answer.

Mr. S. Satyamurti : With reference to the answer to part (b) of the question, may I know whether the Standing Finance Committee at an earlier stage did make a recommendation that with regard to this Empire Mail Service 75 per cent. of the shares should be held by Indians along with a proportionate representation on the directorate, and if so, have they taken any steps to secure either or both of these objects ?

The Honourable Mr. A. G. Clow : No Sir. There was a recommendation somewhat on the lines my Honourable friend cited but as far as I remember no reference to the Empire Air Mail scheme was made. I have given a full explanation of that in the answer which I gave to his starred question No. 32 on Monday last.

Mr. S. Satyamurti : May I know whether in view of his answer to part (b) of the question, Government propose to take any steps to secure that a minimum number of shares is held by Indians in view of the public and commercial opinion to that effect in this country ?

The Honourable Mr. A. G. Clow : There is no such proposal under consideration, so far as I know.

Mr. S. Satyamurti : Have Government been approached by commercial bodies at any time with regard to this fresh Air Mail Service both with regard to the directorate and the holding of shares that India should have a specified number ?

The Honourable Mr. A. G. Clow : I cannot remember offhand what was said in the Federation's letter. If the Honourable Member knows that that is in it, I will take it from him.

Mr. S. Satyamurti : Are Government taking any steps to secure those objects, in the interests of India, that is to say, that a minimum number of shares should be held by Indians with proportionate representation on the directorate ?

The Honourable Mr. A. G. Clow : I suggest that that is a request for action rather than a request for information.

Mr. S. Satyamurti : Do Government propose to take any steps in the matter ?

The Honourable Mr. A. G. Clow : At present I have no such intentions.

Mr. K. Santhanam : Is there any stipulation in the agreement as to the employment and training of Indians ?

The Honourable Mr. A. G. Clow : I think there are some arrangements ; but I have not the information here.

Mr. Manu Subedar : When the termination of the previous arrangements was being anticipated, did Government consider it desirable to give effect to a new arrangement without giving any particulars or asking for opinions from European and Indian commercial bodies ?

The Honourable Mr. A. G. Clow : I think that is the same question, which I have already answered, in another form.

PROVISION OF THIRD CLASS WAITING ROOMS FOR LADIES ON RAILWAYS.

153. ***Shrimati K. Radha Bai Subbarayan :** Will the Honourable Member for Railways and Communications be pleased to state :

- (a) if Government are aware that there are no waiting rooms reserved for women third class passengers at any of the Railway Stations ;
- (b) if Government will take immediate steps to provide waiting rooms for women third class passengers at all railway stations, especially at junctions ; and
- (c) if Government are prepared to direct all Railways to appoint a woman attendant at all railway junctions and important stations to render assistance to women passengers ?

The Honourable Mr. A. G. Clow : (a) No. By 1937 third class waiting rooms or halls for women only had been provided at 826 stations on the major railways.

(b) The policy of effecting such improvements is being steadily and systematically followed by Railway Administrations to the fullest extent of the funds available, "but I cannot hold out a prospect of providing such waiting rooms at every station".

(c) I will convey the suggestion of the Honourable Member to the principal Railway Administrations for such action as they may consider necessary.

Shrimati K. Radha Bai Subbarayan : With regard to the answer to part (a) of the question, is it not a fact that the waiting rooms to which the Honourable Member refers are mere sheds and not proper waiting rooms like the first and the second class waiting rooms, and no privacy and safety from danger of molestation, and that they are found mainly if not only at stations where there is customs examination?

The Honourable Mr. A. G. Clow : I do not think all of them are. I cannot believe it possible that they are mainly stations for customs examination or that a very large proportion of them are such.

Shrimati K. Radha Bai Subbarayan : May I repeat a question which I asked the other day? Will the Government take steps to throw open all first and second class waiting rooms to all our women passengers?

The Honourable Mr. A. G. Clow : I am afraid I must repeat my answer that I am not prepared to give a guarantee on that point.

Shrimati K. Radha Bai Subbarayan : May I draw the attention of the Government to the fact that European and Anglo-Indian women generally, and Indian women if they are expensively dressed, are allowed to use first and second class waiting rooms even if they travel third class?

The Honourable Mr. A. G. Clow : I am not aware of that; and I am not aware that European and Indian women who are expensively dressed do travel third class.

Shrimati K. Radha Bai Subbarayan : May I inform the Honourable Member that such is the case and say it from my personal experience, and may I ask why there should be any objection to throwing open first class and second class waiting rooms to all women passengers?

The Honourable Mr. A. G. Clow : The obvious objection is that when persons pay extra for extra facilities, they expect those facilities.

Shrimati K. Radha Bai Subbarayan : May I ask why Government do not consider that it is more important to provide minimum facilities to the poorer classes of passengers than to provide luxuries to the wealthier classes?

The Honourable Mr. A. G. Clow : That of course is the Honourable lady's opinion, but that is an entirely ethical consideration, but the railways are a commercial proposition.

Seth Govind Das : May I ask whether at those stations where there are two waiting rooms, one for first class and another for second class passengers, they propose to throw open one of these to women passengers, or to convert one of them into third class waiting rooms for women ?

The Honourable Mr. A. G. Clow : That question was asked on Monday. Will the Honourable Member refer to the debates on that day ?

ARRANGEMENTS WITH THE IMPERIAL AIRWAYS AS A PART OF THE EMPIRE AIR MAIL SERVICE.

154. ***Sardar Mangal Singh :** Will the Honourable Member for Communications please state :

- (a) whether it is a fact that the Government of India entered into an agreement with the Imperial Airways, Limited, in 1933 or 1934 for the extension of the London-Karachi air service across India ;
- (b) the principal terms of that agreement ; and
- (c) whether this agreement has been further extended for 15 years. or whether any alteration has been made therein ?

The Honourable Mr. A. G. Clow : (a) and (b). The Honourable Member is referred to the Press Communique No. V-10, which was issued on the subject on the 9th May, 1933, a copy of which is laid on the table for ready reference. The Honourable Member is also referred to the debate in this House on the 20th September, 1933, on the demand for a supplementary grant for this purpose.

(c) The Honourable Member's attention is invited to the reply I have just given to parts (a) to (d) of Seth Govind Das's starred question No. 151.

Press communique from the Government of India, Department of Industries and Labour (Civil Aviation), No. V-10, dated Simla, the 9th May, 1933.

Trans-India Air Service.

Arrangements have been made for the inauguration of an air service between Karachi and Singapore as a joint enterprise to be worked by an Indian Company (Indian Trans-Continental Airways, Ltd.), to be formed as explained below, together with Imperial Airways, Limited, and simultaneously for the formation of a second Indian Company, Indian National Airways, Limited, for the operation of feeder and other services in Northern India.

2. The capital of Indian Trans-Continental Airways, Limited, will be rupee capital and will be subscribed jointly by the Government of India, Indian National Airways, Limited and Imperial Airways, Limited. The directors will be selected by the share-holders and the majority will be Indians.

3. Indian Trans-Continental Airways and Imperial Airways will each provide one-half of the fleet required for the service. Indian Trans-Continental Airways will employ the largest percentage reasonably possible of Indian personnel as soon as individuals of the requisite standard are available, and Imperial Airways will arrange for the training of a limited number of Indians in their commercial and engineering departments, while the fleet and equipment for Indian National Airways and Indian Trans-Continental Airways are being procured.

4. The arrangement for the joint working of the **Karachi-Singapore Service** will continue till 31st March 1939, the date on which the existing agreement between His Majesty's Government and Imperial Airways for the England-India Air Service expires.

5. By means of this arrangement the participation of an Indian Company employing Indian personnel, is secured, not merely in a service operating within India, but on an important section outside India (*viz.*, from Rangoon to Singapore) of the Imperial route to Australia.

6. The fleet of the two operating companies will be homogeneous and of a modern type, carrying passengers and freight as well as mails. The details of the route across India and the time table of operation have not yet been finally settled. It is hoped that the first section of the service as far as Calcutta will be inaugurated during the summer, to be followed by an extension to Rangoon and possibly Singapore immediately after the monsoon.

7. Indian National Airways, Limited, will be formed with rupee capital. Plans for operating certain branch services are already in preparation.

Mr. Sri Praskasa : With reference to the Honourable Member's reply to part (b) of the question, may I know if one of the terms is that the letters will not be carried by sea any more ?

The Honourable Mr. A. G. Clow : I am afraid I am not quite clear as to the question ?

Mr. Sri Prakasa : Is it not a fact that now that all foreign mails are carried by air, is it one of the terms of the agreement that letters from India to foreign countries will not be carried by sea any more ?

The Honourable Mr. A. G. Clow : This question relates to the agreement entered into in 1933. I do not think that that was one of the terms.

Sardar Mangal Singh : May I know whether the same agreement has been extended or there have been some changes made ?

The Honourable Mr. A. G. Clow : Oh, no. The new arrangement is different.

SHARES HELD BY CERTAIN BODIES IN THE INDIAN TRANS-CONTINENTAL AIRWAYS, LIMITED.

155. ***Sardar Mangal Singh :** Will the Honourable Member for Communications please state :

(a) the amount of shares held by :

(i) the Imperial Airways, Limited,

(ii) the Indian National Airways, Limited, and

(iii) the Government of India,

in the Indian Trans-Continental Airways, Limited ; and

(b) whether any change is contemplated in the present position under the new dispensation, or whether the same position is to be continued undisturbed for another fifteen years ?

The Honourable Mr. A. G. Clow : (a)—

	Rs.
(i) 51 per cent.—Paid up capital	3,57,000.
(ii) 25 per cent.—Paid up capital	1,75,000.
(iii) 24 per cent.—Paid up capital	1,68,000.

(b) No change in the percentage holdings of share capital is contemplated. The share capital will be increased to Rs. 32,00,000.

SCALES OF PAY GIVEN TO RETRENCHED EMPLOYEES ON RE-APPOINTMENT ON THE NORTH WESTERN RAILWAY.

156. **Mr. Sham Lal :** (a) Will the Honourable Member for Railways be pleased to state if in answer to my question No. 899, clauses (d) to (i). on the 29th September, 1937, the Honourable Member referred to Railway Board's letter No. 807-E.G.-II, dated the 31st August, 1934, which is to the effect that retrenched persons borne on the waiting list who had been or may be re-appointed after the 15th July, 1931, but before the 1st of April, 1936, will on re-appointment be entitled to the old scales of pay of the service, and stated that the orders contained in the letter were being observed by the Railway Administration and promised to send a copy of my question to the Agent, North Western Railway. for such action as he may consider necessary ?

(b) Do Government propose to enquire whether the instructions contained in the above letter were being actually carried out by the Administration ?

(c) Is it not a fact that retrenched persons re-appointed after the 15th July, 1931, but before the 1st April, 1936, are being given new scales with retrospective effect and the difference on this score is being deducted from their pay without giving any notice to them ?

(d) Is it also a fact that at the time of their appointment a clear understanding was given to them that they were being appointed in old scales, and why Government now give them new scales and deduct the difference from their pay ?

(e) If the answer to the above be in the negative, will the Honourable Member for Railways be pleased to state if it is a fact that junior persons have been allowed to retain old scale, while the seniors have been brought into new scales ; if so, the reason for this distinction ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) No such enquiry is contemplated.

(c) and (d). I would refer the Honourable Member to paragraph (i) of Part A and paragraph 3 of part B of the Railway Board's letter No. 1635-E.G., dated 30th December, 1932, a copy of which was placed in the Library of the House. These instructions directed that temporary employees with less than one year's service and employees engaged for purely temporary purposes who were discharged during the economy campaign were not to be borne on waiting lists for re-appointment, but

the North Western Railway by mistake placed such employees on waiting lists and allowed them old scales of pay on their re-appointment after 15th July, 1931, and before 1st April, 1936. In 1935, when this error came to the notice of the Railway Board, they issued instructions that such staff should be brought on to the revised scales of pay, and the North Western Railway accordingly fitted them into the revised scales of pay and recoveries were or are being effected from the staff concerned on account of overpayments made to them after the 1st October 1934, as a result of the wrong fixation of their pay in the old scales.

(e) I am not aware of any such cases.

SCALES OF PAY GIVEN TO RETRENCHED EMPLOYEES ON RE-APPOINTMENT ON THE NORTH WESTERN RAILWAY.

157. ***Mr. Sham Lal** : (a) Will the Honourable Member for Railways be pleased to state if it is a fact that certain retrenched persons in the Headquarters Office were re-appointed after 15th July, 1931, and before 1st April, 1936, and they have been given new scales with retrospective effect and the difference in this score is now being deducted from their pay ?

(b) Do Government propose to make a thorough enquiry into the matter and order that the instructions given are carried out and that no deduction is made from the pay of the clerks re-appointed after 15th July, 1931, but before 1st April, 1936 ?

The Honourable Mr. A. G. Clow : (a) and (b). I would refer the Honourable Member to the reply I have just given to parts (c) and (d) of his starred question No. 156. In view of the position I have explained therein Government do not consider that any enquiry is necessary.

Mr. Sham Lal : Was an assurance given at the time of the appointment that they would get the old scale of pay ?

The Honourable Mr. A. G. Clow : I think they were offered the old scale of pay but I do not know whether an assurance was given to them.

Mr. Sham Lal : Once having offered the old scale of pay, is it fair for the Government now to reduce their pay ?

The Honourable Mr. A. G. Clow : The Honourable Member is now asking for my opinion.

PROMOTIONS OF CLEANERS, FIREMEN AND SHUNTERS ON THE NORTH WESTERN RAILWAY.

158. ***Mr. Sham Lal** : (a) Will the Honourable Member for Railways be pleased to state whether the Agent, North Western Railway, by his letter No. 177-E-115, dated the 24th August, 1928, ordered that in filling up vacancies on the list of cleaners and firemen, grades 1 and 2, occurring in future, endeavour should be made to recruit at least 50 per cent. men sufficiently literate in English, so that they could eventually be promoted to firemen and shunters in those grades ?

(b) Did the Agent, North Western Railway, by his letter No. 522-E.179, dated the 20th November, 1933, order that promotion of cleaners to firemen, firemen to shunters and shunters to drivers, should also be made in the ratio of 50 per cent. and that a separate seniority list should be made ?

(c) Is it a fact that the last letter was cancelled after eight months by letter No. 522-E.179, dated the 26th July, 1934 ?

(d) Is it a fact that the literate men recruited in accordance with previous orders were working satisfactorily, and were given to understand that their promotions would be according to the separate lists of seniority ?

(e) If the answer to parts (c) and (d) be in the affirmative, what reasons led the Agent to cancel the previous letter and are they being promoted according to the separate seniority lists ?

(f) Did these persons submit any memorial on this subject, and if so, what action was taken on it ?

(g) Is the Railway Administration prepared to re-consider their decision and give promotions according to separate seniority lists ?

The Honourable Mr. A. G. Clow : (a) The instructions in the letter referred to by the Honourable Member related to the filling up of vacancies in the grade of cleaners only and the promotion in view was to firemen only.

(b) Yes, except that the letter quoted by the Honourable Member referred to promotion of cleaners to firemen and firemen to shunters only.

(c) Yes.

(d) So far as Government are aware their work was satisfactory. The implication of the orders issued in the Agent, North-Western Railway's letter quoted by the Honourable Member in part (b) above was that promotion would be made from each seniority list separately.

(e) The orders contained in the Agent, North-Western Railway's letter No. 522-E.179, dated 20th November, 1933, were cancelled for administrative reasons. The reply to the latter part of the question is in the negative.

(f) The orders referred to in part (c) were passed after consideration of memorials received early in that year from illiterate cleaners and firemen. In October, 1934, memorials were received by the North-Western Railway Administration from literate cleaners and firemen for the restoration of the ratio of 50 per cent. literate cleaners and 50 per cent. illiterate cleaners for purposes of promotion as firemen. In reply to these memorials the staff were informed in February, 1935, that the total length of service of cleaners in grades I and II on their combined list will be taken in determining their seniority for promotion to the posts of firemen, that is grade I cleaner will become grade I fireman and grade II cleaner Grade II fireman. Further memorials from grade II cleaners and firemen were received in March, 1935, against the maintenance of the combined seniority list but their request was rejected by the Administration.

(g) Not so far as I am aware.

Mr. Lalchand Navalrai : May I ask what was the administrative reason for cancelling this letter ?

The Honourable Mr. A. G. Clow : I am afraid I am not in a position to give the details, but it is an extremely difficult matter to regulate promotion when you are dealing with two classes of this kind.

ROBBERY AND ASSAULTS ON PASSENGERS IN RAILWAY COMPARTMENTS.

159. ***Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member for Railways please state :

- (a) the number and nature of cases of robbery and assaults on passengers in railway compartments that occurred since the last Session of the Assembly and in the year 1937-38 ;
- (b) what special precautions are being taken to prevent them and for speedy apprehension of the culprits then and there ;
- (c) if additional precautionary and preventive measures are proposed ; and
- (d) if he had studied the subject of comparative safety of travelling in private car as against higher class railway ; if so, what conclusion he has arrived at ?

The Honourable Mr. A. G. Clow : (a) I regret that Government have no statistics, except in regard to robberies from women passengers. Particulars of these were placed on the table of the House on the 8th August, 1938, in reply to Mr. Lalchand Navalrai's starred question No. 11, asked on the 31st January, 1938.

(b) and (c). I would refer the Honourable Member to the reply given by the Honourable Sir Muhammad Zafrullah Khan to Mr. C. N. Muthuranga Mudaliar's question No. 25 on the 25th January, 1937, in connection with the provision of means to ensure the safety of ladies travelling in the ladies' compartment. Shielded openings in partitions separating compartments reserved for ladies from adjacent compartments have been provided in some carriages on one railway, but Local Advisory Committees on railways generally are opposed to this arrangement. The provision of additional alarm pulls in compartments for ladies in which the existing pulls are not in convenient positions is proceeding on all Railways and a large number of the compartments concerned have already been so fitted. The apprehension of culprits is a matter for police action which is taken in each case as it arises.

(d) I have secured some comparative figures bearing on safety by road and rail, and while the road figures are incomplete and to some extent conjectural, I have little doubt that the conclusion to which they point, viz., that travelling by rail is distinctly safer than travel by road, is correct. The road figures did not distinguish between private cars and public buses, and the railway figures related to all classes of passenger.

Mr. Sri Prakasa : Is it a fact that the Honourable the Law Member was chloroformed and robbed while travelling in a train ?

The Honourable Mr. A. G. Clow : There is another question on that subject and I will ask the Honourable Member to wait till he hears my reply.

Shrimati K. Radha Bai Subbarayan : May I ask if the Local Advisory Committees to which the Honourable Member referred had any women on them ?

The Honourable Mr. A. G. Clow : No, I believe they have not.

Shrimati K. Radha Bai Subbarayan : May I ask if it is possible for the Government to have bars fixed to the widows of the compartments reserved for women ?

The Honourable Mr. A. G. Clow : It is certainly possible.

Mr. T. S. Avinashilingam Chettiar : Will Government consider the advisability of doing that ?

The Honourable Mr. A. G. Clow : I am prepared to examine the possibility.

Mr. M. Ananthasayanam Ayyangar : Arising out of the answer given by the Honourable Member, may I ask what he means by saying that it is safer to travel by rail ? Is it from the point of view of lesser robbery and dacoity on the railways or lesser accidents ?

The Honourable Mr. A. G. Clow : I was thinking of accidents.

Mr. M. Ananthasayanam Ayyangar : But that is not the question. The question is whether it is safer to travel by buses from the point of view of robbery and dacoity than to travel by rail ?

The Honourable Mr. A. G. Clow : The question does not say so. The main danger in travel by road is certainly due to accidents. I assumed that it was to the comparative safety of travelling in that respect that the Honourable Member was referring.

Mr. M. Ananthasayanam Ayyangar : May I ask whether there are less cases of robbery and dacoity on the roads than there are on the railways ?

The Honourable Mr. A. G. Clow : I cannot tell that because I do not know the figures. As I said, in reply to part (a), I do not know the figures on the railways, and so far as the roads are concerned, I do not know their statistics either.

DERAILMENT OF THE 5 UP PUNJAB MAIL.

160. ***Mr. Brojendra Narayan Chaudhury :** With regard to the report submitted by the Senior Government Inspector of Railways to the Railway Board, will the Honourable Member for Railways please state if Government propose to direct the Inspector to make further inquiry to ascertain if "the wilful removal of a rail" according to his finding, could only be done by experts or laymen, and to examine the two firemen of 5 Up, the ill-fated train ?

The Honourable Mr. A. G. Clow : The further enquiry to endeavour to ascertain who the culprits were is being made by the police.

Government agree with the view of the Senior Government Inspector that the evidence of the two firemen is ~~not~~ necessary.

Mr. Brojendra Narayan Chaudhury : What I want to know is whether the rail was removed by expert hands or whether it was removed in a clumsy manner by laymen ?

The Honourable Mr. A. G. Clow : The report is in the Library of the House, and I would refer the Honourable Member to that.

Mr. Brojendra Narayan Chaudhury : I have read the report and there are no details in it, and it is for this reason that I have put this question. Will the Honourable Member direct the Senior Government Inspector to give a full report as to whether the handling of the rail was such as could only be done by those people who know how to handle rails or was it done in a clumsy way by laymen ?

The Honourable Mr. A. G. Clow : I think it could be done by laymen if they had the instruments. I do not think that a further inquiry will prove anything.

Mr. Brojendra Narayan Chaudhury : Was it not possible to obtain the traces which could prove expert handling ? My own view is that it can only be done by experts.

The Honourable Mr. A. G. Clow : I do not think that is possible. In any case, it is the responsibility of the police to find out the miscreants, and I have no doubt that they have not overlooked any possible clues.

Mr. Brojendra Narayan Chaudhury : Will the Honourable Member direct the Senior Government Inspector to examine the two firemen in view of the fact that at the time of the accident they were the persons who were nearest to the scene of the accident ?

The Honourable Mr. A. G. Clow : As I said, I am prepared to agree with the view of the Senior Government Inspector on this point.

Mr. Brojendra Narayan Chaudhury : But the Senior Government Inspector has not given his reasons for not examining the two firemen.

The Honourable Mr. A. G. Clow : As far as I remember, he has given reasons.

Mr. Brojendra Narayan Chaudhury : He has merely said that they were in hospital.

The Honourable Mr. A. G. Clow : If the Honourable Member will read the report, he will find that the particulars of the accident are so clear that it would not add anything to take the further evidence of these witnesses.

ATTEMPTS TO DERAIL TRAINS.

161. ***Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member for Railways state :

- (a) the number of attempts to derail trains that have been discovered from 1935-36 uptodate and the places where such incidents occurred ;

- (b) in how many of these cases, criminal prosecution was started ;
in how many cases conviction was secured ;
- (c) in how many of the cases Railway employees or *ex-Railway*
employees were proved to have been concerned ; and
- (d) in how many cases Railway or *ex-Railway* employees were
believed by the Railway Administration to have been privy ?

The Honourable Mr. A. G. Clow : (a) and (b). I am having a statement compiled giving the information asked for by the Honourable Member, which relates to all Class 1 railways except those worked by Indian States, and it will be placed in the Library of the House in a few days time.

(c) The number of cases is two.

(d) The number of such cases was 24.

NEGOTIATIONS FOR A TRADE AGREEMENT WITH THE UNITED STATES OF AMERICA.

162. ***Mr. T. S. Avinashilingam Chettiar :** Will the Foreign Secretary state :

- (a) whether any trade negotiations are going on with the United States of America ?
- (b) if so, at what stage the negotiations are ; and
- (c) when they are expected to be concluded ?

Sir Aubrey Metcalfe : With your permission, Sir, I will answer parts (a), (b) and (c) together. Correspondence is at present taking place between the Government of India and His Majesty's Government in the United Kingdom with a view to exploring the possibility of a commercial treaty between India and the United States of America. The stage for formal negotiations has not yet been reached.

Mr. T. S. Avinashilingam Chettiar : When the stage for formal negotiations is reached, may I know whether the negotiations will be conducted direct by the Government of India or through His Majesty's Government ?

Sir Aubrey Metcalfe : It will be done through His Majesty's Government.

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

Sir Aubrey Metcalfe : So far as I know Indian interests are not involved in the negotiations.

Mr. T. S. Avinashilingam Chettiar : Will the commercial interests of India be consulted before the negotiations take place ?

Sir Aubrey Metcalfe : The Government of India will of course look after the interests of this country.

Mr. M. Ananthasayanam Ayyangar : Did the initiative proceed from the Government of India or from the Government of United States ?

Sir Aubrey Metcalfe : I should not be able to answer that question without notice.

Mr. M. Ananthasayanam Ayyangar : What is the general policy of the Government of India in such matters where there is a favourable trade balance in favour of India ? Is it necessary for India to begin negotiations and conclude a trade treaty ?

Sir Aubrey Metcalfe : I submit that that question does not arise.

Mr. S. Satyamurti : I propose to ask parts (b) and (c) only of this question. I do not ask part (a).

ARREST OF INDIANS IN MOSCOW AND LENINGRAD.

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

* * * * *

(b) whether Government have ascertained information on this matter and what the information in the possession of Government is ; and

(c) whether Government have addressed or propose to address His Majesty's Government to take up the matter with the Government of Russia so that steps may be taken to protect the lives of these Indians, and to see that they are properly defended, if they are tried ?

Sir Aubrey Metcalfe : The answer to parts (b) and (c) is :

“ His Majesty's Government from whom enquiries have been made state that they have no information of any arrests such as those alleged, and they are not in a position to make enquiries or take any steps in the matter without further particulars.”

Mr. S. Satyamurti : May I take it, therefore, that His Majesty's Government have now ascertained through their representative in Russia and to the best of their knowledge that no Indians have been arrested ?

Sir Aubrey Metcalfe : That is not the position. The position is this : His Majesty's Government say that they are perfectly ready to make enquiries and to do anything they can, but that before effective enquiries could be made by their representative, they would be glad to receive some further particulars from people who raised this question.

Mr. S. Satyamurti : Have His Majesty's Government made a general enquiry of the Russian Government through their representatives or will they make a general enquiry as to whether any Indian has been arrested in Moscow or Leningrad ?

Sir Aubrey Metcalfe : As far as I know they have not ; but the point is this, that general enquiries of that kind could have no possible effect or success.

LATEST POSITION IN WAZIRISTAN.

164. *Mr. S. Satyamurti : Will the Secretary for External Affairs please state :

- (a) the latest position in Waziristan, the number of casualties, Indian and European, officers and ranks, since 1st January this year in those operations, the amount of money spent in those operations, since the beginning of this financial year ;
- (b) whether any attempts have been made to get into touch with the Congress Government of the North-West Frontier Province in regard to the settlement of this problem ; and
- (c) whether Government propose to give facilities to Mahatma Gandhi and Khan Abdul Ghaffar Khan to visit the tribal areas and to advise Government on the basis of a proper and permanent solution ?

Sir Aubrey Metcalfe : (a) The present position in Waziristan is that there are still a number of gangs moving about in small numbers and making sporadic attacks on Government forces and property. These gangs are believed to be instigated by the Faqir of Ipi who still remains implacably hostile to Government and continues to receive considerable support from the hostile elements.

The number of casualties since 1st January, 1938, is as follows :

<i>Regular Forces.</i>				Wounded.	Killed.
British Officers . .				2	1
Indian Officers	..	..	..	..	6
British other ranks				5	13
Indian other ranks	..			20	74
Followers		..		1	4
Total				28	98
<hr/>					
<i>Scouts.</i>					
British officers . .	..	..		1	..
Indian officers ..	..	..	..	..	1
Indian other ranks	..		..	6	18
Total				7	19

The extra expenditure incurred between 1st April to 30th June, 1938, amounts to Rs. 10 lakhs.

(b) and (c). No.

Mr. S. Satyamurti : With reference to part (c), may I know the reasons why the Government do not propose to give facilities to Mahatma Gandhi or Khan Abdul Ghaffar Khan to visit these tribal areas and to advise the Government on the basis of a proper and permanent settlement ?

Sir Aubrey Metcalfe : One reason is that no such facilities have been asked for.

Mr. Abdul Qaiyum : In view of the fact that the forward policy of the Government of India is reacting on the administration of the settled districts—there has been a raid and kidnapping in Bannu—why is it that the Government of India still persist in their policy of not consulting the Provincial Government of the North-West Frontier Province ?

Sir Aubrey Metcalfe : Formal consultation with the Provincial Government would be difficult in the present constitutional circumstances in which the responsibility for administration of the tribal areas rests with the Governor General.

Mr. S. Satyamurti : Is there any constitutional objection to the Government of India informally consulting the Congress Government of the North-West Frontier Province, with reference to this matter, in view of the fact that these tribal areas are just adjacent to that province ?

Sir Aubrey Metcalfe : I have very little doubt that informal consultation does in fact take place. But my point is that there are constitutional objections to formal consultation.

Mr. Abdul Qaiyum : Is it a fact that in view of the raid on Bannu, the administration of law and order by the Provincial Government in Bannu district has become almost impossible ?

Sir Aubrey Metcalfe : I think the Honourable Member is asking me for a certain expression of opinion.

Mr. M. Ananthasayanam Ayyangar : How is it that even after two years' operations the Government of India have not been able to get at Faqir of Ipi ?

Sir Aubrey Metcalfe : Do you want me to answer this question, Sir ?

Mr. President (The Honourable Sir Abdur Rahim) : No.

Maulvi Abdur Rasheed Chaudhury : Why is it that the casualties among the British officers are so few compared with Indian officers and other ranks ?

Sir Aubrey Metcalfe : Because there is a very much higher proportion of Indian troops employed in these operations.

Mr. M. Ananthasayanam Ayyangar : My question has not been answered, Sir. I wish to know why. If I know the reasons, I shall perhaps avoid in future putting such questions ?

Mr. President (The Honourable Sir Abdur Rahim) : Because that question does not arise and it also requires a speech if answered.

ESCORT OF THE SHAMI PIR FROM KARACHI BY AEROPLANE.

165. ***Mr. S. Satyamurti** : Will the Secretary for External Affairs please state :

- (a) whether his attention has been drawn to the article in the *Daily Islah*, the official organ of the Afghan Government, published in the *Hindustan Times* of the 21st July, 1938 ;
- (b) whether the Government of India escorted the Shami Pir from Karachi by aeroplane ;
- (c) whether he was escorted by the Political Agent of the North-West Frontier Province up to Karachi aerodrome ; and
- (d) whether there has been any correspondence between the Government of Afghanistan and the Government of India on this matter ?

Sir Aubrey Metcalfe : (a) Yes.

(b) No.

(c) and (d). Yes.

Mr. S. Satyamurti : With reference to part (b) may I know whether the answer ' No ' means that they have not escorted the Shami Pir from Karachi by aeroplane ?

Sir Aubrey Metcalfe : Certainly ; it could not mean anything else.

Mr. S. Satyamurti : Whether formally or informally ?

Sir Aubrey Metcalfe : Neither formally nor informally.

Mr. Abdul Qaiyum : Is it not a fact that this Shami Pir was escorted to Nathiagali where he was the guest of the Agent to the Governor General ?

Sir Aubrey Metcalfe : There is absolutely no foundation whatever for that suggestion. The Shami Pir was taken direct to Delhi and then direct to Karachi. On no occasion did he have any interview with the Agent to the Governor General.

Mr. Abdul Qaiyum : Is it not a fact that the Indian Agent was asked to arrange a dinner for him at Nathiagali ?

Sir Aubrey Metcalfe : No ; it is a complete fabrication. It has no foundation whatever in fact. I think what the Honourable Member is referring to is an entirely different person, who went to Murree and saw the Agent to the Governor General, but this person had no connection whatever with the Shami Pir.

Maulana Zafar Ali Khan : May I know whether this Shami Pir, as his name implies, was first a citizen of Syria ?

Sir Aubrey Metcalfe : I want notice if the Honourable Member wants the life history of Shami Pir ?

Maulana Zafar Ali Khan : When did he land in India ?

Mr. President (The Honourable Sir Abdur Rahim) : That question does not arise.

Maulana Zafar Ali Khan : Is it not a fact that the Afghan Envoy in London recently demanded the extradition of Shami Pir because he was involved in military operations on the Frontier border ?

Sir Aubrey Metcalfe : I submit that the question relates to a matter connected with relations between His Majesty's Government and a Foreign State.

Mr. Abdul Qaiyum : Is it not a fact that the Shami Pir's men were
12 Noon. bombed by the Afghan air force in British tribal
 territory ?

Sir Aubrey Metcalfe : That question does not seem to arise.

Mr. Abdul Qaiyum : Who is this other gentleman who saw the Agent to the Governor General ?

Sir Aubrey Metcalfe : I cannot answer that unless notice is given.

ABOLITION OF *Jirga* SYSTEM IN BALUCHISTAN AND THE WITHDRAWAL OF THE FRONTIER CRIMES REGULATIONS.

166. ***Mr. S. Satyamurti :** Will the Secretary for External Affairs please state :

- (a) whether representations have been made to him asking for the abolition of *jirga* system in Baluchistan and the withdrawal of the Frontier Crimes Regulations and raising the administration of the Province to the level of the rest of India ;
- (b) whether Government have taken or propose to take any action thereon ; and
- (c) if not, why not ?

Sir Aubrey Metcalfe : (a) No.

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

Mr. Lalchand Navarai : Is the Honourable Member aware that with regard to the Sind frontier the Sind Government has set up a committee to report whether this *jirga* system and the Frontier Regulations should exist or not ? In view of that will the Honourable Member ask the Baluchistan Government also to do the same ?

Sir Aubrey Metcalfe : I have no information as to what the Sind Government are doing. It is not within my province.

Dr. Sir Ziauddin Ahmad : Is it not a fact that the administration by *jirga* is a negation of justice ?

Sir Aubrey Metcalfe : That, again, is asking for an expression of opinion.

(b) WRITTEN ANSWERS.

EXPERT ENQUIRY *re* XB ENGINES.

167. *Mr. S. Satyamurti : Will the Honourable Member for Communications please state :

- (a) whether Government propose to appoint an expert committee to enquire into the working of XB engines as recommended by Sir John Thom in his report on the Bihta disaster ;
- (b) when they propose to appoint a committee ; and
- (c) what the composition and terms of reference of this committee will be ?

The Honourable Mr. A. G. Clow : (a) to (c). I would refer the Honourable Member to the press communiqué, dated the 26th July, 1938, issued by Government in connection with the appointment, constitution and terms of reference of the expert committee, a copy of which is in the Library of the House.

EXPENSES IN CONNECTION WITH THE VISIT OF THE SULTAN OF MUSCAT.

168. *Mr. Manu Subedar : Will the Foreign Secretary state :

- (a) whether the Sultan of Muscat was invited to India by the Government of India ;
- (b) whether his expenses, or any part thereof, during his stay in India were paid from the revenues of India ;
- (c) what was the amount spent directly and indirectly ;
- (d) whether the expenses of his visit to England were defrayed by the Indian exchequer, or any part of such expenses incurred in England was defrayed by the India Office, or the High Commissioner for India ; if so, what the amount was ; and
- (e) whether any attempt has been made to recover from the United Kingdom the moneys spent in respect of Muscat in connection with the above, as well as in connection with the Political Residency located there ?

Sir Aubrey Metcalfe : (a) Yes.

(b) Yes.

(c) Rs. 9,482.

(d) The entire expenses of this visit were defrayed by His Majesty's Government.

(e) No attempt has been made to recover the money spent on the entertainment of the Sultan of Muscat during his visit to India as the official guest of the Government of India. The question of a contribution by His Majesty's Government towards the cost of the Political Agency at Muscat is at present under discussion with His Majesty's Government.

RESPONSIBILITY FOR ACCOUNTS AND AUDIT OF RAILWAYS.

169. ***Mr. Manu Subedar** : (a) Will the Honourable Member for Railways please state if it is true that under the convention which separated the railway finance from general revenues, the responsibility for accounts and audit was placed on the Finance Department, represented on the Railway Board in the person of the Financial Commissioner ?

(b) Is it true that this system worked very well for more than a decade ?

(c) Is it a fact that Agents, Deputy Agents and Chief Engineers of Railways, mostly Englishmen, have resented the exposition of irregularities and the waste or misdirection of public funds ?

(d) Is it true that this resentment has been caused largely because the Accounts Officers and Auditors responsible to the Financial Commissioner were in many cases Indians ?

The Honourable Mr. A. G. Clow : (a) The convention of 1924 by which railway finances were separated from general revenues did not modify the position in regard to railway accounts and audit, the responsibility for both of which then rested with the Auditor-General. In accordance with a Resolution moved by Government in the Assembly in September, 1925, the responsibility for the accounts and the control of accounts establishments was transferred to the Financial Commissioner for Railways.

(b) This is a matter of opinion.

(c) and (d). No.

INTRODUCTION OF RECRUITMENT SYSTEM THROUGH LABOUR BUREAUX FOR THE SUBORDINATE AND MENIAL STAFF ON STATE-MANAGED RAILWAYS.

170. ***Prof. N. G. Ranga** : Will the Honourable Member for Railways and Labour be pleased to state :

(a) whether Government have examined the desirability of introducing the system of recruitment through Labour Bureaux for the subordinate and menial staff on State-managed Railways ;

(b) whether Government are thinking of implementing the recommendation of the Royal Commission on Labour that :

(i) after 12 months' continuous service, all employees should be monthly rated and as soon as possible made eligible for all service privileges which that carries ; and

(ii) on completion of one year's service, all employees should be eligible to join a provident fund, membership being optional for those drawing under Rs. 20 and compulsory for those drawing Rs. 20 or over per mensem ?

The Honourable Mr. A. G. Clow : (a) The question was examined on a limited scale in connection with the recommendations of the Royal Commission on Labour in India which is numbered 119 in Appendix I to their Report. For the action taken, I would refer the Honourable Member to page 4 of the " Report showing the action taken by the Central and Provincial Governments on the recommendations made by the Royal Commission on Labour in India requiring administrative action ", a copy of which will be found in the Library of the House.

(b) (i) The consideration of this recommendation which had special reference to railway workshops has been indefinitely postponed, but I should explain that in some of the State-managed Railway workshops the workshop labour is monthly rated and that the workshop staff, whether monthly rated or daily rated, is eligible for privileges such as leave, notice regarding termination of service and option to subscribe to the State Railway Provident Fund after the completion of three years' continuous service.

(b) (ii) The consideration of this has been postponed indefinitely on financial grounds. I would refer the Honourable Member to Sir Thomas Stewart's speech of 21st February, 1938, appearing on page 895 of the Legislative Assembly Debates for that day.

PROPOSAL TO CLOSE THE BRANCH LINE BETWEEN AGRA AND BAH.

171. ***Mr. Badri Dutt Pande :** Will the Honourable Member for Communications be pleased to state :

- (a) if, on the recommendations of the Wedgwood Committee, it is proposed to close the uneconomic branch line between Agra and Bah (Great Indian Peninsula Railway) ;
- (b) whether the United Provinces Government were consulted over this affair ; and
- (c) if so, with what results ?

The Honourable Mr. A. G. Clow : (a) It is proposed to close the Agra-Bah line on the 1st January, 1939.

(b) Yes.

(c) The Government of the United Provinces while emphasising the administrative importance of the line stated that, owing to their financial condition, they were not in a position to make any contribution in order to keep the line open to traffic.

UNSTARRED QUESTION AND ANSWER.

†7.

†This question was withdrawn by the questioner.

SHORT NOTICE QUESTIONS AND ANSWERS.

RIOTS IN BURMA.

Mr. S. Satyamurti : Will the Secretary for Education, Health and Lands be pleased to state :

- (a) the latest position with regard to the Indo-Burman riots in Rangoon ;
- (b) the causes of these riots so far as they are known to Government ;
- (c) the total number of casualties, Indian and Burman, as a result of these riots ;
- (d) the loss of property as a result of these riots ;
- (e) the steps taken so far to quell the riots and the results thereof ; and
- (f) what steps, if any, the Government of India propose to take in consultation with the Government of Burma to remove all causes of misunderstanding between Indians and Burmans in Rangoon and in Burma generally ?

Sardar Mangal Singh : Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether it is a fact that wide-spread riots have recently taken place in Burma between the Burmans and Indians ;
- (b) the total number of Indians killed and wounded and loss of property suffered by them in these riots ;
- (c) the steps taken by the Government of India to protect the lives and property of Indians in Burma ;
- (d) the latest position of the riot situation in Burma ; and
- (e) whether Government will issue an authoritative communiqué regarding these riots for the information of the public ?

Maulana Zafar Ali Khan : Will the Secretary for the Department of Education, Health and Lands be pleased to make a full statement in regard to the furious, sanguinary riots that have broken out in Burma and caused immense loss of life and property, with special reference to the number of casualties and approximate loss in property sustained by the Indians and the measures taken by the Government of India to protect its nationals ?

Sir Girja Shankar Bajpai : Sir, with your permission, I shall answer the three questions together. First as to the origin of these riots and the present situation, on the afternoon of the 26th July, a mass meeting of Pongyis and laymen was held at the Shwedagon Pagoda to protest against certain remarks in a book written by a Burmese Muslim which offended Buddhists. After the meeting a procession took place and there was a clash with the police and disorder spread through various quarters of the town. Troops arrived quickly on the scene and also additional police and by 4 A.M. on the 27th morning the city appeared to be almost

normal. A notification proscribing the book was issued on the 27th morning. The Muslim community had already on the 24th July expressed regret at the publication and dissociated itself from the sentiments contained in the book. About 9 A.M. on the 28th, as a result of rumours of an assault on Pongyis by three Indians, rioting broke out afresh in all quarters of the city. Orders were issued by the District Magistrate to all the newspapers forbidding the publication of anything likely to excite communal feeling and prohibiting the assembly of more than five persons. The police were reinforced by troops and armoured cars and the detachments of the frontier force. The situation remained disturbed throughout the night of 28th—29th and there was considerable looting and assaults in all areas. Further reinforcements of the troops and frontier force arrived. Evacuations were carried out on the 29th July where possible of any Burmans or Indians from places where they were insecure. On the 30th of July the situation had definitely improved and communal tension had eased. All open looting and assault had been ended and further evacuations were vigorously undertaken. Markets were opened and conservancy arrangements restored. A joint appeal for peace and reconciliation has been issued by leaders of the Burmese and Indian communities endorsed by Sanghas and younger Pongyis. The improvement has continued steadily and conditions are now practically normal. There were reports of isolated cases of looting and assault on the borders of Rangoon on the 29th July, and the police were reinforced. On the night of the 30th July, trouble broke out in Mandalay on account of this same book when there was serious rioting accompanied by looting and assault. The situation was always kept well in hand. Orders under section 144 prohibiting meetings of more than five persons were issued on the 31st morning. 135 persons were arrested on the same day. There was distinct improvement by the 2nd August when trams were running and shops re-opened. This improvement has continued up to date. There were disturbances on the 30th July, and on subsequent dates in places in Shwebo, Magwe, Pakokku, Myingyan, Yamething, Tungoo, Prome, Tharrawaddy, Pegu, Insein, Hanthawaddy, Myaungmya, Pyanpon and Henzada districts. Additional forces were sent where necessary. The position in the districts at present is definitely much improved though in one or two districts tension still exists.

With regard to parts (c) and (d) of Mr. Satyamurti's question, accurate figures of casualties among Burmans and non-Burmans for the whole country are not yet available ; nor can an estimate of the extent of the loss of property yet be made. There is no destitution among Indians in Rangoon and none has been reported from the districts.

(f) Honourable Members will appreciate that the restoration of friendly relations between the Indian and Burman communities in Burma is primarily a matter for the communities themselves, aided by the efforts of their leaders and the Government of Burma. The House may, however, rest assured that the Government of India will continue to watch the future with care and take any action that may appear desirable to them to restore friendly relations between Indians and Burmans.

Mr. S. Satyamurti : May I ask whether the Government of Burma have been actively co-operating with the Government of India in seeing to the restoration of normal relations between Indians and Burmans there ?

Sir Girja Shankar Bajpai : The position is this that so far as the Government of India are aware, the Government of Burma have done at every stage everything possible to deal with the situation in an effective and impartial manner.

Mr. S. Satyamurti : May I know what are the one or two districts to which my Honourable friend referred in which tension still exists, and whether Government are getting reports daily from their Agent in Burma with regard to the position in those districts in which tension still exists ?

Sir Girja Shankar Bajpai : I believe, Sir, that the two districts where tension still exists are Tharrawaddy and Henzada. They were prominent, if my Honourable friends will remember, in the rebellion of 1930-31 also, but I gather that the situation there is well in hand. As regards the Agent, my Honourable friend perhaps does not realise that he has not yet gone to Burma.

Maulana Zafar Ali Khan : May I ask whether it is a fact that hundreds of Indians not only from Rangoon but from the interior of Burma have left the country knowing positive that their honour and religion and culture and property are not safe, and five hundred of such people have landed recently in Madras ? What action do Government propose to take with regard to protecting the interest of these five hundred or thousand people ?

Sir Girja Shankar Bajpai : Sir, I have not seen any report to the effect that 500 Indians have returned from Burma to Madras.

Maulana Zafar Ali Khan : It appeared in the papers.

Sir Girja Shankar Bajpai : It is quite possible, but I am giving the information which I have from the Government of Burma ; I would rather base myself on official information than on press reports. It is quite possible that considering the rioting that happened some people more timid than others caught fright and came away to seek safety in India. But my Honourable friend may rest assured that the Government of Burma will themselves, as soon as order is restored, take up the question of what measures are necessary to prevent a recurrence of these unfortunate incidents in future.

Maulana Zafar Ali Khan : We know that Government have to bow down to the majority, and 95 per cent. of the inhabitants are Burmans and five per cent. are Indians. The question is not a religious one. The question is a political one, and a large majority of the Burma nationalists look upon these Indians as undesirables and would like to possess their property. That is the fact. Under these circumstances, do the Government of India intend to put themselves in communication with the Government of Burma and call upon them to look at this question from that point of view ?

Sir Girja Shankar Bajpai : My Honourable friend has suggested that on this occasion also the real motive behind the rioting is economic. According to such information as we have from the Government of Burma, that is not so. I would like my Honourable friend to appreciate the fact that, although, as he says, the present Government of Burma are a responsible Government and are responsible to the majority of the

people of Burma who again are Burmans, they have not hesitated to arrest in very large numbers their own people. That really bears out what I said, namely, that they have dealt with the situation both effectively and impartially.

Maulana Zafar Ali Khan : Are the Government of India prepared to see to it that those people who have suffered will receive compensation ?

Sir Girja Shankar Bajpai : We have already put ourselves in communication with the Government of Burma to enquire as to what action they propose to take after peace has been restored....

Maulana Zafar Ali Khan : Compensation included ?

Sir Girja Shankar Bajpai :after peace has been restored, to deal with legitimate claims for compensation. We have not yet had an answer to that.

Mr. S. Satyamurti : In view of the fact that there is no Agent in Rangoon—I am obliged to my Honourable friend for correcting me on that matter—may I know whether Government have taken or will take any steps immediately to see that there is somebody there responsible to the Government of India to watch Indian interests ?

Sir Girja Shankar Bajpai : As a matter of fact, the Agent will be proceeding in the course of this month to Burma in order to take up his duties. I would like now to make it clear to the House that if that Agent can in any way assist the Government of Burma in the task of appeasement he will certainly be happy to do so.

Mr. Manu Subedar : It has been reported to me through business correspondence that there was no adequate police force at various stages of the disturbance in and near Rangoon, in the industrial area ?

Sir Girja Shankar Bajpai : From what I have read out to the House it will be clear that the Government of Burma did their utmost to have sufficient forces available at different threatened places. But whether at a particular time or at a particular place there was an inadequacy of police force I cannot say.

Mr. Manu Subedar : In view of the fact that I have it definitely in writing from responsible persons who have written to me that at certain stages when they approached the police in order to save the lives of the factory men and workers and the property of the factory there was no adequate police, will the Honourable Member take up with the Government of Burma this question of adequacy of police in case of disturbances ?

Sir Girja Shankar Bajpai : If the Honourable Member will be good enough to let me have the particulars which he says he has in his possession I shall see what action the Government of India can suitably take.

Mr. Abdul Qaiyum : Were any troops sent out to Burma from India as soon as the trouble started ?

Sir Girja Shankar Bajpai : No troops have been sent out from India because the forces in Burma were quite adequate.

Maulvi Abdur Rasheed Chaudhury : Were there any Indian troops in Burma to protect the lives of the Indians there ?

Sir Girja Shankar Bajpai : Burma is a separate country and I do not see how Indian troops can be maintained there for the protection of Indian lives.

Sardar Mangal Singh : May I know how many Indians have been arrested in the cases arising out of these riots ?

Sir Girja Shankar Bajpai : I shall have to get particulars regarding that from the Government of Burma.

Mr. M. Ananthasayanam Ayyangar : May I know why, if a Burmese Muslim was responsible for the book, Indians got into trouble ?

Sir Girja Shankar Bajpai : That is a question which ought to be addressed to the rioters.

MOTIONS FOR ADJOURNMENT.

SITUATION IN WAZIRISTAN.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. The House will remember that the Honourable Member, Mr. Abdul Qaiyum, sought to move a motion for an adjournment of the business of the Assembly the other day with reference to the situation in Waziristan and he was asked whether he had obtained the consent of the Governor General which was necessary under the rules. I believe he has applied since then and I am informed that the consent has been withheld.

Mr. Abdul Qaiyum (North-West Frontier Province : General) : May I say something ?

Mr. President (The Honourable Sir Abdur Rahim) : No.

SIR PHILIP CHETWODE'S REFLECTIONS ON INDIAN OFFICERS IN THE INDIAN ARMY.

Mr. President (The Honourable Sir Abdur Rahim) : I have received a notice of motion from Mr. Asaf Ali to the effect that he proposes "to move the adjournment of the business of the Assembly for the purpose of discussing a definite and specific matter of urgent public importance of recent occurrence namely, that the Defence Secretary declined in reply to question No. 98, on the 10th August, 1938, to dissociate the Government of India from Sir Philip Chetwode's sweeping and public remark that 'the Indians who are now taking the King's Commission are not of the right class', which is a very serious reflection on the Indian Officers who are serving in the Indian Army". This motion has been disallowed by the Governor General.

Mr. M. Asaf Ali (Delhi : General) : I shall wait till Monday when Mr. Ogilvie's Bill comes up.

GOVERNMENT'S REFUSAL TO ANSWER CERTAIN QUESTIONS.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. The next motion is in the name of Mr. Satyamurti. He raises the same question which has repeatedly been discussed and on which I have given a ruling before.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : I submit that this is a question which has not been ruled on by you, Sir. It is not a question of matters under consultation between the Governor General and the Members of the Executive Council, nor am I raising the question of the right of even this Government to say with regard to any question that it refuses to answer on the ground of public interest,—that public interest would be adversely affected if answered. If it were a responsible Government, we can kick it out ; but still they sit there and enjoy the privileges of that Government and say that they cannot answer. The point I am raising is not the right of Government to say with regard to any particular question that they cannot answer because they consider that their answering it is against the public interest, but I am raising the other point that both the Honourable the Leader of the House and the Honourable the Finance Member advanced, in the course of supplementaries on matters which are under correspondence between the Government of India and the Secretary of State, or between the Government of India and the Local Governments, namely, a new theory, that ordinarily they will not answer questions even on matters of fact in respect of those matters of correspondence, as a matter of general policy.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member will find that I have given a ruling on that point in 1935.

Mr. S. Satyamurti : I am sorry I did not look up that ruling. If my point is covered by that ruling then I am out of court. Is there a ruling on this specific matter ?

Mr. President (The Honourable Sir Abdur Rahim) : Yes, in 1935. Page 1801. I will read it out.

“ The Honourable Sir Joseph Bore : (c) The normal practice is not to disclose the nature of communications which have passed between the Secretary of State and the Government of India. As a special case, I am giving a categorical reply on this particular occasion. The answer is in the negative. ”

Mr. S. Satyamurti : May I take it that the Government of India were consulted by the Secretary of State, before he made the statement in the House of Commons saying that the result of the vote is nil ?

“ The Honourable Sir Joseph Bore : I must adhere to the procedure which I have just now indicated, namely, not to disclose what has passed between the Secretary of State and the Government of India. ”

Then, I ruled :

“ The Chair thinks that question was raised before. It is quite open to Honourable Members to put questions as regards the communications that have passed between the Government of India and the Secretary of State, but at the same time, the Chair thinks, the Governor General has authority to disallow any information being given which he considers to be detrimental to public interest, and when Honourable Members, sitting on the Treasury Benches, representing the Government of India, refuse to disclose any communication that has passed, it is to be presumed that they do so on grounds that it will be detrimental to public interest to disclose any such information. ”

Mr. Satyamurti raised certain points and the Chair then said :

“ The Chair has already given its ruling, and, if necessary, it will reconsider the matter. But the Chair does not think that it has been ever the practice to compel Members of Government to disclose information which they consider to be detrimental to public interest. ”

I have also ruled that no adjournment motion lies on the refusal of Government to answer any question.

Mr. S. Satyamurti : If I may say so respectfully, that was in regard to a particular question.

Mr. President (The Honourable Sir Abdur Rahim) : This practice has been laid down from 1935 : I know it has been going on all the time.

Mr. S. Satyamurti : But let us censure them.

Mr. President (The Honourable Sir Abdur Rahim) : Then the Honourable Member knows that it is not an urgent matter.

Mr. S. Satyamurti : It is urgent, Sir, if you will kindly look at the answers to the supplementary questions : the Government claim that as a matter of right they will not ordinarily answer such questions : that is what I want to censure them for : with regard to a particular question it is perfectly open to any Government Member to say : " I will not answer this because I consider that public interest will be adversely affected ". That is not the matter that I want to censure them for.....

Mr. President (The Honourable Sir Abdur Rahim) : Then the Honourable Member ought to have done that in 1935.

Mr. S. Satyamurti : You will remember, Sir, that in giving your ruling you said that if necessary you will reconsider your decision. Rule 9 is there, and it lays down specifically that even in matters of policy questions can be asked and answered as regards the facts. I was hoping that, in view of the broad hints of the Chair the Government would answer such questions : even you, Sir, had said that it is for them to answer or not and I was hoping that they would mend their ways. But they have now gone to the extent of claiming as a right that they will not ordinarily answer questions of this kind. I submit that this is a recent matter that came up only in the course of the answers on the 9th and the 10th. The Honourable Sir James Grigg has now started a new theory that even as regards Local Governments they will follow the same policy and no question will be answered. It seems to me that a practice of this kind ought not to be allowed to develop. They should not be allowed to claim the privilege of disobeying Rule 9. They must in each case claim that public interests would be adversely affected if a question was answered. That is the matter on which I want your ruling.

Mr. President (The Honourable Sir Abdur Rahim) : I think this matter is concluded by previous rulings. It has already been ruled by the Chair and it is also the practice in Parliament that if any Member of the Government refuses to answer a particular question on the ground that the answering of such question is not in the public interest or rather will be detrimental to the public interest, no motion for adjournment can lie.....

Mr. S. Satyamurti : That is not the point.

Mr. President (The Honourable Sir Abdur Rahim) : Then, Mr. Satyamurti says that the Honourable Leader of the House, Sir Muhammad Zafrullah Khan, on the 9th instant, in answer to certain questions, said :

" The normal practice is that when communications pass between the Secretary of State and the Government of India, not to disclose any such information or to give any information on the subject at all."

Now, that was the very position that was taken up by Sir Joseph Bhore in 1935, when the question was started by Mr. Satyamurti himself (Volume II, 1935, at page 1801). To the best of my recollection I have always noticed that Government in certain cases refused to disclose the nature of any communication that has passed between the Secretary of State and the Government of India or even to say whether they were consulted or not. As I have pointed out on the 9th, it is a matter which it is impossible for the Chair to pronounce any opinion on, whether in a particular case the Government is or is not justified in saying that they will not give any information whether they were consulted by the Secretary of State or the Local Government in any particular matter, much less to disclose the nature of the communications. I must lay down again that this matter is entirely concluded by the previous rulings here and the rulings in Parliament as well as the practice that has grown up in this country.

I think that is the last motion.

**MOTION *RE* REPORT BY THE HONOURABLE SIR JOHN THOM
ON THE CAUSE OF THE RAILWAY ACCIDENT NEAR
BIHTA.**

Mr. President (The Honourable Sir Abdur Rahim) : I have to inform the House that as regards the motion that stands in the name of the Honourable Mr. Clow, I have consulted the Leaders of Parties and the Government as regards the point whether there should be a time-limit for speeches or not : and the Leaders of Parties whom I have consulted propose that the Honourable Mr. Clow when moving his motion will have 20 minutes, and 15 minutes will be allowed to other speakers. Mr. Clow will have 30 minutes for replying to the debate. May I take it that this proposal will suit the convenience of Honourable Members generally ?

Honourable Members : Yes.

Mr. President (The Honourable Sir Abdur Rahim) : Then that arrangement will be followed.

The Honourable Mr. A. G. Clow (Member for Railways and Communications) : Sir, I move :

“ That the Report by the Honourable Sir John Thom on the cause of the Railway accident near Bihta on the East Indian Railway on the 17th July, 1937, be taken into consideration.”

I shall assume that Honourable Members have read and pondered over Sir John Thom's report and shall not attempt any summary of it. I think I can most usefully serve the House if I devote the time at my disposal to dealing with the practical issues which that Report raises and to giving an account of the measures which we are taking or intend to take on the report. But before entering on that I would like just to make one observation which I hope will appeal to all Members of the House. I am sure that whatever differences we may have regarding the difficult matters that this Report raises, there is one point on which we shall all be at one, and that is in our regret at this deplorable accident and our sympathy with those who have suffered by it. Some of us have known personally something of the sorrow that a fatal railway accident can bring, and when an accident occurs on this scale, I am sure we all realise that it must have darkened permanently many homes.

[Mr. A. G. Clow.]

I propose to deal first with the single recommendation that Sir John Thom has made. Honourable Members will find that in paragraph 182 of the Report. As the House is already aware, steps have been taken to constitute a committee which will be charged among other things with the duty of carrying out the inquiry which the learned Chief Justice suggested. The personnel of the Committee and the terms of reference to it have already been published ; and as Honourable Members will realise the terms cover a somewhat wider field than Sir John Thom suggested. We felt that it was of the utmost importance that we should get the best expert advice we could on this question, but having been fortunate in collecting a number of eminent experts, we felt that it was desirable to get the benefit of their experience and knowledge on a wider issue, and we have asked them to report not merely on the XB engines, but on the other two somewhat similar types of passenger broad gauge engines known as XA and XC engines. And we have also felt it desirable that the inquiry should not look merely to the past, but also to the future. It is very important from the point of view of the Railways that they should get the best use of these engines they can, consistently with the public safety, and that for this purpose they should have the best expert advice that we could secure.

I might perhaps allude in passing to some criticisms I have noticed in one or two quarters regarding the composition of the Committee. No one has questioned the eminence of the gentlemen who have agreed to serve. It is a Committee, I think, extraordinarily well qualified for the task entrusted to it. The criticism arises rather from the fact that four out of the five members come from abroad. Now, so far as criticisms outside the House are concerned, I am afraid they are founded in part on what, in an article I saw last week alluding to her own country, Madame Chiang Kai-shek described as the " old scorn of foreign technical help ", but I recognise that Members inside the House may have had doubts on the ground that there may be railway experts in India itself capable of giving us the advice we need. On that point I would only say this. I think we could have got some good technical advice from some experienced officers of our Railways,—I have in mind particularly those who have been engaged in the design of the engines and also from civil engineers on the Railways. But I would ask the House to remember that this is a matter in which the policy of the Railway Board itself is likely to come under review, and I am quite sure that if we had selected a certain number of railway officials, European or Indian, however capable they were, the House would have been the first to tell us that we were not carrying out Sir John Thom's intentions. His recommendation was for " a thorough, searching and independent inquiry ". An inquiry by subordinates of the Railway Board could not possibly have been regarded as independent, quite apart from any difficulty that such officers might have felt in commenting on the Railway Board's policy. I may say that we have been, I think, very fortunate in securing one gentleman who, in addition to having the high qualification of a Chief Engineer on a Railway, holds a uniquely independent position as a Member of the Federal Public Service Commission.

I turn now to the question of speed. After the publication of the Report, instructions were issued regarding speed restrictions, and the House was given, I think, some particulars of that by Sir Thomas Stewart

last Session. I would only refer here briefly to the main results. An absolute maximum of 45 miles per hour has been imposed on all the X class passenger engines on the East Indian, Eastern Bengal, and the Great Indian Peninsula Railways. This has involved the withdrawal of XBs from mail and express services on two of these railways; there are no XBs on the third. Other railways were directed to secure the imposition of a similar absolute maximum where any distortion had recently occurred. Actually restrictions have gone further than that, particularly on the Madras and Southern Mahratta and South Indian Railways. Now, the result of all this has been a considerable slowing up on some lines, especially on the East Indian Railway. We have received a considerable number of complaints on that score. I received only last week from a gentleman, who apparently did not realise that you cannot slow down fast trains without interfering with all the other traffic, the following suggestion :

“ It is hopeless even in this modern age the East Indian Railway cannot maintain their speed which proves the whole of the administrative staff are inefficient and not worth while to be retained in the public service which is a mere waste of public funds.”

I am prepared to admit that in some cases restrictions may have gone further than is necessary. I am thinking particularly of the Madras and Southern Mahratta Railway where my own view, which is shared by the Agent, is that the restrictions imposed are hardly warranted by the experience of that railway itself, where these XB engines have run smoothly and efficiently. But I think the majority of the House will agree that at the present juncture and before the Committee comes out it is better that we should err on the safe side, if we are going to err at all, and I have great hopes that the advice of the technical Committee will show us in what manner and in what circumstances restrictions can possibly be relaxed.

I turn now to the question of the improvement of the engines. Although from the time since the XA, XB and XC engines were introduced up to the Bihta accident, they had covered 90 million miles without the loss of a single passenger's life, yet their running, and particularly that of the XB type, on some of the Railways, had, as the Report shows, never been satisfactory and the Standards Office here was never satisfied that it could not be improved. I do not propose to go into details, but merely to refer to a certain amount of work both before and after the accident done in the endeavours to secure an improvement. As far back as 1931, instructions were issued to try out friction liners on the bogie pivots. That has a damping effect, I might explain, and that was about the time when this material for this purpose was first developed. Other improvements such as the setting back of the two hind wheels—the trailing wheels—were carried out on various engines. In 1936, instructions were issued for the experimental use of friction liners more extensively. Unfortunately, the Bihta accident occurred before the value of these alterations could be assessed. It is one of the ironies of fate that only a few days before the accident an officer had been instructed to go down to the Dinapore Division, where the accident actually occurred, and to record the extent of the lateral forces exercised by locomotives on the track.

Since then an extensive series of experiments has been conducted. It will be for the Technical Committee to assess the results of these : I can only say that, so far as I am in a position to judge, the experiments with

[Mr. A. G. Clow.]

damping devices have given somewhat encouraging results. One interesting result which is not entirely novel has been obtained by the use of an electrical recording device which has been devised in the Standards Office for recording the movements of locomotives and the lateral forces on the track. This has shown that hunting may start repeatedly at a particular point in the track where the engineers have failed to find any defect. These graphs which are in the Standards Office are extraordinarily interesting, and if any Honourable Members are sufficiently interested and want to see them, facilities will be given. What such railway engineers as I have been able to consult appear to be agreed on is that there can be defects in a track which one cannot find on ocular inspection but which may be sufficiently serious to start a strong hunting movement. For example, I have been given particulars of an experiment a few years ago on the Bombay, Baroda and Central India Railway where they found that an engine started hunting every time it was put on a particular track. In spite of attaching a splashing device, the engineers could not find anything wrong with the track, but they re-opened it and re-packed it, and the engine went over smoothly. I ought to make it clear that I have been referring just now mainly to evidence which was not placed before Sir John Thom. Some of it could not have been laid as it was not available then, but I am not satisfied that the Court was not given all the evidence that it should have been given. It is quite certain that no abnormality was discovered at Bihta, and while Sir John Thom says : " there is general agreement no doubt that there was an element of weakness in the track ", I must remind Honourable Members that his own clear view was that no abnormality existed, whatever view Honourable Members may take on this question, I should also point out that the view taken on this question in no way affects the final conclusion of the learned Chief Justice as to the physical cause of the accident in the final paragraph of his Report, because he does not refer there to the possible origin of the hunting motion. I have referred to it for two reasons, first, because I felt that if there was important evidence of any kind which was not placed before Sir John Thom the House was entitled to know that and secondly, because the question is one of substantial practical importance. One fact that has got to be accounted for is the difference in performance of these engines on different lines. Sir John Thom said that XB engines have all along been a constant source of anxiety to the East Indian Railway. On the other hand, on the Madras and Southern Mahratta Railway, they have given most satisfactory running. I was told when I was in Madras that there was only one case of distortion there and that was on a special train to which two engines had been attached, and as Honourable Members from Madras are aware the engines were, until very recently, running at high speeds and running, so far as I can ascertain, extremely smoothly.

Mr. S. Satyamurti (Madras City : Non-Muhammadian Urban) : What is the weight of the track ?

The Honourable Mr. A. G. Clow : I do not think that the track was everywhere heavy so far as my recollection goes but I suggest to Honourable Members that it is not merely a question of track. It is a question of the underlying formation. For example, you can lay the finest track in the world over black cotton soil and you are going to have difficulties in the rains. I do not propose now to suggest any conclusion on this very vexed

and very technical question of track and engine. It is a matter quite frankly beyond my competence but it is a question which will come within the purview of the technical committee and I am sure we will all be in a much better position to judge when we have their report.

I come now to the question of the individual responsibility of officers for the accident and here I would like to clear up the position. I have seen some press comments, which have proceeded on the assumption that as a Chief Justice had found that there was negligence, all that remained was to assign the proper punishment. I think those who have taken this line have overlooked both the scope of the inquiry and Sir John Thom's own words. "It is no part of my task to allocate responsibility" he says and, in only one case does he state: "There can be no question regarding the personal negligence of" an individual official. That official is at present on trial and I, therefore, do not propose to refer to the case any further. I have no authority to speak for the learned Chief Justice. I have not the privilege of his acquaintance, but I feel confident that he would be the first to dissociate himself from those who have assumed that no further justification than his observations is needed for the punishment of various officers. The inquiry was not a trial of any officer. It was not concerned with the responsibility of individuals. No charges were framed and no occasion arose for officers to furnish their explanation in response to charges. Actually the process of inquiry into responsibility is now going on and is going to be an extremely difficult one. I see that two of the amendments tabled relate to individual cases and I shall have something to say on these later on but I would only say at present that Government are determined that this question of individual negligence shall be fully pursued.

Mr. S. Satyamurti : By whom ?

The Honourable Mr. A. G. Glow : I come lastly to the question of compensating those who have, unfortunately, suffered from the accident. Coming to the matter, as I did, with experience of workmen's compensation, I assumed that it was going to be a comparatively easy matter. Unfortunately it is a matter of singular difficulty. We are dealing here not with a series of known workmen and the first difficulty was that of identification. Then there was the tracing of the relatives who are scattered over at least five provinces. Then it was necessary to inquire into the nature of the disablement or the nature of the relief which the individuals claiming had been getting from the victims of the accident and we had to get particulars regarding age, civil condition and other matters. This task has proved to be one of immense difficulty, particularly as the claims office has had to deal with claims arising out of other accidents. We have taken steps on two separate occasions to strengthen the staff and very valuable assistance has been given by officers serving under the Governments of the various provinces. I would like here to acknowledge the ready co-operation that has been given by the Provincial Governments concerned and their officers. It would have been a superhuman task to collect the particulars without their assistance. With the assistance of Provincial Governments, there are working in some centres and will be set up in others Area Committees, consisting of a District Officer, a representative of the public selected by the District Officer and a representative of the railways. These committees will make payments at local treasuries of compensation offered to the claimants who have accepted such offers and desire to be so paid. In

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the event of any offers being disputed, the Committees will examine the railway's assessment and within specified limits will, for good and sufficient cause, be empowered to enhance the offer. If the Area Committee considers that it should be enhanced beyond the powers granted to it, it will make a reference to the railway on the subject. No effort is being spared to secure a speedy settlement. The latest information I have is that in 136 cases, involving 196 casualties, claims for compensation have been received. Offers have been made in 87 cases involving 122 casualties and the compensation offered has been accepted in 36 cases, involving 53 casualties.

I have seen the fear expressed in some quarters that the compensation may not be adequate. What is adequate must always remain, in the absence of an Act like the Workmen's Compensation Act, a matter of opinion, but I myself have examined a small number of cases and consider that the offers are on the whole on a generous scale. In the cases I examined, excluding one which was of a special character, the compensation offered was, on the average, more than double that which would have been due had the case fallen under the Workmen's Compensation Act. I am prepared to assure the House that if any cases are brought to the notice of Government in which the compensation is not substantially higher than that which the Legislature has provided for the dependants of workmen or injured workmen, having full regard to the income derived, we shall have those cases specially examined with a view to seeing whether the administration is justified in going, in those cases, below the scale which it is normally offering.

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

"That the Report by the Honourable Sir John Thom on the cause of the Railway accident near Bihta on the East Indian Railway on the 17th July, 1937, be taken into consideration."

I may inform the House that I have received notices of three amendments. What I propose is that all the amendments will be formally moved and then the discussion will proceed on the main Resolution as well as the amendments.

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

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

Mr. Deputy President (Mr. Akhil Chandra Datta) : Honourable Members who have amendments on the Order Paper will please move those amendments without any speech for the present.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : I am not moving my amendment No. 1. My Honourable friend, Mr. Santhanam, will move our amendment No. 2.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muham-
madan Rural) : Sir, I move :

“ That for the original motion the following be substituted :

“ This Assembly having considered the valuable and weighty Report by the Honourable Sir John Thom on the cause of the Railway accident near Bihta and having placed on record its grave concern at the following findings in the Report :

- (a) XB Engines have been failures for the purpose for which they were designed and purchased ;
- (b) in spite of frequent complaints that these Engines had a tendency towards excessive hunting, adequate steps were not taken by the East Indian Railway Administration and the Railway Board to deal with the matter either by removing these engines from fast passenger services or overhauling the design ;
- (c) the East Indian Railway Administration was guilty of negligence ;
- (d) the Chief Mechanical Engineer and his deputy attempted to influence the witnesses ;
- (e) the Chief Operating Superintendent, Mr. Robertson, was allowed to leave the country before the enquiry ;
- (f) the Deputy Controller at Dinapur failed to perform his duty and issue a caution order at Arrah in spite of due warning ;

recommends to the Governor General in Council that these findings be accepted, that prompt and adequate action be taken on them and that a report on the action taken be submitted to this Assembly as soon as possible ; and it further recommends that, as the composition and the terms of reference of the Expert Committee appointed to enquire into the design and purchase of XA, XB and XC engines are not satisfactory, they be settled afresh in consultation with the Leaders of the Parties in this House ’.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Motion moved :

“ That for the original motion the following be substituted :

“ This Assembly having considered the valuable and weighty Report by the Honourable Sir John Thom on the cause of the Railway accident near Bihta and having placed on record its grave concern at the following findings in the Report :

- (a) XB Engines have been failures for the purpose for which they were designed and purchased ;
- (b) in spite of frequent complaints that these Engines had a tendency towards excessive hunting, adequate steps were not taken by the East Indian Railway Administration and the Railway Board to deal with the matter either by removing these engines from fast passenger services or overhauling the design ;
- (c) the East Indian Railway Administration was guilty of negligence ;
- (d) the Chief Mechanical Engineer and his deputy attempted to influence the witnesses ;
- (e) the Chief Operating Superintendent, Mr. Robertson, was allowed to leave the country before the enquiry ;
- (f) the Deputy Controller at Dinapur failed to perform his duty and issue a caution order at Arrah in spite of due warning ;

recommends to the Governor General in Council that these findings be accepted, that prompt and adequate action be taken on them and that a report on the action taken be submitted to this Assembly as soon as possible ; and it further recommends that, as the composition and the terms of

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reference of the Expert Committee appointed to enquire into the design and purchase of XA, XB and XC engines are not satisfactory, they be settled afresh in consultation with the Leaders of the Parties in this House '."

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) : Sir, I move :

" That for the original motion the following be substituted :

' This Assembly having considered the report of the Honourable Sir John Thom on the cause of the railway accident at Bihta :

- (1) deplores the loss of life involved and offers its sympathy to the relatives of the deceased and to the injured ;
- (2) recommends that action be taken by Government to give effect to Sir John Thom's recommendation that the design, the purchase and the continued purchase of the XB Engines shall be the subject of a thorough searching and independent enquiry ;
- (3) recommends that full investigation should be made into the individual responsibility of officers for the accident ;
- (4) to take action and adopt all measures for avoiding similar accidents in future.

This Assembly further recommends that the report on the enquiries and actions that may be taken in consequence thereof be placed before the Assembly for their consideration at an early date '."

Mr. Deputy President (Mr. Akhil Chandra Datta) : Motion moved :

" That for the original motion the following be substituted :

' This Assembly having considered the report of the Honourable Sir John Thom on the cause of the railway accident at Bihta :

- (1) deplores the loss of life involved and offers its sympathy to the relatives of the deceased and to the injured ;
- (2) recommends that action be taken by Government to give effect to Sir John Thom's recommendation that the design, the purchase and the continued purchase of the XB Engines shall be the subject of a thorough searching and independent enquiry ;
- (3) recommends that full investigation should be made into the individual responsibility of officers for the accident ;
- (4) to take action and adopt all measures for avoiding similar accidents in future.

This Assembly further recommends that the report on the enquiries and actions that may be taken in consequence thereof be placed before the Assembly for their consideration at an early date '."

Mr. K. Santhanam : Sir, in moving this Resolution, the Honourable Mr. Clow expressed his great regret at the Bihta disaster and also expressed his sympathy with the persons who suffered in that accident. It is needless to say that every Honourable Member of this House cordially associates himself with those sentiments. If this were an accident which was unfortunately unavoidable, nothing more could be said about it. Accidents are inevitable in this world. But the importance of this debate arises from the fact that Sir John Thom has definitely found that the accident is directly attributable to negligence on the part of the Railway Company. Again, Sir, if this negligence was due to an error of judgment on the part of a railway official, not much

could be said about it. Railway officials like other persons are fallible, and we would have left that matter to be dealt with by departmental action. But anyone who reads the weighty and valuable report of Sir John Thom will be convinced that this accident was due to the general defect of the XB engines. I do not want to use up my limited time by reading out passages from the report. I would refer Honourable Members of this House to paragraphs 69—76, 124 and 161—165 of the report. He has there conclusively established that by the purchase and distribution of such a large number of these XB engines the Railway Board and the Railway Administration had positively contributed to this disaster. If they think there were not more accidents, that was not the fault of the Railway Board or the Railway Administration but it was the good luck of the Indian people. I shall give some more facts to supplement the extensive quotations which are contained in this report itself.

XB engines were designed, as stated by the Honourable Mr. Clow the other day, in 1926-27, by the Central Standards Committee appointed by the Railway Board. Then, Sir, they ordered 30 engines in 1926-27. Was it prudent and was it right on the part of the Railway Board to order such a large number of engines at one time without knowing how they will work in practice and without putting them to any test? They ordered for these 30 engines in 1926-27 and did not even wait for the arrival of these engines before they placed another order. These engines began to arrive in 1928, but before they could get the first instalment and put it to test, they ordered another 24 engines in 1928. I ask was it prudent and was it right that the Railway Board should order another 24 engines in 1928 before they had tested the consignment which they had ordered in 1926-27? Again, they ordered for 26 engines in 1929 and 16 in 1930 without having the experience of 1928 engines. I am giving these experiences from Exhibit No. 172 connected with the proceedings of the Judicial Inquiry Committee. I will read one or two items only :

“ January to June, 1928, Engines erected at Lucknow and posted to Jhajha and Gomoh for mail and express services. On 12th May, 1928, XB 1911 first reported for hunting. On 2nd August, 1928, XB 1917, on both dates, reported as having damaged the track. On 6th November, 1928, XB 1917 examined, $\frac{1}{2}$ inch washers found fitted behind bogie control spring to give increased initial compression. On 31st December, 1928, XB 1917 tested. Engine ran very steadily except on certain parts of the track.”

It was found, Sir, that almost from the very day that they were put on the line they began to give trouble and yet they did not wait for their experience. Again, they ordered for two engines in 1935. Thus, in four years' time, from 1926 to 1930, they had ordered for 97 engines. In passing, I may refer to the financial consequences. There are today 99 XB engines, each one of which is estimated to cost Rs. 1,05,000 and the inquiry is estimated to cost as much as the price of another XB engine. So, in round figures, we are involved in the cost of 100 XB engines.

Now, Sir, what is the story of these XB engines? Here is a short summary. They arrived in 1928 and the first case of distortion occurred on the 26th June, 1928 and the first accident on 8th February, 1929. They were withdrawn from fast passenger service in 1928-29. This is one phase. I want to emphasise that there are two phases in connection with these engines. The first phase is what I may call the pre-depression phase. At that time, persons in charge of the Indian railways did not

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think that they could spend too much. Between 1924-25 and 1931-32 the capital at charge increased from 635 crores to 790 crores, that is, 155 crores, and the interest charges rose from 23 crores to 31.5 crores, or 8.5 crores. There was an increased mileage of 4,260 miles, the construction and purchase of which cost about 40 crores. Thus, about 115 crores was spent right and left in those seven years which included the extravagance on the rolling stock, of which these XB engines took about one crore and odd. Sir, the point I am trying to make is that the whole cause of this disorder is reckless extravagance, ill-considered extravagance, on the part of the Railway Board in ordering such a large number of engines without testing them and without taking proper time to test them. Once they had got them, they did not know what to do with them. So, they distributed them to the Railway Administration, and they experienced much difficulty with them. But, as I said, the first phase came to an end in 1929, when they withdrew these engines from the fast passenger service. If the depression had not intervened at that time, the Railway Board would have been magnanimous and would have admitted that they committed a huge blunder and that they must design some other type of engine. But the depression had set in and they did not have the money. They were unable to go in for a new design for a large number of engines. Therefore, they decided to make the best of these engines and these engines were re-introduced in April, 1931. Of course, at that time the engineers of the Railway Board and the engineers of the Railway Administration claimed that they had made several improvements, but, unfortunately, trouble started from the very day they were put on the track. There was an accident on the 23rd October, 1933 and there were two cases of distortion in January, 1934. They were again withdrawn in January, 1934 and the speed-limit of 45 miles was fixed in certain cases. Now, Sir, having regard to all these facts, can anyone refuse to admit that the ultimate cause of the Bihta disaster is the refusal of the Railway Board and the Railway engineers to recognise frankly the mechanical defects in the design of the XB engines and their persistence to put them on this service? There is, of course, the finding that the driver drove at a speed higher than 45 miles but the Honourable Judge has pointed out that the engine was attached to a train the booked speed of which was over 45 miles, that he was expected to run to time, that there was no speed governor and in the circumstances he did only what he was expected to do. Again, it might be said that this particular engine ought not to have been attached to that particular train. But, here again, the Honourable Judge has pointed out that there was no other engine in the shed and that the foreman could not but send this engine unless he wanted to stop the train altogether. He was not at fault. There is, again, the suggestion that in framing the time-tables, the operating staff and the other sections of the East Indian Railway Administration did not take due care. It might be so, but we should also sympathise with their difficulties. What are they to do if 38 of the engines which were bought to run the fast passenger service were withdrawn altogether suddenly? It was a very difficult proposition for them and, I believe, on further inquiry it would turn out that they did their very best. Therefore, the primary and the main responsibility for this disaster is on those people who designed these XB engines and who did not care to put them to sufficient test. In the second place, the responsibility lies with the Railway Administration which did

not have the courage to protest against this imposition by the Railway Board of these engines on the railways without due consideration of their experiences.

Now, Sir, it is said that is the chief reason why they have appointed this expert Inquiry Committee. Sir, a Bihta disaster was required to move the Government of India to investigate a matter which had been brought to their notice in innumerable complaints. In fact, the Honourable Judge has said that one of the Divisional Superintendents had admitted in evidence that they wished these engines were dead and buried. Another person said that this design was wholly faulty and this was the opinion of many other engineers of the railways. We are told now that they have secured the services of very competent men.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member has one minute more.

Mr. K. Santhanam : I have no desire to question the competency of any particular individual. But, after all, these engines were designed by British experts in India and they were approved by the consulting engineers in Great Britain, and these British experts who have now been appointed belong to the same caste. We are taking three British experts from Great Britain, to judge their own men who designed the engine and those who were their Consulting Engineers. They may be individually good men but how can we expect them to judge unfavourably the work of their own experts ? They have been trained in the same school ; they have got the same prejudices and work on the same formulæ. Can you reasonably expect that they will be able to come to a proper judgment ? It is not a question of conscious effort to shirk the truth but it is ordinary human nature not to be able to perceive it. It would be more or less an impossibility, owing to their sub-conscious prejudices, to arrive at the right conclusion. I have been told by one of the experts in the Government of India that the only country where the track conditions are more or less similar to this country is the United States of America. It seems that that expert advised the Government of India to bring an expert from America. If the Government of India wanted really a searching and thorough and impartial enquiry, they should have got an American expert. He might be aided by a French expert and then we could have had some of the junior Indian Engineers who would know the Indian conditions and would be useful in the course of the enquiry. An engine is not a thing which can be investigated in two or three months time so as to be able to give a comprehensive report. It has to be watched for many years. Slowly but surely improvements will have to be effected in the engines so that you might get after experiment a perfectly satisfactory engine. You should have instituted an enquiry which would be really an impartial one. For this purpose you should have requisitioned the services of experts outside the category of British experts. I submit this enquiry should cover the question of all locomotives used in India. It must include the possibility of manufacture and development of locomotives in India. It is only then we can have a real solution beneficial to the country due to the outcome of Bihta disaster. Otherwise no real good will come out of this enquiry. The Bihta disaster would have been one more disaster to the list of disasters and the enquiry committee report

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would be one more added to the list of useless reports, like the Wedgwood committee report. That is why at the end of my amendment, I suggest :

“ as the composition and the terms of reference of the expert committee appointed to enquire into the design and purchase of XA, XB and XC engines are not satisfactory, they be settled afresh in consultation with the Leaders of the parties in this House.”

If this is not done, the Government will be only adding to the burden of the taxpayer in addition to the compensation which they have had to pay to the victims of the Bihta disaster.

Sir Abdul Halim Ghuznavi : Mr. Deputy President, we have heard this morning from the Honourable Mr. Clow what action the Government have taken with regard to the report of the Honourable Sir John Thom. He has told us that definite action has been taken with regard to the Honourable the Chief Justice's recommendation for the appointment of an expert committee to go into the whole matter of XB and other similar engines, their purchase and their continued purchase and use in future. Sir, it is clear from the report that XB engines were found most unsatisfactory. It is also clear that from the very start in 1928 when the first batch of XB engines arrived in India, they began to give trouble. I would not go into those details since an expert committee has been appointed to go into the matter fully. Let us await its report before we discuss why its purchase was ever made and why its purchase was continued and why, in spite of reports after reports that the engines were not giving satisfaction, they were still continued to be put on fast trains. Since a committee has been appointed, I think it will be only fair to postpone our judgment till we get the findings of the committee in that connection.

I wish to say a few words about the judicial enquiry. In 1930, after the Belur accident in Calcutta, I moved a Resolution in this House in which I was supported by my Honourable friends, Dr. Sir Ziauddin Ahmad and Mr. B. Das, who are the only two Members now present who supported me then. The Resolution was to this effect :

“ This Assembly recommends to the Governor General in Council that steps be taken in all cases of railway accidents entailing loss of human life first, to institute a coroner's enquiry, second, to deliver the bodies of the deceased to the relatives concerned as far as practicable, failing that to the different social services or organisations and third, to institute a judicial enquiry by a committee composed of officials and non-officials.”

Sir George Rainy, who was then the Railway Member, gave a very sympathetic reply. But nothing was done until the other day, that is in February, 1938, when a memorandum with regard to that Resolution was placed before the meeting of the Central Advisory Council for Railways. In that memorandum of course they have omitted the other portion of my Resolution, namely, that as regards every railway accident involving loss of human life, there should be a judicial enquiry by a committee composed of officials and non-officials. Time and events have justified my action in 1930. When this Bihta disaster took place I and Dr. Sir Ziauddin Ahmad insisted upon the then Railway Member to have a judicial enquiry. We submitted that unless there was a judicial enquiry, we would go the length of censuring the Government in the House. The result was the institution of the judicial enquiry by the Honourable Chief

Justice Thom. The enquiry has opened up matters which had been a sealed book so far and thrown light on subjects screened from public gaze. My amendment seeks that action be taken by Government to give effect to Sir John Thom's recommendation that the design, the purchase and the continued purchase of the XB engines shall be the subject of a thorough, searching and independent enquiry. The Government have now appointed a committee. The Indian opinion was that the Government should associate an Indian with the enquiry and the Government have acceded to that. Speaking for myself, it is a very good committee. When that committee submits its report, we shall then discuss it and pronounce our judgment as to the design, the purchase and the continued purchase of XB engines. My amendment further suggests that full investigation should be made into the individual responsibility of officers for the accident. I should like the Honourable Member in his reply to this debate to let me know if he is going to have this investigation made and if so, he will kindly also tell the House the authority that is going to make this investigation.

Mr. S. Satyamurti : The Government have said that they are going to do that.

Sir Abdul Halim Ghuznavi : Who is the officer who is going to do that ?

Mr. S. Satyamurti : I asked him, but he did not say.

Sir Abdul Halim Ghuznavi : In my amendment, I further recommend that the report on the enquiries that may be made and actions that may be taken in consequence thereof should be placed before this Honourable House for consideration. I should like to know from the Honourable Member whether he is prepared to do that. The report has made it clear that the defective character of the XB engines run at a high speed in contravention of rules was responsible for the accident and the Operating Department of the East Indian Railway was culpably negligent in this connection. Mr. Robertson, according to the Report, had been repeatedly informing the Divisional Superintendents and others concerned that trains must be run as fast as possible and that it will be a crime for the drivers if they do not run to time or if they do not make up the lost time. Therefore, the drivers had often to run the trains at excessive speed with a view to keep to the scheduled timings. The accident would not have happened if the speed limit had been restricted to 45 miles an hour. It has been proved before the Honourable the Chief Justice that the train was running very very fast on that day. That was responsible for the disaster. Yet that very officer, Mr. Robertson, was allowed to go on leave preparatory to retirement pending this enquiry. Most of the blame is laid on Mr. Robertson but he is not forthcoming.

An Honourable Member : Where is he now ?

Sir Abdul Halim Ghuznavi : It is said he is enjoying the salubrious air of Switzerland. It could not possibly have happened in any other country but India. But I hope that the arm of law and the arm of Government is long enough to reach him wherever he may be.

Mr. B. Das (Orissa Division : Non-Muhammadan) : That is what the Satanic Government does.

Sir Abdul Halim Ghuznavi : Exactly so. Then there is another point that has been made out and it is this. So far as I am concerned, it is inconceivable to me that an Agent should be responsible for running the railways but the Railway Board will dictate to the Agent that he must have XB engines and not any other engines. The Agent says that he will not have those engines because they are giving him trouble ; they say that he is subordinate to the Railway Board and he must run the engines designed for and given to him ; and still he is made responsible for all the accidents. The Agent of the East Indian Railway has repeatedly said that he would not have these XB engines and in spite of that they were thrust upon him.

The Honourable Mr. A. G. Clow : When ?

Sir Abdul Halim Ghuznavi : I am telling you. In 1926 the designs and specifications of these fateful engines were made, and in 1928 they, for the first time, imported nine XB engines into this country,—six for the Great Indian Peninsula Railway and three for the East Indian Railway. The Great Indian Peninsula Railway said they did not want them and the East Indian Railway also did not want them. Then 28 engines were further ordered. They were given to the Great Indian Peninsula Railway. As the East Indian Railway wanted engines, were in need of locomotives, this whole lot of 28 XB engines was transferred to the East Indian Railway in spite of their protests and refusal to have them. That answers the Honourable Mr. Clow's question. Then, Sir, the Honourable Mr. Clow said that he had a good long run to Madras and there was no trouble with the XB engines.

The Honourable Mr. A. G. Clow : Sir, on a point of personal explanation, I was basing what I said on the very short run I have had. I was basing it on the experience of the engines over a number of years. I am not competent to pronounce on it personally.

Sir Abdul Halim Ghuznavi : The point is this.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member has only two minutes more.

Sir Abdul Halim Ghuznavi : I will finish in two minutes. These XB engines, it is said, have not given any trouble in Madras. But is the Honourable Member sure that those engines in use on the Madras and Southern Mahratta Railway are of the same design and specification and that their Chief Mechanical Engineer at home had not altered those original designs and specifications ? Has he any knowledge of that ? Why do the engines there run smoothly and engines here do not ? Has he made any inquiries as regards that ? Let him inquire whether they have the same designs and specifications or whether they were not changed in England by their Chief Mechanical Engineer.

Mr. Sri Prakasa : Sir, at the very outset I should like to assure my Honourable friends on all sides of the House that I am not approaching this solemn and serious subject in any spirit of carping criticism. I am human enough to know that with the best will in the world accidents will happen and that " the best laid plans of mice and men gang aft agley ".

And, before I proceed, I should like to endorse every word of the tribute that Sir John Thom himself has paid to the East Indian Railway. I read from page 68 :

“ The Company has undoubtedly a good record ; its standard of efficiency has been high. It is clear from the figures which were given by the Agent at the inquiry that millions of passengers every year are carried millions of miles with comparatively little loss of life.”

I and many friends are constantly using the East Indian Railway, and, for our own safety, we must not condemn it too much. Still when a very serious accident happens as happened at Bihta where 107 passengers were killed and 117 injured out of a total of 450 that the ill-fated train carried at the time, and when also there is a feeling that that accident could have been avoided, it becomes one's painful duty to bring the whole situation before the public, not so much with a desire to condemn the past as with the hope that proper steps will be taken to avoid such accidents in the future.

Sir, the organisation that deserves the greatest censure in this connection is more the Government of India than the East Indian Railway. I think the terms of the Government Resolution in Sir John Thom's report are most unhappy. Reading between the lines it is quite clear that Government do not accept the findings of Sir John Thom and the undercurrent of the speech of my Honourable friend opposite seemed at least to me to show that he was of a very different opinion to that of Mr. Justice Thom. If it had been a political case and if any one of us had complained against the findings of even the most ordinary magistrate, we might have been hauled up for contempt of court. But here, the Chief Justice of a High Court comes to certain decisions on an important subject—and it was not he who asked to be put where he was put but it is the Government who put him there—Government are not only not satisfied with the findings but are actually against them.

The Honourable Mr. A. G. Clow : Is the Honourable Member referring to the Government Resolution or to my speech ?

Mr. Sri Prakasa : The Government Resolution. As I said, it is unhappily worded because it clearly says that they do not admit the charge of negligence. That is finding No. 1. Finding No. 2 is, that the railway is responsible to pay proper compensation to the sufferers. There also the Government resolution says that they are ordering this payment as a special case. Therefore, Government do not recognise the liability of their railways to compensate people who have innocently entrusted their lives to their keeping when they have purchased their tickets and boarded their trains. This is a dangerous matter and it is time that the House gave its verdict against such a thing. I think that the thanks of the House should be conveyed to Mr. Justice Thom for the great care and thought which he gave for months on end over this enquiry.

The first reaction of a railway authority whenever there is a railway accident is to say that there was sabotage. When I suggested that the same thing had been said in this connection, the Honourable Mr. Clow said that that was not so. But on page 2 of this report Mr. Justice Thom clearly says that ‘ at first sabotage was suspected ’. Surely, the suspicion did not come to the mind of the public but only in the minds

[Mr. Sri Prakasa.]

of the railway officials. I myself who am always using that line, happened to travel over the scene of the accident sometime later and some railway official who happened to be in the same compartment told me that they had made a thorough investigation of the place and that there was sabotage without a doubt, whatever Mr. Justice Thom might or might not think at the end of the show. So that, the first inclination is to say that there was sabotage, and that was so in this case also. But the theory was soon given up.

I want to tell the House what the general lay public thinks of these accidents. It attributes them to three causes. One is that very often the speed is more than is proper, regard being had to the circumstances of the country ; secondly, that the track is too weak for the trains ; and thirdly,—and I say this with the greatest amount of hesitation—the general public feels that there is always something fishy about the placing of orders of locomotives and other goods ; and that the three causes combine to create such accidents. It is curious that the suspicions of the public have been more than confirmed by Mr. Justice Thom's report.

As regards speed, I have brought the matter over and over again in the form of questions in this House, and the invariable

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answer has been that I am wrong in my estimate. I have often felt that, just as we private motorists have very often the speed mania upon us and press the accelerator far more than we ought to, so also the drivers have a desire to run at a greater speed than they should. I do not know, having never driven an engine, whether they press their accelerator with their foot or with their hand. This is not such a matter that the railway authorities can plead ignorance of it. At pages 66 and 67 of Mr. Justice Thom's report, you see a report by Mr. Turner that he is very nervous of the speed at which the trains are being run. He says :

".... I am beginning to get definitely worried, not only in my own mind, but from all sides it is coming at me, that the speed of many trains over this division is somewhat excessive...." ".... I do not wish to be pessimistic, but it does appear to me that we are at least working right up to our factor of safety in our Mail and Express train speeds today on this division at least."

My friend, Mr. D'Souza, also warned the Railway. You see his letter at page 69 where he points out, as one of the causes of accident, that :

"The Time Table Branch of your Operating Department for timing the trains in question (is) at a higher speed than was justified having regard to the type of engine that was being used on the sections concerned."

Therefore, this matter has been brought to the notice of the Railway over and over again. And whether some people like acceleration of the trains or not, I personally think that trains must not be run at a speed that is not safe, because if you go too fast you may never get to the end at all.

Then there is the second question about the track. I have had occasion to say to this House, layman as I am, that the seasons of our country are such that there is constant danger to the railway track as to everything else. Nature in our country is very destructive, and though I know that there are engineers looking after the line all the time, still you cannot fight

nature more than you can. We have heavy rains, we have very cold seasons, we have very hot seasons, and the railway track lies between a temperature of may be from 150 to 32. There are bound to be contractions, there are bound to be difficulties, and the heavy rains in the monsoon season always tend to endanger the mound on which the railway track lies. In fact, if you read this report, you will find that there are instructions on behalf of the Railway Board that in the monsoons the speed should be lessened and particular care should be taken of the track. So that, very often, in the matter of the track, the general feeling of the public is strengthened by what Sir John Thom says in his report. Thirdly, about the purchase of goods. The very fact that Sir John Thom recommends a searching enquiry into the manner of the purchase of these dangerous engines confirms the suspicion that the public has always entertained.

There is one matter which must be confusing to the subordinate railway officials and that is the contradictory nature of instructions that the higher railway authorities give. My Honourable friend, Mr. Santhanam, has referred to the Jhajha shed from which this unfortunate engine came. Mr. Justice Thom says that the shed at that time was very ill-equipped and they had to send up an XB engine to take the No. 13 Up Express knowing full well that that very engine was to bring back this ill-fated train, the 18 Down. There were definite instructions that this engine was not to be attached to any train which was to run over 45 miles an hour. Knowing that the Down Train was scheduled to run at a speed higher than 45 miles an hour, this particular engine was attached to No. 13 Up Express. That is a very serious matter ; and when passengers, innocent as they are, go in these trains, I feel that greater care should be taken of how these engines are used. My Honourable friend, Mr. Santhanam, has already given the history of XB engines, and particularly of XB No. 1916 and there is not much time for me to go in detail into the matter. But I must not close without fulfilling what I feel is the most painful part of my duty, namely, adjudging blame on individual officials.

I think it is a serious matter of which the Railway Board must take proper notice, that Mr. Trimming, the Chief Mechanical Engineer, while the driver of the train was making his statement, should have got up and protested against his use of the word " hunting ", saying that he could not possibly understand what it meant, though in the parlance of the railway that word has been used all the time, and as Mr. Justice Thom goes on to show in great detail, this preliminary protest resulted in vitiating practically the entire testimony that followed not only from him but from other drivers as well and, instead of the word ' hunting ' they afterwards used the words " swaying " and " lurching " which I believe are rather pleasant sensations. Blame must also be put on Mr. Jones who goes to the drivers at the shed and hectors them so that they must not use this word and must not give evidence of this sort or that sort. And here I want to pay a tribute to the drivers concerned who, despite the obvious danger that they ran, gave their evidence truthfully at the enquiry. They are poor men, they stuck to the truth and they deserve the greater praise from us. I will not refer to the Deputy Controller's case, as there is already a case against him. It is clear that if he had only sent on the necessary warning to Arrah this disaster would not have occurred. I know that Mr. Justice Thom himself says that the lurching which the

[Mr. Sri Prakasa.]

previous driver had experienced and about which he had complained to the Control had nothing to do with the accident ; but still if this caution had been sent on there would have been no accident.

Lastly, Sir, I come to Mr. Robertson. He is far away.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member's time is up.

Mr. Sri Prakasa : Just half a minute, Sir. He is far away and it may be that our voice will not reach him. The other officers about whom we have spoken are bound to read what we are saying ; and it hurts me as a gentleman to say anything against a man behind his back which he is not likely even to know. But Mr. Robertson's responsibility in this connection is great because it is clear, as you will see at page 52, that he was very very fond of excessive speed, and he was always angry with drivers who would not run as fast as he would like them to run. It may be said to his credit that when he travelled in a train he asked the drivers, despite the obvious danger to himself, to run fast. The only misfortune is that he ran away even faster than the train ! When he himself was responsible for impressing upon the drivers the necessity and the duty of running their trains faster, I feel that it was up to him, despite the permission that the Railway Board has given, despite the little delay in getting his provident fund, despite the little delay in enjoying the beauties of Switzerland and ski-ing perhaps in more senses than one, it was up to him....

The Honourable Mr. A. G. Glow : I must ask the Honourable Member what he means by that insinuation when he says : ' in more senses than one ' ?

Mr. Sri Prakasa : If I said anything improper I do not want to pursue the matter ; but I thought ski-ing was pronounced as ' she-ing ', and a little joke may be permitted now and then. I know my Honourable friend opposite is very theologically-minded. I know his Christian tendencies....

The Honourable Mr. A. G. Glow : I am sorry but the Honourable Member seemed to imply that Mr. Robertson was indulging in some ski-ing practice other than that known as ski-ing, in more senses than one. I would ask him either to withdraw that imputation or explain it.

Mr. Sri Prakasa : I mean going over the snows on a sort of sledge which though spelt with ' s ', ' k ', ' i ', is pronounced in English as ' she-ing ' I meant nothing more....

Mr. Deputy President (Mr. Akhil Chandra Datta) : It is time that the Honourable Member finished his speech.

Mr. Sri Prakasa :....and if my words lead to an interpretation that is not proper, I withdraw it. I have absolutely no objection in saying that, because in fact I have already said, I was sorry to make any complaint much less an insinuation against a person who was far away. But when I see that he was responsible for the safety of the trains, I feel that he should have remained....

Mr. Deputy President (Mr. Akhil Chandra Datta) : There is no use pursuing the matter any further and I would request the Honourable Member to conclude his speech.

Mr. Sri Prakasa : I will, Sir. I feel that he ought to have remained in this country to give evidence before this inquiry. Mr. Justice Thom says that the operating department was particularly concerned and as he was the head of the department and fond of excessive speed, I cannot help feeling that he should have stopped back. I endorse what Mr. Justice Thom has said that 'it is unfortunate that Mr. T. M. S. Robertson was permitted to leave the country: it is regrettable that he elected to desert his colleagues'. I shall be sorry if I have said anything that in any way might hurt my Honourable friend opposite or any Member of this House; but as 117 of my countrymen were hurt badly and another 107 actually lost their lives, if we are a little sensitive to what has happened and if we speak out in language which perhaps is stronger than might be used, I hope you will agree that we should be excused and that we are justified. I hope that we have heard the last of these accidents; and that this report and the various other incidents that might follow will result in such arrangements being made that there may be no more accidents not only on the East Indian Railway but on any other railway in India.

Sardar Sant Singh (West Punjab : Sikh) : Sir, I join and I am sure that all Members of this House will join with Mr. Clow in extending our sympathy to the bereaved families of the victims of this fateful accident on the railway. At the same time I join with my friend, Mr. Sri Prakasa, in extending our thanks to the great labours of Justice Thom in giving us a most lucid and clear report on that accident. The judicial acumen that he has brought to bear in reaching certain conclusions are more important in more senses than one. He had to deal with a highly technical subject and he had to adjudicate upon the evidence of expert witnesses that appeared before him. We are thankful to him for the independent view that he has taken of the whole matter. I think this is probably the first time when such a mighty department of the Government of India, as the Railway Board undoubtedly is, has come under review by a judicial tribunal. If there is an under-tone of dissatisfaction, as stated by my friend the previous speaker, if there is an under-tone of dissatisfaction on the finding of this judicial tribunal by the department concerned, it is because it is the first experience of a judicial pronouncement that they have got. They have been dealing with these matters in an executive capacity and when that executive capacity has come under the review of an eminent judge, they feel nervous how their preconceptions have been doomed to failure. I hope that this report will give them a little more insight into the working of the administrative side of their department. The one thing that runs through the report is that on such occasions when a disaster of the magnitude of the Bihta disaster has occurred, one ought to approach this subject with that solemnity and attention which is due to the safety of the passengers who are conveyed on our railways. Instead we find that the persons in charge of the operations of the railway, in that particular section, did not behave with a due sense of responsibility towards this judicial enquiry. And the Honourable Judge was compelled

[Sardar Sant Singh.]

to make certain observations which are highly derogatory to the high position of those officers :

[At this stage, Mr. Deputy President (Mr. Akhil Chandra Datta) vacated the chair which was then occupied by Mr. S. Satyamurti (one of the Panel of Chairmen).]

“ In setting up the Judicial Tribunal we were concerned, and probably we are right in saying that we were principally concerned in discovering the real cause that led to the disaster. In order to discover the true causes, it was our duty to place all the facts before the Honourable the Judge in order to enable him to reach certain conclusions which should prove helpful in our future administration of the Railways.”

I am sorry it was not done. However, the Report is before us. At the same time, I want to make it clear that I am not at one with my friend, Mr. Santhanam, when he says that the lack of accidents on our railways is not due to the efficiency of the administration but due to the good luck of the Indians. I do not look at this question from this point of view. I do appreciate that the great organization which is being worked under the supervision of the Railway Board has worked in a very efficient manner, and we can travel over long distances in India without any idea of not reaching safely at the end of our journey, and for this we should be grateful to the administration. Because a certain accident has unfortunately occurred, we should not ignore the many good benefits conferred by the railway administration. But at the same time this accident has brought to our notice the fact that there is still room for improvement, and that improvement we expect from those whom we pay so handsomely from our finances.

Next, Sir, I come to the question of the personnel of the inquiry committee that has been appointed to go into the question of,—to quote the words of Mr. Justice Thom,—‘ in the interests of the public the design and purchase and the continued purchase of these engines should be the subject of a thorough searching and independent inquiry ’. This is a matter which vitally concerns the Railway Board, and there is no doubt that the inquiry should be thorough, searching and independent. Nobody can question the principle underlying this recommendation. But I have not been able to understand why in order to implement this inquiry men have been sent for from England, and why Indians of experience on the railways, some of whom have had experience for over quarter of a century on the railways, have not been selected. When I take up this position, I have my own strong reasons. The Honourable Mr. Clow said that two things were necessary, first was, that the men should be experts and the second was, that they should be men independent of the Railway Board. In the first proposal which was placed before the Standing Finance Committee, three Englishmen were mentioned, and one continental expert. The Railway Finance Committee objected to the importation of further experts from abroad, and partially succeeded in influencing the Government to find at least one expert from among Indians. So the theory that no independent Indian was available in India has been refuted by this very appointment. The Government said that India did not possess experts. But my objection was not confined to expert Indians. My suggestion was that experts in the employment of the Government of India, whether Englishmen or Indians, should be deputed to make this enquiry. I really

have not been able to understand why in so extensive a system as the Railway system of India is, and which employs very highly paid officers, we should not be able to discover experts. The very fact that our Railway system is much more extensive than England or Great Britain can boast of should be sufficient guarantee of the presence of experts in India. If those who are now under the employment of the Government of India or of the Railway Board in India are not experts or are mediocres or men of average ability, I think the best course is to import and employ better men and to let the present men go. Why, Sir, with such a huge establishment in our railways, we cannot find a few experts? The Railway Board, however, does not take their stand on that ground. They take their stand on the ground that such experts would not be independent. This theory of independence again is a theory which cannot stand close examination. All of you gentlemen will remember that there was a very tragic disaster when the Air Minister of His Majesty's Government lost his life in the aeroplane in which he flew. That was a disaster of first magnitude which England had to face. May I ask if England at that time sent for French, German, Russian or American experts to go into the inquiry? They did find men in England itself. After all the inquiry was intended to look into the causes of the disaster and then to recommend what steps should be taken in order to avoid such accidents in future. Could not the experts, if they had been selected from India, have been given freedom by the Railway Board to express their independent opinion? Why would they have been under the thumb of the Railway Board? Here the Government have put themselves in a false position. Government always laid the blame on me when I introduced certain measures by saying I was not trusting their servants, but here the tables have been turned....

Mr. Chairman (Mr. S. Satyamurti) : The Honourable Member has only two minutes more.

Sardar Sant Singh : Yes, Sir, I will try to finish in two minutes. The Government does not want to trust its own employees, but I want to trust them. There is no reason why experts should be sent for from abroad unless the pool, of which we heard the other day, is to be completed.

The next question is the regrettable state of affairs that have been brought to public notice by this report and that is we are given an insight into this fact that even the Railway Board as early as January, 1938, discovered that there was a lack of co-ordination in the policy and activities of the various administrations under the Railway Board. Public attention was drawn to this lack of co-ordination and yet we found that there was no result in spite of the Railway Board's efforts. I hope that the Railway Board will go into the question of the administration and the reasons which have led to this lack of co-ordination in the activities and policies of the various departments of the railways. As regards the purchase of these engines, I think it has been brought sufficiently to the notice of the House that the Railway administrations concerned have shown criminal negligence in not avoiding this disaster which was avoidable. With these words I will support the amendment proposed by Mr. Santhanam.

Mr. P. J. Griffiths (Assam : European) : The amendments proposed by my Honourable friends, Sir Abdul Halim Ghuznavi and Mr. Santhanam,

[Mr. P. J. Griffiths.]

have much in common between them but we have decided to support the amendment of Sir Abdul Halim Ghuznavi because that amendment avoids the undesirable practice of fixing blame on specified individuals when those individuals are not here to defend themselves and yet, at the same time, does insist that a full and searching inquiry shall be made with a view to the ultimate allotment of the responsibility to those individuals upon whom it should properly devolve. In so far as these amendments are concerned with proposals for the future, in so far as they insist that an inquiry shall be made as to the future use of the XB engines we all stand on common ground and I, therefore, propose to exclude that aspect of the case from my remarks and to confine myself entirely to a consideration of the case against the Railway administration. The case against the Railway administration rests broadly speaking on three propositions. The first proposition is that there was general negligence in the handling of the power position and, in particular, in the handling of the XB engines. The second charge is that it was as a result of this negligence, that particular engine XB 1916 was put on to the 18-Down train on the day of the occurrence and the third charge is that the whole attitude of the railway administration, after the accident and during the inquiry, is in many respects found to be most unsatisfactory.

Let me first take the charge of general negligence. I need not remind you of the deplorable history of the XB engines, ever since they were first introduced on the East Indian Railway in 1928. I need not tell you that they were found at the outset to be so unsatisfactory that the engineers sat down to rebalance them and that, in spite of their efforts they were unsuccessful; that in February, 1929, an accident occurred as a result of which XB engines had to be taken off fast passenger work and kept off that work for two years. In the meantime, the process of tinkering with a view to improve the engines in this way and that went on and at the end of two years the engines were again restored to use on fast passenger trains. After another two years, in 1933, it had been found that the engines were still proving unsatisfactory. They were still hunting dangerously and they were still producing distortion. If anybody wants tangible proof of the fact, let him take the trouble to read Exhibit 191 on page 282 of Volume IV of the four volumes of evidence, where they will find a most formidable list of the reported cases of distortion due to the use of XB engines on certain kinds of track. In spite of that, the engines continue to be used until there was another accident in 1933 and then, after the usual six months had elapsed, it was decided to withdraw XB engines from the mail service and then, after another six months, an order was passed that from the 1st June, 1934, a speed limit of 45 miles an hour would be imposed on XB engines when they were operating on 88½ pound rails during the monsoon season. So far so good. Up to this point it might have been reasonable to argue that the railway authorities had been vigilant, that they had been trying to take every step to minimise the danger to the public resulting from the use of these somewhat eccentric engines but our complaint of negligence begins at this point and the complaint is that having imposed this very proper and very necessary speed restriction of 45 miles an hour they took no adequate steps to satisfy themselves that that restriction was enforced. When the order imposing the restriction was first issued,

the Agent specifically directed that there should be a revision of the time tables and that the monsoon timings should be so framed as to allow for this new restriction of speed. We find that, in spite of that order, and before the time of the accident last year, under the Link system which was then in force, an XB engine was in regular use upon the 17-Up train which was booked to run at a speed of over 45 miles an hour. I need hardly emphasize the fact that a booked speed of 45 miles or slightly over means in practice that the engine very frequently has to run at speeds very much higher than that and in this connection it is interesting to note that the Senior Government Inspector of Railways has categorically laid down—you will find it in the Report—that an engine fit for a speed of 45 miles an hour has no business to be attached to a train whose booked speed is in excess of 40 miles an hour. In connection with this very same matter, the Agent himself, when inquiring into another accident at the beginning of 1937, declared that there ought to be always a margin of 12 per cent. between the booked speed of a train and the maximum permissible speed of the engine attached to that train. Where was the margin of 12 per cent. in the case of the train 17 Up to which an XB engine was regularly attached? I emphasize this point because the whole justification, the whole reason which led the Assistant Foreman in the Jhajha shed to put this engine XB 1916 on to the ill-fated train was precisely the fact that a similar engine was already in regular use with the knowledge of the authorities, on a train booked at a speed of over 45 miles an hour. If the failure of the authorities to observe this fact does not amount to gross negligence, I, for my part, am ignorant of the meaning of that term. Nor can it be said to be just an unfortunate oversight—that that the office was very busy with something else and that the file was never put up, because between 1934 and 1937, there were a number of incidents to bring forcibly home to the railway authorities the necessity of speed restrictions with particular reference to the XB engines. In the first place, in March, 1936, you had a very emphatic letter written by Mr. Smith, the Divisional Superintendent, Dinapore, in which he said that the drivers of these engines were frightened of them, that the men who were nearly retiring were looking round and trying to find excuses to go home. They realised that the engines were dangerous and they wanted to get away. If that was not enough, in November, six months later, the successor of Mr. Smith wrote another letter to the Chief Operating Superintendent and that letter is of so much importance that I ask your permission to quote a few extracts from it. He says:

“I am beginning to get definitely worried, not only in my own mind, but from all sides it is coming at me, that the speed of many trains over this division is somewhat excessive, The coaching stock axle loads and our XB type engines hammering along at the maximum permissible speed usually trying to make up time and over a track on the main line section of 88½ pound rails . . . is not a very reassuring state of affairs.”

He concludes on this note:

“I do not wish to be pessimistic but it does appear to me that we are at least working right up to our factor of safety in our mail and express train speeds today on this division at least.”

Sir, could you have a clearer and more definite warning from a responsible official to a railway administration that they were neglecting safety in the interests of speed. One would have expected to

[Mr. P. J. Griffiths.]

find that this letter would have produced a flutter in the dovecots. I have no knowledge of what happened behind the scenes, but reading through the report—and I have been practically all through the evidence—I cannot find any single statement anywhere which shows that any attention at all was paid to this very startling letter. Is not that gross negligence? What would have happened in an ordinary business firm if the assistant manager had made to the manager a statement as serious as that and the manager had taken no action on it? I venture to suggest that that manager's days with the firm would have been numbered! But, because this happened to be an "administration" which, speaking with all the restraint I can, I must accuse of lack of organization, as far as we can gather from the records no action appears to have been taken on this very damning letter. Of course the railway authorities have an excuse. Speaking as an ex-bureaucrat I know quite well that bureaucrats always produce excuses and the railway administration have an excuse. They say that when the time table conflicts with safety speed restrictions the restrictions prevail and that, therefore, the driver should not have run the 17 Up train so fast. In other words we are solemnly asked to believe that the driver of the 17 Up train, to which an XB engine was regularly attached, should have driven his train late every day and that if he would have done that he would have been patted on the shoulder as being a very good boy. But what are the actual facts? The facts are that a great speed drive was going on just at this time. I am not objecting to that. It is very right and proper to try and assist in meeting the public convenience by running trains punctually but the fact remains that in the sheds at Jhajha, lists were posted showing the number of minutes lost of drivers. Under those circumstances, can the railway authorities expect us to believe that a driver was really intended to slow down his train for safety and get credit for that from day to day? Sir, their own words are in print against them. Their own Divisional Superintendent at Dinapore issued a circular which made it perfectly clear that under normal conditions—and that means when no special engineering operations were taking place—the drivers were expected to keep to the time table and that what is known as the temporary engineering restriction allowance was not available to them throughout the monsoon. Finally, on this point, leaving aside all theoretical considerations, the fact remains that the 17 Up was drawn by an XB engine, ran to time quite often, and on the occasions when it ran to time was exceeding the limits which had been laid down as to speed. I presume speeds are studied somewhere in the railway administration and that it is somebody's job to see which trains are running fast and which trains are running slow. I presume somebody ought to have seen that this particular engine was, day by day, running faster than had been laid down by the Agent himself. Sir, I maintain that the general charge of negligence against the administration has been proved to the hilt. They imposed a speed limit after bitter experience shown it to be necessary, and they utterly failed to enforce that speed limit.

The second specific charge roughly amounts to this. With respect to the engine XB 16, between the 1st July and the 14th July, three separate drivers, each of whom had over a quarter of a century's driving

experience, had booked that engine for bad hunting, and yet no action was taken on those reports except the ordinary routine action of changing the bogey springs. I suggest that there was something radically wrong with the administration. It was known that the XB engine had a dangerous tendency to hunt but no instructions were issued to the shed foremen to the effect that repeated cases of bad hunting of these engines must be brought to the notice of the higher authorities. I submit that this alone, quite apart from the general question of negligence, would be quite enough to convict the railway authorities of negligence. And finally as to the third charge—the charge that the attitude of the railway administration throughout the inquiry was unsatisfactory—it is not necessary for me to dilate on this because it has been dealt with so clearly by Sir John Thom at page 1438 and elsewhere in the printed book of evidence. There he had occasion to remark that throughout the inquiry his orders for the production of documents, registers and books had been consistently trifled with, and anybody who takes the trouble of going through the volume of evidence cannot help coming to the same conclusion. Finally, apart from the question of unwillingness to produce evidence, there was the extraordinary attitude of the railway administration or of some of the railway officials towards the witnesses in this very important case. You have already had quoted to you an incident of a kind which is very rarely allowed to happen in court.....

Mr. Chairman (Mr. S. Satyamurti) : The Honourable Member has got only one minute more.

Mr. P. J. Griffiths : When one of the witnesses was giving evidence he was interrupted and hectorred by a senior railway official and the Senior Government Inspector himself says that it took him a whole minute to stop the interruption. I submit that on all three counts, viz., the charge of general negligence in handling the XB engines, the charge of specific negligence in handling this XB engine, 1916, on this day, and the charge that the railway administration were concerned not so much in helping the court as in whitewashing what had taken place—I suggest that the administration is found guilty of gross negligence ; and we are entitled to expect that Government will conduct some searching form of inquiry which will enable that negligence, instead of remaining a nebulous and distributed entity, to be brought down as a concrete reality to the actual individuals concerned. Sir, for these reasons we support the motion of my Honourable friend, Sir Abdul Halim Ghuznavi.

Mr. B. Das : Sir, it is a matter of great satisfaction that my Honourable friend, Mr. Griffiths, is slowly changing and slowly perceiving the truth that as in the case of an I. C. S. District Magistrate and as in the cases of their manipulated evidence before the High Courts, so in the case of the railway authorities also they are following the footsteps of the heaven-born civil services ; and I cannot blame the Railway Department so much as I blame the higher civil services for setting precedence over it. Sir, my Honourable friend, Mr. Griffiths, made a good speech and he supported wholeheartedly the amendment moved by my friend, Mr. Santhanam, but somehow his heart had a weak spot for his own race, and he wanted to shield the

[Mr. B. Das.]

very people whom he condemned so much ; so he wants to support the amendment moved by my Honourable friend, Sir Abdul Halim Ghuznavi. On better thought I hope his party will realize the situation and will support the amendment moved by my friend, Mr. Santhanam.

Sir, last year when we were at Simla this time, the whole of Simla was agitated over this Bihta disaster. There were rumours that His Excellency the Viceroy was very anxious to give relief to the unfortunate victims and their dependants of the Bihta disaster. Unfortunately, however, the Railway Board and the Railway Member of the time stood up against it. They stood firm, and the Viceroy and the Governor General in Council could not yield to humanitarian sympathies. And even as my Honourable friend, Mr. Sri Prakasa, has rightly pointed out, the Government Resolution has been worded very badly and most heartlessly in saying that they are showing some favour to the victims and their dependants. It is a callous statement that no humane Government could have issued.

Sir, I wish to analyse the Bihta disaster just from an engineering point of view. Sir, I entirely support, as a Congressman and as a politician, what has been spoken by my friends before. Sir, the Bihta disaster to me is the result of the restless spirit of the age we are living in. Sir, after the War, our European friends sitting there and their representatives demanded more capital expenditure on locomotives and railway expansion. The Government bowed to it. They wanted to purchase more locomotives in England, they wanted more railways to be constructed, and Rs. 150 crores of capital was sunk on these things, to the regret of the present Finance Member. I am glad he is here. What happened then ? There were to be heavier locomotives and there were to be heavy rails and heavier tracks for them. From 75 lbs. rails they went up to 90 lbs. and 115 lbs. rails. They bought heavier locomotives and changed the permanent way. Thus, they spent the money and mismanaged the funds and allowed the railway finance to go into the present abysmal depth where it is now. At that time, the Railway Board suddenly decided that they would have a hand in the design of the railway engines. I am not now trying to condemn the E. I. Railway and their officers, because they stand self-condemned. If I were the Communications Minister, I would have sacked every one of them and started with fresh blood, but he will not have the courage to do it. The Railway Board wanted to have a hand in the design. Sir, we have been hearing up to now about XB engines. I will now refer to XA engines as they were reported by Mr. Badenoch, the then Director of Railway Audit. In his audit report on railways for 1930-31, he talked about the oscillating and hunting habits of these XA engines on the G. I. P. Railway. Notwithstanding his comments and adverse experiences, the Railway Board ordered for 45 XA type engines, with the result that none of them could run satisfactorily. And yet XB and XC engines were ordered. They hunted and they swirled and they were allowed to be used on ordinary local lines. In 1930-31, we cross-examined Sir Guthrie Russell about these engines in the Public Accounts Committee. I will quote from the published evidence :

“ Mr. S. C. Mitra : Were these XA types new designs or based on some older designs ?

Sir Guthrie Russell : It was absolutely a new design. These locomotives were built for speed up to 40 miles an hour, but they were also thought to be able to do up to 60 miles."

Later on, in answer to a question, *Sir Guthrie Russell* said :

"The G. I. P. was the only railway where they had this trouble with these locomotives and that also only on certain sections."

What happened on the G. I. P. has now happened on the E. I. R., and that too for other types of engines. My Honourable friend, Mr. Clow, defends so much the M. and S. M. Railway, but, Sir, you know that part of the country, and I have also travelled on that line, and I have never seen a train going more than 30 miles an hour, and I do not know how my Honourable friend, Mr. Clow, travelled by a train which ran at 50 or even 60 miles an hour. Then, Sir, later on, I asked *Sir Guthrie Russell* :

"May I inquire if the Railway Board for the first time took upon themselves the designing of engines at this period ?

Sir Guthrie Russell : Yes, but not the railways. The Railway Board at this time started the Standard Office and this is the first time the Railway Board have interfered in the designs. It is not a new sort of design because America has got the same kind of locomotives."

Sir, I ask : why tinker with American designs ? Who asked the Railway Board to squander money and to create a Standards Department ? It is rather surprising that the Standardisation Officer and the Chief Commissioner of Railways belong to the G. I. P. Somehow all these experts come from the G. I. P. Railway. I think even my friend, Mr. Tylden-Pattenson, comes from the G. I. P. Heaven alone knows what beauty the G. I. P. trains have to attract all these experts ! These railway engineers go to America and get hold of a model there and try to tinker with it. Sir, these disasters are more due to the faulty designs and the frequent changing of springs and ordering about the consulting engineer. Either have a consulting engineer in England, or have none. In fact, I will be glad to do away with him. I have always advocated that, but why tinker with the designing especially when you do not know anything about the designing of these engines.

My Honourable friend, Mr. Clow, has narrated the merits of the experts that will be on this Inquiry Committee. I ask him—and it has already been mentioned.—why not get an American expert in the Committee, because the Indian broad gauge is the same as the American broad gauge, but that is not the case with the British gauge and the Continental gauge which is 4 ft. 8 inches. So, the engines that are run in America should be run in India and the engineering practice of America should be the Indian practice. I remember when I was an engineering student at the Sibpur College, I designed railway projects. There were certain railway prejudices, but ultimately we had to follow the American railway practice in our designs. There is very little engineering practice in the English railway that is common to India. But, Sir, I am not quarrelling with my Honourable friend, the Member for Communications, if the Government want to be honest and fair. If Government want a proper inquiry, let them get an American expert. I am not laying stress on an Indian expert because somehow Indians are bugbear to the Government. Sir, my Honourable friend, the Communications Member, is so very new to this Department and is so very

[Mr. B. Das.]

pious in his attitude of life that I wonder if the Railway Board has placed all the documents and all the facts before him.

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

Has he inquired into the numerous instances of accidents that have occurred so far on the E. I. Railway ? Is it not a fact that the first report of the E. I. R. Administration and the Railway Board was always that these accidents are due to sabotage ? Has he tried to find out that in every case, whether it is the Mughalsarai accident, or the Talandoo accident, or the Bihta accident, or the numerous suppressed accidents, it is all due to the use of these heavy engines on light rails and a very light frame-work of the permanent way which makes the track separate and thereby the accidents are caused, and then these wiseacres say that there had been a sabotage. They say that rail was removed or a fish-plate was removed as if the Congressmen in India or the labour agitators in India follow the American practice of removing the rails to loot the train. I want to know from the Railway Member in how many cases it has been proved that there had been real sabotage, when and whether the trains were looted after the removal of the rails ? I believe he cannot quote even one instance. At least, during my 15 years' membership of this House, I have never heard of one instance cited by any responsible Member on the Treasury Benches to this effect.

Sir, the Bihta disaster proves one thing. There has been no co-ordination of work in the Railway Administration. Somehow, men of the traffic department become the Agents of Railways and they do not respect the engineers. They do not understand their difficulties and they do not appreciate the human element of the permanent way of the rails and of the engines. They do not realise that even the machines have their individualistic characteristics. They do not understand all these things and they happen to be the speed-fiends. These wiseacres in the Operation Department want to go as fast as they can. They want these trains to travel at 60 or even 80 miles an hour, but unfortunately with these heavy engines and the light permanent ways, the locomotives can never run at that speed. They cannot run even at a speed of 30 or 40 miles an hour, because that gives more trouble and more anxious moments to the drivers and the mechanics who work on these engines. I would like to see all these railway engines scrapped. I would like to see that the enquiry committee should also examine whether, in the standardisation department of the Railway Board, there is any brain left. We all know there is that Mr. Case in the Railway Board who drafted the note on the Federal Railway Authority, who also drafted the Wedgwood Report and who perhaps also drafted the note that has been placed before the Honourable Mr. Clow and who also submitted a technical note before Chief Justice Thom. I felt ashamed to read that note. No Engineer, who holds the position of a Consulting head of the Standards Department in the Railway Board, should have written that note. If the Government of India want to stop accidents, they should stop the extravagance due to the purchase of heavy locomotives, ill designed and badly made locomotives. The

Government should also scrap the Standardisation Department. My Honourable friend says that the Government have already stopped the use of XB engines. Though four crores have been sunk on XB engines, it is better to scrap the whole lot of them in view of the safety of passengers in India. It is better that they use engines which will run with better efficiency and with less fuel cost; and that will give less trouble to the mechanics, drivers and engineers who work on it.

In conclusion, I submit that the time has come when the railway administration of each railway should be managed by a Board consisting of the Agent and the Chief Mechanical Engineer and the Chief Permanentway Engineer. If the Agent is a man of the Operating Department, then the Chief Mechanical Engineer and the Chief Engineer should form the Board for the administration of the railway so that the Chief Operating Superintendent as the Agent does not rule out the advice of the Engineering staff. All the accidents have been due in the past to the bossing and hectoring attitude of these speed fiends—the Operating Superintendent and his staff. I do hope that my suggestions will be accepted in toto, not only by the Honourable Member for Communications, but also by the Committee that will meet shortly.

Mr. N. M. Joshi (Nominated Non-Official) : Sir, my object in taking part in this discussion at this stage, when several Honourable Members have dealt with the important aspects involved in this question, is to draw the attention of the House to the necessity of considering the whole question of safety on railways in all its aspects and not allow our attention to be taken up by this particular accident. The Bhita accident is due to the defective nature of the XB engines. The Government of India are appointing a committee to consider what are the defects of these engines, if there are any defects. I feel, Sir, that this enquiry is not enough. God forbid that there should be any more accidents, but if any more accidents take place, the next accident may not be due to the defective nature of the engine. It may be due to the defect in the permanent way or may be due to other causes. I, therefore, feel that we should take advantage of this discussion to insist upon a full and thorough enquiry into the whole question of safety of Indian railways to passengers being made by the Government of India and by this Legislature.

The Indian Railways Act has provided by some of its sections that
4 P.M. the Indian railways shall make provision for the safety of passengers. The railways are required to have a particular type of permanent way and engines and their inspection. The Indian Railways Act has also provided for penalty for remissness on the part of Indian railways. I feel that the time has come when the Legislature and the Government of India should examine whether the requirements as laid down in the Indian Railways Act are enough. The Legislature and the Government of India should examine whether the powers given to the Inspectors are enough. I feel that the whole aspect of this question is very important and the Legislature should give special attention to it. We may be told that the Railway Board is always anxious and is always considering the question of safety of passengers. Although the Railway Board is responsible for the safety of passengers on Indian railways, there is also the responsibility of the

[Mr. N. M. Joshi.]

Legislature for the safety of passengers that travel on the railways. I would, therefore, like the Railway Board to convince the Legislature that they are paying special attention to the safety of passengers on the Indian railways. I would, therefore, suggest that a Select Committee of this Legislature should consider the whole aspect of safety of Indian railways. They should examine the Indian Railways Act and its provisions, they should examine also the provisions made by the Railway Board and the Government of India in order to see that the provisions of the Indian Railways Act are enforced in practice. If a Select Committee of this House considers it necessary and I have no doubt they will consider it necessary, they will take the help of experts. If a Select Committee of the House finds that no more provision is necessary for the safety of passengers on the Indian railways, it will express its satisfaction. But if the Select Committee of the House, with the help of experts, comes to the conclusion that the Government of India must make better provision for the safety of passengers, then the Select Committee may recommend that the question of safety of passengers may be considered by an expert committee. But I hope the House will insist that not only the question of defective nature of XB engines but the whole question of the safety of passengers on Indian railways will be considered and investigated. In this connection, I should like to say a word about the Inspectors of Indian railways. The Inspectors of Railways, by the very nature of their duty, are the critics of the Railway Department and as critics they must be independent of the authority which is the final authority in the management of Indian railways. I, therefore, suggest, that the Inspectors of Indian railways should be independent of the Railway Board and the Railway Department of the Government of India. It may be said that the Railway Board themselves are critics and that the Railway Board do not interfere with the work of the safety Inspectors. In the first place, the Railway Board may be critics of the Railway Administration, but I submit the Railway Board are not mere critics. The Railway Board besides being the critics of the different Railway Administration are also the final sanctioning authority and they are responsible for the arrangements made by the different railways as regards safety and other matters. Therefore it is wrong to place the Safety Inspectors under the Railway Board. If they are under the Railway Board then naturally there will be some influence of the Railway Board and there will be some restriction put upon the freedom and independence of the Inspectors. Even if they are not under the Railway Board, I do not want the safety Inspectors to be under the Railway Department either. Even then they will depend upon the influence of the Railway Department which in its turn will depend upon the Railway Board which is also the final sanctioning authority and approving authority of the plans of the Railway Administration. I, therefore, suggest that the safety Inspectors should be placed under some department other than the Railway Department and the Railway Board. Unless that is done, the independence of the Safety Inspectors will not be secured. I am told that these Safety Inspectors are drawn from the ranks of the railwaymen : not only that they are drawn from the ranks of the railwaymen, but that they get promotion in the railway ranks. A Safety Inspector

if he pleases the Railway Board and the Railway Department of the Government of India may be appointed an Agent. I, therefore, feel, that it is wrong that a man whose duty it is to criticise the Railway Department should be under the Railway Board or the Railway Department of the Government of India. I would like the Inspector to be independent of that department. I would not like the Safety Inspector to be appointed Agent. I would like to have a separate cadre for the Safety Inspectors. If they require promotion, let them be promoted as Safety Inspectors and not as Agents of the Indian railways. This question was considered by the Committee which considered the question of the Statutory Railway Board and that Committee came unanimously to the decision that under the new Constitution the Inspector should not be under the Statutory Railway Board, but that he should be independent of that authority. I do not know whether the new Constitution will come into existence or not. I am one of those people who do not want the Federation as it has been framed by the Round Table Conferences and the Government of India Act. I, therefore, want that my proposal regarding the independence of the Safety Inspectors should be brought into operation immediately by the Government of India. If the House insists that the independence of the Inspectors should be secured, if the House also insists that the Government should make a thorough enquiry into the whole subject of safety of Indian passengers, this discussion will have done some useful purpose.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : It is impossible to do justice to the subject under discussion with a restriction of time limit. Before I come to the general arguments, there is one point in the report which I should like to mention. It does not affect the general arguments or the conclusions of the Honourable Judge, and that is the determination of the speed by looking at the time. If it is a case of long distance it is possible for the ordinary clocks to determine the average speed within negligible limits, but if the distance is only $4\frac{1}{2}$ miles, it is absolutely impossible without astronomical clocks which indicate accurately fractions of seconds to determine the speed with any degree of accuracy. If we only note the minutes and try to determine for a distance of $4\frac{1}{2}$ miles the mistakes are really enormous. For example, fractions of a minute are not calculated, and if you add the fractions of a minute to either side, you will immediately see that the speed of 57 miles an hour is lowered to 47 miles an hour. If we add the error due to arbitrary fixation of the time of accident, speed will be lowered still. I do not want to dilate on this subject too much, but I should like to mention that we cannot draw any inference by noting down the time in minutes of ordinary Indian clocks. Besides we can only find the average time, but we cannot tell what the speed at a particular moment was, because it is quite possible that the speed may be uniform throughout the distance and we only get by these calculations the average speed and nothing more. Leaving this small consideration I come to the main issue.

The engine was designed in the year 1926 by the Railway Board or by the Standards Office under the Railway Board. There was one mistake which the Railway Board made at the very outset, namely, they overlooked entirely the track, the strength of the bridges, the breadth of the railway

[Dr. Sir Ziauddin Ahmad.]

station, and the equipment of the engine sheds. In 1930-31 when the question of these engines was discussed on the floor of this House, I told a story. I do not want to repeat the whole of it, but only just a portion. That is, a man designed a saddle and after designing the saddle he began to find out a horse to fit this saddle. Instead of designing a saddle to suit the horse, in this particular case they tried to find out a horse to fit the saddle. This has been noticed in the report under discussion, where it is stated that there can be little doubt that this class of engine does not suit this type of track and, conversely, this type of track is unsuitable for this class of engine. It is just the same thing whether you say that this horse is not suitable for this saddle, or this saddle is not suitable for this horse. This was really one of the difficulties which they had at the very outset. This matter was examined by the Retrenchment Committee in 1931 and they recommended in their report that this department which is responsible for the design of the XB engine ought to be abolished altogether. They do not use that phrase in the recommendation itself, but certainly during the discussions the idea was that this department was doing more harm to the country than good and it was responsible for this type of engine which has brought so much disaster before and after this report. The report said :

“ The posts of Chief Controller, Deputy Chief Controller, Assistant Chief Controller and Personal Assistant to the Chief Controller in the Central Standards Office—*(and this office was responsible for the design of the XB engine)*—should be abolished and replaced by two posts of Deputy Directors in the Railway Board.”

At page 10 they say that this office should be considered to be temporary for the present. The East Indian Railway was asked to run these engines and though they pointed out the difficulties, it was difficult for them to tell their masters that their design was wrong and that they ought to change the engine. Had this railway been a Company-managed railway they would not have run these engines at all on their line. They would have taken shelter under their directors at home who would have referred the matter to the experts in England, and certainly the Agents would have said, “ Thank you very much. Your design may be very good, but we are not going to run it ”. But this thing was forced on the East Indian Railway administration by the Railway Board, by the Standards Office who was responsible for the design, and the gentlemen of the East Indian Railway administration who had to look after their bread and butter could not go against their masters and they did the best that they could under the circumstances. Not that I am in favour of Company-managed railways, but this is one of the difficulties of a State-managed railway, namely, that they have to submit to their masters and cannot say, ‘ No ’. The next important point is that when these engines were designed and they came to this country they ought to have been given a fair trial first. The railway authorities should have got, say, half a dozen engines at first and there is no reason, whatsoever, for them to get 99 engines straightaway. They should have got half a dozen engines first and given them a fair trial for two years to discover if they were working well. These engines did not do well at all. The amount of hunting was enormous and the track which we have got did not bear the amount of hunting which these engines produced. The hunting motion, we all know, is a horizontal motion. Every engine hunts, if it is

within the limit it does not distort the track, but if the limit is overstepped the track is deflected either to the right or to the left according to the direction of the motion. Again, there was a clear warning from the railway officer about the work of these engines and still no steps were taken to remove them :

“ The drivers are getting nervous of their engines and several men nearing the age of retirement are making enquiries with a view to going away as the strain is beginning to tell on them and they feel it would be unwise to continue longer than is absolutely necessary.....

..... Actually every one of these engines is liable to break down at any moment and so far there is not a single part of the engine which has not given trouble except the boilers. Up to date no boiler has burst.”

The only satisfactory part in this class of engines is the boiler and every other part of it has given trouble one way or the other. Had these engines not been designed by the Railway Board, had they not been the product of the ingenuity of the engineers belonging to the Standard Office, they would have been condemned long ago and probably the manufacturers would have been asked to pay damages for designing such things. Therefore, this point ought to be considered very carefully by this committee of experts which is coming whether we can force our own designs on our own administration so that their mouths may be shut up and they could not freely criticise as they would have done if this design had come from somebody outside.

Then on page 46 there is mention of a bridge which should not have been opened for traffic. They should have restricted it to slow traffic for one year and then later on opened it for fast traffic.

Then there are a few minor points I should like to refer to. They selected a Counsel to advocate their interests and I do not know whether they were wise or not in selecting a man who had plenty of leisure and would afterwards pay him so that he may have leisure throughout. I leave it to the Honourable the Law Member to say whether a policy of this kind was wise or not. Then, Sir, my Honourable friend, Mr. Nauman, who belongs to Patna and had personal knowledge tells me that the railway administration was very callous about the burial of the Muslim victims. They spent no money and took no care for them with the result that Mr. Nauman and his friends had to collect public subscriptions in order to bury these unfortunate dead people. In the interest of humanity I think it is very desirable that the railway administration should have been more considerate in this particular case.

The next thing I should like to say is that the numerical strength of engines on the East Indian Railway is surely very small because it is pointed out in the report that XB 1916 was the only engine which was available at that time. It is not good that there should be no engine for running the trains. So they ought to have been more careful and there should be sufficient supply of engines and other articles necessary for the traffic. This is a very important question and it is likely that the enquiry now set up by Government about the efficiency of XB and other engines and about the fixing of individual responsibility will also reveal a number of other defects ; and if Government carry out their recommendations I hope accidents will be minimised in future.

Several Honourable Members : The question may now be put.

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

“ That the question may now be put.”

The motion was adopted.

The Honourable Mr. A. G. Clow : Sir, we have two amendments before the House. The first amendment,—for I am glad to see that the third amendment to which I should have taken still stronger objection was not moved,—was moved by my Honourable friend, Mr. Santhanam, and the second, by Sir Abdul Halim Ghuznavi. I should like to make it clear at the outset that I find myself unable to accept the first of these two amendments. I have two main objections to it. I should point out in the first place,—and I will try to develop that in a little more detail,—that it is not in all respects an accurate reproduction of Sir John Thom’s findings. My second objection which is perhaps a more serious one is one that I think was mentioned by Mr. Griffiths in that it appears to me to condemn certain individuals unheard. I may say that I have heard a good deal in the course of the debate, which I doubt if the learned Chief Justice would endorse—small things and great things. To take only one instance, I think my Honourable friend, Mr. Santhanam, implied that one officer who “ said that he wished that these engines were dead and buried ” said so because he regarded them as so dangerous as all that. Now, if he will look carefully into Sir John Thom’s report he will see that Sir John Thom says that he “ admitted in evidence that he wished they were ‘ dead and buried ’ ”,—the actual phrase was coined by the learned Judge himself. That is a minor point ; the important point is that if he will look into the report he will see that Sir John Thom was there dealing not with the question of danger but with the unsatisfactory character of the engines. And this witness acceded to that suggestion of the Judge because the engines were giving so much trouble in the shops and not because he regarded them as dangerous. In reply to other questions he has made it quite clear that he did not himself regard them as dangerous at all.

Now I will come to the first of the items in the first amendment which we are asked to endorse, i.e., that XB engines have been failures for the purposes for which they were designed. I do not think that that is really an accurate interpretation of Sir John Thom’s observations.

Mr. K. Santhanam : Read paragraph 76 of the report.

The Honourable Mr. A. G. Clow : I think the Honourable Member, if he reads the paragraph again, will see that Sir John Thom has been careful to say that he is dealing only with those engines on the East Indian Railway.

“ The evidence placed before me during the course of the Enquiry ”—says the learned Chief Justice—“ leaves me in no doubt whatever that XB engines, so far as the East Indian Railway is concerned, have proved a failure.”

Elsewhere he makes it quite clear that he is not concerned with their performances on other railways. The Honourable Member will find that in paragraph 93 of his report. And in the course of the hearing he made

a number of remarks emphasising that point of view. I will only cite one of them when he said to the Counsel for the Railway :

“ I have indicated again and again that I intend to pass no judgment upon the type of XB engine.”

Mr. S. Satyamurti : His finding is there in paragraph 76.

The Honourable Mr. A. G. Clow : In paragraph 76 the Chief Justice has been most careful to say, “ so far as the East Indian Railway is concerned ”. That is the point that I am trying to make, that he has carefully abstained, as far as I can see, from saying that this is a general judgment on the XB engines as a type.

Then let me move on to clause (d) which says that the Chief Mechanical Engineer and his deputy attempted to influence the witnesses. I do not think these words will be found, as they stand, in the report and I think they convey a misleading impression of what happened. In fact they led Mr. Sri Prakasa to say that officers were asked “ not to give evidence ” in a certain sense and Sardar Sant Singh went a little further and said attempts were made to “ suborn the witnesses ”. Here we are dealing with the question of officers individually and I suggest to the House that they have no explanations before them and I will only mention one point which I would like them to consider.....

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadian Rural) : They were before the Chief Justice.

The Honourable Mr. A. G. Clow : No ; they were not. If the Honourable Professor had listened to my earlier speech he would have heard that I said then that the Chief Justice definitely said he was not there to assign individual responsibility, that charges were not framed against officers and no occasion arose for their explanations. Actually in the case of one of the officers with whom we are concerned, the statements of those who afterwards became witnesses were made I think in a shed, they were made after the Senior Government Inspector of Railways' inquiry was concluded and at a time when, so far as I can see at present, the officer in question had no idea that a judicial inquiry was going to follow ; it had never followed in India before. And while I shall have to look into the matter with further care, there may be no reason for supposing that he had in view the idea that they would subsequently become witnesses in a different type of inquiry. I just mention that to illustrate how dangerous it is to assume that action was taken to “ suborn ” witnesses or other action of that kind. That the action taken may have been unfortunate is of course a different matter. I am only saying that before we come to any final decision on this for or against, it is necessary in all these cases to hear what the officer has to say.

Now, a good deal was said in connection with part (e) about a certain officer, Mr. Robertson. I think Mr. Sri Prakasa said he ran away faster than the train itself. I would suggest to my Honourable friend Mr. Sri Prakasa, who is ordinarily a fair-minded individual, that that is rather an unfair statement to make.....

Mr. S. Satyamurti : His running away was more unfair.

The Honourable Mr. A. G. Clow : What actually happened was that Mr. Robertson volunteered to stay : If he was to be retained he would have been given leave after retirement. The Agent referred the matter to the Railway Board and the Railway Board having looked into the matter suggested to the Agent that it was unnecessary that he should stay.

Mr. S. Satyamurti : Why did they do so ?

The Honourable Mr. A. G. Clow : It is very easy to be wise after the event.

Mr. S. Satyamurti : It was not honest.

The Honourable Mr. A. G. Clow : I think it was perfectly honest.

Mr. S. Satyamurti : Then they do not know their job.

The Honourable Mr. A. G. Clow : In that case I am sorry I do not know my job either. Let me put it this way : while I fully accept the observation that it is unfortunate that Mr. Robertson was permitted to leave the country I do not feel myself that had the same decision been presented to me I would have realised that Mr. Robertson's presence was necessary.....

Mr. S. Satyamurti : You only say this out of loyalty to your subordinates !

The Honourable Mr. A. G. Clow : No. Let me take the point in the evidence from what the Chief Justice himself says : The Agent in expressing his regret for this said :

“ Quite honestly I could not see there was any reason why I should keep him and so I permitted Mr. Robertson to go away, but I will try to answer any question which might have been put to him.”

The Court observed :

“ I do not take the matter as very serious, except that it would have been better if he had been cross-examined.”

Mr. Bell said :

“ Had I realised the position, he would not have been permitted to go.”

Sir John Thom then added :

“ I myself did not realize the position.”

Mr. S. Satyamurti : But he has given a finding now !

The Honourable Mr. A. G. Clow : It is unfortunate that he was allowed to go. I agree with that. In the knowledge we have now and having looked at the results of the inquiry as we have done, it was unfortunate that Mr. Robertson was allowed to go. All I am saying is that if coming to the conclusion that he was not likely to be required is evidence of unfitness for a job, then I should have to plead guilty to that charge.

Mr. S. Satyamurti : It is recorded that he elected to desert his colleagues : that is the Chief Justice's observation on this gentleman running away from the country.

The Honourable Mr. A. G. Clow : I have given the House the facts including certain facts which were not before the Chief Justice and I must leave them to form their own conclusion.....

Mr. K. Santhanam : But what is your objection to my clause (e) ? It merely states the fact.

The Honourable Mr. A. G. Clow : I was not referring to your clause : I was referring to the observations which had fallen from Mr. Sri Prakasa.....

Mr. Sri Prakasa : On a point of personal explanation, Sir : what I said was that despite the permission given to him he ought not to have gone and I said he went away faster than the train.

The Honourable Mr. A. G. Clow : I hope my Honourable friend was merely making a pleasantry and did not intend us to take the statement too seriously. (Interruption.)

Mr. S. Satyamurti : It was meant in all seriousness and should be taken accordingly.....

The Honourable Mr. A. G. Clow : Will the Honourable Member allow me to go on ?

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhamadan Rural) : May I draw your attention to paragraph 169 ?

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

The Honourable Mr. A. G. Clow : I will now come to Mr. Griffiths' speech, which, if I may say so, was perhaps the only speech that endeavoured to frame an indictment against the railways with some skill. I suggest to him, however, if he reflects on it, that it was an advocate's speech rather than a judge's one and that when all the facts about these are known and when we look into all the explanations they may have to give, the negligence may not lie exactly where he attempted to place it. He referred to one of the railway's arguments as "an excuse", which I think was surely rather a hard word. If he will refer to the learned Chief Justice's Report he will find in paragraph 15 the following statement :

"According to the instructions which are published in the Working Time Table and of which every driver was well aware XB No. 1916, the engine of the 18 Down, should not have been travelling at the time of the accident at a speed in excess of 45 miles per hour."

And whatever might have been the position as regards other drivers the driver of this train at least admitted in answer to both counsel and, I think, in answer to the learned Chief Justice himself that he was well aware that he was not expected to exceed that speed and said that if he arrived late in consequence he would be liable to no blame. I do not want to discuss this question of speed or who is responsible because that is going to be an extraordinarily difficult matter. I was interested in the learned wrangler's observations opposite on the working out of the speed ; and so far as my rusty mathematical knowledge goes I am disposed to agree that from the times recorded it is not possible to tell the exact speed of the train or to get at it even within fairly wide limits. At the same time I may

[Mr. A. G. Clow.]

say that, speaking personally, I have not much doubt that the permitted speed was being exceeded when the train met with this unfortunate disaster.

I do not propose to reply to the various criticisms that have been made regarding the purchase and the design of these engines, because I feel that the committee which is coming out will be able to speak on that with an authority which I cannot possibly claim and will probe these matters thoroughly for the satisfaction of all who are interested. It would be presumptuous on my part to attempt to anticipate any of their conclusions.

I would only say one more thing on this amendment and that is this : that without in any way attempting to extenuate any one who may subsequently be found to have been negligent, I think there is always a little danger in enquiries of this kind for a layman like myself and others to show what is called wisdom after the event. I have not much experience—in fact practically none—of looking into railway accidents ; but for a number of years past I have had to deal with accidents in another and more dangerous form of occupation and that is mining. And I found repeatedly how accidents have occurred in ways which no one, not even the most skilful, could have anticipated ; but after they had occurred you saw quite clearly that if this or that had been done the accident would not have occurred. Railway officers throughout the country are undertaking a very heavy responsibility. The hope has been expressed in this House that such accidents will never occur again. I most sincerely echo that hope, but in Railways, in fact, in connection with all fast travel you can never eliminate entirely the possibility of accidents. I feel when I enter my car I do inevitably take a certain element of risk. The responsibility resting on railway officers in this connection is extraordinarily heavy, and I would ask the House not to condemn any unheard.....

Pandit Lakshmi Kanta Maitra : They stand self-condemned.

The Honourable Mr. A. G. Clow : No, they don't.

I turn now to the second amendment, and I recognise that the amendment of Sir Abdul Halim Guznavi is not open to the objections that I have been urging. It recommends action along four lines, and all of them appear to me to be reasonable. It concludes with the words : " This Assembly further recommends that the report on the inquiries and actions that may be taken in consequence thereof be placed before the Assembly for their consideration at an early date ". Now, I would just like to make it clear that while I am prepared to accept this amendment, I do not want any misunderstanding about what is intended in the last few lines. I take it that what is wanted is that the Report of the inquiry should be presented to the Assembly, and I shall undertake to see that it will be laid on the table of the House or will be circulated to each Member, and that a Report will also be made to the Assembly regarding any conclusions which we may reach regarding individual officers. But I take it that Sir Abdul Halim Guznavi does not expect that the case of individual officers

will be submitted to the House before any action or any conclusions have been formed, because this House obviously is not a tribunal to pass judgment on matters of that kind. And the question whether any consideration that the House desires to give to these matters should be initiated by the Government or should be left to non-officials will of course be a matter for consideration later. With these remarks I would say I am prepared to accept this amendment.

Mr. President (The Honourable Sir Abdur Rahim) : It has been suggested to me that I might put to the House the amendment that stands in the name of Sir Abdul Halim Ghuznavi first. I am prepared to do that if there is no objection. The amendment is :

“ That for the original motion the following be substituted :

‘ This Assembly having considered the Report of the Honourable Sir John Thom on the cause of the Railway accident at Bihta :

- (1) deplores the loss of life involved and offers its sympathy to the relatives of the deceased and to the injured ;
- (2) recommends that action be taken by Government to give effect to Sir John Thom's recommendation that the design, the purchase and the continued purchase of the XB engines shall be the subject of a thorough, searching and independent inquiry ;
- (3) recommends that full investigation should be made into the individual responsibility of officers for the accident ;
- (4) to take action and adopt all measures for avoiding similar accidents in future.

This Assembly further recommends that the report on the inquiries and actions that may be taken in consequence thereof be placed before the Assembly for their consideration at an early date ’.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : Therefore, the rest of the amendments need not be considered.

The next item on the agenda is Supplementary Grant.

DEMAND FOR SUPPLEMENTARY GRANT IN RESPECT OF RAILWAYS.

MISCELLANEOUS EXPENDITURE.

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

“ That a supplementary sum not exceeding Rs. 1,10,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of ‘ Miscellaneous expenditure ’.”

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

“ That a supplementary sum not exceeding Rs. 1,10,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of ‘ Miscellaneous expenditure ’.”

[Mr. President.]

There are certain amendments, and the first one is, I think, in the name of Mr. S. Satyamurti.

Report on the Railway accident near Bihta.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Yes, I want to move it, Sir. I beg to move :

“ That the demand for a supplementary grant of a sum not exceeding Rs. 1,10,000 in respect of ‘ Miscellaneous expenditure ’ be reduced by Rs. 100 ”,

to press on the Government the need for their placing the report of the Committee before the House, and to take its verdict on the recommendations of the Committee before they are implemented by the Government.

Sir, I am in a somewhat difficult position owing to the anomaly in the constitution. I find that the Railway Budget is always presented by the Member for Railways and Communications and he is made the Finance Member during the budget time, but when we come to supplementary grants, I find the Finance Member moves them. I take it he is in a position to answer the points I would like to make on this cut motion, because I do not understand why the Finance Member who did not present the Railway Budget, who is not in charge of the Railway Administration, somehow comes to move the supplementary demands for.....

The Honourable Sir James Grigg : I will satisfy my Honourable friend's curiosity on that point. Normally all demands, whether original or supplementary, are to be moved by the Finance Member under the Standing Orders, but at the time of the main Railway Budget, the Governor General appoints the Railway Member to perform the Finance Member's functions in so far as the railway budget is concerned. It is a question of argument as to whether that Resolution is time expired on the passing of the original Railway Budget or not. In order to remove any doubt, I have been made the victim of this motion.

Mr. S. Satyamurti : I offer my sympathy to the “ victim ”. The orders of His Excellency the Viceroy are there. They get them in half an hour's time.....

Mr. President (The Honourable Sir Abdur Rahim) : I dare say the Honourable Member in charge of the Railways may throw some light on the question.

The Honourable Mr. A. G. Clow (Member for Railways and Communications) : I am perfectly willing to deal with it. It was only made by the Honourable the Finance Member in order to avoid a legal objection.

Mr. S. Satyamurti : Then, I will address my remarks to the Member for Communications.

Some Official Members : To the Chair, to the Chair.

Mr. S. Satyamurti : Sir, one part of this cut motion of mine, I think, has been already accepted by the Communications Member in his reply to Sir Abdul Halim Ghuznavi's amendment which was accepted by the House, namely, that the Report of this Committee

be placed before this House together with all recommendations, but the Honourable Member, with all the care of an experienced Government Member, added a few words whose significance was not lost on me, and, I trust, has not been lost on other Honourable Members either, viz., whether, after the recommendations had been placed before the House, Government should take the initiative in getting the verdict of the House thereon or it should be left to non-officials, he very cautiously and wisely said that this was a matter for future consideration. That is the simple point I want to raise on this cut motion; that is to say, I want that they should place this Report before this House and take its verdict on the recommendations of the Committee, before they are implemented by the Government. I do not want to repeat the arguments which this House has already heard in the long discussion on the Report of Sir John Thom, but I want to say for the purposes of my cut motion that the whole question of the purchase, the design,—and mark the words,—‘the continued purchase of these XA, XB and XC engines should be examined by a searching, independent Committee of inquiry’. Therefore, Sir, I think all sections of the House are interested in seeing that the Report they make should be submitted to this House and its verdict should be taken on the recommendations of that Committee, before Government present us with a *fait accompli* and say, the Committee has reported, we have considered it, we have passed the following orders, you may do what you like. That will be infructuous, and it will be too late. Sir, I think the safety of human life in this country is at least as important as in other countries. I was glad to hear the Honourable Member for Communications express the hope that such accidents will not occur in future, and he was expressing the feeling of every Honourable Member of this House, Indian and European, but it does seem to me that if that hope is to materialise, the Government should take this House into their confidence, place all the recommendations before us and tell us what their conclusions are, and then let this House decide what steps should be taken to prevent such accidents in future, so far as that can be done on the recommendations of that Committee. I know the argument will be: ‘After all, we are not all experts’. Now, Sir, I think in all democracies and even in this House, very limited as our democracy is, there is a constant conflict between Government by the people and experts. Now, I have a very great deal of respect for experts, but it does seem to me that even experts can be helped by the common sense of all sections of this House and when those experts have reported, when the report comes to us, let us apply our minds to it and let the verdict of the House be taken. So far as the personnel of the committee is concerned, I will not anticipate the next cut motion and say anything; but I should like to invite the attention of the House to the point made by the Honourable Mr. Santhanam when he said that, after all on this committee there are British experts, three of them, who are to judge of the design approved by their own countrymen here. I do not want to exaggerate, but I think even non-Indians will admit that blood is thicker than water. I have read Sir John Thom’s report and one thing which strikes me more than anything else is the sad feature that responsible high officials were not found wanting to try to influence the evidence before the learned judge. That is obvious through-

[Mr. S. Satyamurti.]

out, and, therefore, it seems to me that the results of this inquiry also may be coloured by the attempts which are sure to be made by the railway officials in this country, with all the strength at their disposal to justify their policy, that they were right in buying and continuing to use and buy XB engines and that they were right in sending further orders. Therefore, I think that the free air of public opinion and the criticism of this House ought to blow on these recommendations, before they are accepted or implemented by the Government. One more argument I want to advance. Some times we vote moneys for committees in the simple trust that the Government will consult us before they implement the recommendations. The Wedgwood Committee was one of those cases, where I was fooled into agreeing to that committee by the Honourable the Finance Member in the hope that we shall get an expert of the status of Sir Josiah Stamp. Instead of that, we get a set of nincompoops who come here and wrote a report most of which has been written by the Chief Commissioner in the Railway Board. If my friend will sit with me, I will prove it to the hilt. I have no doubt that most of these recommendations must have been written in the Railway Board Office here. You can see that, because the things for which they had been pressing all these years, the things which they want, the opinions which they strongly hold and have always held have found a place in that report and the Government have tried to implement those recommendations. If this cut motion is not accepted, there is every danger of the Government presenting us with a *fait accompli*. In view of the fact that Government have already accepted Sir A. H. Ghuznavi's motion, I suggest that the House will be carrying out the spirit of its earlier verdict by voting for my cut motion. Let the recommendations come before us. There will be a special Session in November. If this committee reports more quickly than committees usually do, it can come before us in November. Anyhow, we meet in January and there will be no time lost. I, therefore, commend this cut motion with confidence to every section of the House. Sir, I move.

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

“ That the demand for a supplementary grant of a sum not exceeding Rs. 1,10,000 in respect of ‘ Miscellaneous expenditure ’ be reduced by Rs. 100.”

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : I am glad that this cut motion has come. This Bihta disaster of 1937 was disaster of the first magnitude, and our hearts go out in sympathy to those who suffered and left behind them a number of wailing and crying relations. Sir Sultan Ahmad, who was then in charge of the Railway Department when this accident occurred, insisted that a judicial inquiry should be instituted into this case. The Railway Board wanted to hush up the matter. They did not want an inquiry. The matter went up to the Executive Council and they decided that an inquiry should be instituted and that the matter should be placed before a judge of the High Court. I wish the inquiry had been made by a Full Bench, because then the report would have been more comprehensive. I congratulate on behalf of the House Sir John Thom on the most independent view he has

taken and there has been no favouritism. There has been no judicial nepotism.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member's observations are not relevant to the amendment before the House. He must address himself to the amendment before the House. Kindly look it up.

Maulana Zafar Ali Khan : Yes. Sometime in 1926, the Railway Board was rolling in riches. It is a very rich department and it even dreams in millions.

Mr. President (The Honourable Sir Abdur Rahim) : All this has nothing to do with the amendment.

Maulana Zafar Ali Khan : All I wish to point out is that the Chief designer of these XB engines which have proved such a source of danger.....

Mr. President (The Honourable Sir Abdur Rahim) : All this has been fully discussed. The Honourable Member should confine himself to the terms of the amendment.

Maulana Zafar Ali Khan : All these things will have to come before the Committee that has been appointed. I wish there had been a judicial inquiry, but as this is a non-judicial inquiry, there is a great danger of its coming to a decision which might, in view of the attitude that the Railway Board took up when this Bihta disaster occurred, might be not in the interests of justice ; and, therefore, I support the cut motion very strongly and I hope that when the Committee, the scope of whose inquiry has been widened, arrives at a decision, that decision will be placed before this House and after this House has approved of that decision, then alone I hope that it will come into effect. With these words, I support the motion.

Mr. A. Aikman (Bengal : European) : Sir, the motive underlying this cut motion is perfectly clear. It is : "to press on the Government the need for their placing the report of the Committee before the House, and to take its verdict on the recommendations of the Committee before they are implemented by Government". Sir, Mr. Satyamurti's proposal would transfer the responsibility for decisions from those on whose shoulders it ought to rest (*Cries of "No, no" from the Congress Benches*), and as I understand the essential principles of parliamentary Government, it is for Government to take its own decisions and it is for this House to censure the Government if those decisions should not meet with the approval of the "common sense of the Members of this House" to which Mr. Satyamurti referred. In these circumstances, my Group are unable to support this cut motion.

(At this stage, Mr. Lalchand Navalrai rose in his seat.)

Mr. President (The Honourable Sir Abdur Rahim) : There are three minutes left now. Will the Honourable Member be able to conclude his speech within that time ?

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Yes, Sir, I support this amendment. I think the House has already

[Mr. Lalchand Navalrai.]

committed itself to accepting this amendment because I find that the last amendment that was accepted has given a verdict to this effect, that the report that the Assembly recommends, viz., the report on the inquiries and actions that may be taken in consequence thereof, should be placed before the Assembly for their consideration at an early date. Now I suppose that when this motion has been passed it means that that report has to come before us for consideration and I understand that as soon as it comes for consideration the House has to give its own opinion and verdict on it and then it is to be implemented. I submit we have thus already decided the point now at issue. Now what my learned friend, Mr. Satyamurti, wants, is that the matter should be made more clear so that hereafter the Government may not say, "well, it was left to us to implement or not in any way we like". Now the Honourable Members have made it so clear that the Government or rather the Railway Board has been guilty of negligence in the matter not only of permitting these dangerous XB engines but also in their acquiescence in the absconding of Mr. Robertson. Sir, the Agent of the East Indian Railway appears to me to have abetted his running away. What I say is that if the contemplated report does not come up for the verdict of the House, then the Government may shelve off all these matters. Therefore, I submit that this cut motion is a very important one and should be accepted.

The Honourable Mr. A. G. Clow : Sir, I have every sympathy with

5 P.M.

the point of view put forward by Mr. Satyamurti. I think Mr. Aikman was not interpreting him quite accurately although the wording I have suggested is a little misleading in suggesting that he intended that the Government would be obliged to follow the conclusions of the House. The responsibility, as Mr. Aikman has pointed out, must be theirs. There is one conceivable possibility—I do not say it is likely—that the Committee might recommend some urgent action in the interests of safety and I feel sure the House would understand that the Government might feel obliged to do that before the report has been seen by the House at all. But our intention is that the report should be placed before the House and that there should be a reasonable opportunity for discussion.

Mr. S. Satyamurti : May I say that if that Committee recommends any action in the interest of safety, there is no Member in this House who would ask the Government to wait till they consult this House? They are free to take action immediately there, but on every other matter excepting the safety of the passengers who are travelling by these trains, I urge that this amendment ought to be accepted and Government ought to come before us.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadian Rural) : Sir, I urge that every action should be taken only after the verdict of the House. Even "safety" might cost us crores of rupees.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 1,10,000 in respect of 'Miscellaneous expenditure' be reduced by Rs. 100."

The Assembly divided :

AYES—64.

Abdul Ghani, Maulvi Muhammad.
 Abdul Qaiyum, Mr.
 Abdul Wajid, Maulvi.
 Abdur Rasheed Chaudhury, Maulvi.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Bajoria, Babu Baijnath.
 Banerjea, Dr. P. N.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Das, Mr. B.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Mr. Govind V.
 Essak Sait, Mr. H. A. Sathar H.
 Fazl-i-Haq Piracha, Khan Bahadur
 Shaikh.
 Gadgil, Mr. N. V.
 Ghulam Bhik Nairang, Syed.
 Ghuznavi, Sir Abdul Halim.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hegde, Sri K. B. Jinaraja.
 Hosmani, Mr. S. K.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.
 Lahiri Chaudhury, Mr. D. K.

Lalchand Navalrai, Mr.
 Maitra, Pandit Lakshmi Kanta.
 Misra, Pandit Shambhu Dayal.
 Mudaliar, Mr. C. N. Muthuranga.
 Nauman, Mr. Muhammad.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Rafiuddin Ahmad Siddiquee, Shaikh.
 Raghubir Narayan Singh, Choudhri.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Shaukat Ali, Maulana.
 Sheodass Daga, Seth.
 Siddique Ali Khan, Khan Bahadur
 Nawab.
 Sikandar Ali, Choudhury Maulvi.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Subedar, Mr. Manu.
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.
 Yamin Khan, Sir Muhammad.
 Zafar Ali Khan, Maulana.
 Ziauddin Ahmad, Dr. Sir.

NOES—48.

Abdul Hamid, Khan Bahadur Sir.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Aikman, Mr. A.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar.
 Bartley, Mr. J.
 Bewoor, Mr. G. V.
 Boyle, Mr. J. D.
 Chanda, Mr. A. K.
 Chapman-Mortimer, Mr. T.
 Chatterjee, Mr. R. M.
 Clow, The Honourable Mr. A. G.
 Conran-Smith, Mr. E.
 Dalal, Dr. R. D.

Dalpat Singh, Sardar Bahadur Captain.
 Damzen, Mr. P. R.
 Faruqui, Mr. N. A.
 Ghulam Muhammad, Mr.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 Jawahar Singh, Sardar Bahadur Sardar
 Sir.
 Kamaluddin Ahmed, Shams-ul-Ulema.
 Khushalpal Singh, Raja Bahadur
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Maxwell, The Honourable Mr. R. M.
 Mehr Shah, Nawab Sahibzada Sir Sayad
 Muhammad.

Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Mitchell, Mr. K. G.
 Mukerji, The Honourable Sir Manmatha Nath.
 Mukharji, Mr. Basanta Kumar.
 Nur Muhammad, Khan Bahadur Shaikh.
 Ogilvie, Mr. C. M. G.
 Parkinson, Mr. J. E.
 Rahman, Lieut.-Colonel M. A.
 Rajah, Raja Sir Vasudeva.
 Ronson, Mr. H.

Scott, Mr. J. Ramsay.
 Shahban, Mr. Ghulam Kadir Muhammad.
 Sher Muhammad Khan, Captain Sardar Sir.
 Sivaraaj, Rao Sahib N.
 Smith, Lieut.-Colonel H. C.
 Sundaram, Mr. V. S.
 Town, Mr. H. S.
 Tylden-Pattenson, Mr. A. E.
 Walker, Mr. G. D.
 Zafrullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : Now, I will put the demand less than by Rs. 100. The question is :

“ That a reduced supplementary sum not exceeding Rs. 1,09,900 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1939, in respect of ‘ Miscellaneous expenditure ’.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : Before I adjourn the House, I wish to mention one fact about the last non-official day for Resolutions which was on the 10th instant. The House will recollect that I adjourned the House before it was 5 o'clock. I think it was ten minutes to five when I adjourned the House with the result that the next Resolution standing in the name of the Honourable Member, Mr. Aney, could not be moved, and it has to take its chance in the ballot. It was entirely through oversight of mine that I did not sit on till 5 o'clock that day. I thought that the time was very nearly up and that was how the mistake arose. I cannot rectify the mistake now, but I am sorry that this happened. I do hope, however, that those Honourable Members who are interested in the Resolution will find some means of seeing that Mr. Aney's Resolution has a chance.

The Assembly then adjourned till Eleven of the Clock on Monday, the 15th August, 1938.