

12th April 1939

# THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

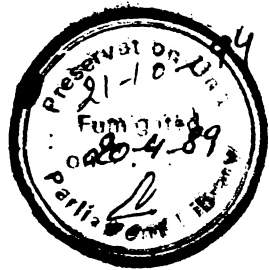
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Volume IV, 1939

*(30th March to 15th April, 1939)*

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## NINTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1939



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# LEGISLATIVE ASSEMBLY.

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*Deputy President :*

25 AUG. 1939

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

**SYED GHULAM BHIK NAIRANG, M.L.A.**

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

# CONTENTS.

VOLUME IV.—30th March to 15th April, 1939.

	PAGES.		PAGES.
<b>THURSDAY, 30TH MARCH, 1939—</b>		<b>MONDAY, 3RD APRIL, 1939—</b>	
Members Sworn . . . . .	9005	Members Sworn . . . . .	3187
Starred Questions and Answers . . . . .	9005—21	Starred Questions and Answers . . . . .	3187—3214.
Transferred Questions and Answers . . . . .	3021—43	Motion for Adjournment re Kidnapping of five Frontier Hindus by armed Torikhel Wamis of the Trans-border Area in the Bannu District—Disallowed . . . . .	3214—15
Short Notice Question and Answer . . . . .	3043—45	The Coal Mines (Stowing) Bill—Discussion on the consideration of clauses not concluded . . . . .	3215—61
Declaration by H.E. the Governor General in Council . . . . .	3045		
Election of Members to the Standing Committee for the Department of Communications . . . . .	3045—48		
The Repealing and Amending Bill—Extension of the time for the presentation of the Report of the Select Committee . . . . .	3048	<b>TUESDAY, 4TH APRIL, 1939—</b>	
The Registration of Foreigners Bill—Discussion on the consideration of clauses not concluded . . . . .	3048—88	Starred Questions and Answers . . . . .	3263—82
		Unstarred Question and Answer . . . . .	3283
		The Coal Mines (Stowing) Bill—Passed as amended . . . . .	3283—87
		The Indian Tariff (Second Amendment) Bill—Discussion on the motion to consider not concluded . . . . .	3287—3332.
<b>FRIDAY, 31ST MARCH, 1939—</b>			
Starred Questions and Answers . . . . .	3099—3136.		
The Sugar Industry (Protection) Bill—Introduced . . . . .	3136	<b>WEDNESDAY, 5TH APRIL, 1939—</b>	
The Indian Tariff (Second Amendment) Bill—Introduced . . . . .	3136	Starred Questions and Answers . . . . .	3333—75
The Indian Tariff (Third Amendment) Bill—Introduced . . . . .	3137	Election of Members to the Standing Committee for the Department of Communications . . . . .	3376
The Registration of Foreigners Bill—Passed as amended . . . . .	3137—80	Message from the Council of State . . . . .	3376
The Employment of Children (Amendment) Bill—Amendments made by the Council of State agreed to . . . . .	3180—83	The Repealing and Amending Bill—Appointment of Mr. F. E. James to the Select Committee . . . . .	3376
The Coal Mines (Stowing) Bill—Discussion on the motion to consider not concluded . . . . .	3183—85	The Indian Tariff (Second Amendment) Bill—Motion to consider adopted . . . . .	3376—3422.
Statement of Business . . . . .	3185		

	PAGES.		PAGES.
<b>THURSDAY, 6TH APRIL, 1939—</b>		<b>FRIDAY, 14TH APRIL, 1939—</b>	
Starred Questions and Answers . . . . .	3423—45	Starred Questions and Answers . . . . .	3703—16
Postponed Question and Answer . . . . .	3446	Unstarred Questions and Answers . . . . .	3716—17
The Indian Tariff (Second Amendment) Bill—Passed as amended . . . . .	3446—72	The Sugar Industry (Protection) Bill—Passed . . . . .	3717—50
The Sugar Industry (Protection) Bill—Discussion on the motion to consider not concluded . . . . .	3473—91	The Indian Tariff (Third Amendment) Bill—Motion to consider negatived . . . . .	3750—63
Statement of Business . . . . .	3492	The Indian Rubber Control (Amendment) Bill—Referred to Select Committee . . . . .	3763—64
<b>TUESDAY, 11TH APRIL, 1939—</b>		The Indian Tariff (Second Amendment) Bill—Amendment made by the Council of State agreed to . . . . .	3765
Member Sworn . . . . .	3493	The Chittatong Port (Amendment) Bill—Discussion on the motion to consider not concluded . . . . .	3765—67
Starred Questions and Answers . . . . .	3493—3517.		
Statements laid on the Table . . . . .	3517—37	<b>SATURDAY, 15TH APRIL, 1939—</b>	
The Hindu Women's Right to Divorce Bill—Presentation of Petitions . . . . .	3537	Starred Questions and Answers . . . . .	3769—87
The Indian Succession (Amendment) Bill—Passed . . . . .	3537—40	Statements laid on the Table . . . . .	3787—90
The Hindu Women's Right to Divorce Bill—Discussion on the motion to refer to Select Committee not concluded . . . . .	3540—96	Reports laid on the Table . . . . .	3790—92
<b>WEDNESDAY, 12TH APRIL, 1939—</b>		Message from the Council of State . . . . .	3792
Starred Questions and Answers . . . . .	3587—3639.	Message from H. E. the Viceroy and Governor General . . . . .	3792
Unstarred Questions and Answers . . . . .	3639—49	The Indian Tariff (Third Amendment) Bill (as recommended)—Motion for leave to introduce negatived . . . . .	3792—95
Message from the Council of State . . . . .	3649	The Chittagong Port (Amendment) Bill—Passed . . . . .	3795—3802.
Draft Convention concerning Statistics of Wages and Hours of Work in the principal Mining and Manufacturing Industries, including Building and Construction and in Agriculture, adopted by the International Labour Conference . . . . .	3649—56	Position of the Indian Oaths (Amendment) Bill and the Commercial Documents Evidence Bill . . . . .	3802—03
Resolution re—		The Criminal Law Amendment Bill—Passed . . . . .	3803—34
Position of Women under the Existing Laws—Adopted as amended . . . . .	3656—95	The Indian Soft Coke Cess Committee (Reconstruction and Incorporation) Bill—Passed . . . . .	3834—36
Non-Indian companies and Protective Tariffs—Discussion not concluded . . . . .	3696—3701.	The Hindu Women's Right to Divorce Bill—Presentation of the Report of the Committee on Petitions . . . . .	3836



# LEGISLATIVE ASSEMBLY.

*Wednesday, 12th April, 1939.*

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

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

#### CLOSING OF CERTAIN RAILWAY LINES.\*

**1628. \*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Railway Member state:

- (a) whether Government contemplate discontinuing any more lines than those that the Honourable Member mentioned in the last Simla Session;
- (b) if so, which those other lines are, the closing of which is now contemplated; and
- (c) whether the Provincial Governments are always consulted before a conclusion is come to in such matters?

**The Honourable Mr. A. G. Olow:** (a) and (b). The closing of the Santipur-Krishnagar City and Krishnagar City-Nabadwip Ghat sections of the Eastern Bengal Railway is under consideration.

(c) Yes.

**Mr. Badri Dutt Pande:** Have the Kangra Valley Railway and the Rishikesh-Hardwar Railway also been abandoned?

**The Honourable Mr. A. G. Olow:** Information has been given about other lines in reply to a previous question. These two railway lines have not hitherto been mentioned.

**Mr. T. S. Avinashilingam Chettiar:** What about those ten lines which the Honourable Member mentioned in reply to a previous question? Have these lines been closed?

**The Honourable Mr. A. G. Olow:** No, Sir.

**Mr. M. Thirumala Rao:** What has become of the Cocanada-Kothapalli Railway line? That was one of the lines mentioned in the list?

**The Honourable Mr. A. G. Olow:** I cannot speak without notice about the progress made in the consideration of the various lines.

**Mr. T. S. Avinashilingam Chettiar:** In the last answer the Honourable Member said that Government were considering the question of closing the lines mentioned in the list. May I know whether Government have come to any conclusion finally over that matter and decided which lines ought to be closed. I am referring to all the ten lines.

**The Honourable Mr. A. G. Olow:** I can not answer without notice as to the progress reached.

LEVY OF ECONOMIC RENTS FROM EUROPEAN REFRESHMENT ROOMS ON RAILWAYS.

**1629. \*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Railways state:

- (a) whether in the matter of charging economic rents to European refreshment rooms, said to be in discussion between the General Managers of Railways and the Railway Board (question No. 1081, dated the 16th March, 1939) any conclusions have been reached;
- (b) if so, what is the conclusion; and
- (c) when it will be placed before the Central Advisory Board for Railways?

**The Honourable Mr. A. G. Olow:** (a) No.

(b) Does not arise.

(c) At the first meeting of the Central Advisory Council after the close of this Session.

**Mr. T. S. Avinashilingam Chettiar:** When is the next meeting? Is it not usual that the meetings are held only once a year?

**The Honourable Mr. A. G. Olow:** There will be a meeting during the Simla Session, if not earlier.

PROSECUTION OF THAKUR KALYAN SINGH, AIDE-DE-CAMP TO HIS HIGHNESS THE MAHARAJA OF JODHPUR.

**1630. \*Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member for Railways please state:

- (a) whether the Railway officials had any hand in the prosecution of Thakur Kalyan Singh, Aide-de-camp to His Highness the Maharaja of Jodhpur under section 120 of the Railway Act on the complaint of certain European fellow passengers at Lahore station;
- (b) who took the initiative in taking the case to the Police and the court;
- (c) whether any railway officer assisted the said Europeans to seek the help of the Police or the court; and
- (d) if so, the steps taken to admonish the Railway officer or officers for his or their conduct?

**The Honourable Mr. A. G. Clow:** (a) No.

(b) The complainant.

(c) No.

(d) Does not arise.

**Mr. Brojendra Narayan Chaudhury:** May I know whether any steps have been taken to admonish the railway servants for their conduct in abetting the ejection of a railway passenger and his prosecution under section 120 of the Railway Act?

**The Honourable Mr. A. G. Clow:** That question does not arise.

**Mr. Brojendra Narayan Chaudhury:** Is it not the bounden duty of a railway servant to eject a passenger from a compartment if he is alleged to be disorderly as Thakur Kalyan Singh is said to have done in this case?

**The Honourable Mr. A. G. Clow:** I am not prepared to express any legal opinion.

#### ACCIDENTS ON THE ASSAM BENGAL RAILWAY.

**1631. \*Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member for Railways please state:

- (a) whether he is aware that in the current year in the district of Sylhet more than nine persons have been killed by railway accidents against only two by road accident;
- (b) the special steps taken to minimise railway accidents in the Assam Bengal Railway in the district of Sylhet such as (i) fencing of permanent way at dangerous places, (ii) guarding of the usual crossings used by villagers, (iii) employment of better trained and more responsible drivers;
- (c) whether continuous user for any period gives the villagers the right of way over the crossings;
- (d) whether in building the permanent way in the district of Sylhet long way user and the necessities of the villagers crossing the line were considered and recognised; if so, in how many cases the right of way was recognised, and where;
- (e) the steps taken to ensure the safety of those crossing the railway line at spots where the right is recognised in unfenced lines;
- (f) the maximum speed of trains on unfenced railway lines within the district of Sylhet;
- (g) whether at places in Sylhet the railway line passes close to the homesteads of the villagers and even through the homesteads and whether there are fencings at these places; and
- (h) whether the railway has any arrangement for "safety first" training of children where the railway runs close to the houses and huts?

**The Honourable Mr. A. G. Clow:** (a) In the present calendar year four trespassers were killed on the Railway in the Sylhet District. Information is not available as to the number of persons killed in road accidents.

(b) (i) Based on the recommendations of the Railway Enquiry Committee, 1937, the policy of Government is to provide fencing in suburban and industrial areas, in station yards and in the immediate neighbourhood of important level crossings.

(ii) When gates are provided, crossings are manned.

(iii) Competent and reliable drivers are employed.

(c) No.

(d) Yes, the District Magistrate settles at the time of construction the level crossings of a, b, c or d class, according to the requirements of each case. Numbers are not available.

(e) Where fencing is not provided, the existence of railway lines and ballast is considered to be a sufficient warning.

(f) 35 miles per hour.

(g) I am afraid it is not possible to give a general reply. If, however, the Honourable Member will put down a question specifying the particular places he has in mind, I shall endeavour to obtain the necessary information for him. Generally the policy of Government is as stated in my reply to part (b) (i).

(h) No.

**Mr. Brojendra Narayan Chaudhury:** With reference to part (a), may I know whether the attention of the Honourable Member has been drawn to the reply given to question No. 1204 where it is said that four were seriously injured and 15 killed?

**The Honourable Mr. A. G. Clow:** I have not seen the reply.

**Mr. Brojendra Narayan Chaudhury:** May I know whether there are any obstruction gates in the usual crossings to prevent villagers from passing through the places where railway lines pass?

**The Honourable Mr. A. G. Clow:** In some places the lines are fenced and in others, unfenced. There are gates also in some places.

**Mr. Brojendra Narayan Chaudhury:** I am asking whether there are gates in places where there are not fences?

**The Honourable Mr. A. G. Clow:** There are places where there is no fence and also no gate.

#### REPORTING OF CERTAIN CASUALTIES ON RAILWAYS TO THE RAILWAY BOARD.

1632. **\*Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Railway Member please state:

(a) whether deaths and serious injury to human beings have to be reported to the Railway Board in the following cases; if so, within what time of the accident:

by collision of engines, and carriages with human beings, loads carried by human beings, road vehicles, other railway carriages and engines, on permanent way, level crossings and station yards;

- (b) the number of such casualties since the beginning of the current railway year;
- (c) in which class of cases the Railway Board order an inquiry after receipt of the report;
- (d) the number of such inquiries held since the beginning of the railway year;
- (e) of the above, in how many cases responsibilities have been fixed on railway employees and how the employees have been dealt with;
- (f) whether in any cases it has been discovered that the railway has not reported within the time required by the rule or at all;
- (g) whether any inquiry is held by the Railway Board in cases where the railway reports that the collision is due to trespass; and
- (h) whether the Honourable Member is aware that in a police inquiry into trespass cases, the injured party, more often than not, does not appear before the police to press its grievances against the railway, owing to the general inclination of the people of this country to pardon the offender and the dead or injured party having no friends to take up its cause?

**The Honourable Mr. A. G. Clow:** (a), (c) and (g). I would refer the Honourable Member to the Railway Department (Railway Board) Notification No. 1926-T., dated the 19th March, 1930, which details the nature of the accidents which have to be reported to the Railway Board with as little delay as possible, and from which it will be seen that the Railway Board do not order or hold enquiries.

(b) One. Since the 1st April, 1939.

(d), (e) and (f). These do not arise, but the Government Inspector is making an inquiry.

(h) As the question relates to police enquiries, I am afraid I have no information.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether Government have finished the consideration of the matter which the Central Advisory Committee recommended, namely the institution of a public enquiry in every case where life is lost?

**The Honourable Mr. A. G. Clow:** I cannot answer without notice.

#### MUSLIMS IN CERTAIN SERVICES ON THE BENGAL AND NORTH WESTERN AND EASTERN BENGAL RAILWAYS.

**1633. \*Maulvi Muhammad Abdul Ghani:** Will the Honourable Member for Railways please state:

- (a) the total number and the number of Muslims in the following services over the (1) Bengal and North Western Railway and (2) Eastern Bengal Railway on the 31st December, 1938:
  - (i) Permanent Way Inspectors,
  - (ii) Inspectors of Works,
  - (iii) Signal and Block Inspectors,
  - (iv) Sub-Divisional Officers; and

(b) the total number of apprentices and the number of Muslims taken for training during the last three years as:

(i) Permanent Way Inspectors.

(ii) Inspectors of Ways and Works, and

(iii) A and B class apprentices in the Locomotive Department?

**The Honourable Mr. A. G. Clow:** (a) and (b). I am laying on the table a statement giving the information so far as it is available.

*Statement.*

Posts.	Eastern Bengal Railway.				Bengal and North Western Railway.			
	Employed on 31st December 1938.	Muslims employed on 31st December 1938.	Apprentices recruited during last three years.	Muslim apprentices.	Employed on 31st December 1938.	Muslims employed on 31st December 1938.	Apprentices recruited during last three years.	Muslim apprentices.
Permanent Way Inspectors.	29	5	<i>Nil</i>	...	19	2	5	3
Inspectors of Works.	22	2	<i>Nil</i>	...				
Signal and Interlocking or Block Inspectors.	11	<i>Nil</i>	...	...	2	<i>Nil</i>		
Sub-Divisional Officers.	18	1	...	...	1	<i>Nil</i>		
Apprentice mechanics in the Locomotive Department.		...	50*	3*	...	...		

\*On the Eastern Bengal Railway the term "A and B Class apprentices in the Locomotive Department" is not in use.

**Mr. Muhammad Nauman:** Is the Honourable Member aware that on the E. B. Railway there is one Chief Clerk, Ganguli, who has been manipulating the appointment of apprentices in the Permanent Way Inspectors' cadre?

**The Honourable Mr. A. G. Clow:** I do not see how that arises. I have no reason to suppose that is the case.

POSTCARDS AND ENVELOPES SOLD IN RURAL AND URBAN AREAS.

**1634. \*Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member for Communications please state with regard to last year:

- the value of postcards sold (i) by the rural post offices, and (ii) in the total in both rural and urban areas;
- the value of stamped envelopes and postage stamps sold by—  
(i) rural post offices and (ii) in the total for both rural and urban areas;
- the income from rural post offices and the expenditure on them; and
- the subvention from the public, or section of the public, received for maintaining rural post offices?

**The Honourable Mr. A. G. Clow:** (a) to (d). No statistics are maintained giving the particulars desired by the Honourable Member. The only figures available are those of the total values of embossed envelopes and postcards issued by the Central Stamp Store, Nasik, to the treasuries which serve as a source of supply to Post Offices and of postage stamps, issued by the treasuries to Post and Telegraph Offices. For 1937-38 these figures were:

	Rs.
Embossed envelopes . . . . .	65,82,500
Embossed postcards . . . . .	1,11,56,250
Postage stamps, embossed envelopes and postcards.	7,02,74,000

**Mr. Brojendra Narayan Chaudhury:** May I know if the Honourable Member will consider the utility of collecting statistics on the lines suggested in the question?

**The Honourable Mr. A. G. Clow:** I do not think the value to be received would be worth the very large expense involved.

**Seth Govind Das:** What would be the cost if the accounts are maintained according to part (a) of this question?

**The Honourable Mr. A. G. Clow:** It will involve a large amount of statistical work. I cannot give the Honourable Member the exact cost.

**Mr. Brojendra Narayan Chaudhury:** With reference to part (a) what is the income from the rural post offices?

**The Honourable Mr. A. G. Clow:** I have explained that we do not keep accounts separately for rural and urban post offices.

**Mr. K. Santhanam:** Will Government consider the desirability of finding out from a particular limited area, rural and urban, so that it may be possible to know whether the postal work is increasing or decreasing?

**The Honourable Mr. A. G. Clow:** The Honourable Member can judge from the Director General's report how far postal work is increasing or decreasing. I doubt if a small area can be taken as typical of the conditions throughout India.

**Mr. K. Santhanam:** May I know if they will undertake an inquiry in typical areas year by year and find out the relative service as between rural and urban areas? Our contention is that the utility of post offices in rural areas is diminishing.

**The Honourable Mr. A. G. Clow:** The difficulty is that if you select any particular area the factors which come into play, in affecting the amount of postal business, are so numerous that you could not take the results as affording a fair guide to conditions throughout India.

**Mr. Brojendra Narayan Chaudhury:** May I take it that Government are entirely in the dark about the progress made in the rural and urban areas?

**The Honourable Mr. A. G. Clow:** No, they are not.

**Mr. T. S. Avinashilingam Chettiar:** In view of the fact that Government do give us figures about the number of rural post offices existing in this country, may I know why it is difficult to give us the income of the post offices and the expenditure on them? Every year I have been putting questions and receiving answers about the number of rural post offices that are opened in this country.

**The Honourable Mr. A. G. Clow:** I believe the number of post offices is somewhere about 19,000 and the collection of material in a statistical form would involve a very large tax both on the energies of the post offices themselves and on those who would compile the statistics.

#### GENERAL POST AND TELEGRAPH OFFICE BUILDING AT LUCKNOW.

†1635. **\*Mr. Sri Prakasa:** Will the Honourable Member for Communications state:

- (a) the cost of the General Post and Telegraph Building at Lucknow;
- (b) if the clock tower at the top of the building was raised after the building was finished, or if the construction of that was a part of the original plan;
- (c) if no clock has yet been set up in that clock tower; and
- (d) the reason why this has not been done and the estimated cost of doing so?

**The Honourable Mr. A. G. Clow:** (a) Rs. 8,61,192.

(b) The clock tower was part of the original plan.

(c) and (d). An electric clock has been installed in the tower at a cost of Rs. 6,779.

#### IMPROVEMENT OF THE DUFFERIN BRIDGE AT BENARES.

†1636. **\*Mr. Sri Prakasa:** With reference to his reply to starred question No. 662 on the 23rd February, 1939, will the Honourable Member for Railways state:

- (a) the estimated cost of the projected improvement of the Dufferin Bridge at Benares;
- (b) when the work is expected to be taken in hand and when it is expected that the same will be finished; and
- (c) if the Provincial Government have contributed to the cost of the Bridge; and if so, how much?

**The Honourable Mr. A. G. Clow:** (a) The estimated cost of the railway portion of the work is Rs. 57 lakhs, and of the roadway portion, including approaches, about Rs. 29 lakhs.

(b) and (c). The question of provision of funds for the roadway portion is still under discussion with the Provincial Government. The work would take about three years from the date of sanction.

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



**TOLLS LEVIED ON THE SONEPORE BRIDGE ON THE BENGAL AND NORTH WESTERN RAILWAY.**

**1637. \*Maulvi Muhammad Abdul Ghani:** (a) With reference to the reply given by the Honourable the Railway Member to my starred question No. 924, dated the 9th March, 1939, is he prepared to call for the figure from the Bengal and North Western Railway Company regarding the amount of toll realised up to the 31st March, 1939 for the foot-path on the Sonapore Railway Bridge and see whether all charges in connection with the construction of the foot-path on the said bridge as borne by the Bengal and North Western Railway have been satisfied? If so, do Government propose to abolish the toll?

(b) Will he lay on the table a statement showing the amount spent on the construction of the footpath, interest thereon and depreciation charges, also the amount of toll realised up to 31st March, 1939?

**The Honourable Mr. A. G. Clow:** (a) The figure has been obtained. The amount realised from 1925 to 1939 inclusive was Rs. 2,09,525, giving an average of about Rs. 14,000 annually. As regards earlier years, the Honourable Member is referred to the reply given to starred question No. 1907 asked on the 15th September, 1924. As Sir Thomas Stewart has already informed the Honourable Member, Government do not propose to abolish the tolls, and even if it were the case that the receipts had more than covered the charges, this would not affect that decision.

(b) Figures for the income have been given in reply to part (a) and an estimate of the cost of the footway was given to the House in reply to starred question No. 1907 asked on the 15th September, 1924. I understand that the annual cost of ordinary maintenance is about Rs. 1,600. Depreciation can be calculated at 1/60th and interest at 4½ per cent. I hope these figures give the Honourable Member the particulars he requires.

**NON-GRANT OF OFFICIATING ALLOWANCE TO MUSLIM CLERKS ON THE GREAT INDIAN PENINSULA RAILWAY.**

**1638. \*Maulvi Muhammad Abdul Ghani:** Will the Honourable Member for Railways be pleased to state the reason for not giving officiating allowance to only Muslim clerks over the Great Indian Peninsula Railway, as is evident from the reply to my starred question No. 673, part (c), of the 23rd February, 1939?

**The Honourable Mr. A. G. Clow:** Officiating allowance is given, only when it is admissible under the rules; its grant does not depend on communal consideration.

**SPECIAL RATES ON SMALL CONSIGNMENTS OF FRESH FRUITS ON RAILWAYS.**

**1639. \*Mr. Kuladhar Chaliha:** (a) Will the Honourable the Railway Member please state if special rates of freight are quoted for green and fresh fruits over the railways in India for a small consignment of fruit?

(b) If not, are Government prepared to do so for the benefit of small fruit growers from the intermediate stations to small towns over the railway systems of India and to centres of business in India as well?

**The Honourable Mr. A. G. Clow:** (a) and (b). Ordinarily, consignments of fresh fruit are carried by passenger trains and are chargeable at half the parcels rate. Most of the principal Railways, however, quote rates lower than half parcels rates, ranging from one-third to one-eighth parcels rates. These special reduced rates are in operation between fruit producing and consuming centres and are notified as operating between intermediate stations, small towns and centres of business where the demand is considered justified by the Railway Administration.

#### EXPERIMENTS IN REFRIGERATED TRANSPORT MADE BY RAILWAYS.

**1640. \*Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Railway Member please state:

- (a) whether any Railway authority is interested in refrigerated transport and wanted to make or made, any experiments; if so, which Railways and where;
- (b) whether any of these experiments required dry ice;
- (c) whether the experiments are said to have been handicapped for want of dry ice;
- (d) whether any tenders were called for for dry ice; if so, how the tenders were notified; and
- (e) whether, tender or no tender, any offers were received; if so, why the offer, or offers, was not accepted?

**The Honourable Mr. A. G. Clow:** (a) and (b). I have, in reply to another question, given particulars of the supply of refrigeration in railway transport and I assume that the Honourable Member's question refers to the North Western Railway, where experiments were contemplated in the use of dry ice as a refrigerant. Action was taken to supply fittings and convert a van. But on the abandonment of the scheme for a Central Abattoir and cold storage dépôt at Lahore, it appeared very unlikely that dry ice could be used on a commercial basis and the General Manager was informed that it had been decided not to proceed with the experiments. In reply he said that a Lahore firm was about to commence the production of dry ice and he desired to complete the preparation of the vehicle for experimental purposes. He has been permitted to proceed but the adaptation of the vehicle is not yet complete.

(c) No.

(d) and (e). No. In the original scheme it was intended that a firm which was interested should supply the dry ice free, and no occasion for inviting tenders has arisen.

**Dr. Sir Ziauddin Ahmad:** What is the difference in cost between ordinary ice and dry ice?

**The Honourable Mr. A. G. Clow:** I cannot give the cost but dry ice is more expensive.

**Mr. Brojendra Narayan Chaudhury:** The reply which I got yesterday from the Defence Secretary was that Government cannot consider this experiment of dry ice before dry ice is in general commercial use. May I know whether Government are aware that there are five factories in India namely, Madras, Calcutta. . .

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

**Mr. Brojendra Narayan Chaudhury:** In view of the fact that Government have come to the conclusion that dry ice is not made on a commercial scale, will they inquire whether dry ice is not used on a large commercial scale in Baroda, Bombay, Calcutta, Lahore and Madras?

**The Honourable Mr. A. G. Clow:** If the Honourable Member will wait for a few minutes, there is another question regarding the manufacture of dry ice. I did not say it was not manufactured or used on a commercial scale.

**Seth Govind Das:** Is it a fact that much less of dry ice is spent if it is used in place of ordinary ice?

**The Honourable Mr. A. G. Clow:** That is hardly a matter for which I am responsible; but I believe that is the case.

#### CONTRACT OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

**1641. \*Sri K. B. Jinaraja Hegde:** Will the Honourable Member for Railways be pleased to state:

- (a) how many times extension of contract with Messrs. Martin and Company in respect of the Shahdara Saharanpur Light Railway has been made and under what circumstances;
- (b) when the present contract expires;
- (c) whether Government intend to give further extension to the said company; if so, why; and
- (d) whether Government are prepared to take over this Railway after the expiry of the term; if not, why not?

**The Honourable Mr. A. G. Clow:** (a) Twice; in April, 1927 and 1934. On these occasions, the United Provinces Government with whom the option to purchase rested did not exercise it.

(b) The next date when the option to purchase can be exercised is April, 1941.

(c) and (d). These questions have not yet been considered.

**Qazi Muhammad Ahmad Kazmi:** Have the Government of India anything to do with the purchase of this railway, either in the form of consultation or advancement of loan or in any other manner?

**The Honourable Mr. A. G. Clow:** I believe that this question as to who has the option to purchase in 1941 admits of some doubt and is under examination.

**Sri K. B. Jinaraja Hegde:** Is it left to the Provincial Government to purchase the railway or to the Central Government?

**The Honourable Mr. A. G. Clow:** I have said that that is being examined.

**Qazi Muhammad Ahmad Kazmi:** Is it being examined by the Central Government?

**The Honourable Mr. A. G. Clow:** To the best of my recollection, the question whether the option rests with us is being examined.

**INCONVENIENCES ON STATIONS OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.**

**1642. \*Sri K. B. Jinaraja Hegde:** Will the Honourable Member for Railways be pleased to state whether:

- (a) it is a fact that there are no coolies available at most of the railway stations on the Shahdara Saharanpur Light Railway;
- (b) he is aware that the waiting rooms at most of the stations are unhealthy and uncomfortable;
- (c) it is a fact that the platforms are all *kachha* and that there are no seats for passengers;
- (d) he is aware that the water and light arrangements at all stations are insufficient; and
- (e) he is aware that lorries carrying passengers from and to trains are not permitted to enter the railway station premises and that the passengers are inconvenienced thereby?

**The Honourable Mr. A. G. Clow:** (a) I understand that coolies are provided at the six principal stations, but not at the minor stations where the amount of work would not give them reasonable employment.

(b) and (d). No.

(c) The platforms are at ground level and are not paved. No seats are provided on the platforms.

(e) Yes. The approach roads to station premises are fit for light vehicle traffic only.

**Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member kindly send this question to the General Manager of the Railway so that he may take action if necessary?

**The Honourable Mr. A. G. Clow:** I have no objection to sending the question to the General Manager for information.

**Dr. Sir Ziauddin Ahmad:** With reference to part (e) of the question, may I know why these lorries are not allowed within the railway station premises?

**The Honourable Mr. A. G. Clow:** I said that the approach roads are fit for light vehicle traffic only.

**INCONVENIENCES ON STATIONS OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.**

**1643. \*Sri K. B. Jinaraja Hegde:** Will the Honourable Member for Railways be pleased to state:

- (a) whether it is a fact that carriages on the Shahdara Saharanpur Light Railway mostly have no latrines;
- (b) whether it is true that water trickles inside the railway carriages during rainy season;

- (c) whether it is a fact that there is only one intermediate class compartment in all trains consisting of only six seats;
- (d) whether he is aware that passengers cannot properly protect themselves from rain and insects in the rainy season for want of proper shutters;
- (e) whether he is aware that there is insufficient room for luggage in the carriages; and
- (f) whether it is a fact that third class compartments have very narrow seats and very little room to move about and their constructions do not conform to the regulations governing equipment of carriages?

**The Honourable Mr. A. G. Clow:** The information is being collected and will be laid on the table of the House in due course.

**Mr. Badri Dutt Pande:** Does the Government Inspector inspect this line also?

**The Honourable Mr. A. G. Clow:** I think he does.

#### INCONVENIENCES ON STATIONS OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

**1644. \*Sri K. B. Jinaraja Hegde:** Will the Honourable Member for Railways be pleased to state:

- (a) whether it is a fact that there are only two up and down trains between Shahdara and Saharanpur stations;
- (b) whether it is a fact that goods wagons are also attached to passenger trains between Shahdara and Saharanpur stations;
- (c) what is the average speed of these trains between Shahdara and Saharanpur stations;
- (d) whether it is a fact that trains stop at Baraut station for more than one hour and the lights in the compartments are extinguished during that time to the great inconvenience and danger to the passengers and their luggage;
- (e) whether it is a fact that a large number of theft cases are reported on the Shahdara Saharanpur Light Railway;
- (f) whether Government are aware that people are dissatisfied with the management of the Shahdara Saharanpur Light Railway; and
- (g) whether Government are prepared to appoint a committee to enquire into the management of this railway and to suggest improvements in all matters concerning the travelling public?

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

(c) The average through speed for day trains is roughly 13½ miles per hour. For night trains the average through speed is ten miles per hour in the summer and about seven miles per hour in winter.

(d) Between October and April, the night train No. 4 Down Mixed reaches Baraut at 3-41 and re-starts from there at 6-15. During the halt, the lights are extinguished, 15 minutes after arrival and lit 30 minutes before departure, as train lighting batteries do not stand up to prolonged

periods of discharge. These trains are stabled opposite the station Kitson lamps, with a view to minimise any inconvenience to passengers who happen to be remaining in the train.

(e) No. Only three cases of running train thefts were committed in 1938-39.

(f) and (g). No.

**Sri K. B. Jinaraja Hegde:** Do Government realise that when trains are standing on platforms, the trains should be lit up?

**The Honourable Mr. A. G. Clow:** I have explained that it is difficult in this case. The position really is that there are two trains only separated by an interval of some hours; for convenience the company use the same rake which therefore waits for about 2½ hours on the platform.

**Sri K. B. Jinaraja Hegde:** Will Government consider the desirability of having a through train and not have two trains in effect which is only one train?

**The Honourable Mr. A. G. Clow:** Government do not fix the timings on this line.

**PROMOTION OF CLERICAL STAFF IN THE DIVISIONAL CHIEF MECHANICAL ENGINEER'S OFFICE AT JAMALPUR.**

**1645. \*Babu Kailash Behari Lal:** Will the Honourable the Railway Member be pleased to state:

- (a) what procedure and practice, if any, are in vogue in the Divisional Chief Mechanical Engineer's office at Jamalpur for promotion of clerical staff from one grade to another;
- (b) if seniority in length of service is considered as the prime factor for promotions to higher grades; and
- (c) if it is a fact that in some cases junior clerks have been given double and treble lifts superseding the claims of their seniors?

**The Honourable Mr. A. G. Clow:** (a) The procedure followed is that prescribed in rule 76 of the "Rules for the recruitment and training of subordinate railway staff", a copy of which is in the Library of the House.

(b) In the case of posts that are not within the category of "selection" posts, promotion is normally by seniority subject to the candidate being qualified for promotion.

(c) I understand that during the last twelve months two clerks who were not the most senior were appointed to posts of head clerks on the recommendations of a selection board.

**FLOODS ON CERTAIN LINES OF THE BENGAL AND NORTH WESTERN RAILWAY.**

**1646. \*Babu Kailash Behari Lal:** Will the Honourable the Railway Member be pleased to state:

- (a) if it is a fact that the railway lines between Mansi and Bhaptiahi and between Nirmali and Bhaptiahi on the Bengal and North Western Railway have been the subject of devastation annually by the floods of the Kosi river and have been so threatened that the authorities have decided to abandon those lines;

- (b) if it is a fact that on the eastern side of Bhaptiahi the old railway line running to Raghapur Partapganj side is now free from the floods of the Kosi river and the old station buildings and railway roads are intact; and
- (c) if the authorities, in view of the fact that the railway communications in North Bhagalpur have been so threatened, contemplate to construct a line from Kursaila to Raghapur or Bhimnagar and Partapganj *via* Madhipura?

**The Honourable Mr. A. G. Clow:** (a) Yes, but only the section Supaul-Bhaptiahi-Nirmali will be abandoned. The line from Mansi to Supaul will be worked as a fair-weather line and closed only during the flood season.

(b) It is possible that certain portions of the old railway formation and buildings exist.

(c) No.

**Babu Kailash Behari Lal:** May I know if the authorities have considered the question of asking the railway authorities about the possibility of opening of such a line?

**The Honourable Mr. A. G. Clow:** The matter has been examined. As I have said the answer to part (c) is "No".

#### ASSAULT OF PASSENGERS ON THE SHERPUR RAILWAY STATION.

**1647. \*Mr. K. S. Gupta:** (a) Has the attention of the Honourable Member for Railways been drawn to the statement, dated the 18th March, 1939, of Pandit Rajnath Kunzru "Lawlessness on Railway Station", published on page 3 of the *Health and Welfare*, of the 3rd March, 1939?

(b) Is it a fact that at 3 P.M. on the 17th February, 1939, at Sherpur railway station, a large party of men armed with lathis rushed towards a compartment and dragged out an old man and a woman and forcibly tried to lead the latter out of the railway station?

(c) Is it a fact that one old man and a lady were severely assaulted by the gang?

(d) Is it a fact that another woman was dragged out of the compartment and bodily lifted over the fencing and carried off in a tonga?

(e) Was there any Railway policeman travelling on the particular train? If not, why not?

(f) What were the station staff doing when such a tragedy was being enacted before their very eyes?

(g) Was there any report made to the Police by the Railway authorities? If so, what is the result? What has been done to trace the miscreants?

**The Honourable Mr. A. G. Clow:** (a) to (d). I understand that the facts are substantially as narrated by the Honourable Member, but that the injuries sustained by the lady and others were simple. The report I have received does not state whether *lathis* were carried or not.

(e) No. I understand that no constable accompanies this train.

(f) The station staff consisting of one Station Master, one porter and one sweeper could not be expected to offer resistance to a body of men making an attack of this kind.

(g) Yes. I understand that a number of arrests were made.

**Mr. Lalchand Navalrai:** How did the raiders get into the platform, through the platform door—or were they seen beforehand with these *lathis* or were they seen all at once?

**The Honourable Mr. A. G. Clow:** The report I have in front of me does not give these particulars.

**Dr. Sir Ziauddin Ahmad:** Was the matter reported to the Local Government and, if so, what action did that Government take?

**The Honourable Mr. A. G. Clow:** The matter is in the hands of the police: I understand a number of arrests have been made, and I presume that a prosecution will follow.

**Mr. Lalchand Navalrai:** Were there no policemen on that train?

**The Honourable Mr. A. G. Clow:** That is the case.

**Mr. Lalchand Navalrai:** If that is so, what is the Honourable Member going to do for future safeguard?

**The Honourable Mr. A. G. Clow:** I cannot put a constable in every train.

**Mr. Lalchand Navalrai:** Why not?

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

**Mr. T. S. Avinashilingam Chettiar:** Have the people been arrested on a private charge by those who suffered or by the railway company?

**The Honourable Mr. A. G. Clow:** I do not imagine that the Railway Company filed a complaint: it must have been done at the instance of the complainants or of the police.

#### POSTS OF TECHNICAL ASSISTANTS ADVERTISED BY THE ALL-INDIA RADIO.

†1648. **\*Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Honourable Member for Communications please state if it is a fact that some posts of Technical Assistants have been advertised by the All-India Radio? If so, what is their number?

(b) What is the total number of applications received, and how many of them are from Muslims?

(c) Will Government please lay on the table a statement showing the names and qualifications of the Muslim applicants?

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

(b) 353 and 32 respectively.

(c) I do not propose to lay on the table a list of the unsuccessful candidates, but a list is available in the Communications Department and can be inspected by any Honourable Member who so desires. The two successful Muslim candidates were B.Sc.s.

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



**FREIGHT CHARGES FOR DRY ICE ON RAILWAYS.**

**1649. \*Mr. Govind V. Deshmukh:** Will the Honourable the Railway Member please state :

- (a) whether 'dry ice' is manufactured in India; if so, where and the names of the manufacturers;
- (b) whether it is produced in the Punjab and near Calcutta;
- (c) whether any railways such as the North Western Railway and the Great Indian Peninsula quoted freight charges for 'dry ice' to any party or parties, and if so, the quotation;
- (d) whether the North Western Railway quoted a temporary reduction of 25 per cent. only on parcel rates and the Great Indian Peninsula of 33½ per cent. reduction;
- (e) whether any other Railway has agreed to reduce the rate on 'dry ice' from the ordinary parcel rate;
- (f) whether the rate on 'water ice' is generally about one-fourth the parcel rate;
- (g) whether water ice gradually melts in transit and spoils the vans;
- (h) the reason for freight on 'dry ice' being higher than on water ice; and
- (i) whether he is aware that 'dry ice' is essential for refrigerated transport?

**The Honourable Mr. A. G. Clow:** (a) and (b). Dry ice is manufactured in India. The following firms are, I understand, engaged in the manufacture; there may be others:

In or near Calcutta, Messrs. Bengal Aerating Gas Factory Limited, and Linde Maschinenfabrik Surth;

In Bombay, the Dry Ice Corporation of India;

In the Punjab, Ice and Refrigerators, Limited;

In Cawnpore and Madras, Messrs. Spencer & Company;

In Baroda, the Alembic Chemical Works Company, Limited.

(c) and (d). The Great Indian Peninsula Railway, with a view to encouraging this traffic, has quoted one-third of the full parcels rate. The North Western Railway, as an experimental measure towards fostering the traffic, have quoted quarter parcels rate, which represents a reduction of 50 per cent. on the half parcels rate.

(e) I understand that the matter is under correspondence between Railway Administrations.

(f) No. Ordinarily, the rate for "water ice" is half parcels rate, but certain Railways, i.e., the Great Indian Peninsula, East Indian, Bengal and North Western and North Western, charge a special reduced rate which is roughly equivalent to a quarter of the parcels rate.

(g) Melting ice is liable to cause some slight damage to vans.

(h) Dry ice is much more expensive, lasts longer and can bear a higher freight.

(i) No.

**Mr. Brojendra Narayan Chaudhury:** May I know whether dry ice is only 25 per cent. higher than water ice in price and that that 25 per cent. is counterbalanced by the fact that there is no wastage and no injury to the railway carriages?

**The Honourable Mr. A. G. Olow:** I have not got the prices here and I cannot answer that part of the question.

**Dr. Sir Ziauddin Ahmad:** May I understand that the price of dry ice is only 2½ pice per seer as compared with two pice for water ice?

**The Honourable Mr. A. G. Olow:** That is substantially the question asked by the previous Member. I have not got the prices here; and I think the question ought to be addressed to the Honourable Member for Commerce and Labour.

#### ENGINEERING SUBORDINATES OFFICIATING IN GAZETTED RANKS OF THE NORTH WESTERN RAILWAY.

**1650. \*Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state the number of Engineering subordinates, by communities, i.e., Europeans, Hindus, Sikhs and Muslims, who are at present officiating, or who have officiated in leave vacancies, etc., during the last year in the gazetted ranks of the North Western Railway?

(b) Is it a fact that some of the non-Muslims so officiating or who were allowed to officiate have not even passed their qualifying examinations at the Walton Training School?

(c) Is it a fact that qualified Muslims who have passed their examinations from reputable engineering institutions, both foreign and Indian, and have also creditably passed their qualifying examinations from the Walton Training School have not been allowed to so officiate?

(d) Is it a fact that such promotions are made on the recommendations of officers who are mostly non-Muslims?

(e) Will the Honourable Member please state the basis of making such promotions—seniority or selection? If selection, what is the criterion for the selection?

**The Honourable Mr. A. G. Olow:** (a) Five Europeans and Anglo-Indians, nine Hindus, three Muslims and three Sikhs.

(b) and (c). I have not the particulars of the qualifications of those receiving officiating appointments, but would observe that no examination is prescribed as qualifying for such promotion.

(d) Promotions must obviously be influenced by the recommendations of those in a position to judge the fitness of an employee.

(e) Promotions to gazetted posts are made by selection, due consideration being given to fitness, approved service and seniority of all employees eligible for consideration.

#### PROMOTION OF MUSLIMS TO THE LOWER GAZETTED SERVICE ON THE NORTH WESTERN RAILWAY.

**1651. \*Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways be pleased to state the total number, by communities, i.e., Europeans, Hindus, Sikhs and Muslims, of the present incumbents of the various posts in the Lower Gazetted Service of the North Western Railway by Departments?

(b) Will the Honourable Member be pleased to state the total number of promotions made during the last three years in the various Departments of the Lower Gazetted Service by communities?

(c) Will the Honourable Member please state what steps Government propose to take to ensure adequate representation of the Muslim community in this service?

**The Honourable Mr. A. G. Glow:** (a) and (b). I am laying on the table a statement giving the information required.

(c) Recruitment to the Lower Gazetted Service is by promotion from the subordinate establishment, and is not regulated by communal considerations.

*Statement.*

Branch.	Europeans and Anglo-Indians.	Hindus.	Sikhs.	Muslims.	Total.
Engineering . . . . .	9	20	4	3	36
Transportation (Traffic) and Commercial . . . . .	19	7		2	28
Transportation (Power) and Mechanical . . . . .	16	1		1	18
Signal . . . . .	3			1	4
Electrical . . . . .	1	..		..	1
Stores . . . . .	1	1		..	2
Medical . . . . .	4		..	..	4
Specialist . . . . .	1		1 (On de- putation from Civil Depart- ment.)	..	2
Accounts . . . . .	..	8	2	1	11
	54	37	7	8	106

The following permanent promotions were made during the last 3 years :—

Branch.	Europeans and Anglo-Indians.	Hindus.	Muslims.	Total
Engineering . . . . .	4	6	1	11
Transportation (Traffic) and Commercial . . . . .	10	3	1	14
Transportation (Power) and Mechanical . . . . .	8	..	1	9
Signal . . . . .	2	1	..	3
Electrical . . . . .	1	..	..	1
Medical . . . . .	3	..	..	3
Accounts . . . . .	..	1	..	1
	28	11	3	42

**Dr. Sir Ziauddin Ahmad:** Is there any direct recruitment in the lower gazetted rank?

**The Honourable Mr. A. G. Clow:** I believe not.

#### ABSENCE OF MUSLIM PERSONNEL OFFICERS ON THE NORTH WESTERN RAILWAY.

**1652. \*Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that there is not a single Muslim Personnel Officer in the Headquarters Office of the North Western Railway?

(b) Is it a fact that the office Superintendent, Superintendent Personnel Branch, and all head clerks of the Personnel Branch (except one officiating as such since a few days) of the Headquarters Office are non-Muslims?

(c) Is it a fact that all Divisional Personnel Officers of the North Western Railway are non-Muslims?

(d) Is it a fact that all office Superintendents on divisions and all Superintendents in the Headquarters Office are non-Muslims?

(e) Is it a fact that it is the declared policy of Government to ensure equal distribution of Muslims and non-Muslims so that "particular communities should not be handicapped by the preponderance of any one community in the establishment sections of railway offices." *vide* reply of the Honourable Member to my starred question No. 1001, dated the 13th March, 1939?

(f) If so, will the Honourable Member please state what action Government propose to take to ensure such equal distribution to implement the declared policy of the Government?

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

(c) Yes, but the Assistant Officer in independent charge of personnel work on the Quetta Division is a Muslim.

(d) Yes, except that the Superintendent of the Lost Property Office at Lahore is a Muslim.

(e) The inference in regard to policy which the Honourable Member has apparently drawn from the reply given to the question to which he refers is not correct.

(f) Does not arise.

#### CONFIRMATION AND PROMOTION OF CERTAIN STAFF IN THE LOCO. SHOPS, MOGHALPURA.

**1653. \*Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state whether the confirmation and promotion of Journeymen, Junior Chargemen, Senior Chargemen and Assistant Foremen and Foremen working in the Loco. Shops, Moghalpura, depends on the recommendations of the Efficiency Section of the Production Branch of the Loco. shops?

(b) If not, how far is this section concerned with establishment matters, and what are the functions of this section?

(c) What are the minimum qualifications laid down for the Chargemen and Foremen for appointment or promotion to this section?

**The Honourable Mr. A. G. Olow:** (a) No.

(b) The Efficiency Section is not concerned with establishment questions. I am laying on the table an extract from the North Western Railway Mechanical Workshops Manual detailing the functions of this section.

(c) Knowledge of job costing, workshop statistics and workshop routine generally.

*North Western Railway Mechanical Workshops Manual.*

*Chapter IX.—Efficiency.*

1. *Duties of the Efficiency Section.*—The duty of the Efficiency Section is to investigate into cases of inefficiency and to assign a definite reason for it. Some criterion of efficiency must, therefore, be set as a definite basis for the investigation of such cases. Since the piece-work basis is definite, a man's piece-work earnings give an approximate indication of his efficiency, but such an indication is not strictly correct due to adverse effects on a man's efficiency of circumstances beyond his control. For instance, he may have an incorrect rate, lack equipment or material, have excess material to remove, lack supervision, lack tools, lack instructions, or he may be incompetent, etc. But if he is unable to earn his daily wage on piece-work, the matter requires investigation both in the interest of the man and the administration. Piece-work results will, therefore, be taken, shop by shop and piece-work ticket by piece-work ticket, in order of the greatest losses, and investigated with a view to discover the reason for the same. Similarly, all gains over 50 per cent. will be subjected to investigation with a view to ascertain whether they are justified by special skill, or whether a man has devised a way not thought of previously. If the latter, the administration will benefit by the man's device or discover the inaccuracy of a rate fixed, incorrect booking by shop clerical staff, etc., and thus rectify errors.

2. *Investigation into complaints of short payment.*—The investigation into complaints of short payment of piece-work money to men, and the submission to Superintendent, Mechanical Workshops, monthly, of a statement of complaint so that he can take up the matter with the Accounts Branch is another important duty of the Efficiency Section.

3. *Divisions of the Efficiency Section.*—The Efficiency Section is divided into three branches:

- (a) The duty of the first branch is to abstract all necessary information and reduce it to such a form that the shop branch, which investigates matters on the spot, is saved all clerical work other than making out their reports.
- (b) The duty of the second (or shop) branch (consisting of men who are skilled at the particular job they are concerned with and are the antithesis of rate-fixers, having been trained as rate-fixers) is to either prove or disprove the times set by the rate-fixers and give reasons.
- (c) The duty of the third branch is to compile the information given by the second or shop branch regarding reasons for inefficiency, etc. The information when compiled will be passed on to the planners, rate-fixers, progressmen, inspectors, etc., as may be necessary, to familiarize them with any details affecting their sections.

4. *Scrutiny of operation check cards.*—It is a part of the duties of the Efficiency Section to systematically go through the operation check cards hanging on machines or branches, with a view to find out whether there are any men not earning piece-work money and, if so, to investigate such cases. If matters cannot be rectified immediately, the cause of the man's failure to earn piece-work money should be recorded and the code letter representing it inserted in the space provided for it on the operation check card. The Cost Section will punch the Paramount cards accordingly and report the number of items against each code heading, at 10-day intervals, to enable steps to be taken to remedy matters.

PROMOTION BY SENIORITY OF SANITARY INSPECTORS ON THE NORTH WESTERN RAILWAY.

1654. \***Bhai Parma Nand**: Will the Honourable Member for Railways be pleased to state:

- (a) if the rule of promotion by seniority is observed in the cadre of Sanitary Inspectors on the North Western Railway;
- (b) whether changes can be made in the lists of seniority by the authorities, as has been done in some cases in the Ambala Division; and
- (c) if so, whether such a case is subject to an appeal or not?

**The Honourable Mr. A. G. Clow**: (a) Yes, other things being equal.

(b) Yes, if it is found that a mistake has been made.

(c) Any individual adversely affected may appeal.

**Dr. Sir Ziauddin Ahmad**: May I understand from this that if a senior man is not promoted and a junior man for some other reason is promoted, then he has got a right of appeal?

**The Honourable Mr. A. G. Clow**: I have frequently seen memorials of that kind. One can always appeal against supersession.

CASE OF MR. S. W. RALPH, DEPUTY CONTROLLER, DINAPORE.

1655. \***Mr. Kuladhar Chaliha**: Will the Honourable the Railway Member please state:

- (a) whether the appeal by Mr. S. W. Ralph, Deputy Controller, Dinapore, against the sentence of a fine of Rs. 500 has been disposed of and sentence confirmed;
- (b) if so, whether the District and Sessions Judge's following observations have attracted the attention of the Honourable Member "It was possible that the accident might have been averted if Ralph had done his duty" and

"In the circumstances the sentence of a fine of Rs. 500 is, in my opinion, sufficient to meet the ends of justice. The conviction of the appellant would ordinarily mean that he would lose his service, gratuity and the Railway contribution to his provident fund. If we add together the amounts which he stands to lose by his conviction, it would be abundantly clear that the sentence passed on the appellant is adequate and does not call for any interference" (A. P. I., Patna, dated the 27th March);

- (c) whether Government and the Railway authorities have decided to dismiss Mr. Ralph and forfeit his gratuity and contribution to provident fund; if not, why not; and
- (d) the aggregate value of the gratuity and the provident fund contribution mentioned above?

**The Honourable Mr. A. G. Clow**: (a) Yes, by the Sessions Judge.

(b) I have not yet received a copy of the judgment.

(c) The reply to the first part is in the negative as the necessary material is not yet available.

(d) The amount of gratuity admissible at the time Mr. Ralph was arrested was Rs. 5,460. The amount standing to his credit in the Provident Fund on the 31st March, 1939, was about Rs. 24,000.

**Mr. Brojendra Narayan Chaudhury:** May I know, Sir, whether in considering the question of dismissal of Mr. Ralph, Government have kept in mind the observations made by the District and Sessions Judge?

**The Honourable Mr. A. G. Clow:** The order will be examined.

**Mr. Kuladhar Chaliha:** May I know, Sir, whether Mr. Ralph is still in service, or he has been dismissed and his gratuity forfeited?

**The Honourable Mr. A. G. Clow:** He has not been dismissed from service. I think he is under suspension.

**Mr. Kuladhar Chaliha:** May I know whether the Honourable Member has called for the judgment after the question was put by me?

**The Honourable Mr. A. G. Clow:** I have explained that the necessary material is not available. The question as to what action should be taken will be considered upon receipt of a copy of the judgment.

**Mr. Kuladhar Chaliha:** Has the Honourable Member seen a copy of the press report?

**The Honourable Mr. A. G. Clow:** I am not prepared to take any action upon a press report.

#### NON-ADMISSIBILITY OF OFFICIATING ALLOWANCE ON THE EAST INDIAN RAILWAY.

**1656. \*Mr. T. S. Avinashilingam Chettiar** (on behalf of Mr. Sham Lal): Will the Honourable Member for Railways please refer to paragraph 2 of office order No. C./ES./257-B, dated 3rd June, 1937, issued by the Deputy General Manager (Personnel), East Indian Railway, and state the Fundamental or Supplementary Rule number under which officiating allowance in a higher vacancy is not admissible?

**The Honourable Mr. A. G. Clow:** I have not seen the office order referred to by the Honourable Member. Fundamental Rules 30 to 35 regulate the pay of Government servants officiating in another post.

#### STENOGRAPHERS ELIGIBLE FOR SPECIAL PAY ON THE EAST INDIAN RAILWAY.

**1657. \*Mr. T. S. Avinashilingam Chettiar** (on behalf of Mr. Sham Lal): Will the Honourable Member for Railways please state the class and pay of stenographers on the East Indian Railway eligible for special pay of Rs. 20 per mensem?

**The Honourable Mr. A. G. Clow:** I would refer the Honourable Member to the reply given to Mr. D. K. Lahiri Chaudhury's question No. 125 on the 29th November, 1938.

## HEADS OF BRANCHES AND OFFICES ON STATE RAILWAYS.

**1658. \*Mr. T. S. Avinashilingam Chettiar** (on behalf of Mr. Sham Lal): Will the Honourable Member for Railways please state:

- (a) the head of branches on the Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways;
- (b) the head of offices on those Railways;
- (c) the powers vested in those heads in respect of establishment matters; and
- (d) whether delegation of those powers is permissible?

**The Honourable Mr. A. G. Clow:** (a) and (b). I do not know what precisely the Honourable Member means by the words "Heads of Branches" and "Head of Offices". A list of officers declared to be Heads of Departments will be found in Appendix XXXIII on page 478 of the State Railway Establishment Code.

(c) and (d). I would refer the Honourable Member to Appendix X page 360 of the State Railway General Code in which the powers of General Managers of State-managed Railways are prescribed. The delegation of these powers is permissible to the extent indicated therein. Details of such sub-delegation to Heads of Departments, as may have been made, are not readily available.

## NON-CONFIRMATION OF CERTAIN STAFF OF THE PUBLICITY DEPARTMENT OF THE EAST INDIAN RAILWAY.

**1659, \*Mr. T. S. Avinashilingam Chettiar** (on behalf of Mr. Sham Lal): Will the Honourable Member for Railways please state the reasons for not confirming those staff of the publicity department of the East Indian Railway, who joined the services in 1927, and have been continuous in service since then from the date they joined that administration? Is their seniority for promotion affected in any way by such non-confirmation? If so, why?

**The Honourable Mr. A. G. Clow:** The staff in the Publicity Branch were confirmed from the 1st April, 1932, when the posts they held were made permanent. Seniority is reckoned from the date of confirmation.

## STENOGRAPHERS ON THE EAST INDIAN RAILWAY.

**†1660. \*Mr. B. B. Varma:** Will the Honourable Member for Railways please refer to the reply given to part (e) of unstarred question No. 125 asked on 29th November 1938 and the Deputy General Manager (Personnel), East Indian Railway's circular No. C./ES./257-B, dated 3rd June, 1937, reading as under:

"Re: Stenographers.

with immediate effect the designation of 'confidential stenographer' will be abolished and the 40 sanctions in the head office will be divided as follows:

	Rs.	
Class I . . . .	200	number of posts 2.
Class II . . . .	180	number of posts 5.
Class III . . . .	160	number of posts 7.
Class IV . . . .	100—10/2-120	number of posts 26.

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



"2. Promotions from one class to another will only be made when vacancies occur and no officiating allowance will be given to a stenographer working in a higher vacancy. As already decided promotions will be based on the common seniority list maintained by the personnel branch, irrespective of the offices in which the stenographers are posted. Special pay of Rs. 20 per mensem will, however, be given to a stenographer working for one of the following five officers:

Agent,  
Chief Operating Superintendent,  
Chief Engineers,  
Chief Commercial Manager,  
Chief Mechanical Engineer.

This allowance of Rs. 20 will apply to all those stenographers drawing pay in any of the scales mentioned in paragraph (1) above as also to those drawing pay in the revised scale (1931).

"3. Staff drawing pay on the old East Indian Railway scales or revised scales of 1931 will continue to do so, but that does not mean that certain special scales which were made applicable to a special appointment such as the Chief Mechanical Engineer's stenographer or the two posts in the Agency on Rs. 280—10—350, will be made applicable to other stenographers on the old scales of pay since they would not have been eligible for these appointments unless specially selected for them".

and state:

- (a) whether the issue of that circular has been established;
- (b) the reasons for denial of the issue of that circular;
- (c) the rule, principle or custom for detaching stenographers to work for those five officers; and whether they are detailed in seniority and regard of class or otherwise;
- (d) since when the higher grades are held in abeyance and why and what are those; and
- (e) whether the principle and policy laid down in that circular is still in force; if not, since when and by what it was substituted?

**The Honourable Mr. A. G. Clow:** (a) and (b). The quotation given by the Honourable Member is from an Office Order communicated to Heads of Departments under endorsement No. A.E. 148-II, dated 3rd June, 1937.

(c) and (e). The information is being called for and a reply will be laid on the table in due course;

(d) The higher grades, particulars of which were shown in the statement laid on the table in reply to Mr. Lahiri Chauhury's question No. 125 on the 29th November, 1938, are still in operation.

**CONFIRMATION OF STAFF OF THE PUBLICITY ORGANISATION ON STATE RAILWAYS.**

†1661. \***Mr. B. B. Varma:** Will the Honourable Member for Railways please state the date of confirmation of the Publicity Organization on the Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways and whether the staff of that organization was also confirmed? If so, from which date, i.e., the date of confirmation of the organization or the date of joining the service under that organization.

**The Honourable Mr. A. G. Glow:** I have called for the information desired by the Honourable Member and will place a reply on the table of the House when it is received.

**CONFIRMATION OF CERTAIN TICKET COLLECTORS, ETC., OFFICIATING AS GUARDS IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.**

1662. \***Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable Member in charge of Railways be pleased to state whether it is a fact that on the East Indian Railway, Moradabad Division, some old travelling ticket examiners and ticket collectors were posted as guards more than a year ago, and have been performing their duties as such?

(b) Does the East Indian Railway Administration contemplate confirming these entrants as guards? If not, why not?

(c) Is it a fact that even without a decision about their confirmation or reversion, they are being called upon to appear for the periodical examination of travelling ticket examiners and ticket collectors?

(d) Looking to the duties and engagements of guards, have Government considered the advisability of not calling upon them to appear in the aforesaid examination, unless they have been actually reverted to their old posts and given some time for preparation?

**The Honourable Mr. A. G. Glow:** (a), (b) and (c). These are matters of detailed administration in regard to which Government have no information. I am, however, sending a copy of the question to the General Manager, East Indian Railway, for such action as he may consider necessary.

(d) No.

**Dr. Sir Ziauddin Ahmad:** With reference to part (a) of the question, will not the Honourable Member send for the information from the Divisional Superintendent, because we have no other means of getting the information except by putting questions in this House. That is the only method open to us.

**The Honourable Mr. A. G. Glow:** I have no reason to doubt the information given by the Honourable Member that some old travelling ticket examiners and ticket collectors were posted as guards more than a year ago, and as I said, I am sending a copy of the question to the General Manager, E. I. Railway for such action as he may consider necessary. But I have no reason to doubt the accuracy of the Honourable Member's information.

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

**EXTENSION OF A LINE FROM ARARYA TO KISUNGANJ ON THE EASTERN BENGAL RAILWAY.**

**1663. \*Maulvi Muhammad Abdul Ghani:** (a) Will the Honourable the Railway Member be pleased to state, regarding the Eastern Bengal Railway whether Government, in view of the profitable working of "Katihar-Jogbani and Barsoi-Kisungunj" branches and the public demands, are prepared to investigate the question of extending a line from Ararya to Kisungunj *via* Bahadurganj?

(b) When do Government propose to undertake the investigations?

(c) Who is the authority to receive suggestions or representations on the question of extending a line between Ararya and Kisungunj?

(d) Have Government, or the Eastern Bengal Railway, invited any suggestion or representation?

**The Honourable Mr. A. G. Olow:** (a) No. The line would cross the natural drainage of the country involving very costly constructions; further, as it would short circuit existing lines, there would be little chance of its earning an adequate return on the capital cost.

(b) Does not arise.

(c) Suggestions for any new lines to be constructed are best made to the Provincial Government concerned.

(d) Normally Provincial Governments represent to the Government of India cases of any new lines which they desire to be constructed.

**GRIEVANCES OF TICKET COLLECTORS ON THE NORTH WESTERN RAILWAY.**

**1664. \*Mr. T. S. Avinashilingam Chettiar** (on behalf of Mr. Sham Lal):

(a) Will the Honourable the Railway Member be pleased to state if it is a fact that the promotion of some of the ticket collectors on the North Western Railway is blocked at Rs. 60, though their services range from 18 to 26 years and some of them have been waiting for years to get grade No. 2?

(b) Is it a fact that some of the junior hands have been selected for grade No. 2 but the claims of most senior hands have been ignored?

(c) Is it a fact that these ticket collectors were called for selection of S. T. E. but without assigning any reason whatsoever the following communication was received by them:

"No. 42-E./40 III, dated 29th March 1939.

I send herewith a list showing first 20 Senior Ticket Collector's Grade I who are fit or unfit to officiate in Grade II for your information and guidance, officiating arrangements in Grade II against vacancies should be made strictly in accordance with the list"

(d) Is it a fact that before the receipt of these communications most of the ticket collectors who were officiating in Grade II, are now being declared as unfit?

(e) Is it a fact that all these ticket collectors have passed their examination of ticket collectors duty from the Walton Training School and their service sheets are quite good?

(f) Are Government prepared to make a thorough enquiry into the case of these ticket collectors and redress their grievances.

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

(b) I understand that the claims of all senior men were considered.

(c) The General Manager, North Western Railway, has not been able to trace the issue from his office of the communication referred to.

(d) to (f). An enquiry will be made into the facts and the results will be placed on the table in due course.

**Dr. Sir Ziauddin Ahmad:** With reference to part (b) of the question, may I know, Sir, when the claims of all the men in the lower grade were considered for promotion in Grade II, were all of them found to be unfit with the result that outsiders had to be appointed?

**The Honourable Mr. A. G. Clow:** It does not necessarily follow that because a junior man is promoted the senior man is found unfit. It may be that both are qualified, but the junior man may be better qualified than the senior man.

**Mr. T. S. Avinashilingam Chettiar:** If after 26 years of service a man's promotion is blocked at Rs. 60, does it mean that he is regarded as incompetent for the next grade?

**The Honourable Mr. A. G. Clow:** Not necessarily. Persons with a lot of service may have to remain in the same grade just because there don't happen to be vacancies.

**Mr. K. Santhanam:** With reference to the answer to part (c), may I know whether that particular communication has disappeared from the office of the General Manager or it is denied that such a communication was issued?

**The Honourable Mr. A. G. Clow:** Inquiries have been made from the General Manager, N. W. Railway and I understand he has not been able to trace it in his office; it may be in some other office.

#### LEASING OUT OF STALLS FOR THIRD CLASS PASSENGERS ON THE ASSAM BENGAL RAILWAY.

**1665. \*Shaikh Rafiuddin Ahmad Siddique:** (a) Will the Honourable Member for Railways be pleased to state the percentage of income derived from the third class passengers out of the total annual income of passenger traffic on the Assam Bengal Railway?

(b) Is he aware that the Railway stalls for third class passengers in the Assam Bengal Railway are sold by auction to the highest bidder and they are also charged for light, etc., supplied by the railway whereas European refreshment rooms are not auctioned to the highest bidder but they are let out free and are also given free lights, fans, furniture and free provision passes and quarters for staff?

(c) Is it not a fact that Railways other than the Assam Bengal Railway lease out to *bona fide* vendors the railway stalls for third class passengers on a nominal rent and sanitation tax?

**The Honourable Mr. A. G. Clow:** (a) The percentage is approximately 90·7.

(b) Except that the refreshment rooms are not restricted to Europeans the statement made is substantially correct.

(c) No. The conditions applying to the vending contracts vary on different railways. The Honourable Member is referred to the memorandum No. 357-T., dated the 11th September, 1936, prepared for the meeting of the Central Advisory Council for Railways.

**Mr. Muhammad Nauman:** Are Government prepared to investigate the position and see that no difference is made? Is it not desirable that the convenience of the third class passengers should also be kept in view in giving out contracts?

**The Honourable Mr. A. G. Clow:** The reason for the difference is simply commercial. The fact is that there is keen competition for the vending of stores in which very little capital expenditure is involved. That is a profitable source of business whereas the maintenance of refreshment rooms is much less profitable. There is no question of discrimination here.

**Mr. Brojendra Narayan Chaudhury:** May I know, Sir, whether Government have directed the Assam Bengal Railway authorities to follow the policy adopted in all other State Railways, like the E. I. Railway, which, according to the statement laid on the table the other day in reply to my question, says that the E. I. Railway considers the refreshment rooms as an essential amenity provided by the Railways for the passengers, and not as a source of income. May I know whether Government will direct the Agent of the A. B. Railway to follow this policy and regard the stalls as an amenity provided for the convenience of passengers and not as a source of income?

**The Honourable Mr. A. G. Clow:** The question of catering is under consideration. I am unable to give any promise of action on those lines.

**Dr. Sir Ziauddin Ahmad:** With regard to part (b), may I draw the attention of the Honourable Member to the fact that the Central Advisory Committee explicitly said that these stalls should not be a source of income to the Railways, and, if that is so, why are they sold by auction?

**The Honourable Mr. A. G. Clow:** That is an argument.

**Dr. Sir Ziauddin Ahmad:** Will the Honourable Member inquire into the matter and see that this particular action is against the definite wishes of the Central Advisory Committee?

**The Honourable Mr. A. G. Clow:** I should certainly take note of their opinion.

**Maulvi Abdur Rasheed Chaudhury:** May I know, Sir, why third class stall keepers have to pay for lights, etc., while European refreshment room keepers have not to pay for lights?

**The Honourable Mr. A. G. Clow:** I think I have answered that already.

#### NON-SUPPLY OF DRINKING WATER ON THE ASSAM BENGAL RAILWAY STATIONS.

1666. **\*Shaikh Rafiuddin Ahmad Siddique:** (a) Will the Honourable Member for Railways please state if he is aware that the drinking water is not supplied on the platform to third class passengers on 90 per cent. stations of the Assam Bengal Railway?

(b) If the reply to part (a) above be in the affirmative, are Government prepared to enforce the sufficient supply of drinking water at all the stations? If not, why not?

**The Honourable Mr. A. G. Clow:** (a) and (b). I understand that water is available to passengers at every station on the Assam Bengal Railway.

**Mr. Muhammad Nauman:** Have Government investigated the matter, because the allegation is that drinking water is not supplied on the platform to third class passengers on 90 per cent stations on the Assam Bengal Railway?

**The Honourable Mr. A. G. Clow:** Yes, Sir, I have some detailed particulars here if the Honourable Member wants them.

#### MUSLIM EMPLOYEES ON THE ASSAM BENGAL RAILWAY.

**1667. \*Shaikh Rafiuddin Ahmad Siddique:** (a) Will the Honourable Member for Railways be pleased to state the total number of employees on the Assam Bengal Railway and the total number of Muslim employees on this Railway and their comparative percentage?

(b) Is it a fact that all the chief clerks, head clerks and heads of sections are all non-Muslims and that there is not a single Muslim employee in a responsible position on the Assam Bengal Railway?

(c) If the reply to part (b) be in the affirmative, do Government propose to issue such circulars as would secure Muslims in responsible positions on the Assam Bengal Railway soon?

**The Honourable Mr. A. G. Clow:** (a) 17,310 on the 31st March, 1938, of whom 6,161 were Muslims, the percentage of the latter being 35·5.

(b) I have no particulars of the communities of officials holding the posts mentioned but there are several Muslim officers in the employ of the Company.

(c) The policy in regard to communal representation in railway services is explained in two letters, both bearing the number E.-34-C.M.-113 and dated 12th December, 1934, one addressed to the Agent, Assam Bengal Railway, and the other to several railways, including the Assam Bengal Railway: copies of these are in the Library of the House. The Assam Bengal Railway Company have agreed to observe in direct recruitment the communal proportions suggested in these letters. Promotions to responsible positions depend on suitably qualified men being available in the lower grades.

**Mr. Muhammad Nauman:** What is the percentage suggested for Mussulmans?

**The Honourable Mr. A. G. Clow:** The Honourable Member will have to consult the letters which are in the Library of the House.

#### MUSLIM CLERKS ON THE ASSAM BENGAL RAILWAY.

**1668. \*Shaikh Rafiuddin Ahmad Siddique:** (a) Will the Honourable Member for Railways be pleased to state the total number of clerks employed on the Assam Bengal Railway and the number of Muslims on this line?

(b) Is it a fact that in spite of seniority Muslim clerks were not given chance of being heads of important sections or chief clerks?

**The Honourable Mr. A. G. Olow:** (a) I have no information regarding the number of clerks employed. The number of Muslims employed is 6,161.

(b) I am not aware of any such cases, but as the Honourable Member will realise seniority is not the only criterion for promotion.

#### CONTRACTS ON THE ASSAM BENGAL RAILWAY.

**1669. \*Shaikh Rafiuddin Ahmad Siddiques:** (a) Will the Honourable Member for Railways be pleased to state if he is aware that in the matter of contracts on the Assam Bengal Railway, local contractors are being replaced by outsiders?

(b) Is it a fact that higher tenders were accepted in spite of lower tenders of local contractors?

(c) Are Government prepared to investigate the whole range of contracts which have been placed by the Assam Bengal Railway during 1936-37 and 1937-38?

**The Honourable Mr. A. G. Olow:** (a) I am informed that outsiders are not being employed as the amount of work available is insufficient to keep contractors on the list fully occupied.

(b) It is not the practice of the Company to accept a higher tender unless it is clear that the lower tender is based on rates which cannot be worked to for the class of work required.

(c) No.

#### RAILWAY EARNINGS.

**1670. \*Mr. K. Santhanam** (on behalf of Mr. S. Satyamurti): Will the Honourable Member for Railways please state:

(a) the latest figures available of railway earnings up to the end of last financial year;

(b) the receipts respectively under passengers and goods traffic;

(c) how they compare with the earnings of the railways during the last year; and

(d) whether Government are keeping a watch on the tendencies of railway earnings with a view to balancing the railway budget and to pay the contribution to general revenues over and above interest charges; if not, why not?

**The Honourable Mr. A. G. Olow:** (a) Only approximate figures are available. They disclose total earnings of Rs. 94.01 crores. This figure is liable to adjustment on the receipt of the final accounts for February and March and though no reliable estimate can be given of the extent of the adjustment, it resulted in the two previous years in an average addition to the approximate figures for February and March, of about 85 lakhs.

(b) Passenger (i.e., coaching) earnings are Rs. 31.15 crores, and goods Rs. 60.84 crores.

(c) The approximate coaching and goods earnings of 1938-39, given in answer to (b) which as indicated in the reply to part (a) above are liable to adjustment, are less than the actual earnings of 1937-38 by about Rs. 60 lakhs and 43 lakhs respectively and the miscellaneous earnings are 18 lakhs more.

(d) I can assure the Honourable Member that any tendencies in railway earnings and expenditure are very carefully watched.

**Mr. K. Santhanam:** May I know in what lines deterioration has taken place?

**The Honourable Mr. A. G. Clow:** I have not the particulars line by line here.

#### RETRENCHMENT IN THE TELEGRAPH DEPARTMENT AND INCREASE IN THE AIR MAIL POSTAGE.

1671. \***Mr. K. Santhanam** (on behalf of Mr. S. Satyamurti): Will the Honourable Member for Communications please state:

- (a) whether Government have considered the suggestions made in the course of the debate on the cut motion regarding the reduction of the post card rate to six pies, particularly the suggestions for retrenchment in the Telegraph Department to make that department self-supporting for increasing the postage on air mails;
- (b) the result of that consideration;
- (c) whether Government propose to retrench the Telegraph Department; if so, in what direction; if not, why not;
- (d) whether Government propose to increase the air mail postage; if not, why not; and
- (e) whether Government propose to take on hand and pursue all schemes of economy and retrenchment with a view to introducing a half-anna post card as early as possible; if not, why not?

**The Honourable Mr. A. G. Clow:** (a) and (b). Such suggestions have been considered on more than one occasion. As regards the first of the two suggestions mentioned, I would refer the Honourable Member to Mr. Bewoor's speech in this House on 23rd March, 1939. There is no possibility of financing the reduction of the rate on postcards by raising the air mail postage.

(c) and (d). I would refer the Honourable Member to the reply given by Sir Thomas Stewart to his starred question No. 291 on the 10th February, 1939.

(e) I would refer the Honourable Member to the reply given to part (c) of his starred question No. 1724 on the 2nd December, 1938.

**Mr. K. Santhanam:** With regard to the answer to part (a) of the question, may I know whether the matter was considered after the cut motion on the budget was passed?

**The Honourable Mr. A. G. Clow:** I have not considered it since the Finance Bill was passed.

**Mr. K. Santhanam:** May I know whether Government propose to consider it in the light of the cut motion that was passed?



**The Honourable Mr. A. G. Clow:** I understood that a cut motion was not adopted on this.

**Seth Govind Das:** Is it not a fact that recently the air mail postage to certain countries has been markedly reduced?

**The Honourable Mr. A. G. Clow:** No, I do not think so. I do not know if my Honourable friend was referring to the Empire Air Mail scheme. That involved a reduction of rates, but that was not recent.

**Seth Govind Das:** For how long has it been reduced?

**The Honourable Mr. A. G. Clow:** Over a year ago, I think.

(Mr. Joshi rose in his place.)

**Mr. President** (The Honourable Sir Abdur Rahim): The matter was fully discussed. Next question.

#### GOVERNMENT'S RELATIONS WITH THE TRIBES OF THE NORTH-WEST FRONTIER PROVINCE.

**1672. \*Mr. K. Santhanam** (on behalf of Mr. S. Satyamurti): Will the Secretary for External Affairs please state:

- (a) the latest position with regard to the relations between the Government of India and the tribes of the North-West Frontier Province;
- (b) with how many of them Government are still at war;
- (c) what are the points of difference which are still unsettled between Government and certain tribes involved in hostilities; and
- (d) whether any attempt is being made to bring about a settlement, if so, on what lines?

**Sir Aubrey Metcalfe:** (a) and (b). I would invite the Honourable Member's attention to the reply given to parts (a) and (b) of his question No. 1444 on the 31st of March, 1939, to which I have nothing to add.

(c) The main point of difference between Government and the tribes of Waziristan is the failure of the latter to control their hostile individuals, who raid into the settled Districts.

(d) Reference is invited to the reply given by me to part (d) of question No. 1180 asked by Mr. Abdul Qaiyum on the 10th of November, 1938. Negotiations with representatives of the tribes are constantly in progress with a view to the cessation of raiding and re-establishment of normal relations.

#### PROMOTIONS TO THE SUPERINTENDENT'S GRADE IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

**†1673. \*Mr. Muhammad Azhar Ali:** (a) Will the Honourable the Communications Member please state if it is a fact that in matters of promotion to the grade of office Superintendent in the office of the Director General, Posts and Telegraphs, service in the second division is not taken into consideration?

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

(b) If the reply to part (a) above be in the affirmative, will Government kindly state the reason for not giving the benefit of the length of service in the case of promotion of officials who were originally recruited as second division clerks?

(c) Do Government propose to revise the procedure for fixation of seniority accordingly?

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

(b) Because seniority is measured by length of service in the grade from which promotion is made.

(c) No.

**REPRESENTATION OF MUSLIMS IN THE SUPERINTENDENT'S GRADE IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.**

†1674. **\*Mr. Muhammad Azhar Ali:** (a) Will the Honourable the Communications Member please state if it is a fact that under the existing principle of routine seniority followed in matters of promotion from assistants to Superintendent's grade, no Muslim assistant in the office of the Director General, Posts and Telegraphs, will get promotion to the Superintendent's grade earlier than 1951?

(b) Is it also a fact that promotion of Muslim assistants is probable in 1951 on the verge of their retirement only if extensions are not granted to Superintendents and assistants after the age of 55 years?

(c) Will Government kindly state how they propose to get the Superintendent's cadre in the office of the Director General, Posts and Telegraphs adequately represented by Muslims?

**The Honourable Mr. A. G. Clow:** (a) and (b). Promotion to this grade is by selection and I am not prepared to frame forecasts of the nature referred to by the Honourable Member.

(c) The question does not arise. The orders relating to communal representation apply only to direct recruitment and vacancies in the Superintendent's grade are always filled by promotion.

**GRANT OF OFFICIATING ALLOWANCE TO SECOND DIVISION CLERKS ENGAGED ON THE DUTIES OF ASSISTANTS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.**

†1675. **\*Mr. Muhammad Azhar Ali:** (a) Will the Honourable Member for Communications please state if it is a fact that some of the old second division clerks of the Posts and Telegraphs Directorate were engaged on duties of assistants who proceeded on leave or deputation prior to the 15th June, 1938—the date of re-organisation of the office?

(b) Is it a fact that statistics were collected to find out which of the old second division clerks were actually engaged on such duties?

(c) Is it a fact that the advice of the Accountant General, Posts and Telegraphs was sought as regards the admissibility or otherwise of the officiating pay to such second division clerks?

(d) Is it a fact that the Accountant General, Posts and Telegraphs opined that officiating pay was admissible to the second division clerks in spite of the existence of supernumeraries in the grade of assistants?

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

(e) If the above replies be in the affirmative, will Government kindly state the reasons for not granting officiating pay to those second division clerks who were engaged on duties of assistants?

**The Honourable Mr. A. G. Clow:** (a) No.

(b) to (d). I am not prepared to disclose particulars of the course of inter-departmental discussions, which are confidential.

(e) Does not arise.

**NEW RULES FOR THE EXAMINATION FOR RECRUITMENT OF INSPECTORS AND HEAD CLERKS TO SUPERINTENDENTS OF POST OFFICES, ETC.**

†1676. \***Pandit Lakshmi Kanta Maitra:** Will the Honourable Member in Charge of Communications be pleased to state:

- (a) whether new rules have been framed for the examination for recruitment of Inspectors of Post Offices and Railway Mail Service and Head Clerks to Superintendent of Post Offices and whether the new examination will be a competitive one and thrown open to all and the system of nomination for selection of candidates has been abolished;
- (b) whether it is a fact that under these rules, an examination would be held in August this year and whether nine months' notice as contemplated under the rules was given and if not, why not;
- (c) whether it is a fact that the selection of candidates has been completed in all the circles;
- (d) whether it is a fact that in Bombay Circle as many as fifty per cent. of the applicants have been rejected on the whole.
- (e) whether it is a fact that in the Bombay Circle in one of the divisions only ten per cent. of the applicants have been rejected while in certain other divisions the percentage rejected ranges between seventy and eighty whereas in the Bengal and Assam Circle nearly cent. per cent. of the applicants have been selected in a particular unit while in some other units only fifteen to thirty per cent. have been selected;
- (f) if the reply to the above be in the affirmative, will Government please state the reasons for this great disparity in the result of selections made in different units of the same Circle;
- (g) whether it is a fact that the conditions laid down in the rules were the fulfilment of certain criteria regarding age as also good record of service;
- (h) whether copies of all adverse remarks in the character sheets were supplied to the parties concerned as required by the rules; and
- (i) if the reply to part (h) above be in the negative, whether Government propose to take steps to cause supply of those remarks to the parties concerned; if not, why not?

**The Honourable Mr. A. G. Clow:** (a) Yes. I would invite the attention of the Honourable Member to the Director General's Special General

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

Circular No. 19, dated the 18th October, 1938, a copy of which has been placed in the Library of the House.

(b) On account of certain unforeseen difficulties, the examination has been postponed to December, 1939. The dates in August originally proposed for holding the examination were notified more than nine months in advance.

(c) I understand this is the case.

(d), (e) and (f). Enquiries are being made and the results will be laid on the table in due course.

(g) I would refer the Honourable Member to rule 3 of part II of the Circular mentioned in reply to part (a).

(h) The rules do not require all such remarks to be shown.

(i) Does not arise.

#### SANCTION FOR THE BATALA-BEAS RAILWAY LINE PROJECT.

1677. \***Bhai Parma Nand:** (a) Will the Honourable Member for Railways please state when was the Batala-Beas Railway Line Project sanctioned and what amount was sanctioned for (i) acquisition of land, (ii) earth work, (iii) bridges, (iv) station buildings and residential quarters?

(b) How many railway stations were proposed to be opened on this line?

(c) How much of the work as regards acquiring of land, earth work, bridges and station buildings was finished?

(d) Is it a fact that everything except placing of rails was completed up to Sri-Hargobindpur? If so, why the rails were not placed up to Sri-Hargobindpur?

(e) Is the Batala-Qadian Section a source of profit or loss to the railway? If it is a losing concern, why, and how the loss is being made up?

(f) Have any memorials reached or did a deputation wait upon the railway authorities for the completion of the line? If so, what answers were given to them?

(g) How and where were the figures regarding income and expenditure on the Batala-Beas Section collected and calculated?

(h) Did the Secretary, Railway Recommendation Committee of Batala-Beas Section, request the railway authorities that the officer deputed to make enquiries should get his assistance in this connection and make enquiries at the central place (in Sri-Hargobindpur and at other proposed railway stations)?

(i) Was this request of his acceded to, if not, why not?

(j) Is it a fact that the Railway authorities have decided to auction the land acquired, the material of bridges and railway buildings erected?

(k) Is it a fact that the station buildings at Sri-Hargobindpur which cost the railway about three quarter of a lakh were auctioned for Rs. 1,400 only on the 18th March, 1939?

(1) Are Government, instead of auctioning the buildings, etc., at such a reduced price, prepared to reconsider the question and complete the project?

**The Honourable Mr. A. G. Clow:** Information is being obtained from the Railway Administration concerned and a reply will be laid on the table in due course.

**INSPECTORS AND HEAD CLERKS TO SUPERINTENDENTS OF POST OFFICES IN THE BENGAL AND ASSAM CIRCLE.**

†1678. \***Sir Abdul Halim Ghuznavi:** Will the Honourable Member for Communications be pleased to state :

- (a) the total number, in Bengal and Assam Circles respectively, of Inspectors of Post Offices and Railway Mail Services, as also of Head Clerks to the Superintendents of Post Offices, showing the number of (1) Hindus, (2) Mussalmans and (3) others separately, who are departmental approved candidates for the fifty per cent. posts of Superintendents of Post Offices and Railway Mail Services reserved, in accordance with the recent revised orders, for the employees of the Postal Department;
- (b) the total number of Inspectors of Post Office and Railway Mail Services and Head Clerks to the Superintendents of Post Offices showing the number of (1) Hindus, (2) Mussalmans and (3) others separately, in each of these circles, on the 1st of February, 1939;
- (c) the total number of clerks, showing the number of (1) Hindus, (2) Mussalmans and (3) others separately, recruited in these two circles from (1) outsiders and (2) departmental candidates respectively by competitive examination on each occasion such examination was held since the existing issuing orders on the subject came into effect;
- (d) the total number of boy peons showing the number of (1) Hindus, (2) Mussalmans and (3) others separately in each of these circles on the 1st of February, 1939; and
- (e) the total number of Engineering Supervisors of Telegraph on the 1st of February, 1939, showing the number recruited before as also after the new system of recruitment fixing fifty per cent. for departmental candidates and fifty per cent. for outsiders came into force, and showing also the number of (1) Hindus, (2) Mussalmans and (3) others separately in each case

**The Honourable Mr. A. G. Clow:** (a) Bengal and Assam form one Postal Circle. Four departmental candidates have been approved for that Circle, of whom three are Hindus and one is a Muslim.

(b) to (e). As stated in the reply to part (a) of the question, Bengal and Assam form one Circle. The Honourable Member is referred to the statements laid on the table in reply to parts (a) (ii) to (v) of Shaikh Rafiuddin Ahmad Siddiquee's starred question No. 1339 on the 28th March, 1939.

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

## FILLING UP OF POSTS OF PACKERS IN THE POSTAL DEPARTMENT.

†1679. \*Sir Abdul Halim Ghuznavi: (a) Will the Honourable Member for Communications be pleased to state if it is a fact that the posts of packers of the postal department have been reserved for boy peons of the Telegraph Traffic Branch as also of those postmen?

(b) Is it also a fact that fifty per cent. of the clerical posts are filled in by promotion from postmen and packers, and if so, is it not in effect reserving the posts of such postmen and fifty per cent. of the clerical posts for the boy peons of the Telegraph Department?

(c) If the answer to parts (a) and (b) above be in the affirmative, how is the communal representation in these two distinct classes of services, namely, of postmen and of boy peons of the Telegraph Traffic Branch, to be determined and given effect to?

**The Honourable Mr. A. G. Olow:** (a), (b) and (c). The attention of the Honourable Member is invited to the reply given to part (b) of Shaikh Rafiuddin Ahmad Siddiquee's starred question No. 1339, dated the 28th March, 1939.

## COMPLAINTS AGAINST SHOUTING OF WARES ON THE NORTH WESTERN RAILWAY.

1680. \*Mr. K. S. Gupta: Will the Honourable Member for Railways please lay on the table a list of the complaints received against shouting of wares by Contractors on the North Western Railway from:

- (i) upper class passengers excluding pass holders;
- (ii) intermediate class passengers, excluding pass holders; and
- (iii) third class passengers excluding pass holders, along with the name of the station against which complaint is made and the train number in which the complainant was travelling?

**The Honourable Mr. A. G. Olow:** I am calling for the information and if available it will be laid on the table of the House.

## COMPLAINTS AGAINST POSTAL OFFICIALS BY CERTAIN NEWSPAPERS OF DELHI.

1681. \*Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Communications Member be pleased to state if his attention has been drawn to the various articles and notes which have been published in the various issues of the *Peshwa* a monthly journal of Delhi regarding the complaints against Post Office officials?

(b) Has the Honourable Member, in particular, seen the issues of Shaban and Ramzan, pages 15 and 16, respectively, which deal with:

- (1) the loss of papers during transit;
- (2) late delivery of *dak* in the *Peshwa* office; and
- (3) irresponsible attitude of the postal department authorities towards the complaints on the aforesaid points?

(c) Has the attention of the Honourable Member been drawn to the similar complaints of other leading papers of Delhi, viz., *Rayasat*, *Alaman*, *Din-o-Dunya*, *Moulvi* and others?

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

(d) Have Government considered the advisability of making an enquiry in the matter and punishing the persons responsible for such irregularities?

**The Honourable Mr. A. G. Clow:** (a) I cannot guarantee that I have seen them all.

(b) Yes. Enquiry showed that apart from the misdelivery of a letter and a postcard the allegations were not substantiated.

(c) As the Honourable Member has neither supplied relevant extracts nor mentioned the dates of issue of the newspapers referred to, I have not been able to see these complaints. If the Honourable Member is referring to the alleged complaints of the *Riyasat* and *Din-o-Dunya* mentioned in the Ramzan issue of the *Peshwa*, I understand that the former were found on enquiry to be groundless, while the Editor of the *Din-o-Dunya* has stated in writing that he has no complaints to make.

(d) Does not arise in view of the reply given to parts (b) and (c) of the question.

**Qazi Muhammad Ahmad Kazmi:** Has the Honourable Member taken into consideration the complaints that were sent along with this question?

**The Honourable Mr. A. G. Clow:** I have looked at the complaints.

#### DELAY IN PAYMENT OF MONEY ORDERS, ETC., IN DELHI.

**1682. \*Qazi Muhammad Ahmad Kazmi:** (a) Is the Honourable Member for Communications aware that there are general complaints in Delhi by newspapers and businessmen that the payment of money orders and the money of value payable papers and articles are often delayed in Delhi Post Offices?

(b) If the answer to part (a) above be in the affirmative, have Government considered the advisability of making an enquiry into the matter?

**The Honourable Mr. A. G. Clow:** (a) No.

(b) Does not arise.

#### CONTRACT OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

**1683. \*Pandit Sri Krishna Dutta Paliwal:** (a) With reference to part (d) of question No. 910 asked on the 9th March, 1939, will the Honourable Member for Railways be pleased to state as to when the decision of terminating the contract of the Shahdara-Saharanpur Light Railway is likely to be reached?

(b) Is it or is it not a fact that a twelve months notice is required for terminating the contract and that it must at the latest be served on the Railway before the 18th April, 1940?

(c) If the answer to part (b) be in the affirmative, do Government propose to serve the notice in time to terminate the contract?

**The Honourable Mr. A. G. Clow:** (a) and (c). These questions have not yet been considered.

(b) Yes.

PAY OF WORKMEN IN THE LOCOMOTIVE DEPARTMENT OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

1684. \***Pandit Sri Krishna Dutta Paliwal**: Will the Honourable Member for Railways be pleased to state whether it is a fact that in the Locomotive Department of the Shahdara-Saharanpur Light Railway the payment of workmen is very low, viz., Rs. 30 per mensem only, while persons of similar qualifications with similar duties on the North Western Railway get about Rs. 75 per mensem?

**The Honourable Mr. A. G. Clow**: Government are not in possession of the scales of pay on this railway, but I should doubt if the conditions of work in the Locomotive Department were identical with those on the North Western Railway.

**Qazi Muhammad Ahmad Kazmi**: Will the Honourable Member send this question to the Manager for consideration?

**The Honourable Mr. A. G. Clow**: I have no objection.

AGE OF THE ASSISTANT LOCOMOTIVE SUPERINTENDENT OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

1685. \***Pandit Sri Krishna Dutta Paliwal**: (a) Will the Honourable Member for Railways please state if it is a fact that the Assistant Locomotive Superintendent of the Shahdara-Saharanpur Light Railway is about ninety years old with 55 years of service?

(b) Have Government considered the advisability of pressing upon the Shahdara-Saharanpur Light Railway authorities to remove this officer?

**The Honourable Mr. A. G. Clow**: (a) No. Such information as Government have in regard to this officer will be found on page 222 of the Classified List of State Railway Establishment and Distribution Return of Establishment of all Railways corrected upto the 31st December, 1938, a copy of which is in the Library of the House.

(b) No.

**Mr. R. N. Basu**: With reference to the answer to part (a) of the question may I know what is the age of the Assistant Locomotive Superintendent of the Shahdara-Saharanpur Light Railway?

**The Honourable Mr. A. G. Clow**: I believe he is about 63.

**An Honourable Member**: Still going strong?

**The Honourable Mr. A. G. Clow**: I hope so.

**Qazi Muhammad Ahmad Kazmi**: Has the Honourable Member got any idea as to how long it has been since he retired? Is it not a period of 20 years since he retired from the service?

**The Honourable Mr. A. G. Clow**: I was not aware that he was a retired official. I am quite prepared to take it from the Honourable Member.

**Mr. N. M. Joshi**: May I know what is the number of years of service of this gentleman?



**The Honourable Mr. A. G. Clow:** I do not know that.

**Mr. N. M. Joshi:** If he has put in 55 years' service as mentioned in the question, his age could not be 63.

**The Honourable Mr. A. G. Clow:** On the other hand, if he is 63 years of age, he could not have put in 55 years' service.

**Qazi Muhammad Ahmad Kazmi:** May I know how long it is proposed to retain this gentleman?

**The Honourable Mr. A. G. Clow:** It is not a question for Government.

#### PROMOTIONS TO SUB-HEAD'S GRADE IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

**1686. \*Mr. Umar Aly Shah:** (a) Will the Honourable Member for Railways please state if he is aware that there is a great deal of discontentment and resentment prevailing in the staff of the Railway Clearing Accounts Office regarding promotions to Sub-head's grade?

(b) Is it also a fact that several representations from the staff were made in this connection to the Director and Controller of Railway Accounts? If the reply is in the affirmative, what steps have Government taken or propose to take to redress the grievances of the staff in this connection? If not, why not?

**The Honourable Mr. A. G. Clow:** (a) Government have no information beyond the fact that certain representations have been received from time to time by the Director, Railway Clearing Accounts Office, and the Controller of Railway Accounts.

(b) The reply to the first part is in the affirmative. As regards the second part, I understand that the representations were carefully considered and that legitimate grievances have been removed. The third part of the question does not arise.

#### PROMOTIONS TO SUB-HEAD'S GRADE IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

**1687. \*Mr. Umar Aly Shah:** In answer to question No. 581 (a) and (b) put by me in the Legislative Assembly debates of the 2nd March, 1938, the Honourable Member for Railways has stated that the posts of Sub-Heads are governed by selection in the Railway Clearing Accounts Office and that three selections took place from 1928 to 1934 in which lists of candidates who were considered *prima facie* fit for promotions to the rank of Sub-Heads were made and that a general list of the three selections was prepared in the order of seniority. If so, will the Honourable Member for Railways please lay on the table a list of these selections and state if this list is being followed now? If not, why not?

**The Honourable Mr. A. G. Clow:** The list referred to by the Honourable Member was prepared by the Director, Railway Clearing Accounts Office, for his own convenience; but promotion to each vacancy in the rank of sub-head is made personally by the Director, in consultation with his officers where necessary, on a basis of strict selection with due regard to experience. The lists were not lists of officials selected; they were merely guides indicating the officials eligible for selection, and I do not propose to make them public.

**Dr. Sir Ziauddin Ahmad:** May I know whether the Honourable Member is aware of the representations made to the Financial Commissioner about these particular matters, as we can expect no justice at the hands of the Director, Railway Clearing Accounts.

**The Honourable Mr. A. G. Clow:** Is the Honourable Member entitled to say that he does not expect justice from an officer in this matter?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member ought to withdraw that remark.

**Dr. Sir Ziauddin Ahmad:** I withdraw, though I speak from my experience.

**The Honourable Mr. A. G. Clow:** That is not withdrawing.

**Dr. Sir Ziauddin Ahmad:** I withdraw.

#### PROMOTIONS TO SUB-HEAD'S GRADE IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

**1688. \*Mr. Umar Aly Shah:** Will the Honourable Member for Railways state the method laid down for judging the merit of each individual clerk in the Railway Clearing Accounts Office who is promoted to the post of a Sub-Head? Is the recommendation of Sectional Officers called for in writing on every occasion when promotion is made on merit? If not, why not?

**The Honourable Mr. A. G. Clow:** The merits of each individual case are judged by the Director personally after taking all the relevant factors into consideration. The recommendations of section officers, whether orally or in writing, are also called for where necessary.

#### KEEPING OF ORISSA UNDER THE ADMINISTRATION OF THE POSTMASTER GENERAL, BIHAR.

**1689. \*Mr. K. S. Gupta:** Will the Honourable Member for Communications please state:

- (a) the reason for keeping Orissa under the administration of the Bihar Postmaster General;
- (b) the difficulties for not creating a separate circle for Orissa after the separation of the province;
- (c) whether he proposes leaving the administration of appointments to a Deputy Postmaster General whose appointment as such may safeguard the interest of Orissas; and
- (d) whether he proposes separating the administration of Orissa and create an independent circle for the province, if so, when; if not, why not?

**The Honourable Mr. A. G. Clow:** (a) and (b). Considerations of efficiency, economy and administrative convenience.

(c) No. The Postmaster General is responsible in such matters.

(d) No, for the reasons stated in reply to parts (a) and (b) of the question.

**RELEGATION OF CERTAIN CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL  
OF POSTS AND TELEGRAPHS.**

**1690. \*Maulana Zafar Ali Khan:** (a) Will the Honourable the Communications Member please state if it is a fact that about 80 per cent. of the old second division clerks in the office of the Director General, Posts and Telegraphs have been counted as third division in consequence of the recent re-organisation of the office?

(b) If the reply is in the affirmative, will Government kindly state whether similar action of counting the staff of higher division to lower division has ever been taken in the past in any attached office of the Government of India?

(c) If the reply to part (b) above be in the negative, will Government kindly state the reasons for such unprecedented treatment in the case of the staff of the office of the Director General, Posts and Telegraphs?

**The Honourable Mr. A. G. Glow:** (a) No. There are a number of clerks belonging to the old second division whose posts are counted against vacancies in the third division. The men retain their old scales of pay and the corresponding posts in the third division remain unfilled until these clerks vacate their posts.

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

**Maulana Zafar Ali Khan:** May I know what is the percentage of the old second division clerks who have been counted against vacancies in the third division?

**The Honourable Mr. A. G. Glow:** I think it is in the neighbourhood of the percentage given in the Honourable Member's question.

**Maulana Zafar Ali Khan:** May I know whether these old second division clerks who have been relegated to the third division will get promotion in the normal course?

**The Honourable Mr. A. G. Glow:** There is no question of relegating them to the third division. They continue on their old scales of pay. The point is that we have too many posts in the second division and as people holding those posts vacate them we will not fill those posts. The position of the clerks in the second division remains as it was in respect of grade.

**Maulana Zafar Ali Khan:** May I know whether these second division clerks who have been counted against the third division will get promotion or not. Will their rights be taken into consideration?

**The Honourable Mr. A. G. Glow:** It is not a question of their rights. Promotion normally depends on the occurrence of vacancies in the upper division but there also the same position holds good. There are a large number of supernumeraries who are not required for that division.

**FILLING UP OF VACANCIES IN THE ASSISTANT'S CADRE IN THE OFFICE OF THE  
DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.**

**1691. \*Maulana Zafar Ali Khan:** (a) Will the Honourable Member for Communications kindly state how many vacancies in the cadre of Assistants occurred since December 1935, till the date of re-organisation in the office of the Director General, Posts and Telegraphs?

(b) Will Government kindly state whether the said vacancies were filled up by the old second division clerks of the office in the proportion ordered by the Home Department of the Government of India?

(c) If the reply to part (b) above be in the negative, will Government kindly state the reason for not acting upto the order of the Home Department?

**The Honourable Mr. A. G. Clow:** (a) 14 vacancies occurred from December, 1935, to June, 1938, in the Assistants grade, which contained 43 supernumerary posts.

(b) and (c). These vacancies were not filled as a re-organisation scheme was under consideration.

**Maulana Zafar Ali Khan:** May I know whether this re-organisation scheme was under consideration in December 1935?

**The Honourable Mr. A. G. Clow:** No. There were no vacancies for the whole of the first year. I think the first vacancy occurred a year after.

**Maulana Zafar Ali Khan:** This re-organisation scheme came in 1937 or 1938. It was not under consideration in 1935?

**The Honourable Mr. A. G. Clow:** There were no vacancies in 1935 so far as I remember.

**INADEQUATE STAFF IN THE ISSUE SECTION OF THE OFFICE OF THE DIRECTOR  
GENERAL OF POSTS AND TELEGRAPHS.**

**1692. \*Maulana Zafar Ali Khan:** (a) Will the Honourable the Communications Member please state if it is a fact that the staff of the Issue Section of the office of the Director General, Posts and Telegraphs, attended office daily for six hours during the Christmas holidays for clearing up huge arrears accumulated in the section?

(b) If the reply be in the affirmative, will Government kindly state whether the Issue Section is under-staffed in comparison with the volume of work in that section?

(c) If the reply to part (b) above be in the negative, will Government kindly state the reasons for the huge accumulation of arrears?

(d) Do Government propose to strengthen the Issue Section with adequate staff? If not, why not?

**The Honourable Mr. A. G. Clow:** (a) No. Some members of the staff attended office for some hours on some of the Christmas holidays.

(b) and (c). The strength of the staff is adequate for normal working but there are, as in all offices, rush periods during which arrears accumulate.

(d) This does not arise; but I may mention that three temporary posts of typist were added to the staff from September, 1938.

**Maulana Zafar Ali Khan:** May I know whether this rush period coincides with the Xmas holidays or whether there were accumulated arrears before the Christmas holidays?

**The Honourable Mr. A. G. Clow:** Christmas is a period of congestion.

**Maulana Zafar Ali Khan:** May I know if the staff is adequate?

**The Honourable Mr. A. G. Clow:** The Honourable Member can form his own conclusion. I have stated one conclusion.

**Mr. K. Santhanam:** May I know whether these clerks get extra pay for working on holidays?

**The Honourable Mr. A. G. Clow:** It is part of their duties.

**Mr. B. N. Basu:** May I know whether any compensatory leave is given to them?

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

#### PROMOTIONS TO SUB-HEAD'S GRADE IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

**1693. \*Maulvi Syed Murtuza Sahib Bahadur:** (a) Will the Honourable Member for Railways please refer to the reply given by the Honourable Sir Thomas Stewart to question No. 580 put by Mr. Umar Aly Shah in the Legislative Assembly debates of the 2nd March, 1938, in which it was stated that "Promotion in the Railway Accounts Department is made at every stage by merit, due regard being paid also to seniority"?

(b) Is the Honourable Member aware that in the Railway Clearing Accounts Office promotions in sub-head's grade have been made on the basis of the length of officiating service as sub-head with no regard for efficiency and seniority, the principle laid down for such promotion? If so, is the Honourable Member for Railways prepared to investigate and take suitable steps to remedy matters? If not, why not?

(c) Is it a fact that the clerks who have passed appendix 'C' examination and who are senior and efficient and have also officiated for about eight or ten months in the sub-head's grade have been reverted and their juniors have been made to officiate, simply because they officiated as sub-head for a longer period? Is the Financial Commissioner for Railways preferred to intervene and set the matter right? If not, why not?

**The Honourable Mr. A. G. Clow:** (a) and (b). It is not a fact that in the Railway Clearing Accounts Office promotion in the grade of sub-head is made only on the basis of the length of officiating service as a sub-head. I would refer the Honourable Member to the reply given to part (d) of starred question No. 581 asked by Mr. Umar Aly Shah on the 2nd March, 1938, from which it will be seen that there is no need for any investigation.

(c) The answer to the first part is in the negative, the other parts do not therefore arise.

#### SENIORITY LIST OF STAFF IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

**1694. \*Maulvi Syed Murtuza Sahib Bahadur:** (a) Will the Honourable Member for Railways please state if it is a fact that the seniority list of the staff of the Railway Clearing Accounts Office was drawn up according to the orders passed by the Financial Commissioner for Railways on the recommendation of the committee appointed by him for the purpose?

(b) Is he also aware that the seniority list in question is not being followed in the Railway Clearing Accounts Office while making promotions to higher grade in general and particularly in the case of Sub-Heads? If so, what was the purpose of the Government in appointing a committee for fixing the seniority of the staff?

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

(b) Promotions to superior ranks are made on a stricter basis of selection than promotion to lower ranks, but due regard is paid to experience.

**Maulvi Syed Murtuza Sahib Bahadur:** May I know if seniority is not taken into consideration?

**The Honourable Mr. A. G. Clow:** I said that due regard is paid to experience.

#### PROMOTIONS TO SUB-HEAD'S GRADE IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

**1695. \*Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member for Railways please state whether any check is exercised by the Controller, Railway Accounts, to ensure that promotions to higher grade in general and particularly in the sub-head's grade in the Railway Clearing Accounts Office are made strictly in accordance with the spirit of the orders issued by him or higher authority from time to time? If the reply is in the negative, what other means there are with Government to feel satisfied that promotions to sub-head's grade are fairly and justly made? If the reply is in the affirmative, what is the nature of the check exercised and what has been the result so far?

**The Honourable Mr. A. G. Clow:** The power to make promotions rests with the Director, Railway Clearing Accounts Office. Any one who feels aggrieved has the right of appeal to the Controller of Railway Accounts who is in a position to amend the orders passed by the Director where necessary.

**Dr. Sir Ziauddin Ahmad:** May I know if appeals are to be heard by the Financial Commissioner or the Controller of Railway Accounts?

**The Honourable Mr. A. G. Clow:** By the Controller.

**Dr. Sir Ziauddin Ahmad:** Has the Financial Commissioner anything to do with this office?

**The Honourable Mr. A. G. Clow:** The Financial Commissioner has responsibility in respect of certain matters.

**Dr. Sir Ziauddin Ahmad:** May I know whether he is also authorised to listen to the cases of appeal?

**The Honourable Mr. A. G. Clow:** The appeals lie to the Controller of Railway Accounts.

#### PROMOTIONS TO SUB-HEAD'S GRADE IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

**1696. \*Maulvi Syed Murtuza Sahib Bahadur:** (a) Will the Honourable Member for Railways please state if there was any list of selected candidates for promotion to sub-head's grade in the Railway Clearing Accounts Office upto 1934 and on what principle it was drawn up?

(b) Is there any similar list maintained at present in the said office? If the reply be in the affirmative, what are the principles on which the present list is drawn up? If the reply be in the negative, under whose orders the same has been abolished and why?

**The Honourable Mr. A. G. Clow:** (a) and (b). I understand that officials regarded, as eligible for promotion, are placed in order of seniority on the list which is intended for the convenience of the Director and is still maintained.

**Dr. Sir Ziauddin Ahmad:** The Honourable Member may deny it, but it is a fact that the administration of the Railway Clearing Accounts Office is thoroughly unsatisfactory. I have myself made representations with regard to complaints.

#### USE OF RUNNING ROOMS BY TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

**1697. \*Pandit Sri Krishna Dutta Paliwal:** (a) Will the Honourable Member for Railways be pleased to state how many rests are T. T. Es. over the East Indian Railway granted in a month?

(b) Is the system of working recommended by the Moody and Ward Committee in 1931 still in force over the East Indian Railway? If not, has the sanction of the Railway Board been taken for the deviation, if any?

(c) Is it a fact that T. T. Es. programme of working in the Howrah Division does not permit any room for T. T. Es. to use their running rooms?

(d) If the reply to part (c) be in the affirmative, will Government state the reasons for maintaining these running rooms?

(e) How many T. T. Es. running rooms are there on each Division?

(f) What expense is incurred over the maintenance of each running room annually?

(g) Is it a fact that by working the programmes suggested in the Moody and Ward Committee Report, the use of running rooms can be made by the T. T. Es.?

**The Honourable Mr. A. G. Clow:** I am calling for the information required and will place a further reply on the table when it is received.

#### REPRESENTATION OF MUSLIMS IN THE PERSONNEL BRANCH OF THE NORTH WESTERN RAILWAY HEADQUARTERS OFFICE.

**1698. \*Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state whether it is a fact that there is not a single Muslim officer in the Personnel Branch of the Headquarters Office of the North Western Railway?

(b) Is it a fact that out of five personnel officers two are Hindus?

(c) Is it a fact that the question of the importation in the Headquarters Office of another Hindu officer in the senior scale is at present under contemplation?

(d) Is it the intention of Government to give all these posts to Hindus?

(e) Is it a fact that both the Superintendent and the Assistant Superintendent of the Personnel Branch are Hindus?

(f) Is it a fact that out of six Head Clerks of the Establishment Branch only one is a Muslim?

(g) Is it a fact that the representation of Muslims in the Personnel Branch even in the category of junior clerks, for which posts no special qualifications are necessary, is quite negligible?

(h) Are Government prepared to reserve at least two posts for Muslim officers in the Personnel Branch of the Headquarters Office? If not, why not?

**The Honourable Mr. A. G. Glow:** (a) Yes.

(b) No. Only one is a Hindu.

(c) I am not aware that this is contemplated at present.

(d) and (h). The posting of officers to branches in an office is not regulated by communal considerations.

(e) Yes.

(f) There are four posts of Head Clerk; one of them is held by a Muslim.

(g) Of the 59 men in the establishment branch, 21 are Muslims.

#### CONTROL OVER PRICES CHARGED AND KIND OF LITERATURE SOLD AT RAILWAY BOOK-STALLS.

†1699. \***Shrimati K. Radha Bai Subbarayan:** (a) Will the Honourable Member for Railways be pleased to state whether and how Government exercise any control or supervision over the prices charged for and the kind of literature sold at the book-stalls on railway platforms?

(b) If Government have any rules in this behalf?

(c) If the answers to parts (a) and (b) above be in the negative, are Government prepared to consider this matter from the point of the educational value of the literature sold at railway platforms and prescribe the necessary regulations?

**The Honourable Mr. A. G. Glow:** (a), (b) and (c). Book-stall contracts are given separately by each Railway Administration and the terms of those contracts vary on different railways. Generally, however, provision is made for the sale of newspapers, books and periodicals at rates not exceeding those usually charged by firms carrying on similar business in large towns. The contract also provides that the Administration reserve the right of criticising the sale of anything which they consider objectionable. The contracts do not bind the lessee to stock any particular type of literature and Government do not propose to secure the adoption of a condition of this kind. It may be presumed that contractors are prepared to stock such literature as finds a ready sale.

#### ASSISTANT SURGEONS ON THE NORTH WESTERN RAILWAY.

†1700. \***Mr. Mohan Lal Saksena:** (a) With reference to the reply to question No. 1344, dated the 28th March, 1939, will the Honourable the Railway Member please state whether all the four Assistant Medical Officers on the North Western Railway are non-Indians? If so, why?

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



(b) Is it a fact that it is Government's policy now-a-days not to grant any extension of service to officers after their attaining the age of superannuation?

(c) Is the Railway Department aware that military assistant surgeons of the Indian Medical Department are invariably retired on attaining the age of 55?

(d) Do Government propose to grant an extension of service to the non-Indian Assistant Medical Officer stated in the above-mentioned reply to be due to retire in August 1939? If so, why, and if not, is it proposed to re-employ him after his retirement from the military service?

(e) Have Government considered that this will prejudicially affect the promotion in the service from the lower ranks?

(f) Have Government considered the financial effect of the re-employment of the non-Indian Assistant Medical Officer as against the recruitment of a fresh person into the service at the bottom in these days of unemployment?

(g) What are the reasons for according a special treatment, administrative or otherwise, in the matter of granting extensions to non-Indians? Has any Indian assistant surgeon been also treated similarly within the last two years? If not, why not?

**The Honourable Mr. A. G. Olow:** (a) Three are statutory Indians and one is a European.

(b) Extensions of service are given in exceptional cases where circumstances justify this being done.

(c) Yes.

(d) The matter is under consideration.

(e) and (f). These and other considerations will not be overlooked when a decision is being taken.

(g) As regards the first part, the considerations influencing a decision vary according to the circumstances of each case. As regards the second part, Government have no information, but there is nothing to preclude the railway administration concerned giving an extension of service if public interests require this to be done.

#### GRIEVANCES OF MUSLIMS ON THE EASTERN BENGAL RAILWAY.

**1701. \*Mr. Muhammad Nauman:** (a) Has the attention of the Honourable Member for Railways been drawn to an article published in a Calcutta monthly magazine volume IV No. 2-3, March-April 1939, page 5 and 10 styled, "Bullying Muslim Employees"?

(b) Have Government investigated into Muslim grievances in their reference on the Eastern Bengal Railway?

(c) Are Government prepared to make thorough enquiries into such Muslim cases under the Watch and Ward Department on the Eastern Bengal Railway?

**The Honourable Mr. A. G. Olow:** (a) Yes.

(b) and (c). Inquiries were made into an allegation made against the Superintendent, Watch and Ward Department, and it was found to be erroneous. No further enquiry is contemplated.

**Mr. Muhammad Nauman:** Is the Honourable Member aware that 12 Noon. certain cases of this nature also happened at Lalmonir Hat on the Eastern Bengal Railway and that there were men who behaved like that?

**The Honourable Mr. A. G. Clow:** I am not aware of those particular cases.

**Mr. Muhammad Nauman:** What is the result of the investigation which the Railway Board has made? What is the information available to the Railway Board in this connection?

**The Honourable Mr. A. G. Clow:** There is a good deal of information including extensive correspondence between the Honourable Member and the General Manager of the Railway.

**Mr. President** (The Honourable Sir Abdur Rahim): The answers to the next three questions are to be laid on the table as the Honourable Member has already asked five questions.

### (b) WRITTEN ANSWERS.

#### DIRECT RECRUITMENT OF CERTAIN STAFF ON THE NORTH WESTERN RAILWAY.

**1702. \*Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state whether, since the issue of the July 1934 Resolution of the Government of India, direct recruitment in intermediate grades of certain categories of staff on the North Western Railway has been stopped or substantially curtailed; if so, in which categories?

(b) Have the minimum educational and technical qualifications laid down for appointment to certain categories of staff been raised?

(c) Has the basis of recruitment in certain categories been changed from a Divisional to an inter-Divisional basis?

(d) If the reply to parts (b) and (c) be in the affirmative, will the Honourable Member please state why this has been done?

(e) If not, are Government prepared to consider the question of restoring *status-quo*?

**The Honourable Mr. A. G. Clow:** (a) The reply to the first part is in the negative, and the second, therefore, does not arise.

(b) No.

(c) Yes, in the case of ticket collectors, class I, grade II, who are now being recruited by the Headquarters Office instead of, as previously, by Divisional Superintendents.

(d) Recruitment by the Headquarters Office was considered necessary in order to regulate promotions to grade II of the ticket-collectors' cadre and to the grade of special ticket examiners.

(e) Government do not consider that their interference in this matter is called for.

**EMPLOYMENT OF MORE MUSLIM WATERMEN ON THE NORTH-WESTERN RAILWAY.**

**1703. \*Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state whether it is a general complaint from the travelling public that sufficient number of Muslim watermen are not employed on the stations of the North Western Railway, particularly during the hot weather?

(b) Will the Honourable Member please give figures of the Hindu and Muslim watermen separately employed permanently and temporarily for the ensuing hot weather?

(c) Is the Honourable Member prepared to issue the necessary instructions to ensure the employment of at least sixty per cent. Muslims as watermen for the 1939 hot weather and for subsequent years, and also to see that the number of permanent Muslim watermen attains an adequate level with the least possible delay?

**The Honourable Mr. A. G. Clow:** (a) I am not aware of any general complaint in this respect.

(b) I have called for the information required by the Honourable Member, and will place a reply on the table of the House when it is received.

(c) No.

**EMPLOYMENT OF MUSLIMS IN THE PERSONNEL BRANCHES OF THE NORTH WESTERN RAILWAY.**

**1704. \*Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state the number of clerks, sub-heads and head clerks employed in the Personnel Branches of the North Western Railway in the various Divisional, extra-Divisional and Headquarters Offices separately by communities on the 1st March, 1938 and 1st March, 1939?

(b) Will the Honourable Member for Railways please state what is the difficulty in bringing the proportion of Muslims in these branches to an adequate level by inter-branch transfers, particularly in the case of the lower grades, the incumbents of which are termed merely routine clerks?

(c) Is the Honourable Member for Railways prepared to issue instructions to ensure that an adequate number of Muslims are imported in the Personnel Branch so as to avoid the preponderance of the non-Muslim element at present existing therein?

**The Honourable Mr. A. G. Clow:** (a) I have not figures for the dates specified. But such figures as are available show that the total number of all communities employed in the Establishment sections on the North Western Railway on 30th June, 1936, was 413 clerks and 22 head clerks, of whom 107 and three, respectively, were Muslims. The corresponding figures for 1st December, 1938, for all communities were 425 clerks and 23 head clerks, of whom 137 and five, respectively, were Muslims.

(b) The Honourable Member will observe from the figures I have given that during a period of 17 months the number of Muslims in the Establishment sections rose from 110 to 142.

(c) Instructions have already been issued to guard against particular communities being handicapped by the preponderance of any one community in the Establishment sections of railway offices.

## SCHEME FOR THE ESTABLISHMENT OF FLYING SCHOOLS IN INDIA.

1705. \***Mr. Kuladhar Chaliha**: Will the Honourable the Communications Member please state:

- (a) whether the attention of Government has been drawn to a paragraph in the *Hindustan Times*, dated the 28th March, 1939, with the heading 'cost of flying';
- (b) whether Government propose to draw up a scheme for the establishment of flying schools in the different parts of India to obtain 'A' licence at a reasonable expense of Rs. 50, or thereabout and accommodation expenses of Rs. 50, more or less, in order to have a large number of young men trained in flying;
- (c) whether Government have considered the heavy cost of flying in Delhi and the necessity of reducing it further; and
- (d) whether Government are prepared to consider the feasibility of reducing the cost of flying to the same level as that of the rate of a civil air guard in Britain?

**The Honourable Mr. A. G. Olow**: (a) Yes.

(b) No.

(c) and (d). Government would welcome a reduction in the cost but are not prepared to grant subsidies on the scale that would be necessary to carry out the Honourable Member's suggestion.

STATEMENT OF THE PREMIER OF THE NORTH-WEST FRONTIER PROVINCE  
ABOUT TRIBAL AREA.

1706. \***Mr. Abdul Qaiyum**: Will the Secretary for External Affairs please state:

- (a) if he has read the following statement of the Premier of the Frontier Province in the *Tribune*, Lahore, dated the 30th March, 1939:

"I expressed this view officially and non-officially that the only solution is that the tribal area and the people who are owners of that land should be left alone, and we must create a line of defence between the settled and tribal areas. I am sure that if this is done or left to the Provincial Government, if the Central Government hand over the tribal territory, I have every hope that this question, which is within the reach of the Provincial Government, will be settled amicably";

- (b) whether the Central Government approve of this policy;
- (c) if not, the reasons for such attitude; and
- (d) what is the policy of Government with regard to the treaties?

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

(b) and (c). It is not clear what policy the Premier is reported to advocate. Since on the one hand he speaks of leaving the people of tribal areas alone and on the other of handing them over to the Provincial Government presumably for administration. Government can obviously express no views on vague and contradictory suggestions of this kind.

(d) The policy of Government with regard to all treaties into which they have entered is to observe them.

## SYSTEM OF ENROLMENT OF COOLIES ON THE NORTH WESTERN RAILWAY.

**1707. \*Bhai Parma Nand:** (a) Will the Honourable Member for Railways be pleased to state what system is followed for the enrolment of the coolies at railway stations over the North Western Railway?

(b) Who appoints and controls the jamadar of the coolies, and what are his remunerations?

(c) What does the Railway Department get from the jamadar?

(d) Will Government be pleased to state the number and communal proportion of coolies at the stations having a jamadar?

**The Honourable Mr. A. G. Olow:** (a) and (b). I would refer the Honourable Member to the information laid on the table in reply to the Honourable Pandit Hirday Nath Kunzru's question No. 270 in the Council of State on the 5th October, 1937.

(c) Nothing.

(d) Government have no record of this.

## UNSTARRED QUESTIONS AND ANSWERS.

## EUROPEANS, ANGLO-INDIANS AND INDIANS EMPLOYEES IN PORT TRUSTS.

**59. Mr. S. Satyamurti:** Will the Honourable Member for Communications be pleased to lay on the table a tabular statement giving the number of Europeans, Anglo-Indians and Indians as on 31st December, 1938, in the different Port Trusts in India whose monthly salaries are between:

(1) Rs. 500 to Rs. 999,

(2) Rs. 1,000 to Rs. 1,999, and

(3) Rs. 2,000 and over but excluding in class (1),

those whose initial monthly salaries are below Rs. 500?

**The Honourable Mr. A. G. Olow:** I lay on the table a statement giving the information required so far as concerns the Ports of Chittagong, Madras and Karachi. Information regarding the Ports of Calcutta and Bombay is being collected and will be laid on the table in due course.

*Statement showing the number of Europeans, Anglo-Indians and Indians in the employ of the Chittagong Port Commissioners and the Madras and Karachi Port Trusts on the 31st December, 1938, who were receiving salaries of Rs. 500 and over.*

Name of Port	(1) Initial salary of Rs. 500 to Rs. 999.			(2) Rs. 1,000 to Rs. 1,999.			(3) Rs. 2,000 and over.		
	Euro-peans.	Anglo-Indians.	Indians.	Euro-peans.	Anglo-Indians.	Indians.	Euro-peans.	Anglo-Indians.	Indians.
Chittagong	3		1	3			...		
Madras . .	5	...	1	4		..	1		
Karachi . .	6	1	3	9	...	3	1	...	...

## EUROPEAN AND INDIAN TRUSTEES IN PORT TRUSTS.

**60. Mr. S. Satyamurti:** Will the Honourable Member for Communications be pleased to lay on the table a tabular statement giving the number of European and Indian Trustees in each of the Port Trusts in India on 1st January, 1939 and on 1st January, 1929?

**The Honourable Mr. A. G. Clow:** The following statement gives the information required:

*Statement showing the number of Indian and European Trustees or Commissioners of the major ports of Madras, Bombay, Karachi, Calcutta and Chittagong on the 1st January, 1929, and the 1st January, 1939.*

	1st January, 1929.			1st January, 1939.		
	Indians.	Europeans.	Total.	Indians.	Europeans.	Total.
Madras	4	11	15	5	10	15
Bombay	8	13	21	12	10	22
Karachi	6	8	14	7	8	15
Calcutta	5	13*	18*	5	14	19
Chittagong	4	8	12	4	8	12

\*Excludes one vacant seat to be filled by the Bengal Chamber of Commerce.

## NEW APPOINTMENTS MADE IN PORT TRUSTS.

**61. Mr. S. Satyamurti:** Will the Honourable Member for Communications be pleased to lay on the table a statement showing how many new appointments have been made by the different Port Trusts in India since January, 1929, in positions with initial monthly salaries of:

- (1) Rs. 500 and over,
- (2) Rs. 1,000 and over, and
- (3) Rs. 2,000 and over of persons who at the time of such appointments were not already in Port Trust employ, giving the number of Europeans, Anglo-Indians and Indians in each of the three classes in each Port Trust?

**The Honourable Mr. A. G. Clow:** The information is being collected and will be laid on the table in due course.

## CATERING ARRANGEMENTS ON RAILWAYS.

**62. Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please refer to his speech on page 1058 of debates, dated 23rd February, 1938; viz., "In pursuance of the assurance given by Sir Joseph Bhore there were issued to all railways requisitions that they should prepare memoranda as to the catering systems in force on their railways,

that they should take steps to consult the local Advisory Committees and that they should report to the Railway Board the result of their investigations." and

(i) lay on the table a statement showing:

- (a) the amount received as licence fees from stall-holders on each of the four State-managed Railways during 1938;
- (b) the amount received as rental charges for the use of refreshment rooms on those railways during 1938;
- (c) the amount received to cover the actual cost of supplying electricity and water to contractor, shopkeeper or stall-holder on those railways during 1938;
- (d) the opinions of the civil authorities on price lists of goods sold on those railways during 1938;
- (e) the reasons for not giving the contracts to local men on those railways during 1938 and for 1939;
- (f) inspections made by local public Health Authorities (other than Railway Medical Officers) on those railways during 1938 along with their remarks;
- (g) the reasons for giving ice and aerated water contracts on the North Western Railway for a period of three years and for deviating from the policy, viz., "contracts in regard to ice and aerated waters should be for a limited period, one year at a time (page 1059 of that debates)"; and

(ii) state if the reply to part (i) be in the negative, the reasons for not carrying out the decisions of the Central Advisory Committee during 1938?

**The Honourable Mr. A. G. Clow:** (i) The amount received in respect of licence fees from platform vendors and tea stall holders on the Eastern Bengal Railway during 1937-38 was Rs. 30,868. Enquiries will be made regarding the figures of income under this head on other State Railways and if the information is readily available it will be laid on the table of the House in due course. As regards the amount received as rental charges for the use of refreshment rooms, the Honourable Member is referred to the statement laid on the table on the 7th February, 1939, in reply to parts (a) to (c) of Mr. Satyamurti's starred question No. 1088 asked on the 16th September, 1938. The material required under the heads (c), (d) and (f) is not available. As regards the heads (e) and (g), there is no definite rule that contracts should be given to local men or that they should not be given for a period of three years.

(ii) As Sir Thomas Stewart explained in the House on the 23rd February, 1938, the tentative conclusions of the Central Advisory Council, which were not unanimous in all cases, differed in some important respects from the views expressed by a deputation of Honourable Members to Sir Sultan Ahmed. It was, therefore, necessary to reconsider the decision with a view to further consultation of the Central Advisory Council.

DELEGATION OF POWERS TO ALTER THE DATE OF BIRTH OF RAILWAY EMPLOYEES.

**63. Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please refer to the reply given to unstarred question No. 123 asked on the 28th March, 1938 and state:

- (a) the date and number of the notification under which the Agents were delegated the powers under paragraph 228-A of State Railway Open Line Code, Volume II; and
- (b) whether the Agents have been vested with powers to redelegate that power?

**The Honourable Mr. A. G. Olow:** (a) Powers were delegated to Agents (now General Managers) and to Heads of all Departments in a letter issued by the Railway Board in July, 1918.

(b) No re-delegation of the powers referred to in (a) above was permissible.

DENIAL OF HOLIDAYS TO STATION AND RUNNING STAFF ON RAILWAYS.

**64. Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please state the section of the Negotiable Instrument Act under which the railway station and train staff are not permitted to enjoy the holidays sanctioned under that Act?

**The Honourable Mr. A. G. Olow:** The Act does not regulate the grant of holidays to railway staff.

TAKING UP OF COMMERCIAL APPOINTMENTS IN ENGLAND BY RETIRED MEMBERS OF THE RAILWAY BOARD.

**65. Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please refer to the concluding reply on page 2780 of the Assembly Debates, dated 8th April, 1938 given to starred question No. 1266 of that date regarding the taking up of commercial appointments in England by retired members of the Railway Board, and state the result of the re-examination?

**The Honourable Mr. A. G. Olow:** The question of amending the Government of India Resolution No. 1140, dated the 21st April, 1920, regarding the acceptance of private employment with business concerns by retired officers has been reconsidered and it has been decided that until experience shows that there is any real need for its revision no change should be made therein.

CLASSIFICATION OF CERTAIN STAFF ON RAILWAYS AS RUNNING STAFF.

**66. Mr. Muhammad Azhar Ali:** (a) Will the Honourable Member for Railways please state the consideration and material upon which the staff referred to the Rule 3 (2) issued under Government of India, Railway Department Notification No. 40-L., dated the 31st January, 1931, were defined as running staff?

- (b) Was nature of duty considered?



- (c) Was pay of staff considered?
- (d) Are staff paid on the nature of duty?

**The Honourable Mr. A. G. Clow:** On the presumption that the Honourable Member desires to know what considerations determine the classification of employees under the category of "running staff", the reply is:

- (a) the fact that the staff referred to undertake duties the efficient performance of which necessitates their being in a moving train;
- (b) Yes;
- (c) No;
- (d) This is one of several considerations determining the scales of pay.

#### APPLICABILITY OF THE GOVERNMENT SERVANTS' CONDUCT RULES TO THE STAFF ON RAILWAYS.

**67. Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please refer to the reply given to unstarred question No. 165, asked on the 8th April, 1938, regarding the applicability of the Government Servants' Conduct Rules to the staff on State Railways and state the result of the consideration?

**The Honourable Mr. A. G. Clow:** I would refer the Honourable Member to the reply given to Mr. Satya Narayan Sinha's question No. 117 on the 29th November, 1938. Certain points that have arisen in connection with the draft rules to which reference was then made are under examination.

#### CATERING ARRANGEMENTS ON RAILWAYS.

**68. Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please refer to his speech on page 1059 of the Assembly Debates, dated the 23rd February, 1938, viz., contracts should be given to local men, and state the nature of orders passed thereon, and if no orders have been passed by this time, the reasons therefor?

**The Honourable Mr. A. G. Clow:** I would refer the Honourable Member to the reply given to part (ii) of his unstarred question No. 62.

#### NON-GRANT OF LEAVE TO RAILWAY EMPLOYEES.

**69. Pandit Lakshmi Kanta Maitra:** (a) Will the Honourable Member in charge of Communications be pleased to state if the Railway employees both of the station and ministerial sections do ordinarily and generally get leave earned by them under the rules on application for the same?

(b) Is the Honourable Member aware that the Railway employees are not granted due leave for want of adequate relieving staff?

(c) Are Government aware that for granting due leave to the employees at least one relieving hand is necessary for eleven permanent hands and if so, are there requisite number of relieving hands at present and what is their number and the number of the permanent hands both ministerial and in the station sections?

**The Honourable Mr. A. G. Olow:** (a) to (c). I would refer the Honourable Member to the statement made by Sir Thomas Stewart in this House on the 22nd February, 1938, and reproduced on page 961 of the Debates for that day.

**AREA UNDER A MEDICAL OFFICER FOR RENDERING TREATMENT TO RAILWAY EMPLOYEES.**

**70. Pandit Lakshmi Kanta Maitra:** (a) Will the Honourable Member in charge of Communications be pleased to state:

(i) the approximate area including the number of railway stations a medical officer, *viz.*, a Sub-Assistant Surgeon has under him for rendering medical treatment to the employees under the Railway; and

(ii) the number of such medical centres?

(b) If the answer to part (b) above be in the affirmative, will the Honourable Member be pleased to state whether Government contemplate taking steps for better arrangements of medical relief by reducing the local limit of a medical officer?

**The Honourable Mr. A. G. Olow:** (a) (i). Enquiries are being made as to the average number of stations for which a Sub-Assistant Surgeon is responsible on each of the four State Railways and the information received will be laid on the table.

(ii) I am not clear as to what the Honourable Member means by "such medical centres".

(b) Government have no reason to believe that the existing arrangements are inadequate.

**SUBMISSION OF LEAVE APPLICATIONS IN SERVICE COVERS IN THE POSTAL DEPARTMENT.**

**71. Pandit Lakshmi Kanta Maitra:** Will the Honourable the Communications Member be pleased to state:

(a) whether it is a fact that a Postmaster *while on duty* is required to forward his own application for leave in a postage paid cover whereas he can submit leave applications of his subordinates in a service cover;

(b) whether the Postmaster who is on duty is not permitted to send his personal leave application in a service cover with an endorsement thereon in his official capacity as Postmaster;

(c) whether the rule in the Postal Manual is interpreted to mean that any official who is on leave cannot submit his application in a service cover through the local Postmaster to whom he may not be subordinate; and

(d) if the reply to part (c) above be in the affirmative, whether necessary instructions or amendments to the rule clarifying the point will be issued in the matter?

**The Honourable Mr. A. G. Olow:** (a) to (c). Yes,

(d) No. The rule is unambiguous.

**PAYMENT OF MONEY ORDERS TO VILLAGERS OF BHATGAON POST OFFICE IN CHIPLUN TALUKA.**

**72. Pandit Lakshmi Kanta Maitra:** Will the Honourable Member in charge of Communications be pleased to state:

- (a) whether the villagers of Bhatgaon post office in Chiplun Taluka are required to go to the post office to receive payment of money orders;
- (b) whether it is a fact that the village is hilly and measures length-wise nearly five miles and that the farthest locality from the post office is three miles;
- (c) whether any villages are served by this post office and the villagers thereof are also required to come to the post office for payment of money orders and, if so, the distance of such villages from the said post office; and
- (d) whether a departmental postman or two extra-departmental agents authorised to pay money orders and registered articles are proposed to be sanctioned to remove the grievance of villagers and whether Government are prepared to retain the said post office?

**The Honourable Mr. A. G. Clow:** (a) to (d). I have no information regarding the conditions in the area served by Bhatgaon post office but am forwarding a copy of the Honourable Member's question to the Postmaster-General concerned for such action as he may consider necessary.

**POST OFFICES UNDER SELECTION GRADE POSTMASTERS IN THE BOMBAY CIRCLE.**

**73. Pandit Lakshmi Kanta Maitra:** Will the Honourable Member in charge of Communications be pleased to state:

- (a) whether it is a fact that a post office with one Postmaster and four clerks is to be in charge of a Selection Grade Postmaster;
- (b) the number of such offices in Bombay Postal Circle which are in charge of time scale officials; and
- (c) when Government propose to raise those offices to the status of Selection Grade Post Offices?

**The Honourable Mr. A. G. Clow:** (a) No.

(b) I have not the information and I presume, in view of the answer to part (a), that the Honourable Member does not desire that it should be collected. If, however, he still wants it, I shall be pleased to obtain it for him and lay it on the table at a later date.

(c) Does not arise.

**CONTRACT FOR HINDU REFRESHMENT ROOM, ETC., AT AMRITSAR RAILWAY STATION.**

**74. Mr. Umar Aly Shah:** (a) Will the Honourable Member for Railways please state whether the contract for Hindu refreshment room and Hindu *roti wala* is held by one and the same person at Amritsar, North Western Railway?

(b) Is that person a local man? If not, where does he reside?

(c) Do Government propose to order the distribution of that contract to persons of that locality? If not, why not?

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

(b) No. He resides at Lahore.

(c) No. The Administration consider the existing arrangement satisfactory. A large contractor can supervise work of this nature without residing at the station.

#### LEVY OF LICENCE FEE ON INDIAN REFRESHMENT ROOMS ON THE NORTH WESTERN RAILWAY.

**75. Mr. Umar Aly Shah:** (a) Will the Honourable Member for Railways please refer to the reply given to starred question No. 784 asked on the 28th February, 1939 and state the result of the consideration with regard to the levy of licence fee on Indian refreshment rooms on the North Western Railway?

(b) When that result is likely to be placed before the Central Advisory Committee on Railways for discussion?

(c) Is it likely that those results may be considered by the Central Advisory Committee before this Honourable House adjourned *sine die* and before they are brought into effect? If not, why not?

**The Honourable Mr. A. G. Clow:** (a) The matter is still under consideration.

(b) and (c). The question will be placed before the first meeting of the Central Advisory Council held after the close of this Session.

#### APPLICATION OF REVISED SCALES OF PAY TO CERTAIN STAFF IN DELHI DIVISION OF THE NORTH WESTERN RAILWAY.

**76. Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please refer to the reply to a supplementary question to starred question No. 1454 asked on the 31st March, 1939, that is: the pay of the staff on promotion is regulated according to the scales (old, new or revised) applicable to them on entrance in the services; and state:

(a) the justification, the North Western Railway, Delhi Division, had in circular No. 681-P—10, dated the 8th October, 1938, by applying the new or revised scales to staff drawing pay in old scales on promotion; and

(b) who can order the devaluation of scales?

**The Honourable Mr. A. G. Clow:** I have called for the information required by the Honourable Member and a reply will be placed on the table of the House in due course.

#### IRREGULARITIES DETECTED UNDER THE PAYMENT OF WAGES ACT ON RAILWAYS.

**77. Mr. Sham Lal:** Will the Honourable Member for Railways please refer to the reply given to starred question No. 1215, asked on the 21st March, 1939, and lay on the table a statement showing:

(a) the irregularities detected by the Inspector under Payment of Wages Act and brought to the notice of the Railway Administrations; and

- (b) the action taken thereon by the Railway Administration, if no action has been taken the reasons therefor?

**The Honourable Mr. A. G. Olow:** The question should have been addressed to my Honourable colleague in charge of the Department of Labour.

**GRIEVANCES OF THE EAST INDIAN RAILWAY STAFF SERVING IN THE DELHI DIVISION.**

**78. Mr. Sham Lal:** Will the Honourable Member for Railways please refer to the information published in the Assembly Debates, dated 27th February, 1939, in connection with unstarred question No. 109, asked on 29th November, 1938 and state:

- (a) the number of vacancies in higher grades occurred since 1927 to which those staff were eligible for promotion;
- (b) the dates on which they were considered unfit for promotion; and by whom;
- (c) the dates on which they were considered fit for promotion and by whom; and
- (d) the periods during which they were given training in courses prescribed for their promotion, (whether in schools or at stations) the subjects taught and the result of such training?

**The Honourable Mr. A. G. Olow:** (a), (b), (c) and (d). This information is not available and its compilation would involve the examination of the personal file of each individual and extensive research into the occurrence of vacancies in a number of grades over a long period of years. It is regretted that this task cannot be undertaken.

**ATTENDANCE RECORDING MACHINE IN THE RAILWAY BOARD'S OFFICE.**

**79. Bhai Parma Nand:** Will the Honourable the Railway Member be pleased to state:

- (a) whether it is a fact that, in addition to the maintenance of daily attendance registers, "daily-attendance-recording" machines are for the last few years being maintained in the Railway Board's office?
- (b) whether on these machines the Railway Board office staff are required on their arrival in office to sign their names and the time of their actual attendance is automatically recorded by the mechanism in the machines;
- (c) whether on any member of the staff being late by even a few minutes he is penalised to stay behind after office hours for a period of not less than half an hour, and on a recurrence of this offence the fact is noted in his service sheet against which there is no appeal;
- (d) whether when these machines were first introduced all the officers and staff alike were required to sign their attendance daily;

- (e) whether gradually the officers dropped off from doing so, and later the Superintendents of Branches of the Railway Board's office were also exempted from signing their attendance on these machines;
- (f) whether now the office staff are only required to sign their attendance on these machines;
- (g) whether he is aware that the office staff feel aggrieved at this treatment;
- (h) whether in any office of the Government of India Secretariat such attendance machines are maintained or such attendance regulations are prevailing; and
- (i) whether other offices of the Government of India Secretariat which come under the category of "Commercial Secretariats" have ever introduced such machines in their offices or resorted to such attendance regulations?

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

(c) No.

(d) The machines were intended for staff only but officers including the Chief Commissioner of Railways used it in order to set an example to the staff to attend office punctually.

(e) Does not arise in view of the reply given to part (d).

(f) Yes.

(g) No representations have been received from the staff to this effect.

(h) and (i). Not to my knowledge.

#### APPLICATION FOR REGISTRATION OF THE MONTHLY MAGAZINE *AMRIT* OF MANSEHRA.

**80. Bhai Parma Nand:** Will the Honourable Member for Communications be pleased to state:

- (a) whether it is a fact that one doctor Sain Dass of Mansehra (district Hazara) applied to the Postmaster General, Lahore, on 31st January, 1939, for the registration of *Monthly Magazine* the *Amrit* Mansehra;
- (b) whether the registration number has been assigned to the *Amrit*, if not, why not;
- (c) whether it is a fact, that the Postmaster General, asked the Sub-Postmaster, Mansehra, to verify the list of subscribers by the proprietor of the *Amrit*; and that the verification was sought only in the form of the money orders delivered to the V.P.P.S. despatch by the proprietor, if so, under what law this procedure was adopted;
- (d) whether he is aware that subscribers are sometimes local and sometimes pay the subscription after the expiry of the period, of which the post office can have no record; and
- (e) whether the Honourable Member proposes to make a change in this procedure for the future?

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

(b) No. There was no satisfactory evidence that the paper had at least 50 *bona fide* subscribers.

(c) The answer to the first and second parts of the question is in the affirmative. As to the third part, no specific procedure is prescribed for the verification of lists of subscribers. I may mention that the Postmaster General, who, on receipt of a representation from Dr. Sain Dass, undertook verification by another method, also independently came to the conclusion that the paper had not requisite number of *bona fide* subscribers.

(d) Yes.

(e) No.

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### MESSAGE FROM THE COUNCIL OF STATE.

**Secretary of the Assembly:** Sir, the following Message has been received from the Council of State :

"Sir, I am directed to inform you that the Bill further to amend the Indian Tariff Act, 1934 (Second Amendment), which was passed by the Legislative Assembly at its meeting held on the 6th April, 1939, was passed by the Council of State at its meeting held on the 11th April, 1939, with the amendment shown in the enclosed statement.

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

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

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*Statement showing the amendment made in the Bill further to amend the Indian Tariff Act, 1934, (Second Amendment), by the Council of State at its meeting held on the 11th April, 1939.*

"In sub-clause (c) of clause 2, in the fourth column of the proposed item No. 43, for the letters and figures 'Rs. 35, the letters and figures 'Rs. 30' were substituted."

NEW DELHI;

The 11th April, 1939.

SHAVAX A. LAL,

*Secretary of the Council of State."*

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DRAFT CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK IN THE PRINCIPAL MINING AND MANUFACTURING INDUSTRIES, INCLUDING BUILDING AND CONSTRUCTION AND IN AGRICULTURE, ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour): Sir, I lay on the table the Draft Convention concerning statistics of wages and hours of work in the principal mining and manufacturing industries, including building and construction and in agriculture, adopted by the Twenty-fourth Session of the International Labour Conference in June, 1938, together with a statement indicating the action which the Government of India have taken on the Draft Convention.

## DRAFT CONVENTION ADOPTED BY THE CONFERENCE.

DRAFT CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK IN THE PRINCIPAL MINING AND MANUFACTURING INDUSTRIES, INCLUDING BUILDING AND CONSTRUCTION, AND IN AGRICULTURE.

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fourth Session on 2 June 1938, and

Having decided upon the adoption of certain proposals with regard to statistics of wages and hours of work in the principal mining and manufacturing industries including building and construction, and in agriculture, which is the sixth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Draft International Convention, and

Having, determined that, although it is desirable that all Members of the Organisation should compile statistics of average earnings and of hours actually worked which comply with the requirements of Part II of this Convention, it is nevertheless expedient that the Convention should be open to ratification by Members which are not in a position to comply with the requirements of that Part,

adopts, this twentieth day of June of the year one thousand nine hundred and thirty-eight the following Draft Convention which may be cited as the Convention concerning Statistics of Wages and Hours of Work, 1938 :

## PART I.—GENERAL PROVISIONS.

*Article 1.*

Each Member of the International Labour Organisation which ratifies this Convention undertakes that :

- (a) it will compile as required by this Convention statistics relating to wages and hours of work;
- (b) it will publish the data compiled in pursuance of this Convention as promptly as possible and will endeavour to publish data collected at quarterly or more frequent intervals during the succeeding quarter and to publish data collected at intervals of six or twelve months during the succeeding six or twelve months respectively; and
- (c) it will communicate the data compiled in pursuance of this Convention to the International Labour Office at the earliest possible date.

*Article 2.*

1. Any Member which ratifies this Convention may, by a declaration appended to its ratification, exclude from its acceptance of the Convention :

- (a) any one of Parts II, III, or IV; or
- (b) Parts II and IV; or
- (c) Parts III and IV.

2. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every Member for which a declaration made under paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the application of the Part or Parts of the Convention excluded from its acceptance.

*Article 3.*

Nothing in this Convention imposes any obligation to publish or to reveal particulars which would result in the disclosure of information relating to any individual undertaking or establishment.



*Article 4.*

1. Each Member which ratifies this Convention undertakes that its competent statistical authority shall, unless it has already obtained the information in some other way, make enquiries relating either to all, or to a representative part, of the wage earners concerned, in order to obtain the information required for the purpose of the statistics which it has undertaken to compile in accordance with this Convention.

2. Nothing in this Convention shall be interpreted as requiring any Member to compile statistics in cases in which, after enquiries made in the manner required by paragraph 1 of this Article, it is found impracticable to obtain the necessary information without the exercise of compulsory powers.

**PART II.—STATISTICS OF AVERAGE EARNINGS AND OF HOURS ACTUALLY WORKED IN MINING AND MANUFACTURING INDUSTRIES.***Article 5.*

1. Statistics of average earnings and of hours actually worked shall be compiled for wage earners employed in each of the principal mining and manufacturing industries including building and construction.

2. The statistics of average earnings and of hours actually worked shall be compiled on the basis of data relating either to all establishments and wage earners or to a representative sample of establishments and wage earners.

3. The statistics of average earnings and of hours actually worked shall :

- (a) give separate figures for each of the principal industries; and
- (b) indicate briefly the scope of the industries or branches of industry for which figures are given.

*Article 6.*

The statistics of average earnings shall include :

- (a) all cash payments and bonuses received from the employer by the persons employed;
- (b) contributions such as social insurance contributions payable by the employed persons and deducted by the employer; and
- (c) taxes payable by the employed persons to a public authority and deducted by the employer.

*Article 7.*

In the case of countries and industries in which allowances in kind, for example in the form of free or cheap housing, food or fuel, form a substantial part of the total remuneration of the wage earners employed, the statistics of average earnings shall be supplemented by particulars of such allowances, together with estimates, so far as practicable, of their money value.

*Article 8.*

The statistics of average earnings shall be supplemented, so far as practicable, by indications as to the average amount of any family allowances per person employed in the period to which the statistics relate.

*Article 9.*

1. The statistics of average earnings shall relate to average earnings per hour, day, week or other customary period.

2. Where the statistics of average earnings relate to average earnings per day, week or other customary period, the statistics of actual hours shall relate to the same period.

*Article 10.*

1. The statistics of average earnings and of hours actually worked, referred to in Article 9, shall be compiled once every year and where possible at shorter intervals.

2. Once every three years and where possible at shorter intervals the statistics of average earnings and, so far as practicable, the statistics of hours actually worked shall be supplemented by separate figures for each sex and for adults and juveniles; provided that it shall not be necessary to compile these separate figures in the case of industries in which all but an insignificant number of the wage earners belong to the same sex or age group, or to compile the separate figures of hours actually worked for males and females, or for adults and juveniles, in the case of industries in which the normal hours of work do not vary by sex or age.

#### Article 11.

Where the statistics of average earnings and of hours actually worked relate not to the whole country but to certain districts, towns or industrial centres, these districts, towns or centres shall, so far as practicable, be indicated.

#### Article 12.

1. Index numbers showing the general movement of earnings per hour and where possible per day, week or other customary period shall be compiled at as frequent and as regular intervals as possible on the basis of the statistics compiled in pursuance of this Part of this Convention.

2. In compiling such index numbers due account shall be taken, *inter alia*, of the relative importance of the different industries.

3. In publishing such index numbers indications shall be given as to the methods employed in their construction.

### PART III.—STATISTICS OF TIME RATES OF WAGES AND OF NORMAL HOURS OF WORK IN MINING AND MANUFACTURING INDUSTRIES.

#### Article 13.

Statistics of time rates of wages and of normal hours of work of wage earners shall be compiled for a representative selection of the principal mining and manufacturing industries, including building and construction

#### Article 14.

1. The statistics of time rates of wages and normal hours of work shall show the rates and hours:

- (a) fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards;
- (b) ascertained from organisations of employers and workers, from joint bodies, or from other appropriate sources of information, in cases where rates and hours are not fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards.

2. The statistics of time rates of wages and of normal hours of work shall indicate the nature and source of the information from which they have been compiled and whether it relates to rates or hours fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards, or to rates or hours fixed by arrangements between employers and wage earners individually.

3. When rates of wages are described as minimum (other than statutory minimum) rates, standard rates, typical rates, or prevailing rates, or by similar terms, the terms used shall be explained.

4. "Normal hours of work", where not fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards, shall be taken as meaning the number of hours, per day, week or other period, in excess of which any time worked is remunerated at overtime rates or forms an exception to the rules or custom of the establishment relating to the classes of wage earners concerned.

#### Article 15.

1. The statistics of time rates of wages and of normal hours of work shall give:

- (a) at intervals of not more than three years, separate figures for the principal occupations in a wide and representative selection of the different industries; and

(b) at least once a year, and if possible at shorter intervals, separate figures for the main occupations in the most important of these industries.

2. The data relating to time rates of wages and of normal hours of work shall be presented, so far as practicable, on the basis of the same occupational classification.

3. Where the sources of information from which the statistics are compiled do not indicate the separate occupations to which the rates or hours apply, but fix varying rates of wages or hours of work for other categories of workers (such as skilled workers, semi-skilled workers and unskilled workers or fix normal hours of work by classes of undertakings or branches of undertakings, the separate figures shall be given according to these distinctions.

4. Where the categories of workers for which figures are given are not separate occupations, the scope of each category shall, in so far as the necessary particulars are given in the sources of information from which the statistics are compiled, be indicated.

#### Article 16.

Where the statistics of time rates do not give the rates per hour but give rates per day, week, or other customary period :

- (a) the statistics of normal hours of work shall relate to the same period ; and
- (b) the Member shall communicate to the International Labour Office any information appropriate for the purpose of calculating the rates per hour.

#### Article 17.

Where the sources of information from which the statistics are compiled give separate particulars classified by sex and age, the statistics of time rates of wages and of normal hours of work shall give separate figures for each sex and for adults and juveniles.

#### Article 18.

Where the statistics of time rates of wages and of normal hours of work relate not to the whole country but to certain districts, towns or industrial centres, these districts, towns or centres shall, so far as practicable, be indicated.

#### Article 19.

Where the sources of information from which the statistics of time rates and of normal hours of work are compiled contain such particulars, the statistics shall at intervals not exceeding three years indicate :

- (a) the scale of any payment for holidays ;
- (b) the scale of any family allowances ;
- (c) the rates or percentage additions to normal rates paid for overtime ; and
- (d) the amount of overtime permitted.

#### Article 20.

In the case of countries and industries in which allowances in kind, for example in the form of free and cheap housing, food or fuel, form a substantial part of the total remuneration of the wage earners employed, the statistics of time rates of wages shall be supplemented by particulars of such allowances, together with estimates, so far as practicable, of their money value.

#### Article 21.

1. Annual index numbers showing the general movement of rates of wages per hour or per week shall be compiled on the basis of the statistics compiled in pursuance of this Part of this Convention, supplemented, where necessary, by any other relevant information which may be available (for example, particulars as to changes in piece-work rates of wages).

2. Where only an index number of rates of wages per hour or only an index number of rates of wages per week is compiled, there shall be compiled an index number of changes in normal hours of work constructed on the same basis.

3. In compiling such index numbers due account shall be taken, *inter alia*, of the relative importance of the different industries.

4. In publishing such index, numbers indications shall be given as to the methods employed in their construction.

## PART IV.—STATISTICS OF WAGES AND HOURS OF WORK IN AGRICULTURE.

*Article 22.*

1. Statistics of wages shall be compiled in respect of wage earners engaged in agriculture.
2. The statistics of wages in agriculture shall :
  - (a) be compiled at intervals not exceeding two years ;
  - (b) give separate figures for each of the principal districts ; and
  - (c) indicate the nature of the allowances in kind (including housing), if any, by which money wages are supplemented, and, if possible, an estimate of the money value of such allowances.
3. The statistics of wages in agriculture shall be supplemented by indications as to :
  - (a) the categories of agricultural wages earners to which the statistics relate ;
  - (b) the nature and source of the information from which they have been compiled ;
  - (c) the methods employed in their compilation ; and
  - (d) so far as practicable, the normal hours of work of the wage earners concerned.

## PART V.—MISCELLANEOUS PROVISIONS.

*Article 23.*

1. Any Member the territory of which includes large areas in respect of which, by reason of the difficulty of creating the necessary administrative organisation and the sparseness of the population or the stage of economic development of the area, it is impracticable to compile statistics complying with the requirements of this Convention may exclude such areas from the application of this Convention in whole or in part.
2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of this Article and no Member shall, after the date of its first annual report, have recourse to the provisions of this Article except in respect of areas so indicated.
3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of this Article.

*Article 24.*

1. The Governing Body of the International Labour Office may, after taking such technical advice as it may deem appropriate, communicate to the Members of the Organisation proposals for improving and amplifying the statistics compiled in pursuance of this Convention or for promoting their comparability.
2. Each Member ratifying this Convention undertakes that it will :
  - (a) submit for the consideration of its competent statistical authority any such proposals communicated to it by the Governing Body ;
  - (b) indicate in its annual report upon the application of the Convention the extent to which it has given effect to such proposals.

## PART VI.—FINAL PROVISIONS.

*Article 25.*

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

*Article 26.*

1. This Convention shall be binding only upon Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

*Article 27.*

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

*Article 28.*

1. A Member which has ratified this Convention may denounce it, after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member, which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

*Article 29.*

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

*Article 30.*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides :

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 28 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this convention shall cease to be open to ratification by the Members.

This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

*Article 31.*

The French and English texts of this Convention shall both be authentic.

*Statement.*

The following statement indicates the action which the Government of India have taken in respect of the Draft Convention concerning statistics of wages and hours of work in the principal mining and manufacturing industries, including building and construction, and in agriculture, adopted by the Twenty-fourth Session of the International Labour Conference held at Geneva in June 1938 :—

As the competent authority for the collection of the necessary statistics is in all the industries concerned, except mining, the Provincial Government, and as the Convention does not require implementing by legislation, the Government of India have addressed the Provincial Governments, enquiring whether they wish to give effect to the provisions of the Convention.

**Mr. N. M. Joshi** (Nominated Non-Official): May I ask whether the Honourable Member will kindly circulate to the Members of the Assembly this statement, so that they need not wait till the statement is published in the proceedings? I may point out to you that many Members will leave Delhi before we get the last number of the Debates containing this statement. I would, therefore, ask that the statement may be circulated to Members so that if any action has to be taken, it may be taken before the Session is over.

**The Honourable Sir Muhammad Zafrullah Khan:** If the Honourable Member desires, I should be glad to read out the statement?

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair understands, there are copies available which will be circulated to Honourable Members.

### RESOLUTION *RE* POSITION OF WOMEN UNDER THE EXISTING LAWS.

**Mr. President** (The Honourable Sir Abdur Rahim): The Assembly will now resume consideration of the following Resolution moved by Sri K. B. Jinaraja Hegde on the 15th February, 1939 :

"That this Assembly recommends to the Governor General in Council that a committee be appointed, consisting of a chairman and eight other members, of whom not less than five shall be non-officials, who shall include women to examine and report on :

(1) the present position of women under the existing laws with special reference to—

- (a) rights and disabilities in regard to ownership and disposal of property,
- (b) rights of guardianship over children,
- (c) rights to maintenance,
- (d) rights in respect of joint family property,
- (e) rights of inheritance and succession,
- (f) marital rights;

(2) the various other aspects in which the existing laws relating to these matters stand in need of reform;

(3) the legislative measures that should be enacted to carry out the necessary reform."

**Dr. G. V. Deshmukh** (Bombay City: Non-Muhammadan Urban): Sir, I beg to move the following amendment:

"That for the original Resolution, the following be substituted :

"That this Assembly recommends to the Governor General in Council that a Committee be appointed consisting of a Chairman and six other Members, of whom not less than four shall be non-officials and of whom one at least shall be a woman, to report on the reforms which are necessary for improving the right of Hindu women to residence and maintenance, and the legislative measures necessary to give effect to such reforms."

**Mr. President**, I beg to recommend my amendment to the acceptance of the House, because I think the House will well realize by now that the circumstances have very considerably changed, particularly in the last twenty years or twenty five years in the social life of the Hindus and, therefore, it is only right that some kind of a measure may be undertaken to have an idea as to how far the change has taken place and how to adapt the laws to the changing circumstances.

With respect to this Resolution, I would like to make only three suggestions. The first suggestion, in connection with this Resolution of mine, is that so far as the personnel of this Committee is concerned, that personnel should not be restricted to this House. My reason for this suggestion is this that we have really very many competent persons, those who have taken a very great deal of interest and a great deal of active part in the social reforms all over India,—for instance, a person like Mr. V. P. Joshi of Baroda, a friend of mine—would be of invaluable help to a Commission like this and, therefore, Sir, the choice of the personnel need not be restricted to the Members of this House but let us get the best persons, whether men or women, from all over the country.

**An Honourable Member:** They should be Members of the House.

**Dr. G. V. Deshmukh:** It does not say that they should be Members of the House. Anyhow, my second suggestion is this that, after all, when this Commission goes into all kinds of evidence and it does produce a report, when that report should come before this House, we should not be in a position to say that this was not meant or that this is wrong or that this cannot be included. Before we start on this Commission let us have some kind of standard for interpretation so that when the report comes, it may not be mis-interpreted by different Members of the House. Perhaps, to explain what I mean, for instance, after our recent experience of yesterday, I think honestly that some of the opinions received were in favour of the measure; on the other hand, the Honourable the Leader of the House equally honestly thinks that they are against the measure. So, unless there is a standard of interpretation, and supposing, in so far as the evidence is concerned, somebody says, "I accept the principle of the Bill but I want to make the following suggestions", and then, on the other hand, if that is to be rejected and this is to be considered as being against the measure, then it will be most unfortunate. This is my second suggestion. My third suggestion is that instructions should be issued in detail to the personnel of this Commission so that they may include only those citizens who are likely to be accepted by this House and will come within the four corners of the inquiry and that they should not make suggestions which may be very useful, which may be advantageous, which may be for the good of the object that we are pursuing but which, for instance, are not included or cannot be included in the legislative measures, for instance, which cannot be included in such measures as the House may adopt as a Select Committee; then, they must be told beforehand that they will be invalid,—because, unless you take all these preliminary precautions, I am afraid, Sir, all the labours of the Commission are likely to be wasted.

In conclusion, may I hope that after all the labour and trouble of this Commission, we may get a report which is not worthless but which contains sauce for the geese as well as the gander, and that the women of India, instead of touching it with a pair of tongs, will grasp it with both hands.

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

"That this Assembly recommends to the Governor General in Council that a Committee be appointed consisting of a Chairman and six other Members, of whom not less than four shall be non-officials and of whom one at least shall be a woman, to report on the reforms which are necessary for improving the right of Hindu women to residence and maintenance, and the legislative measures necessary to give effect to such reforms'.

[Mr. President.]

The Chair wants to know if there are any other Honourable Members who wish to move their amendments.

(No Member got up to move his amendment.)

The discussion will now be both on the Resolution and the amendment.

**Mr. Bhulabhai J. Desai** (Bombay Northern Division: Non-Muhammadan Rural): Mr. President, the Resolution and the amendment before the House concern in the terms in which they are couched the Hindu community, and I am one of those who believe that if there is going to be any progress in the direction of social changes, it will have to deal with the whole of the Indian society, and I decline to accept for myself, as well as for those for whom I stand, this distinction that progress is required only in the direction or concerning, however large the majority may be, one section of the Indian people. None-the-less, it appears that we can have a belief very much like the one on which the valuable Library at Alexandria was burnt many years ago. Therefore, it is not my desire to dilate on this subject and the way in which I look at this problem . . . . .

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour): Who burnt that Library?

**Mr. Bhulabhai J. Desai**: My Honourable friend knows very well historically who burnt it.

**The Honourable Sir Muhammad Zafrullah Khan**: I know it very well, but I am trying to follow the Honourable Member's argument.

**Mr. Bhulabhai J. Desai**: If my Honourable friend does not follow the allusion, he can leave it and follow the rest of the argument.

**The Honourable Sir Muhammad Zafrullah Khan**: If the allusion is that it was burnt by the Muslims, I protest against the allusion. It is not a historical fact; it is pure fiction.

**Mr. Bhulabhai J. Desai**: A fiction, at all events, which has accepted so much historical current. I was not referring to the actual pillage of the place. What I was referring to was the reason behind it, and my Honourable friend knows the historical dilemma on which this fiction is founded. Anyway, the point that I was referring to is that, according to my humble judgment,.....

**The Honourable Sir Muhammad Zafrullah Khan**: I am afraid I must interrupt again. If the dilemma on which it is based is the story which has unfortunately gained currency that it was burnt because it was said that if the books contained in it were in contradiction of the Quran, they ought to be destroyed, and if they were in support of the Quran, they were not needed, it is a complete fiction, and to refer to the story is, I am afraid, a libel against the Muslims which they must strongly resent.

**Maulana Zafar Ali Khan** (East Central Punjab: Muhammadan): Is it not a historical fact?

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order: The Chair cannot allow a discussion on this subject.



**Mr. Bhulabhai J. Desai:** I merely put forward before the House a reason which is current, without vouching either for its historical correctness or its bases, and I trust my Honourable friends will understand the tenor of argument and not read into it any more which I never intended and which I do not mean to convey now. The point I stand for and still believe is that the Indian society as a whole requires a guaranteed and a homogeneous progress. That is the belief which I entertain, and I am entitled to express it. That is all. And it is because of that strong belief that I feel very little interested in the gander or the goose which was the subject of this motion or the amendment. I rather prefer that we progress on homogeneous lines in this country rather than on sectional lines, and, with that opinion, I am sure, whether they agree or disagree, many will sympathise.

Speaking on the Resolution and the amendment, I have a few observations to make. I entirely sympathise with the argument of the Leader of the House when he dealt with the Resolution that it was a little too wide. I do not for a moment deny that it is quite unnecessary to set up a Committee to know under different civil heads the actual legal position of women in this country, whether it be property or the rights of inheritance. I quite agree that any such Commission can do no more than merely set up another law clause or tear out and put into different pages under the heading of women of different classes from a text-book. Therefore, I quite agree that that would be a task of mere supererogation. But if it comes to an examination of finding out to what extent the situation of women in any particular matter requires change or what is called amelioration, we stand on a different ground. So far as I am concerned, even such an examination narrows itself down to a very small sphere, and I venture to say this before the House that without having a sort of Code Napoleon for the law of succession of every individual Indian in this country, the structure of the law of succession, either in the Muslim law or in the Christian law or in the Hindu law is a complete structure in its itself, and any attempt at combining them will produce consequences far beyond the ken of most people who rush in where many other people fear to tread. The structure of the Hindu Law is what is called the order of succession, and each individual or group, who comes in that order, gets the whole of that. The structure of the Islamic and the Christian countries is to divide the hereditus or the state that is left by the deceased person if he dies intestate amongst certain groups of persons related nearer and nearer and more distant and more distant as the case may be. The two things are so entirely different that if you really add one here, you only cut out the other there. For instance, the widow, for whom so much is spoken in this House, with less precision or understanding of the actual position, gets in the system which divides the inheritance the eighth part as an heir. She may get it absolutely and not as a widow's estate, but she gets the eighth. Whereas, in other systems she inherits the whole. I think those who really attempt to tinker with this system of succession are really doing injustice, because I do not think they appreciate that, when they take individual steps in this connection, they do such an immense amount of violence to the real structure that they do no good whatever. I am, therefore, one of those who are quite willing, if the House were ready and if the Indian society were ready, that we should have a real Code Napoleon of succession for everybody. Until this is agreed to, it will be futile and almost dangerous to tinker with it except in certain individual respects. The more I have examined the Hindu Law on the questions relating to succession, the more have I felt convinced that

[Mr. Bhulabhai J. Desai.]

except perhaps in the matter of what is called the will of husband and wife, there is absolutely nothing that this House can undertake except in small matters. I do not for a moment deny that in the matter of Hindu Law they may say, "We want monogamy" and those who want it, I have every sympathy with them, and if any measure to that effect were before the House, I, for one, at all events, will wholeheartedly support it.

Then, there are others who say that the Hindu Law ought to enlarge itself in marital relations by introducing divorce and state grounds for it. On that I speak not with so much assurance as on monogamy, not because what happened yesterday, but for the reasons which I propose to give now. The reason is this. There is at present a law by which any two Jains, Sikhs and Buddhists can inter-marry, and have, as a part of such marriage, among other things, the right of divorce. Therefore, it is open to those who believe that they should enter into marriage with a right of divorce to utilise the provision which is already there. The law has already made a provision for it. And when we take the next step of introducing an enabling provision for divorce as an incident of all Hindu marriages, it is a step with which the House will in due course deal when the time comes. So long as you have taken the first step of what is called an opportunity for a man and a woman to marry on the conditions under which, if they so wish it, they can marry, they can also add to that marriage the extra right of divorce. I think it is an unfortunate disability, but to call it a right, I think, is a wrong view of marital relations altogether. To think that it is the right of a woman to divorce a man and *vice versa* is entirely misunderstanding the marital relations of man and woman and marriage itself. It may be a mitigation of an unfortunate condition in individual marriages, but to be told that it is the right of a man to divorce a woman or a woman to divorce a man is something which does not appeal to my moral sense. I may be wrong, I may be orthodox, I may be very un-Hindu. But I still believe and continue in that belief. I do not deny there are social evils. My own belief is that the word "right", which has been so much talked of in relation to this matter, is a thing which, speaking for myself, I must deny.

**Dr. G. V. Deshmukh:** What other word will you substitute?

**Mr. Bhulabhai J. Desai:** I do not deny that, incidental to many incidents of human life, there are difficulties and evils. But you may have to mitigate them. That is a very different proposition from talking about things which are mitigations of evils as rights. I do not call them so. Whether it is right or wrong is not the issue, but the essence of the matter in my opinion is that whereas you may meet a difficulty, you may meet a danger, but you do not call these things rights. I, therefore, speak with some hesitation on the question of divorce as being necessarily incidental to every Hindu marriage. At the same time, I am not one of those who will stand in the way of any such reform if I felt—not merely 50 per cent. of the people ask for it—if I felt there was a general feeling in society that requires, not on the ground that Government with their neutrality stand, but on the ground that it is no use forcing on society a system of beliefs which a few necessarily in advance or retrograde as the case may be may feel it is good for the rest of the society. Therefore, in that matter, I do lay a great deal of emphasis, not on the opinion of Shastras, because that really does not matter. I am one of those who is bold enough to think

that even if divorce did not exist in olden days in Hindu society, we should yet introduce it if the needs of the society demand it. I will not take the trouble of proving that divorce existed in Hindu society in the pristine days of the hoary past. It is unnecessary. I will take the word "sacrament". It is a word that I fully understand. It is significant, of course, that if you must speak in English, you must use an English word for the original Sanskrit, Gujarati or Mahratti, or whatever it may be.

**Dr. G. V. Deshmukh:** If others do not understand then why should they not say so?

**Mr. Bhulabhai J. Desai:** The idea of marriage has in it an element, one might or might not accept it, it has a religious element for every Christian also. As regards Christian marriage, for example, even today, so far as Roman Catholics are concerned, whatever the Civil Courts have done, whatever the Ecclesiastical Courts have done, it requires the special sanction of His Holiness the Pope in many cases before such marriage tie is really dissolved, in the eye of faith. Therefore, one need not argue about it. I, for one, will say that even if the original marriage had this idea of both religious and a sacramental, I think it is good to recognise that there was this double idea of both secular and religious behind it. I do not pretend slightly that it was the one or the other. I do not pretend for a moment that there was any such thing as the general system of divorce in Hindu Law. But that does not prevent me from saying that if the circumstances have altered that, society requires it. I am not opposing my Honourable friend, Dr. Deshmukh. He entirely misunderstood me if he thought that I was arguing against him. I would cut a bolder ground and say if divorce did not exist formerly, I will assume it did not exist, I will assume that marriage has that double significance, yet I feel the time has now arrived when, having regard to the conditions of thought and knowledge, this is a step which we should take up. I think that policy is infinitely better than an attempt to convince my Honourable friend, Babu Baijnath Bajoria, which he will never succeed in.

**Dr. G. V. Deshmukh:** I entirely agree with my Leader.

**Mr. Bhulabhai J. Desai:** The position really is that, in matters of this kind, it is not so much an enquiry that is needed as to decide in your mind what are the particular items relating to the legal position of women which require amelioration, mitigation or change or whatever else you like according to the degree which you wish to apply to that particular measure. Therefore, I do commend this modest amendment to the House that we propose to consider only a small matter, in itself small, but which might operate to a large extent over realities. For instance, second marriage among Hindus is a right which exists and which is very common, which I do not believe. But if it is so common as it is supposed to be, let us, for example, enquire if Hindu Law does not today confer on the wife the right, if the husband chooses to marry another wife, to separate maintenance and residence. This committee can investigate that, whether they may not recommend legislation by which the mere fact that a husband has re-married should enable the first wife for separate maintenance and residence. That itself would be a great deterrent on the second marriage for one thing. Incidentally, it will also mitigate to a large extent the life that the woman would have to lead and to the extent to which the man has any property at all to confer upon her the right to

[Mr. Bhulabhai J. Desai.]

separate maintenance and residence. It appears to me, therefore, that in this modest looking amendment there are many grounds and many incidents that I can think of where the position of Hindu women, if the committee so thinks, can be altered for the better.

As regards marital relations the only reason why it is not necessary now to enquire is that it seems to me that it is too late, and we have passed the stage of enquiry as a preliminary to take any steps. Those who are gathered here are alive to what are the rights. The rights are that a husband may not marry a second wife. If you must translate it in modern language, it is really an obligation laid that marriage shall be monogamous marriage. Let us not translate it in wrong terms. We see that a system of marriage properly founded on moral and social notions requires that a man may not conspire with more than one woman in marriage at a time. There is my Honourable friend, the Leader of the House, who would say you can get on with a concubine. That is a matter on which I propose to offer no opinion. The meaning is that you may not marry a second wife, but you may still keep a concubine. But, none-the-less, in monogamous countries, . . .

**The Honourable Sir Nripendra Sircar** (Leader of the House): Because it is more expensive.

**Mr. Bhulabhai J. Desai:** That is a matter of experience.

There is this disability and the law takes no notice of it; while the law takes notice of what is called a legal marriage with a second wife, it refuses to take any notice of the other relation. To that extent, if the position of the Hindu women is improved, there is no reason why we should not do so. I am only putting forward the point of view that monogamy is the basic idea of marriage as it is undoubtedly accepted in western countries. I think that is one to be commended on grounds as I said of social good and morality irrespective of any breaches of these rules which human beings commit or may commit irrespective of any rules of law. But, within the realms of the law, I think monogamy is one of those principles which you may well adopt. Then, you may come to the question of divorce which also requires no enquiry. You have had many Bills in England. There is a continuous change coming on from time to time as to the grounds on which divorces could be allowed. Recently, my friends, the Parsis, have gone just as far as they could and some 300 odd Parsi ladies, who were waiting for it, got themselves divorced as soon as the Bill was passed. Only one thing I want to add.

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadan Urban): Don't push us too far. You have already done enough.

**Mr. Bhulabhai J. Desai:** I only want to add incompatibility of temperaments. They have a safeguard in that the Jury consists entirely of Parsis, who either believe or disbelieve facts, not because they are facts but that they do not wish to believe them.

The real issue is this that the grounds of divorce are really more important than the question of divorce. I do think myself most commonly the grounds are the unfaithfulness of the wife or the husband as the case may be. These are axioms which we cannot forget. Because they are the most frequent grounds and incidents of weakness

in society which require more than any other to be remedied. Of course, so far as marrying a second wife and the other four grounds given by my Honourable friend, Dr. Deshmukh, are concerned, they stand there. But I think the most prolific sources of the grounds for divorce in society, as we see it, are, as I said, unfaithfulness on the part of husband or wife or cruelty, either mental,—a stage which we have not reached in many parts of Europe,—or at all events personal, involving danger to life or person. For these reasons we feel that the amendment, as now put forward by Dr. Deshmukh, will be the first and the most important step towards the investigation of this matter. But I conclude, as I began, by saying that, so far as the two branches are concerned, which might usefully engage the attention of those who wish to look for a change in this matter, are, as I said, the law of marriage with which I have dealt and rights of residence and maintenance for which this committee is being appointed.

**Maulvi Syed Murtuza Sahib Bahadur** (South Madras: Muhammadan): Sir, so far as the Resolution or the amendment is concerned, our Party is in favour of it, and we will support whatever decision is come to by the Mover or the Congress Party or the Congress Nationalist Party or by any other Hindu gentlemen. Our policy has always been to stand by the right cause. We know for certain that the rights of Hindu women have been tampered with, nay, they have been undermined. So we are prepared to support this wholeheartedly. But, at the same time, some irrelevant points have cropped up in this connection. I was really sorry that the Leader of the Congress Party, for whom I have the greatest regard, made an unnecessary allusion to the Alexandria Library.

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

**Maulvi Syed Murtuza Sahib Bahadur**: Reference was made to it and I want to give the true facts without criticising him.

**Mr. President** (The Honourable Sir Abdur Rahim): That question is not under discussion now.

**Maulvi Syed Murtuza Sahib Bahadur**: I will only say this that it is in the same category as the Black Hole of Calcutta with regard to which.....

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair must ask the Honourable Member not to go into these matters which have nothing to do with the Resolution.

**Maulvi Syed Murtuza Sahib Bahadur**: The Honourable the Leader of the Opposition said that it would be better if uniformity were observed by all Indians, Hindus, Christians, Parsis, Sikhs, Muslims, etc. At least, as regards this point, I have to clarify the issue. Our laws specially those of inheritance and succession, and other laws are based on Quoranic principles. So, as a community, we follow our own laws, not for the sake of convention.....

**Mr. President**: (The Honourable Sir Abdur Rahim): Are not the Resolution and the amendment both confined to the rights of Hindu women?

**The Honourable Sir Muhammad Zafrullah Khan:** The Resolution is not confined to Hindus.

**Maulvi Syed Murtuza Sahib Bahadur:** I was saying that we are obliged to follow our laws, not for the sake of convention, but because we have no option but to follow them. Therefore, we do not come under that category. This point must be clarified before we lend our support to this. As regards the other matters I will say that we whole-heartedly support them.

**The Honourable Sir Nripendra Sircar:** Sir, I will start by saying that Government will accept the principle of this amendment. I do not agree that this is a small matter. I indeed think that this is a matter of great importance to Hindu women; and although I will try to finish my speech within the permissible limit of 15 minutes, I hope you will, if necessary, use your discretion to give me a few minutes more. Sir, I do not want to be dragged into the question of divorce on which the learned Leader of the Opposition practically devoted 14 out of his 15 minutes. But I take his speech as if it was made yesterday on the Divorce Bill. Nor do I want to controvert him on one matter. According to him, whether a wife or concubine is more expensive is a "matter of experience". Having no experience myself, I submit to his ruling.

Sir, as I said, Government are accepting this amendment and I am not disclosing any secret,—because if I come to any arrangement, I want the House to know about it,—that it was in fact I who suggested this amendment, and possibly Dr. Deshmukh will agree that the draft is mine. I think the origin of this amendment is this. I was pressed very much by various Members of this House as also by a deputation of ladies who came to see me that my attitude on the original Resolution was rather flippant and not fairly respectful to the serious nature of the question involved. It is not strange to me, though it may seem unexpected to others that the ladies were convinced—at any rate they said so,—that my attitude was justified and that the original Resolution would have done no practical good, even if it could be passed in face of Government and Muslim opposition. I, therefore, suggested that the Resolution should be confined to the maintenance of Hindu women; we are not concerned with the rights of women of other communities, whether Muslims or Christians; but Jains, Sikhs, etc., have been recognised as Hindus, by Hindu Law. I think I should recapitulate, very shortly, before the House the position of Hindu women as regards maintenance. I am not suggesting in what manner improvements should be made or what are improvements. If a committee is appointed it will be a matter for them to decide to report what should be done; but the House should know how exactly a Hindu woman stands in the matter of maintenance. I do not desire to go into any authorities or cite cases or discuss texts, but will give you a concise though not exhaustive summary of the position of the Hindu woman, regarding maintenance. As regards the liability to maintain a wife, this liability is a personal obligation of the husband which is not dependent on the possession of property. If he has no property whatsoever, self-acquired or joint property, and he may have only a small salary; yet he cannot avoid the liability to maintain the wife. About that proposition there is no doubt.

Secondly, in a joint Mitakshara family, (I find that Mr. Bajoria is pricking up his ears)—the manager is under the liability to maintain all members of the co-parcenary including their wives and children. His liability arises from the fact that the manager or *karta* is in possession of the family property. That is the position of a woman in a joint Mitakshara family, and, I presume, the quantum of maintenance varies with the length of the manager's foot.

Then, under the Bengal school, which governs my Province there is no co-parcenary between the father and the son; and, further, on the death of the co-parcener, without son, the widow inherits the estate of her husband although she gets a limited estate but should there be a son, then her right is only to maintenance; and the rights of maintenance of widows and other members and not only of wives have got to be considered by the committee, if one is appointed after the amendment is accepted by the House.

Then, about daughters, the position is one of some complexity and not entirely satisfactory. As regards unmarried daughters, it is the liability of the father to maintain unmarried daughters. On his death they are entitled to be maintained out of the estate of the father. But we have got to consider other positions also which are not altogether free from complaints from her point of view and which the committee might very well attend to for clarifying the position. On marriage, the daughter ceases to be a member of the father's family and she is entitled to be maintained by the husband and, after the death of the husband, out of the estate of the husband. But if the husband left no estate, her father-in-law, if he has got separate property—I want the House to consider that—is morally bound, but not legally, to maintain the daughter-in-law. That is a matter on which I express no opinion, whether this position is right or wrong; but, surely, that is a position which ought to be attended to by the committee if this amendment is accepted and if a committee is, as I hope, actually set up. It is said by the authorities that after his death she acquires a legal right, that is to say, so long as the father-in-law is alive the right is a moral right, if it can be called a right at all; but on his death, on the property passing to his heirs, this daughter-in-law gets a legal right. This is not a very happy position, nor is it one free from complications or difficulties. If she is unable to obtain maintenance from her husband, or, after his death, from his family, her father-in-law, if he has got separate property, is under a moral though not under a legal obligation to maintain her. Whether a Hindu woman will be justified in claiming maintenance both from the father's family and also from the husband's family in certain circumstances is a matter which I am not discussing now. I am only pointing out their position in law, where, under certain circumstances, the obligation to give her maintenance is merely moral and not one which a court could enforce and not a legal one. On the question whether after the father's death she acquires a legal right to be maintained by his heirs out of his estate, unfortunately, the High Courts are in conflict. That again necessitates the law being settled one way or the other. The Bombay High Court's answer is 'no'. But as Bengal is always more reasonable than Bombay, the Calcutta High Court has answered the question in the affirmative and acknowledged the right of the woman. I do not propose to go through all who will come under the heading of women entitled to maintenance like grand-daughters or sisters, but the Committee have to consider these

[Sir Nripendra Sircar.]

questions, as also the matter of maintenance of widows and wives of disqualified heirs. No doubt there are rulings: their position is established in these reported decisions; but that is a matter which cannot escape the attention of the committee if it is doing its duty in a proper manner, which I have every reason to believe it will.

Then, as regards the widow's right of maintenance, there again, for instance, in the Mitakshara family where she does not succeed to the husband's estate but is only entitled to maintenance, what is her claim? Her claim is out of her husband's separate property, out of property in which the husband was co-parcener at the time of his death. On this, again, I have no desire to tire the House by telling them what the exact position of the woman is; but, surely, these are all matters which have got to be gone into; as also the case of the widowed daughter-in-law. I am not going into the authorities, I am only telling you what the matters are which require consideration. Along with them is a very important question, namely, the existing law under which this woman can be completely done out of her right of maintenance by a transfer made by the owner of the property to a *bona fide* purchaser without notice. Unless there has been a decree and the maintenance has been charged on the property, then the *bona fide* purchaser without notice, gets the property free from all obligations of maintaining any of the women in the family. That, again, I should submit is a matter which ought really to be carefully gone into, because, at the present moment, it is an impossible situation for a woman that unless she takes the precaution of bringing a suit, getting a decree and under the decree having a charge declared on the property, she is absolutely at the mercy of the owner of the property. He sells away the property and the claim for maintenance is defeated. On the other hand the law should not be such that all transfers of property are made impossible. This matter is of great importance.

The amendment specifically relates to the matter of separate residence—the rights of Hindu women to residence and maintenance. That again is a very vexed question as to what are the circumstances under which a wife or a widow living away from the family dwelling house is entitled to separate maintenance. I do submit that the position of the woman ought really to be established as clearly as possible, whatever the decision of the Legislature may be in this matter, on which I do not desire to express an opinion. I do think, however, all uncertainty about the position should be removed. But at the present moment if I may once more read the four lines which I read yesterday in another connection about the wife's right to separate residence and maintenance,—they are summarised by Mulla, at page 587. She is not entitled to separate residence or maintenance unless she proves that by reason of her husband's misconduct or refusal to maintain her in his own place of residence or for other justifiable cause she is compelled to live apart from him. This is what is stated here:

“Neither unkindness not amounting to cruelty nor the fact that the husband has taken a second wife nor ordinary quarrels between husband and wife justify the wife leaving his house.”

The very matter which was referred to by the Honourable the Leader of the Opposition is mentioned here, that is to say, under the existing Hindu law, the mere fact that a second wife has been married by the



husband is no ground for the first wife to claim separate residence and maintenance. I do not suggest that there may not be cases where the first wife has consented to the second marriage and is quite willing to remain in the family, but the authorities are rather unsympathetic in the matter of the right of separate residence and maintenance. In so far as the authorities are concerned, they say—If there is any danger of life to the wife or any danger of physical violence, she would be entitled to claim separate residence and maintenance, but at the same time, there may be hundreds of ways of torture and cruelty which are far more serious than mere physical torture. She may be treated in such a way that it may not be consistent with the self-respect of any woman to live in the family house, and it will be for the Committee to consider whether they should not suggest that the law should be amended in such a way that in a proper case the courts will have jurisdiction to grant separate residence and maintenance, although it does not come under any of the specific heads, namely, of physical violence or danger to life. Then in the next four lines the author proceeds to say:

"She will be justified in leaving the House and will be entitled to separate maintenance from him if he kept a concubine in the house",—*We are coming back to the concubine repeatedly this morning*,—"or habitually treated her with such cruelty as to endanger her personal safety."

As I have submitted to the House, there may be no question of any danger to personal safety, yet the treatment may be such that all reasonable men should come to the conclusion that the woman should not be forced to live in the house of her husband. I do not suggest that the courts would lightly exercise their jurisdiction, but, surely, they should have some larger power than they have now. I want the House to remember that this is merely my personal opinion which I am expressing here. If the matter goes before the Committee, it would be for them to suggest as to what should be done, and then for the Legislatures what recommendations should be accepted with or without modification.

Then, Sir, as regards the third and last aspect of the case, namely, the quantum of maintenance, I do believe that the present law is quite satisfactory, because in fixing the amount of maintenance regard is paid to the size of the estate of the husband, the status of the husband, the position in life of the family and so on, and yet, the matter has got to be attended to, and that I am sure will be done by the Committee.

Now, Sir, we have every hope, although today I am not giving a positive undertaking,—that we shall be able to set up a Committee. Now, turning to the terms of the amendment, Honourable Members will see that it suggests,—I do not say it is an unreasonable suggestion,—a Chairman and six other members, but it may be quite possible to have a satisfactory Committee consisting of a Chairman and four other members, and also to recognise the principle of having non-officials on it and a woman member. Without ignoring that, it may be possible to have five, but we cannot possibly make any pronouncement, until we have inquired into the matter as to who are likely to accept such duties as will be delegated to this Committee. I do think,—that is my hope,—I have no information,—but it is my hope that it will not be difficult to get eminent men like the gentleman my friend mentioned or there may be others who will not be reluctant to discharge the duties of a member of this committee or who will be only too glad to help the Legislature and the women of this country by doing the best they can to submit a proper Report.

[Sir Nripendra Sircar.]

I have done, Sir, but there are only three small points which were mentioned by Dr. Deshmukh which require to be dealt with. He said something about the standard of interpretation. About that I would say nothing. My friend is still troubled with "sacrament and divorce". The Report will be prepared in plain English, and with the help of the Dictionary he will be able to find out what the Report actually means. No separate standard of interpretation is necessary.

Then, he said, that instructions should be given to the Committee as to what they should do. But who is going to give instructions? Are we to take away from the Committee the duty which they have got to discharge? They have to tell us what are the matters on which improvement or change or modification is required. But am I to write to the Members of the Committee and say beforehand—"Dear Sir, you have been selected to the Committee, but for Heaven's sake, do not increase the rights of women in any way if you can help it". That is not the kind of instruction which can be given, nor can we specifically tell them that these are the matters which they should attend to. I daresay, it will be open to them to inquire what are the matters to which attention should be paid by them for making their suggestions.

Then, Sir, the last thing, but not the least, is that invariable goose and gander. The position here is that the gander has got to find the food for supplying it to the goose,—that is the right of maintenance. That is what the Committee will duly attend to. Sir, I support the amendment.

**Mr. N. M. Joshi** (Nominated Non-Official): Mr. President, being by nature a confirmed co-operator, I generally feel satisfaction in the fact that the Government of India and the Congress Party show signs of greater co-operation and collaboration.

**An Honourable Member:** Axis is changed.

**Mr. N. M. Joshi:** I am told that the axis is changed, but, Sir, in spite of the fact that I am generally satisfied, recently some pacts have been made between the two great Parties in the country, the Government and the Congress, which have not met with my approval. Sir, today's pact does not give me much satisfaction, because the terms of the Resolution are much wider.

**An Honourable Member:** Omnibus.

**Mr. N. M. Joshi:** It is not omnibus, but they are wider, and I feel that the amendment moved by my friend, Dr. Deshmukh, unnecessarily restricts its scope. In the first place, he asks that the investigation should be limited and restricted only to Hindu women. He did not explain why there should be no investigation at all into the rights of Muslim women, Parsee women or Christian women. I feel there should be no communal distinction in this matter. I, therefore, suggest that wherever women's rights are restricted, as is mentioned in the Resolution, as regards rights and disabilities in regard to ownership and disposal of property, rights of guardianship over children, rights to maintenance, rights in respect of joint family property, rights of inheritance and succession, and, lastly,

marital rights, in all these matters wherever these rights are restricted, there should be an investigation. Let the Committee find out what the position is in a particular community, let the Committee find out what the public opinion of the particular community is, whether a particular change, which the Committee thinks as best and fair is supported by public opinion, and whether the public opinion of the communities will support any changes which the Committee may think best to promote. I feel, Sir, that the original Resolution, therefore, was not only wider but fairer. And Dr. Deshmukh not only restricts the investigation to Hindu women but he restricts it to two questions, namely, the question of maintenance and the question of separate residence. I have no doubt that these two questions are of great importance. If those two questions are solved, some good will come, therefore, there is nothing to oppose Dr. Deshmukh's amendment. But, at the same time, I feel, that he has unnecessarily restricted the scope of the investigation and the Government, as usual, have supported him. I can understand the Government. They are not anxious for reform. If reform is forced on them, they sometimes undertake it and support it. Therefore, from the point of view of Government it is quite natural that they should support the smaller proposal. But I feel that the Legislature should not accept either the proposal of Dr. Deshmukh or of Government. Let us show a little bolder spirit of reform, and ask for larger reform, larger investigation and bolder proposals. If we adopt the method selected by my Honourable friend, Dr. Deshmukh, the Committee may investigate for a year, may report after a year, and the Government may take a year or two years to pass this reform into legislative action. Then, we may take up the other questions as regards rights over property and disposal of property, we may then even separate both these. Then, we may take up the question of guardianship after two or three years. In that way progress will be slow. Admittedly, we are in a hurry as regards reform and, therefore, we want the Legislature and the Government and the Congress Party also to be in hurry, and we cannot go on, when the whole world is progressing so fast, at a snail's pace as regards reforms in various directions. I am glad that the Government of India, on second thought, have given up their attitude that this Committee may not be able to do anything but to state the law.

**The Honourable Sir Nripendra Sircar:** That is the first thought.

**Mr. N. M. Joshi:** You have now by supporting the amendment admitted that the Committee can state the law, at least somewhat better  
 1 P.M. than what the books on law have stated.

**The Honourable Sir Nripendra Sircar:** No, no. On a point of personal explanation, Sir. The Honourable Member has misunderstood me completely. I do not want the Committee to report what is the existing law. As I said, Rs. 7-6-0 Mulla's Hindu Law will do. I want them to suggest what changes and improvements should be made.

**Mr. N. M. Joshi:** The Honourable the Law Member may have great confidence in Mr. Mulla's book . . . .

**The Honourable Sir Nripendra Sircar:** I have.

**Mr. N. M. Joshi:** . . . but the Committee, I am sure, will state what its view is as regards the law of maintenance and residence. I am glad that the Government of India have given up the attitude that reforms of this kind can best be made by private legislation. I do not suggest that private legislation is of no use. Certainly, if Government will not move, then private legislation will be undertaken and Government will be forced to support reform. But I cannot understand why the Government of India should not initiate reform themselves instead of waiting for private Members to initiate reform. I hope Government will give up the attitude that maintenance of law and order and maintaining an army for the defence of the country are the only duties of the Government of India but that the contentment and happiness of the human beings in this country are equally the duty of the Government, as they are the duty of private members. I am glad, therefore, that the Government of India have for once given up that attitude as they are supporting Dr. Deshmukh's amendment. I hope that they will reconsider their decision and support the whole Resolution and initiate reform on a wider scale so that progress may be achieved at a faster speed than what is proposed by Dr. Deshmukh's amendment.

**Mr. M. S. Aney** (Berar: Non-Muhammadan): I feel great pleasure in supporting the amendment of my Honourable friend, Dr. Deshmukh, which reduces the Resolution to what I consider a practical form. The remarks which my Honourable friend, Mr. Joshi, has made as regards the distinction between private Members and public Members I have been unable to follow, because I am always under the impression that every Member of this House is a public man and a public servant, and, therefore, all acts done by the Members are public acts. What he meant by private legislation—that also I was unable to understand. Probably a Bill introduced by a non-official Member is, according to him, a matter of private legislation.

**Mr. N. M. Joshi:** Yes.

**Mr. M. S. Aney:** I thought that "private" has got something to do with what is done outside the House. I have never thought that anything done in this House is a private matter; it is always a public matter. We have to excuse all these things in the case of Mr. Joshi inasmuch as he is not a lawyer. But my Honourable friend thinks that even if it be a matter which belongs to the sphere of law, he must have his say. Labour was not virtually involved in this affair. Labour women would not labour under greater disabilities than non-labour women. It is a matter of common interest to everybody. He should have thought that the matter was quite safe in the hands of such eminent lawyers as my Honourable friend, the Leader of the Opposition, and my Honourable friend, the Honourable the Leader of the House, whose absence we shall be very much feeling hereafter. (Interruption.) You have to reform the law. One who can understand the law is the proper person to suggest what reforms are needed. If there is initial ignorance about the state of the law, can anybody expect that gentleman to come and suggest any reforms at all? He will land us in a very difficult position out of which it will be very difficult to escape. However, that is immaterial.

The main merit of this amendment is that it serves to concentrate the attention of the Committee on two specific points which urgently need the consideration of all those who have the interests of our women at heart,—the question of maintenance and the question of residence. I do not want

to elaborate those points: I would not be able to do it better than what was done by my Honourable friend, the Leader of the House, himself. I am sorry I was not present to hear the Leader of the Opposition and the luminous speech he made in support of this amendment. A full statement of the existing law on the point of maintenance has been made by the Leader of the House, and those who have listened to him carefully will see that he has also succeeded in showing the particular points on which the Committee will have to concentrate its attention. Where the obligation of maintenance is of a moral nature, how that moral obligation has, in a majority of cases, been disregarded and injustice has been done to a large number of women on that count, is a point which the Committee will have to consider, and the Committee will have to see whether we should allow, hereafter, a claim to maintenance to rest merely upon a moral obligation like that. Similarly, also, the distinction between indigent daughters and well-to-do daughters today which is made in law has very often caused a good deal of injustice; and as to what constitutes indigence which entitles a daughter to preferential treatment in the matter of maintenance over a daughter who is not so entitled—those are matters on which we have not got very clear rules by which the courts could be guided. There are many other matters of detail which can be thought of when we sit down and consider those points.

Similarly, the question of residence. Once the relations between husband and wife and the woman and the other male members of a family become strained, for one reason or another, it is extremely difficult for that woman to live comfortably in the company of the husband or the other members of the family. Many little things are done in the House which affect her self-respect, that offend her sense of dignity and, therefore, a very compassionate and generous view of that difficulty has to be taken and from that point of view the suggestion that there should be one woman member is very important, as it is very likely that some points may escape the attention of men and the woman, I hope, out of her feminine sympathies can bring those delicate points to the notice of the committee. The scope of the inquiry has undoubtedly been narrowed down but I think that on that account the inquiry will be more penetrating and searching than would be the case if the committee's terms of reference were very unwieldy. A big roving inquiry with very comprehensive terms of reference would involve a mass of evidence which the committee themselves may be unable to digest and assimilate. And when the report is presented to Government, they would have taken decades over it. My friend, Mr. Joshi, has been in this House for a number of years and he knows the result if comprehensive and unwieldy committees are appointed with unlimited terms of reference. The committee itself will take a long time to present its report and the Government in their own dilatory way would take years to consider those recommendations.

**Mr. N. M. Joshi:** They will take ten times the period over this.

**Mr. M. S. Aney:** In that case, they would have taken 100 times over the other inquiry. A committee with limited terms of reference is likely to yield better results than the committee suggested in the original Resolution. With the best of intentions the Resolution was brought by my friend, Mr. Hegde, and our sister Mrs. Subbarayan who is not present here today. I know intentions by themselves do not carry us far. They

[Mr. M. S. Aney.]

have to be carried out in a proper manner and Dr. Deshmukh has done a great service by bringing in his amendment. In my view he has done greater service today and, partially, made amends for the disservice done by the Bill which he brought forward yesterday. Sir, I support the amendment with great pleasure.

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): Sir, I congratulate the Leader of the House on cleverly sidetracking the issue, and I warn the women of India not to trust him. I do not care if they trust me or not. The original Resolution wanted to confer certain benefits on the entire womanhood of India. It wanted the committee to address itself to rights regarding property. Now, by the amendment which my friend, Dr. Deshmukh, has been forced to adopt on account of the attitude of Government, the reforms that the women of India are going to get are more illusory than real. When the Leader of the House was talking in this House on the original Resolution, he said that he wanted to make a present of Mulla's Hindu Law and Mulla's Muhammadan Law to my friend, Mr. Hegde, and, so far as the present position of women regarding rights of maintenance and residence is concerned, he has done little better than my friend, Mr. Hegde, who wanted an investigation. I could have easily presented him with these books on Hindu and Muhammadan Law . . . . .

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

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

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**Mr. M. Ananthasayanam Ayyangar:** Sir, before dispersal for Lunch, I was submitting that the Honourable the Leader of the House cleverly suggested an amendment for adoption by the Honourable Dr. Deshmukh, but, as a matter of fact, the amendment does not carry us any further. The Honourable the Leader, with his ability and his experience of the bar, has tried to take this House through the various forms of maintenance that are now given and the other rights that the Hindu women enjoy, pointing out some defects which exist under the present system and for which, according to him, remedy is to be provided. I am not able to see that position so far as regards residence and maintenance can really be improved, and, therefore, my impression is that this kind of side-tracking does no good to women. I will presently take one after another the several categories of women for whom by this amendment the Honourable the Leader of the House seeks to give some relief.

Women can be classified under four heads: (1) mother, (2) daughter, (3) widow, (4) wife.

**An Honourable Member:** Wife, last of all?

**Mr. M. Ananthasayanam Ayyangar:** I shall presently show as to why, so far as the right of redress of the wife is concerned, she must come last. Sir, it is the duty of the wife under every system of law to live together with

the husband and *vice versa*. If the wife wishes to be a wife, she must live together with her husband. If she wants to get separated, this provision is only a sort of concubinage. Therefore, I will not join hands with anybody who stands up as the protagonist of women's rights and says, "Let the woman live in another compartment of the same house or elsewhere. He will take another wife, but he will give you a comfortable largesse. You shall not be his wife, and he will not be your husband". What is it if the law is to recognize this sort of concubinage? Therefore, let us not tell women that we are bettering their lot by saying that as a wife you can get separated from the husband. Is it for this that the husband married his wife and the wife married her husband? Therefore, I am right in saying that I put the wife in the last category. The wife's right to maintenance is an exception to every rule of Law—Christian Law, Indian Succession Law, Hindu Law and Muhammadan Law also. Normally, the wife is not entitled to maintenance under any system. So far as the mother and the widow are concerned, the mother is also a widow, or may be a widow. Only last year, or year before last, in 1937, Dr. Deshmukh brought in another Bill, and in that instance that Bill was passed into law. Some defects were remedied in the next year,—1938. Both the Acts put together confer on the widow the right of inheritance, not the right of maintenance, where the widow is the widow of a member of a joint Hindu family or where he was a separated member or where he had separate property or joint property; only in those cases, the widow is now, under this Act, protected. There is no question of maintenance so far as the widow is concerned. The widow has a right to the husband's property. If it is separate property, she has a right to the entire property in the absence of sons. If she has sons, she shares equally with the sons in respect of property. In the case of joint family property, if she has no sons, she will share *pro rata* along with the brothers-in-law; and if she has sons, she will take one share to which her husband was entitled, etc. These rights of a widow are amply safeguarded or protected. Hitherto, under the law, she had only the right of maintenance, and even then the degree of maintenance must have ample reference to the share of the husband in the property.

Then, as regards the mother, it is no doubt true that when the son dies leaving a widow or children, the mother is not given a share. But if the mother dies after the husband, she, as the widow, inherits her husband. The mother and widow are equally entitled to shares. The daughter, it is true, does not get a share if she should have brothers sharing in the father's property. That is a defect or peculiar feature of the Hindu Law, *viz.*, that so long as there are sons, they take preference over the daughter. There was some extension of right to the widow, but it was not extended to the daughter. Dr. Deshmukh included a provision for the daughter also in his Bill, but unfortunately the Honourable the Leader of the House did not agree with him and asked him to restrict it to the case of the widow. Therefore, provision has to be made for the daughter by giving her a share if the general consensus of opinion is in its favour—a share equal to that of a son or half of that. But as regards her maintenance, the unmarried daughter is now entitled to maintenance by the father, both under the civil law as also under the Criminal Procedure Code. There is a summary remedy there. The civil law may be said to be dilatory, but a first-class magistrate can always say that a child has got to be protected and can award much more than what the father is capable of affording for the child. I am talking of the unmarried daughter, because I am so much associated with Hindu Law that I believe we need

[Mr. M. Ananthasayanam Ayyangar.]

not contemplate unmarried daughters or spinsters 75 years old looking for maintenance at the hands of a father long buried before that.

**Mr. Bhulabhai J. Desai:** We had such a difficult case in Bombay.

**Mr. M. Ananthasayanam Ayyangar:** That is not the rule in Hindu Law. Therefore, both under the civil law as also under the criminal law, the father is bound to maintain the children.

Then, as regards brothers after the father's death, the brothers are bound to maintain the children if they have a property, and, until her marriage, the mother is the guardian. After marriage, the duty of maintaining her falls upon the husband. What then is the further right that my Honourable friend is going to confer? The only thing that could be done is the disposal of the property after the father's death. Unless Dr. Deshmukh's Bill was modified and restricted to the rights of a widow, the Honourable the Leader of the House was not satisfied with it. He expressed a threat that he would throw out the whole Bill if Dr. Deshmukh persisted that it should go to the daughters also. After all, the Resolution wants only a Committee to be appointed. The Committee can go into this matter more carefully. The only thing that has got to be done with respect to Hindu women is whether a daughter should be given a share or not. If a Committee is to go into this matter, they will deal only with the question of maintenance, and the present position, I am afraid, will not improve.

Let us now come to the last case, the case of the wife. So far as the wife is concerned, when does her right of maintenance accrue? It is only when she wants to live away from her husband that the question of maintenance comes in. Is there any Member of this House including the Leader of the House who is unconditionally prepared to allow any woman to live separately from her husband even though there may have been ill-treatment? Which husband will allow his wife, however educated she may be, to attend to cinemas and not to look after the domestic affairs and yet to insist upon the husband to provide for her maintenance? I think this is a reckless kind of advice, and no system of law would encourage it. Therefore, all this is moonshine, and let no ladies be tempted by it. The only reasonable thing which is already provided in the Hindu Law and which is being followed in the Courts is that, on account of cruelty, a woman is entitled to be separated. If a concubine is brought to the house, the woman is entitled to live separately. The only other question is: If the husband marries another woman in addition to his wife, is she entitled to maintenance? It is true that, under the present system of Hindu Law, which is polygamous, a man can have more than one wife. My friend, Mr. Asaf Ali, raises his little finger, but he can marry four wives at the same time. But I do not want to digress. All that I wish to say is this: let us not abuse another system and then say that that system is bad, and, therefore, let us stick to our system. Nor should we say that unless the polygamous system is converted into a monogamous system, we can't proceed in the matter, or support yesterday's case for divorce and then release the man from his obligation. Let us make up our mind once for all that bigamy is wrong, and, therefore, if a husband takes to another woman during the life time of the wife, it is open to her to sever her connection. But to tell the woman that she will be a widow and will live separately and so much allowance will be



given to her for her maintenance and no husband, is not the way in which to improve her position by this amendment. I am really sorry for relegating these women by a distasteful means. I do not attribute any dishonesty, but it is unfortunately to deceive ourselves as the Leader of the House said.

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

**Mr. M. Ananthasayanam Ayyangar:** I will close now. I do not know how many daughters the Leader of the House has. Possibly his sons may be more than his daughters.

**Mr. M. S. Aney:** On a point information, Sir. May I know what is the state of things with the Honourable Member himself?

**Mr. M. Ananthasayanam Ayyangar:** I have got more daughters than sons. The only consideration is as to whether a daughter should be given a share or not. As far as I am able to see it, that is the only improvement that can be done, and, if that is done, some of the difficulties will disappear. Other things are a mere eye-wash. All the same, I am bound to accept them, because the Government says ditto. But I warn once again the ladies of my country that Sir Nripendra Sircar is not their friend: we are their friends.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, the original Resolution, in my opinion, was more harmful than even the Bill that came before the House yesterday. In the first place, it is so omnibus in character that it will give rise to so many questions that there will be more disturbance and more disharmony in the House than there was yesterday. The point at present before us is whether we are going to accept the omnibus Resolution or the amendment moved by Dr. Deshmukh. So far as the amendment is concerned, I only wish to say that I credit Dr. Deshmukh with having a just mind, an equitable mind and also good conscience. But I think yesterday he had given leave to all these good qualities. But today I do feel that his amendment is a very salutary amendment and I will wholeheartedly support it. Yesterday, my Honourable friend, Dr. Deshmukh, put me a question and asked: "If the Divorce Bill was passed, what will happen"? My reply was that "The Om Mandli will be perfected". I will now explain that, but before I do that, I want to show the difference between the two. So far as the amended Resolution is concerned, if such a question had been put to me as was put yesterday, I would have told the questioner that the Om Mandli would be destroyed by such an amended Resolution as this and it will not remain in India.

So far as the amendment is concerned, it is restricted to the question before us with regard to the appointment of a Committee to consider the questions which have been now put as the questions only of residence and maintenance of the woman. Before I come to the merits of the question, I must say that the appointment of a Committee will have a very salutary effect on what is happening in the country. We cannot ignore the cry that is being raised by the women of this country. What I am submitting is that we cannot ignore all these complaints that are being put forward by women. They are also as human as we are and we have to consider

[Mr. Lalchand Navalrai.]

their complaints with patience, but we should not run as fast as my Honourable friend's original Resolution wants or as my Honourable friend, Dr. Deshmukh, wanted to disrupt society and the family yesterday. We know how these things happen. Those who are fascinated by what they see in places like the Simla Mall in the evening scenario and the evening glow, they will come forward and encourage these ladies to go and open the door for others to enter the same scenario. But, I submit, the time has not yet come for us to go to that length. We have to do some justice but that justice should be done in a manner suitable to them. We have yet to see that the majority of women in India are educated. Those that are modernly educated now have no family system on, I mean, Hindu society. It is only the highly educated men and their wives who follow the modern society. They are economically high. They do not realise that their sisters are in a lower plane economically. Those who are highly educated and live in modern style are now, so to speak, ostracised from the family system. They remain separate, they are individualised. They feel for themselves and God for all. I submit, therefore, that there ought to be some check. We should tell them that if there is any complaint, there should be suitable remedy not in the fashion as Dr. Deshmukh was speaking yesterday. The two important questions are maintenance and residence and the remedies are known to the House. The Honourable the Leader of the House said that so far as maintenance is concerned, so far as residence is concerned, there is legal and moral provision imposing a duty upon persons who are either managers or who are members of the family and the husband to provide for these for the woman. I will not reiterate those things now. My Honourable friend, Mr. Ayyangar, also referred to them. I am asking the proposed Committee also to deal with these difficulties and bring about a solution.

According to Hindu law women have the right of residence as well as maintenance. That is not being denied. That being so, do they really get what the law provides for them? I submit no. There are many difficulties in their way. Very often, the manager or a member of a joint Hindu family, whenever there is the question of maintenance, never satisfies the provisions of the law. The remedy then, for the woman, is to go to courts. Honourable Members know how difficult and costly it is to go to courts. How much time it takes. In regard to this question, I submit something should be done by the committee that is being appointed to see that facility is provided for the woman to get maintenance and residence.

**Mr. M. Ananthasayanam Ayyangar:** What is the remedy?

**Mr. Lalchand Navalrai:** I submit there should be remedy. I suggest there should be arbitration when there is dispute between husband and wife or between the manager of a family and a woman who is entitled to maintenance and residence at the expense of the family. We have got the Arbitration Act. I suggest there should be arbitration to decide these questions also.

**An Honourable Member:** With or without the consent of the parties?

**Mr. Lalchand Navalrai:** The Arbitration Act provides only with consent. If consent is refused it provides for the court to arbitrate. Even, if a decree is passed, then, in the execution thereof many difficulties arise.

They should also be removed. These two questions must necessarily be decided by the Committee. The remedy suggested by my Honourable friend, Dr. Deshmukh, namely, divorce, would have disrupted the society and the family. My suggestion of arbitration will strengthen the family and society.

**An Honourable Member:** Please tell us about the *Om Mandli* to which you referred yesterday when the Divorce Bill was under discussion.

**Mr. Lalchand Navalrai:** I will give a short account so far as it is relevant to the Resolution now under discussion. One Lek Raj belonging to Hyderabad—Sind—was doing business in silk and jewellery. He went round the world as Sind merchants generally do. Sometime ago he settled in Calcutta, some four years ago, and there he happened to meet a Sadhu and learnt from him hypnotism and mesmerism. Then, he came to Bombay and from there migrated to his own native place. Coming there, he started an association what is called '*katha*' reading in the evenings and he preached sermons on religion. Men and women gathered in the evenings to listen to his precepts. This was going on quietly for about 1½ years. Then, all of a sudden, he started his mania of saying that he is *Brahma* or God. He preached that everybody is *Brahma* or God. This is the doctrine he preaches. You are God, I am God, and everybody is God or *Brahma*. He said when everybody is *Brahma* why should any one marry another? He began inculcating these ideas into the minds of women who came in contact with him. To the institution which he started he gave the name of "*Om Mandli*". He said that no woman should marry a husband. Not only that but he also said that even married women should leave their husbands and come to the *Om Mandli*. Several grown up married women, several young girls and even children went in. You may ask me why young girls and children went in to the *Mandli*. Just as it is pointed out by my Honourable friend, Dr. Deshmukh, that women require residence and maintenance, so when these are offered to women they go to that place. Lek Raj being a rich man he provided freely for all these things. He opened a school, built a hospital and also a hostel for women to live there and eat and drink and do whatever they liked. He said he would give them education, teach them that they are *Brahmas* and so on. This was the origin of the *Om Mandli*. Slowly he went on collecting these women and girls who refused to go back to their own homes. This created bitterness throughout the country and so there was *Satyagraha*. In the meantime, this man used to play like Krishna with his crown and with these girls as *gopis* all round him. One unmarried girl of 23 years of age is called "*Om Radha*", and that man is called Dada Lekhraj—the Krishna Himself. Afterwards, Government were asked to intervene.

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

**Mr. Lalchand Navalrai:** Very good, Sir, This man puts antimony into their eyes and also mesmerises them. These women and girls refuse to go to their houses and now a tribunal has been appointed by Government, and let us hope this *Mandli* will be destroyed. But if Dr. Deshmukh's Bill had been passed yesterday, these women would have claimed divorce easily but, on the basis of this Resolution, they will get maintenance and residence and they will remain happy and the *Om Mandli* will go away.

**The Honourable Sir Muhammad Zafrullah Khan:** Sir, Mr. Joshi expressed some dissatisfaction with the amendment moved by Dr. Deshmukh inasmuch as it curtailed the scope of the original Resolution in two directions; one of the directions being that whereas the original Resolution applied to all women, Dr. Deshmukh's amendment was restricted to Hindu women. The Honourable the Leader of the Opposition also expressed some dissatisfaction regarding that aspect of the amendment because his feeling, as he said, was that in these matters there should be uniform advance and that we ought to aim at an objective which should apply to all communities. Now, Sir, if the Resolution had continued in its original form it would have been impossible for Government to accept it. Apart from many other considerations, which would have stood in the way of Government accepting the original Resolution, one consideration certainly would have been that the Muslim Members of this House and the Muslim community as a whole would not have been able to make themselves parties to a Resolution of that kind. They could not have reconciled themselves to the setting up of a committee, the terms of reference of which would be the terms of the Resolution inquiring, as the Resolution expresses, into the rights and disabilities of—among others—Muslim women with reference to the matters set out in the Resolution. One clear objection on their part would be that these matters that are set out in the original Resolution are parts of the Muslim personal law in their case, as they are parts of the personal laws of other communities in the case of those communities. But, so far as the Muslim personal law is concerned, it is based upon the Quran which is believed in by all Muslims as the very word of God. Whatever the appreciation of non-Muslims may be with regard to that position the Muslim position is clearly that. That being so, the development of Muslim personal law must be left to take place along certain defined lines and in certain defined channels, and ideas and considerations which may be relevant with regard to other systems of personal law would be entirely irrelevant so far as the Muslims are concerned. And the difficulty in the case of a committee like this would be that almost certainly it would have a majority of non-Muslims on it. The Muslim community can never consent to place itself in a position where, with regard to its personal law, recommendations should be made by a committee consisting of Muslims and non-Muslims of which the majority are non-Muslims.

**Mr. S. Satyamurti** (Madras City: Non-Muhammadian Urban): Sir, is that the position of the Government of India or of my Honourable friend alone? Do the Government of India admit that non-Muslims cannot legislate for Muslims?

**The Honourable Sir Muhammad Zafrullah Khan:** The Government position is that all legislation, duly passed, is binding upon everybody. I am saying that, with regard to the original Resolution, one of the difficulties would have been,—not by any means the sole difficulty,—that Muslims were not willing to accept a Resolution of that kind. That is one reason why its terms have had to be confined to Hindu women as it was felt that Honourable Members who represent the Hindu community might be anxious to have an inquiry of that kind. It is no secret that the Muslim Members were not anxious for it; they, as a matter of fact, were extremely anxious that there should be no committee of this kind. And I am explaining why that point of view is held by Muslims. I have said that Government's difficulty was that Muslims would not want it.

**Mr. M. Ananthasayanam Ayyangar:** What about Select Committees of this House? Is it to be the same attitude there?

**The Honourable Sir Muhammad Zafrullah Khan:** I am not talking of legal or constitutional doctrines; I am merely explaining the attitude of Muslims over this matter.

**Mr. S. Satyamurti:** I want to know what is the attitude of the Government.

**The Honourable Sir Muhammad Zafrullah Khan:** The attitude of the Government has been and is the same today as it has been in the past: that one of the considerations that has weight with Government in these matters is whether the representatives or an overwhelming majority of the representatives of the particular community which is likely to be affected by any matter that is under consideration is or is not in support of the proposal. The Muslim attitude would be that a committee of that kind could not put themselves in the position of the Muslims who would be affected by any changes, that, as a result of the investigation of such a committee, might be made in their personal law. After all, it is not a novel point of view. Speaking purely personally I would think that the question of setting up a committee to investigate into certain aspects of the Hindu law or certain aspects of the law affecting Hindu women is one entirely for the Hindu community. Similarly, the Muslims can say that if it affects them, it ought to be a matter entirely for them. I am aware that sometimes Select Committees are set up to consider questions of that kind where all sections of the House are represented, but we have recently had a very happy experience of a Select Committee of that kind where the principle was accepted that where matter affects a particular community only it must be left entirely to the representatives of that community. I have referred to that matter because it has been raised by certain Honourable Members. Reverting to the Resolution what the Muslims are afraid of is that people who are not fully conversant with the basis of the Muslim personal law and are unable to appreciate the nature of the allegiance that Muslims owe to that basis might commit the Muslims to doctrines and principles to which the Muslim community and their representatives could never become parties. Muslims have in the past suffered and today suffer from that kind of knowledge more mischievous than ignorance which people profess with regard to all these matters affecting the Muslim community. In complete unconsciousness of the fact that Muslim sentiments may be involved, expression is often given to myths which are treated as historical facts, which have no more basis than the purest fiction and which wound the sentiments and feelings of Muslims. One has often heard of the adage—if the mountain will not go to Muhammad, then Muhammad must go to the mountain. That kind of thing is glibly repeated, based upon a pure invention that at some time or the other the Holy Prophet said he could make the mountain move to him, as a kind of miracle that he volunteered to show; that again is a gross libel and yet, day after day, it is repeated not only in literature but also in speeches, cruelly wounding Muslim feelings. . .

**Mr. M. S. Aney:** When Muslims themselves use that expression sometimes? We have heard them say it.

**The Honourable Sir Muhammad Zafrullah Khan:** If they do it they are worse offenders than the others. Another thing which continues to be repeated is—hanging between earth and heaven like Muhammad's coffin—another of those libels against Islam. Yet another libel is the alleged doctrine that whatever is supposed to be in accord with the Quran should be permitted to survive and whatever is not in accord with the Quran should be destroyed—like the long exploded myth put forward as a fact this morning that the library at Alexandria was burnt by the Muslims. This kind of ignorance makes Muslims apprehensive that if a committee of this kind is set up to investigate into questions affecting only themselves, it might commit them to doctrines and principles which would be most obnoxious to the Muslims generally. This is not an attitude to which any objection can be taken. . . .

**Mr. S. Satyamurti:** Oh, yes.

**The Honourable Sir Muhammad Zafrullah Khan:** Very good then: object.

**Mr. S. Satyamurti:** They are not above the law!

**The Honourable Sir Muhammad Zafrullah Khan:** Exactly. They are not above the law and, therefore, their anxiety is all the keener that the law should not be changed in a manner which would be in conflict with their religious sentiment. . . .

**Mr. S. Satyamurti:** This House can make any law.

**The Honourable Sir Muhammad Zafrullah Khan:** Yes: if it could not, they would not be worried: it is because the Legislature can change any law that they are worried that such changes might take place. That is their apprehension, and I do hope that it will be realised that their personal law, according to their belief, being based on the Quran, which is the very word of God Himself, they cannot make themselves parties to any committees of this kind. No doubt there has, in the past, been misinterpretation of that law; no doubt the development of that law has in many directions been arrested; but that is a matter of which the Muslims themselves are conscious and they are making efforts that these misinterpretations should be rectified, that the development which has been arrested should proceed along well recognised channels. Their attitude is that it is for them to undertake the necessary investigation and to decide to what extent the law which is accepted by Anglo-Indian courts should be modified so as to bring it into conformity with the real spirit of the Muslim law. That is the whole distinction.

**Mr. K. Santhanam** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I was rather surprised to find that a Member of the Government of India should feel called upon to explain what is exactly the Muslim point of view. There are other, and I hope, equally able representatives of the Muslim community in this House who do not have any dual role to play as the Honourable Member. All the time he was speaking, I was wondering whether he was speaking as the spokesman of the Government of India or as spokesman of the Muslim community. In one sentence he was speaking about the attitude of the Government of India and in the next sentence he was speaking as a spokesman of the Muslim

community. I suggest that he may conveniently avoid such a double role. I have no objection to his argument itself: I am not questioning it; but it would have been better offered by those who do not occupy his position, because I have got a serious fear and this fear is shared by many, that this idea of thinking in terms of community by persons who occupy responsible positions would affect the very fountains of justice in this country. (Interruption.)

I have, as a Hindu, absolutely no objection that this committee should not go into the question of Muslim women if the Muslim community do not want it. I am not questioning that at all, but I want to put forward two considerations. There is not a single amendment in the order paper either by the Honourable Member or by any other member of the Muslim community to that effect.....

**Some Honourable Members:** There is.

**Mr. K. Santhanam:** I am sorry. At least they have not moved it. Secondly, I want to point out that there is not a single Muslim lady representative here. If the Muslims are so anxious about their rights why do not they have a lady Member here to see that at least one woman spokesman of their community can be heard in this Assembly? It is not enough for them to say that they are Muslims, and I suggest that our Muslim friends are not willing, are not anxious to give any freedom for Muslim women to speak what they feel.....

**An Honourable Member:** What do you know about them?

**Mr. K. Santhanam:** Please send some Muslim lady in your place next time.

Let me proceed to deal with the points at issue. I am quite content if this Committee goes into the question of the rights of Hindu women, and I shall not be surprised if, in the future, the Muslim women complain that this Committee did not go into their difficulties. The Muslim community is already complaining that they are backward in education, and they are trying their best to make up for their backwardness, and, probably, at some future time muslim women will realise that their cause has been ignored altogether by their representatives in this House when considering the question of their Hindu sisters. Well, I am quite willing for the present to confine myself to the Hindu community.

Now, Sir, after the speech of my friend, Mr. Lalchand Navalrai, the House will understand why Dada Lekhraj went to Sind to start the *Om Mandli*. The circumstances are apparently very auspicious there for a revolt by the women of Sind, and it is a pity that this House should be full of old men who can think of women only as property and want to deal with them as such. Sir, there is a proverb in our province that no doctor should be allowed to treat his own child. I wish that yesterday's Bill had been in hands which were more detached towards the Bill, and what at any rate I expected was, that when a doctor adopted a child, he would take good care to see that the child was a healthy one. I am sorry that Dr. Deshmukh did not take good care to see that the child which he adopted was quite a healthy one. I am afraid, it is altogether anæmic, and I wonder whether it is going to survive all this onslaught.

[Mr. K. Santhanam.]

Sir, I know that the atmosphere of the House today is not quite propitious for a consideration of these questions in a proper spirit. There is too much of an atmosphere of patronage. I do not want that the women of India should take any rights under a feeling of patronage on the part of men. Either these rights should be conceded to them as **matter of fundamental human dignity** or not at all. They say that the Committee will go into the question of maintenance. Sir, I object to the word itself. Why should a woman, in any part of the world, be maintained by anybody else? Either she has got the right to property or not at all. Let the women of India revolt, let them refuse to marry.....

**Mr. Lalchand Navalrai:** Here is another Dada Lekhraj! (Laughter.)

**Mr. K. Santhanam:** If all husbands are like Mr. Navalrai, we may become like Dada Lekhraj.

Well, Sir, I suggest that what women require are rights of property, in their own right, because they are born in this country, and they are citizens of this country, and not rights of maintenance conceded by a husband or a father or a son. It is said, Sir, that the Hindu system of inheritance is an ancient thing, but what is happening to Hindu society today? We are breaking it up in all directions. We have destroyed the caste system, though, of course, a few people nowadays, especially when they make a lot of money, profess allegiance to it. We have completely destroyed the Hindu caste system; we send our sons and daughters to Europe and America for education, and only when we come to the question of inheritance we say it is a venerable ancient system. Sir, I am one of those who believe that Hindu society has to be reconstructed from the bottom to the top if it is to survive. And, Sir, fortunately, efforts are being made in this direction by many eminent Indians, there are leaders who have got the spirit, who have got the ability not only to reconstruct the Hindu society, but also to re-write the Vedas. I do not think that we are going to swear by the Vedas for all time, Vedas which were written about ten thousand years ago. Mahatma Gandhi is actually re-writing the Vedas. He is re-writing the Vedas for our politics and for our social system, and there are others equally eminent who are not only reconstructing our political system but also our systems of inheritance, marriage and the conditions of marriage and so on. Here, the only conditions should be absolute equality and human dignity. Subject to those conditions, if there are any good things in the old regime, by all means let us keep them. If there is anything bad in the old regime or unsuited to present conditions, let us sweep them away. I do not believe in these piecemeal reforms of giving rights of maintenance to women. I am sorry that there should be any body of women who would agree with the Honourable the Law Member when he said that they only want maintenance from somebody. I want the women of India to say—"Take away these reforms, we do not want to be maintained in any place or by anybody. Today we want our rights to property, we want our rights as daughters". In fact, if they want rights from their husbands, they should also insist that their husbands should get them equal rights. It is only on such conditions that the women of India can attain self-respect and dignity. Sir, I suggest that small reforms are the enemies



of great reforms, and in this matter of fundamental principle, in this matter of fundamental human dignity, the women of India ought not to compromise; they ought to claim absolute equality, and no favour.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, my friend, Mr. Santhanam, said something about the Honourable Sir Muhammad Zafrullah Khan. There are two points to which I should like to invite the attention of the House. If the Honourable Sir Muhammad Zafrullah Khan accepted an office under Government, it does not follow that he has ceased to be a Muslim. He is as much a Muslim as any other Muslim, and nobody is expected to change his religious views merely because he has accepted an office under Government. Then, the second point is this. Mr. Santhanam suggested that the Hindus should re-write the Vedas, but if any one among the Muslims said that we should re-write the Quran, there would be enormous agitation in the country, not only in India, but in all the Muslim countries of the world.

Now, Sir, coming to the Resolution itself, it is proposed that a Committee should be appointed of non-Muslims to discuss questions relating to the rights and disabilities of women, their ownership to property, and so forth. This particular motion will certainly interfere with the tenets of Islam, and if any Committee of the kind proposed recommended a thing against the tenets of Islam and as a result there is a strong agitation in the country among the Muslims, then the Government would say: "Oh, why did you not tell us in time about it? All this agitation has been started now; it was your duty to inform us in time". Therefore, I think the Honourable Sir Muhammad Zafrullah Khan has done his duty in time by pointing out on the floor of the House that if a Committee of this nature is accepted by Muslims, it will certainly create an immense amount of agitation among the Muslims outside, and, therefore, the Honourable Sir Muhammad Zafrullah Khan has done his duty as a member of the Muslim community and warned the House of the consequences if a proposal of this kind were accepted by the House.

Then, Sir, it has been pointed out time after time that the present position of women is very bad in India. It is said that the position of women in India, with special reference to their rights and disabilities in regard to ownership and disposal of property, is entirely hopeless. Now, Sir, in the Muslim religion there is a fixed right, and our religion is the first religion which has not ignored women with regard to their rights to ownership and disposal of property. Our religion gives a full share in the property to our women which no other religion does, and now the Honourable Member by his Resolution wants an outside body to interfere in this matter. Take, again, the question of rights of guardianship over children—here we have got a definite rule for this among Muslims. and, therefore, we do not want any outside Committee to interfere in our affairs. Then, take the question of rights of inheritance and succession; for these also we have got a regular Code, and no change of any kind is needed for us from anybody, especially non-Muslims. Then comes the question of marital rights. It is all very well for my friend, Dr. Deshmukh, to propose an amendment about divorce, but Mussalmans do not want anything of the kind. Those are direct interferences with the Muslim religion.

**Mr. M. Ananthasayanam Ayyangar:** What about Mr. Kazmi's Bill?

**Dr. Sir Ziauddin Ahmad:** I am sorry, my Honourable friend never understood Mr. Kazmi's Bill, and it is useless to argue with him. This is a direct interference with the Muslim religion, and there would be very great excitement if a Resolution of this kind was accepted and the Government make the slightest attempt to give effect to such a Resolution. It is certainly right for anybody who is a Muslim in this House to point out very clearly that any attempt at such interference will be strongly resented by the Muslims. It may be said, this is of a permissive nature, which the Muslims may or may not do. Now, if a person says, you should not do a particular thing, it becomes obligatory on him. Suppose there is a mosque and it is said that I may go and say my prayers in that mosque or I may not; it is optional whether I do it or not. But if anybody comes and tells me, you must not say your prayers in this particular mosque, it is obligatory on me to go there and say my prayers. There are many other things of this kind which probably would be solved if there were no external interference. External interference is a thing which Muslims could not tolerate. The next point is this. I do not want to refer to the question of the burning of the Library at Alexandria which has been ruled out. It has been repeatedly pointed out both . . . . .

**Mr. M. S. Aney:** May I have a little information from the Honourable Member? What did the Mussalmans try to do when the late Mustafa Kemal Pasha did away with many of these things?

**Dr. Sir Ziauddin Ahmad:** If you go by newspaper reports—do not believe what appears in the papers. I do not want to pursue the point, but my Honourable friend, Syed Murtuza Sahib Bahadur, has said clearly that the Library had been burnt long before that, and there was nothing left to be burnt. Therefore, that thing was invented by one historian maliciously, and it was copied one after another, but this thing was clearly explained by Maulana Shibli in his book, and the last couplet of his book:

*"Ilzám aurón pe dete the,  
Qusur apná nikal áyá"*

This proves that this Library was not burnt by Mussalmans. The argument of the Leader of the Opposition was this, that the Mussalmans are not anxious to have anything which is outside the Koranic law, so much so that they have even burnt the Library. That is not the case. As far as these religious tenets are concerned, we do believe that the Koran is complete by itself; we do not want any reformer, we do not want any Legislature, we do not want any person to make any change in the Koranic law. In this respect, Muslims are very strong, whether it is the 20th century or the 40th century. Up to the day of resurrection, this is the firm religious belief that Koran remains and no addition can be made, and we cannot tolerate any society or any committee to consider and alter the tenets which are really prescribed in the Koran. If my Honourable friend will excuse me, I will make a quotation from Branford. If you read his book on psychology, you will find, he asks, what is Hindu religion? He says that Hindu religion is a collection of

dogmas which can answer to everything except a religion which is complete in itself. They can change the Vedas as my Honourable friend, Mr. Santhanam, said but a religion which is complete in itself has got no room for alteration of any kind whatever.....

**Babu Baijnath Bajoria** (Marwari Association: Indian Commerce): The remarks of my Honourable friend are objectionable.

**Dr. Sir Ziauddin Ahmad:** I have quoted Branford. Why did you not object to Mr. Santhanam when he spoke?

**Babu Baijnath Bajoria:** I will reply to him.

**Dr. Sir Ziauddin Ahmad:** We do not object if our Hindu friends bring forward a measure about their own social customs. That is a domestic question for themselves, and we do not interfere in that; but if they want to extend this to the Muslims, then we do certainly stand in the way and would not allow it. We have had sad experience about the Sarda Act. When the Bill was introduced, it was clearly understood that it was a measure to be applied to Hindus only, but when it went to the Select Committee, the whole thing was changed and we were astonished to find that it applied not only to Hindus, but also to Muslims. (Interruption.) My Honourable friend says, it was at the request of Muhammadan Members. I say, there are always some Muslims who do not believe in many things, but their opinion cannot be taken as an authority by the whole bulk of Muslims. The Act was opposed so much by the Muslims that the Government had to make an announcement that it was not to be applied in the case of Muslims. I apprehend that if a Resolution of this kind is adopted and if a committee is appointed to look into the matter, as far as we are concerned, I have no doubt that it will be very strongly opposed and will be regarded as an interference in our religion and as going against the formal announcement made by the British Government that they will not interfere in the religion of any particular community. It is not for me to comment on the views of the Hindu Members, but I would like to say that a Resolution of this kind will interfere in our religious tenets and will be strongly resented by the Mussalmans, and the less we say about them, the better.

**Babu Baijnath Bajoria:** I have no objection to the amendment.

**An Honourable Member:** Mr. Bajoria has already spoken on the Resolution.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Chair understands the position is this. Mr. Bajoria spoke on the former occasion when this amendment had not been moved, and he is now entitled to speak on the amendment. He can speak on the amendment and not on the original Resolution.

**Babu Baijnath Bajoria:** I won't speak on the original Resolution; I will speak only on this amendment. I have not much objection to this amendment. As a reasonable man, I always take a sane view of things. I am being abused that I am against social reforms. I am against such social reforms that go against the tenets of Hinduism. I think that so far as religion is concerned, it cannot be mended, it can be ended only.

[Babu Baijnath Bajoria.]

Sir, I was very much surprised to hear the remarks of my friend, Mr. Santhanam. I still wonder whether as a Hindu he can utter these words. If he will utter these words outside this Assembly, he will find that he is tabooed.

**Mr. K. Santhanam:** On a point of personal explanation. I may inform the Honourable Member that I have done so in tens of public meetings, if not hundreds.

**Babu Baijnath Bajoria:** Can any Hindu attack the Vedas on which the Hindu religion is based? If you take away the Vedas, the Hindu religion is absolutely gone. It will be any other religion, but not Hinduism.

**An Honourable Member:** It is a new edition.

**Babu Baijnath Bajoria:** It may be Lord Krishna in Mr. Santhanam's form. In view of the harm his remarks have done to the Hindus in general and to the Hindu Members of this House in particular, I would request the Honourable Member to withdraw those words. I am sorry that this debate had taken a new turn after the Lunch interval. We have been going into many other things and the main subject of the Resolution has been given the go-by. The Honourable Sir N. N. Sircar, the Leader of the House, said, that this amendment was drafted by him and made a present of to Dr. Deshmukh. It was so to say giving him some consolation after the severe thrashing he got from the Honourable the Law Member yesterday. He was wiping his tears. It is said that Dr. Deshmukh is a great champion of women.

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

He is advocating a policy which superficially may be to their benefit, but in reality he is taking them to the abyss. I am one of those who wants that our ladies, whether they be Hindus, Muhammadans or others, should live in comfort and peace and respectably in their houses. There can be no question about that. As a true Hindu, I would also like that after their death the women should also get their salvation, which is, after all, the aim of human life and of Hindu religion and I am opposed to such legislation as divorce, inter-caste marriages and so on, because I really feel that they are directly against the tenets of the Hindu religion and will lead to the misery of women in this life and eternal degradation afterwards. What is meant by social reform? At the present moment it means getting away from the social code of Hinduism and the overthrow of Hindu theology. This is the so-called social reform. I should like Hindu women to get decent maintenance and a decent residence. I do not think there is much complaint about this. There are cases of hardship amongst the Hindus as there are cases of hardship in all communities and in all countries but, as a matter of fact, Hindu ladies are generally well contented. I have no hesitation in saying that it is only those women who have got Western education and who have become graduates and lawyers and have taken up to the so-called learned professions that are disgusted with the present state of things. In this connection I would remind the House about Mahatma Gandhi's advice to the modern girl. I think my friend, Dr. Deshmukh, must have read it.

**Dr. G. V. Deshmukh:** I am prepared to follow Mahatma Gandhi in everything. Look after yourself.

**Babu Baijnath Bajoria:** He is taking exception to the mode of living of the Hindu women. He has told them that they should look after their hearth and home and not look after many other things which do not concern them. I would like to tell the House what Bernard Shaw has observed :

"Undoubtedly, in nine cases out of ten, the mad restlessness of the modern woman, discontent with her home, with her lot, with herself and with her husband most of all is a curious psychological anathema."

I do not want to go very much farther than that.

Then, Sir, I have got a cutting here, which is a letter written by a person who calls himself "Disillusioned". It is a very small paragraph and, with your permission, I will read it. It is from the *Statesman* and not from any Sanatanist paper. He writes :

"My wife is a well educated, cultured modern girl. Having received her education at a regular public institution, she can play bridge, badminton, basket ball, etc., dress herself up in the modern style, read novels and journals and even discuss politics at home and abroad. She can do all that; but, more than that, I have now ceased to expect from her. She does not know the alphabets of cooking and sewing. Keeping the milkman's account, the laundry account and other household accounts and also the general supervision of the House still remains my job, which I have no alternative but to carry out to the best of my ability. Would some sympathetic reader kindly tell me if this is what is meant by enlightenment and progress. Her discussions regarding Hitler and Mussolini may perhaps lead to a disentanglement of the European political situation and avert a world war, but have most certainly thrown my house into chaos and deprived me of all peace of mind."

Sir, these are the women who are discontented with their lot and these are the women whose cause has been championed by Dr. Deshmukh.

Sir, I will not now go into the matter of divorce, because, if I were to do it, all the interest of the debate, when it comes up during the Simla Session, will be gone. Now, about residence and maintenance. As I have already said, I strongly approve of the idea that women must have a decent residence and a decent maintenance and if there are cases of hardship, if these can be removed by any Committee or by legislation, let that be done, but do not revolutionize our ancient customs or the ancient law or the ancient Hindu religion. There is one thing which I would like to point out about this Committee, however. What do we generally find when such Committees are appointed? The terms of reference are restricted to particular things; in this case the terms of reference are only restricted to maintenance and residence. But they may go roving into other matters—matters for instance like divorce. I have got some precedents about this. If I remember aright, a Committee was appointed under the presidency of Sir Moropant Joshi. That Committee, as far as I know, was appointed to inquire about the age of consent Bill. But they went into all sorts of matters and it was on the report of that Committee principally that the Sarda Act was passed. (Interruption. Question.) I will not now go into the matter of that Act but will only say this that when Mr. Sarda introduced the Bill, he wanted the ages of twelve and sixteen but those ages were raised in the Select Committee to fourteen and eighteen on the basis of the Joshi Committee's Report.

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

**Babu Baijnath Bajoria:** I will take only one minute more, Sir, if you will allow me. About this personnel of the Committee, that is an important thing. I agree that in these matters the personnel of the Committee must be very eminent men and men of judicial ability, and there must be men equally of orthodox views and of reformist views. I do not claim to be a member of this Committee because I am neither a lawyer nor a jurist or anything. With these remarks, I support the amendment of Dr. Deshmukh.

**Mr. B. Das** (Orissa Division: Non-Muhammadan:) Sir, it is gratifying to me that at least once in the life of a social reform measure I am speaking after my friend, Mr. Bajoria, has spoken. I find Mr. Bajoria's old citadel of the Shastras has been shelved. He now quotes as authority Bernard Shaw and the *Statesman* and justifies his opposition to social reforms. I congratulate him on the attitude that he has taken up now and am glad that he supports the amendment which has been moved by my friend, Dr. Deshmukh. Sir, it is very regrettable that the only woman member of the House, Shrimati Radhabai Subbarayan, is not present on the floor of this House to voice the women's view-point. Otherwise, we would not have heard the speeches that were delivered by my Honourable friend, Mr. Lalchand Navalrai or, by my friend, Mr. Ananthasayanam Ayyangar. Sir, it is surprising, as my Honourable friend, Mr. Santhanam, has pointed out, how man always takes up the position of patronizing everybody and, particularly, when it comes to any social reform legislation about women. Unfortunately, as this House is constituted, there is so far only one woman Member and so the woman's case has not been properly represented. Sir, woman does not want to have special favours from men, but she has a right to live in this world. Women have every right to get equal status of life in this country and I am glad that this amending Resolution is acceptable to Government; at least there will be some inquiry on problems affecting rights and privileges of women although it is at present limited to residence and maintenance of Hindu women.

Sir, it is very unfortunate and this is not the first time, but always when social reforms measures are discussed, mere man talks in this House and talks of religion. I cannot understand and I have never understood, not being a lawyer, how social reforms are so deeply connected with religion. To Mr. Bajoria every little custom is religion. Sir, to me, though I am a Hindu, I do not think my God has asked me to recognise every little practice that is observed at present as part of my religion. Sir, I regret very much that though my Muslim friends on the floor of this House have sympathised with this Resolution, they have taken up the attitude—"discuss not the similar aspect of the life of the Muslim woman, that should be entirely left to Muslim erudites and to Muslims." Sir, one thing I would point out; I do not regret it. My Muslim friends, when they take up that attitude, probably are afraid that the more reforming principles of other religious denominations might bring about revolutionary changes in their own religious and social customs. I maintain, Sir, that if there are certain reforms introduced for Hindu women, Muslim women will naturally be affected by that in time. Although we men-folk have been thinking in terms of religion, caste and creed, I have heard it from my women friends that whenever they meet, they never talk in terms of religion; they always talk in terms of one community; their problem has been always that of oppression by men and then men-folk. Though I do not

understand what is religion, I feel that women have suffered everywhere because it is the priest-craft and the men, through their man-made laws whether in the name of religion or in the name of the State, have not been giving women their proper rights. Sir, to me it is a matter of gratification that the Government have come up a step or two forward and have supported the amendment which has been moved by my Honourable friend, Dr. Deshmukh. Sir, I am an optimist. I am not one of those who think that man will always patronise women or man will always legislate for women.

The time is coming as I stated on another historic occasion on the floor of this House when this House will have a preponderatingly large number of women. I will not go to the extent of saying that half the number will consist of men and half of women but the time is coming when Bajorias and Lalchands will have to be more modest on the floor of this House in their patronising tones and in their repetitions from dusty papers which have no bearing on the realities of life. With these observations, Sir, I support the motion.

**Sir Abdul Halim Ghuznavi** (Dacca *cum* Mymensingh: Muhammadar Rural): Mr. President, this afternoon the discussion of the Resolution engendered considerable heat and my Honourable friend, Mr. Santhanam, charged my Honourable friend, Sir Muhammad Zafrullah Khan, with introducing communalism into Government, because he expressed the view of the Muslims, both outside and inside this House. My friend perhaps is overlooking one aspect of the Government of India as it is constituted today. The Government of India always includes a representative Hindu and a representative Muslim element.

**Mr. S. Satyamurti:** Nothing of the kind.

**Sir Abdul Halim Ghuznavi:** Certainly that is the position.

**Mr. S. Satyamurti:** Nothing of the kind: Two Indians please.

**Sir Abdul Halim Ghuznavi:** "Two Indians" means one a Muslim and the other a Hindu. That is a fact, and it is no use denying it. The Muslim Member is bound to express to and inform the Government of the views of the Mussalmans and the Hindu Member is bound to express to and inform the Government of the views of the Hindus. We, the Muslim Members of this House, would have charged the Honourable Sir Muhammad Zafrullah Khan of having neglected his duty if he had not expressed clearly the views of the Mussalmans in this House in the way in which he has done. He has made it abundantly clear that he expressed the views of the Mussalmans and he as a Mussalman also agreed with that view. That has nothing to do with the Government or with anybody else. If Dr. Deshmukh had not moved this amendment to restrict the scope of the Resolution for the improvement of the rights of Hindu women only, the Government would not have accepted the Resolution. Although there may not be a mandate for us, the Members of the Muslim League Party can talk on this Resolution. We can talk or kiss, but we can do nothing else. The observance of neutrality would not have applied to this case, and then I would have seen how the Honourable Members would have carried this in spite of the enormous majority which they have. We realise that we are under the Congress Government.

**Mr. M. S. Aney:** Not here.

**Sir Abdul Halim Ghuznavi:** Everywhere now. The Congress Government dictate and the Government of India or the Governments of the Congress Provinces carry out those orders. That is the position. Nevertheless, let them not play with the Mussalmans. The Mussalmans stand by their Holy Quran. They take it as the word of God, and no amount of talking and no amount of persuasion will make us change our views.

**Pandit Sri Krishna Dutta Paliwal** (Agra Division: Non-Muhammadian Rural): What about Kemal Pasha?

**Sir Abdul Halim Ghuznavi:** He dared not talk anything about the Holy Quran. He dared not change one word of the Holy Quran, otherwise his head would have been chopped off straightaway. Therefore, so far as the Mussalmans are concerned, we do not require anything to be done for us. Everything that this Resolution seeks to provide is being provided and has been provided by the Holy Quran to our Muslim women. They enjoy more rights under the Quranic law than the rights that you want to give to your Hindu women.

Sir, this morning, my Honourable friend, Maulvi Murtuza Sahib, said that so far as the Muslim League Party was concerned, we have no objection if the Hindus in a majority want to have these reforms. We know the result of these reforms. We had the taste of the Sarda Act and we do not desire other similar dishes served out to us. My friend, Mr. Bajoria, read out a very nice little story from the *Statesman* which should be an eye-opener to those reformers who wanted to rush reforms at the topmost speed. In the meantime, we had better wait and see how it is received in the country.

**Sir Cowasji Jehangir:** Mr. President, I had no intention of taking part in this discussion today, but I cannot help feeling and expressing the opinion that today's debate does not augur well either for the future of this country or for social reform in this country. I would like to make one point perfectly clear which I have often felt. The House, as it is constituted, has representatives of all communities. There are Honourable Members in this House who are for reform in a hurry, and there are others, who are against reform altogether. Therefore, it is a fairly representative body expressing and echoing the views of large sections of our people. But because the House has the power to legislate, that does not mean that anyone community in this Honourable House, even if they are in a majority, and even when we get further reforms in this House, should use that majority for thrusting social reforms down the throats of any community in this country. That principle must always be borne in mind. Let us make sure that in future when the real "Swaraj" Government sits on these Benches and will, I hope, have a large majority behind them, they will not take advantage of their position to thrust social reforms down the throats of any minority community, which does not want those reforms for themselves.

**Dr. G. V. Deshmukh:** Are you talking about prohibition in Bombay?

**Sir Cowasji Jehangir:** I am talking of general principles which you will have to follow in the future if you do not want anarchy in this country.

**Dr. G. V. Deshmukh:** Your community is kicking up a row about it.



**Sir Cowasji Jehangir:** And you will hear more about it in the future.

By all means, let my Honourable friends, the Hindus, have reforms for their own community, and nobody will be more pleased to see that those reforms become effective than myself. I for one would like to see these reforms go as far as it is possible even to meet the views of those who want reform in a hurry. Let them try, let them have it and may Providence help them to get it. But because I come from a very small community, they cannot keep my community back from having the reforms they desire. I put the reverse question. Supposing, Mr. President, when the Parsi Divorce Bill came before this House a couple of years ago, a measure which is more advanced than any measure in Europe today, supposing my Honourable friend, Mr. Bhulabhai J. Desai, who helped us to a great extent, would have turned round and said: "no, because my community cannot go so far ahead, and we have a large majority, we will not allow you to go so far ahead". He would never have taken up that attitude. He helped us, notwithstanding the fact that he knew very well that his community was not going to get any benefit from it. We wanted to go further and faster than anybody else in the world. With regard to divorce law, he came forward to help us. In the same way if a small community came forward and said, "you are going too fast for us, by all means go yourself, but do not drag us with you", I would suggest that under those conditions my Honourable friend, the Leader of the Opposition, would say, "all right, have your way. If a large majority of your community do not want to go as far as some other sections of the House want to go, you stay behind and follow in good time". That is the spirit which this House should adopt and that is the only spirit which will bring peace and prosperity to India. But let us not exercise the powers that we may have in this House in future with a big majority behind the Government to thrust social reforms down the throats of people who will not accept them. But if, God forbid, any Government in the Provinces or any Government in the Centre in the future attempts to use its majority in that way, I will warn my countrymen that it must end in anarchy.

Mr. President, we are not in this country all people belonging to one religion. We are not in this country people speaking the same tongue. We are not in this country all people having the same culture. There are other countries placed like ourselves, where there are several tongues spoken in the same country, several religions being professed and held sacred by its people.

**Mr. Bhulabhai J. Desai:** The Honourable Member evidently does not know the history of other countries.

**Sir Cowasji Jehangir:** It is no use for the Honourable the Leader of the Opposition to say that he is the only man in this House who has all the knowledge of all the worlds and of all subjects including law and hypocrisy.

**Mr. Bhulabhai J. Desai:** I confess I have no knowledge absolutely of hypocrisy. I agree with you there.

**Dr. G. V. Deshmukh:** All that knowledge is possessed by the Honourable Member who is speaking just now.

**Sir Cowasji Jehangir:** I do not say that I have a monopoly of all knowledge. I deny to any one in the House a knowledge of all subjects and of all places. Sir, there may be difference of opinion. But to say

[Sir Cowasji Jehangir.]

that nobody else has knowledge of any other country but his own is arrogating to oneself a claim which this House will not admit. If the future of this country is to be peaceful, if we are all to get on well with one another, we must not thrust our opinions down the throats of others. We may have them for ourselves. We may thrust them down the throats of our own people, but do not thrust them down the throats of people who do not believe in them. I say the same about prohibition.

**Dr. G. V. Deshmukh:** The cat is out of the bag.

**Sir Cowasji Jehangir:** It is the guilty conscience of my Honourable friend that prompted him to remind me of this subject.

**Mr. Bhulabhai J. Desai:** I rise to a point of order, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): I would remind the Honourable Member that he is digressing from the subject matter of the Resolution. He has dealt with it in general terms. He may now proceed with the Resolution.

**Sir Cowasji Jehangir:** I never brought up the subject myself. It was the guilty conscience of my Honourable colleague from Bombay that reminded me of it.

I will only conclude by saying this. Let us all consider ourselves brothers out to help each other in getting such measure of social reforms as we desire.

**Mr. S. Satyamurti:** Each brother must mean a family according to my Honourable friend!

**Sir Cowasji Jehangir:** My Honourable friend, Mr. Satyamurti, must realise that he and his community cannot hope to legislate, in future, for all communities, nor in this country can the same social legislation apply to all communities. If that doctrine were to be accepted that the same social legislation should apply to all communities in this great country, where will my small community be?

**Mr. Bhulabhai J. Desai:** With us.

**Sir Cowasji Jehangir:** We will have social reform as far as we want to go. Would you say, "remain with us because we cannot advance and we will not let you advance"? I will put the reverse. Those who want to advance further and more rapidly, let them by all means do so, but do not drag others along with you. (Interruption.) Let the watchword of this Honourable House be tolerance, and as long as there is tolerance, we shall all have the social reform that we deserve. If we do not deserve it, we will not get it. We shall get the social reform that we deserve and I do wish all success to this Committee that is to be appointed, and I sincerely and honestly desire that this should be only the forerunner of many more committees of this character, not only for my Hindu friends, but if necessary even for my Muslim friends, and if need be also for my poor small community.

**Maulana Zafar Ali Khan:** Sir, I vehemently oppose the Resolution moved by my Honourable friend, Mr. Hegde. There were amendments against by name and the names of my Honourable friends, Maulvi Abdul Ghani and Syed Murtuza Saheb Bahadur, and we would have pressed our

amendments had it not been for the fact that my Honourable friend, Dr. Deshmukh, spared us the necessity for doing so. But as regards the original Resolution as it stands, I must give my views as to what it is, whether it is worth the paper on which it is written. I have been hearing many times that Muslims must look upon themselves as a community. Our Hindu friends want the Muslims to be part and parcel of the great Hindu nation that lives in India. It is incorrect to say that we are a community. We are a nation.

**Mr. M. S. Aney:** No, no.

**Maulana Zafar Ali Khan:** No, the Hindus are a nation. But we the Muslims are also a nation.

**Mr. M. S. Aney:** No, no.

**Maulvi Muhammad Abdul Ghani:** No, no.

**Maulana Zafar Ali Khan:** We are not a community. The Muslims are a nation. We in India are a nation; we have a civilization of our own, and we have got traditions of our own. We cannot merge into the great body which calls itself the Hindu nation. Our conception of God, our conception of the Prophet and our conception of religion is quite different from theirs. Just now I have heard Dr. Deshmukh who is a Hindu of Hindus and a blue-blooded Hindu. Yesterday, he was telling us that Hinduism is changing constantly, from time to time and from epoch to epoch; and when I humbly reminded him that if Hinduism is changing he can tomorrow become a Muslim, he said that he can never do that. I welcome his constancy but this is arguing in a circle. Hinduism is changing but you cannot change. What is that? Then again today I heard from my Honourable friend, Mr. Santhanam,—and I hear it today for the third time from the intelligentsia,—that the Vedas are not revealed and they can be re-written. Now what is religion with the Muslims? With us religion is based on revelation, and we do not say like free-thinking Hindus that revelation as a basis of thought and belief is fatal to the intellectual development of man. The law of Islam is the Quran; the jurisprudence of Islam is the Quran; and that is our fundamental creed from the earliest times till Doomsday. It is unchangeable and we believe in it as the final word of God to man. It is the natural rule and law of life, it is the social code, it is the moral code, it is the economic code, it is the religious code. These things that you are thinking of today were provided for 1,350 years ago. And I assure my Honourable friend, Dr. Deshmukh, that I will support him not because it is a reciprocal courtesy but because broad-mindedness is a virtue that has been denied to them. Only the other day, when the law of divorce for Muslim women was being enacted, my friend, Maulvi Syed Murtuza Sahib, proposed a slight amendment and the whole of these Congress Benches went against us. What would have happened . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member need not refer to all that. He must not say anything which would revive the controversy.

**Maulana Zafar Ali Khan:** We are not so narrow-minded as the Englishmen and we are not so narrow-minded as the Hindus. Let these narrow-minded bodies join together and stew in their own juice; we stand apart as the balance of power between the two and we will look at each

[Maulana Zafar Ali Khan.]

question on its merits. Wherever there is right, we will be on the side of the right; wherever there is wrong, we are against the wrong. And so with regard to this question of the rights of women, because I find that some sisters sitting over there . . . .

**Mr. S. Satyamurti:** You cannot refer to the gallery.

**Maulana Zafar Ali Khan:** Hindu women all over India are being trampled under foot. (*Voices of "No, no."*) They are suffering from many disabilities, otherwise, there is no use bringing forward this Resolution. So, in order to remove those disabilities, my Honourable friend, Dr. Deshmukh, has brought an amendment to the original Resolution in which it is stated that the right of maintenance and the right of residence which have been denied to Hindu women should be conceded to them through a legislative measure, and six persons including a woman should constitute a committee and consider these things and then place the matter before the House. I have nothing to say to that because Dr. Deshmukh was wise enough not to include Muslim women within the ambit of the law which he proposes; and he is right there. For Muslim women every law has been made already. The law of residence, the law of maintenance, the law of contract, the law of inheritance, the law of divorce,—everything has been clearly laid down; and, therefore, we do not want any one to interfere in our personal law. That is our sacred domain and we do not want anybody to get in there. Sir, with these words, I oppose the Resolution and support the amendment.

**Mr. M. Asaf Ali** (Delhi: General): Sir, I am extremely sorry that a certain atmosphere has been generated in this House over this matter. The Resolution was a very simple one and the amendment was simpler still. Why certain persons of any community should be perturbed over it or why certain Members of the House should exasperate themselves unnecessarily over it I really do not know. The original Resolution, as drafted, was a very comprehensive one but it appeared after talks that had taken place between various Members of this House that particularly one community, namely, the Muslims did not like to be included in the Resolution. I think Dr. Deshmukh accepted that position and has now proposed an amendment which excludes the Muslims. Why should we go any further than that? In other words, in so far as the Congress Party is concerned, it is now supporting this amendment; and since we are backing the amendment nobody need have any apprehension whatsoever. In so far as the principle is concerned, I may remind every one that the Congress stands pledged to a definite principle which is none other than that the Congress shall respect and safeguard the personal laws of every community in India. That means that in so far as the various communities in India are concerned, we shall force nothing upon any minority. It is one of the fundamental rights guaranteed to minorities. If they wish to have any changes we shall help them to whatever extent we can, but we reserve to ourselves the right of advising them from time to time. But if they do not wish to accept our advice it is for them to make any changes that they like in their own laws, that is to say, their personal laws. Therefore, there should be no apprehension on that score at all as far as the Congress is concerned. It has been suggested in some quarters that there is a desire on the part of the Congress to . . . .

**Maulana Zafar Ali Khan:** Talk in this strain after the Britishers retire from India.

**Mr. M. Asaf Ali:** Maulana Zafar Ali Khan was an ardent Congressman at one time . . . .

**Maulana Zafar Ali Khan:** But I found you out.

**Mr. M. Asaf Ali:** I stand where I was. I do not find fault with Maulana Zafar Ali Khan, because he has changed his political faith. We have been prisoners together and we are good friends even today outside the House, and I still hope that reason will dawn one of these days. But, apart from that, I was dealing with this particular Resolution which is before the House and I was stating that an apprehension has been expressed in certain quarters of the House that there is perhaps a desire on the part of the Congress to use their power wherever they may be in a majority, to the detriment of some communities. I can assure every community living in India that there is not the slightest desire on the part of the Congress to do anything of the kind, because we are perfectly aware of the situation. Talking of Hindus, for instance, would the Congress be so foolish as to imagine that in the North-West Frontier Province or in Sind or wherever else the Muslims happen to be in a vast majority, they should be free to ram any law down the throats of the Hindu minority? They would not allow such a principle to operate and if they are not willing to allow this principle to operate in the North-West Frontier Province or Sind or in any other part of India, surely, they would not allow it to apply elsewhere. There must be one uniform law for everybody, namely, that in so far as the personal laws are concerned, different communities must be left to themselves to suggest whatever changes they think are necessary for themselves. If they are backward it is most unfortunate that they should not move fast enough; if they are going too fast it is unfortunate that we are not moving fast enough with them; but it is perfectly simple: we do not wish to coerce any one against his will. That being the position we have naturally now modified our original Resolution and we are now backing nothing else but the amendment which has been proposed by Dr. Deshmukh. Therefore, why should there be any cause for exasperation or controversy or bickering? I wished merely to explain the position of our Party and no more and having said that I do hope that the House will support the amendment.

**Some Honourable Members:** The question may now be put.

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

"That the question be now put."

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair will now put the amendment to vote. The question is:

"That for the original Resolution, the following be substituted:

"That this Assembly recommends to the Governor General in Council that a Committee be appointed consisting of a Chairman and six other Members, of whom not less than four shall be non-officials and of whom one at least shall be a woman, to report on the reforms which are necessary for improving the right of Hindu women to residence and maintenance, and the legislative measures necessary to give effect to such reforms'."

The motion was adopted.

## RESOLUTION *RE* NON-INDIAN COMPANIES AND PROTECTIVE TARIFFS.

**Mr. N. V. Gadgil** (Bombay Central Division : Non-Muhammadan Rural):  
Sir, I beg to move :

"That this Assembly recommends to the Governor General in Council that measures, legislative and otherwise, be taken immediately to prevent companies and concerns, the capital, membership, control or management of which is not predominantly Indian from taking advantage of protective tariffs imposed to foster the industrial development of this country."

The Resolution comes at a very appropriate time inasmuch as several years have elapsed since this country has adopted the policy of what is known as discriminating protection. This policy of protection essentially means that the country wants to build up its own industry and in the words of Professor Bastable it means "national apprenticeship" in industrial matters. But the expectations that were then raised, when this policy was adopted, have not been completely fulfilled, in my opinion, after a period of more than ten years. When the Government of India appointed a committee to report on the use of external capital, Pandit Madan Mohan Malaviya made a thorough review of the whole situation and, in his Minute of Dissent, he has stated what should have been the object of the protection policy and how it should have been carried out. He said:

"When we Indians asked for protection we did so in order to promote Indian enterprises with Indian capital and under Indian control. The Government of India understood us correctly and agreed with us. Speaking in 1916 on the Resolution which led to the appointment of the Industrial Commission, Sir William Clarke, the then Member of Commerce, said :

'The building up of industries where the capital, control and management should be in the hands of Indians is the special object we all have in view.'

He deprecated the taking of any steps which 'merely mean that the manufacturer who now competes with you from a distance would transfer his activities to India and compete with you within your own boundaries.' In concluding my note appended to the report of the Industrial Commission I said : 'I cannot conclude this note better than by endorsing the following generous and wise words of Sir Frederick Nicholson : 'I beg to record my strong opinion that in the matter of Indian industries we are bound to consider Indian interests firstly, secondly and thirdly. I mean by 'firstly' that the local raw products should be utilised; by 'secondly' that industries should be introduced; and by 'thirdly' that the profits of such industry should remain in the country'. We did not ask for the introduction of protective duties in order to benefit foreigners, nor did the majority of the Indian Members of the Fiscal Commission recommend that such duties should be introduced for the benefit of foreigners. The following paragraph from the minute of dissent of the minority of the Commission is important :

'There is one aspect of the question to which attention must be drawn. If our colleagues' recommendation is accepted it will be open to every foreigner to establish manufacturing industries in India by means of companies incorporated in their own countries and in their own currency. This danger did not exist under a policy of free trade, but it is bound to materialise when the benefit of protective duties becomes available. We may have under such circumstances companies incorporated elsewhere, say, in America in dollars, in France in francs, in Italy in liras, in Germany in marks, in Japan in yens and in China in dollars, etc. It will also be possible for these companies to obtain their whole capital in their own countries and thus carry away the entire profit of manufacturing industries established behind the tariff wall. The consumer will have paid a higher price, due to protective duties, and the entire manufacturing profit will have gone out of the country'."

Sir, their worst fears have been realised. Very recently, in one of the issues of *Harijan* a list of companies was given: each of them in appearance was 'India Limited'; but for all purposes, that is, for the purposes of capital, membership, control or management, they were entirely non-Indian or predominantly non-Indian. The list extends to all sorts of articles, both those which are protected and which are not protected; it is a very lengthy list and I do not want to go through the whole list; but I may point out that it is in two sections—one contains 125 companies and the other contains 58 companies—altogether more than 180 companies have been incorporated in the year 1934-35 or near about, under 'India Limited' and under the provisions of the Indian Companies Act. This will, I am sure, convince the House to what extent foreign capital has recently come into India. I am not one of those who, at any rate, would like here and now to eliminate the entire use of foreign capital, although that should be the objective towards which all our administrative and legislative efforts should be directed.

The Committee which reported on the use of external capital agreed that there must be certain conditions under which external and foreign capital should be allowed some participation in the industries of the country; but the evils are so many that unless proper precautions are taken the benefit that may accrue to the country will be considerably less than the disadvantages that the country will have to meet. In the first place, it is obvious that if foreign capital is to be used, then capital will naturally insist on its own directorate. If the directorate is foreign, we have little chance, as has been our experience throughout these thirty or forty years, that Indian talent will be encouraged and there will be no facilities for training Indians in those concerns. Then another aspect is with regard to profits. They leave the country absolutely without any chance of their coming back at all. Then, Sir, there are the vested interests which will be created. Not only they create an economic problem, a problem which relates to industries only, but they create a political problem as well, and here, in this very House, we have found during the last so many years that on any question of economic importance, it is the voice of the European Group which has prevailed more than their strength in this House justifies. The position of the English capitalist is so great in this country that not only he commands the economic power and is able to dictate to us, but, today, he has also got the political power behind him. Therefore, Sir, the whole business is doubly regrettable. The finding of this Committee is that there is Indian capital available, in fact, this Committee has gone to the length of saying that there is enough potent capital in this country, and if tactfully tapped, it is bound to be of great service for the industrial expansion of this country. Sir, very recently, Sir Stanley Reed, writing in the November, 1938, issue of the *Lloyd Bank Monthly Review*, stated that in India there was capital more than enough, and was waiting for opportunities for cautious and prudent investment. The position in India today is not that there is lack of capital and there is necessity for attracting foreign capital. If there was any need, that need has already disappeared, I submit, Sir, that the need is more for the British financier and British capitalist to find more profitable territory for investment. The international situation in Europe has made it impossible for any long term investment, and in the eastern countries, particularly in China, it is not possible for the European capitalist to invest with any hope of profit, because of the political situation and the continued and persistent

[Mr. N. V. Gadgil.]

opposition of the Japanese industrialists and Japanese manufacturers. Therefore, the danger today is all the greater, because the capital that may be released from those territories is more likely to find some outlet in India, and under the commercial safeguards, with the political power and with the present policy of the Government of India, there is nothing to prevent it from being dumped on this country, and I shall not be surprised if, in the near future, say, within the next ten years, the catastrophe that has been contemplated in the Minute of Dissent, to which I made reference just now, actually materialises.

Now, Sir, protection was granted to some industries for what purpose? It was granted so that the national industries should be built up, so that Indians can be trained suitably, but what has been the result? Take, for example, the case of matches. Protection was granted to the match industry, and what is the result? The result is that foreign companies like the Western India Match Company Ltd (Swedish Match Co.) and others have been started in this country with huge combines, with the result,—the Honourable the Commerce Member is aware of it,—that 17 factories which were owned and controlled by Indians were closed down in Calcutta, another 13 factories which were owned and conducted by Indians in Bombay were closed down. That was the result. In fact, the foreigners control sixty per cent. of the production of matches in India. Was that the object of granting protection?

Then, Sir, take the case of cigarettes. 95 per cent. of the production is under the control and ownership of foreigners in this country. Another notable illustration of this intrusion of foreign concerns is the launching of a chemical concern by the Imperial Chemical Company in the Punjab. This is foreign in every respect. Then, there are other articles like soap, rubber, boots, etc., and in all these things you will find that foreigners have made such a great headway that it has become increasingly difficult for our industrialists, in the first place, to start new factories and in the second place, to expand the activities of those concerns which are already in existence. Sir, this is not merely a temporary loss to the country, but it is a permanent loss, and when I plead, Sir, that there should be regulations and restrictions imposed, it is not as if it is a novel claim that I am putting forward. If you will kindly refer to the International Draft Convention which governs relations and activities of foreigners, you will find that this policy of regulation and restriction has been accepted there. In fact, at the International Conference on the treatment of foreigners held at Paris in 1929, Professor D'Aliva Lima laid down a very nice principle, and, with your permission, I propose to read it to the House:

"The exercise of the right of foreigners to acquire property could not fail to be subject to total or partial restrictions necessitated by the vital importance of safeguarding the national wealth, e g., in the case of the riches of territorial waters and of the sub-soil, motive power, monopolies, and in general, any activity which might lead, in fact or in law, to an excessive hold over the soil and vital resources of a country."

Now, Sir, that is exactly the thing that is happening in India. You take the mining industry, and I am told that 80 per cent. of the production is controlled by foreigners. You take the shipping industry, even in our territorial waters you find that a substantial tonnage is owned, controlled and managed by non-Indian concerns. Take again the Railways. They are practically mortgaged to the British capitalists, although the rigours are somewhat modified on account of State-management and the policy of this Government of buying up some of the concerns. Now, Sir, the real



question is what was the object of having a policy of discriminating protection. In fact it was a wrong policy to adopt,—it should have been a straight protection. Then, this discriminating protection has always discriminated against the Indians and not against non-Indians. There should not have been this policy at all, but we have accepted it for a long time, and so let us see whether the object of this policy has been fulfilled and the evils to which pointed attention was drawn by the External Capital Committee have disappeared and what remedies the Government have adopted to remove them. Anyway, I have pointed out that the extent of the evil is so much and so great that any Government with any claim for national good or for national progress ought to have come into the field earlier for remedying this evil.

This Resolution, Sir, merely asks the Government to undertake legislative and administrative remedies to stop this evil. I do not think I shall be in a position to suggest all sorts of remedies, but there are certain remedies which were pointed out to the Tariff Board which inquired into the match industry, and which could be adopted with advantage by the Government. One of those remedies was that either there should be a quota system,—I don't personally agree to it, but I am merely mentioning it,—or there should be differential excise duties so as to differentiate between Indian and non-Indian concerns. But the Tariff Board brushed aside all these suggestions and recommended that there should be licensing and non-official agency to control sales. If the Government justifies its policy of interference and gives protection, then the Government has full moral and legal right to further interfere, and not only to control the industries, because the industries are under an obligation on account of the tariff protection accorded to them, but also to see that the full effects of protection are realised for the benefit of the sons of the soil. Sir, if I were the Honourable the Commerce Member, I would at once put a stop to all non-Indian companies. I can only justify, as I have said, the use of foreign capital if I find that I have not enough capital in the country, but if you look today to the figures of investments in Government securities, if you look to the deposits in Post Office Savings Banks, and also in other banking institutions, you will find enough money is locked up. But why is it not coming forward? It is because the moment the Indian industrialist tries to start some concern, the policy of the Government is not to adopt a thorough going policy of supporting such industries, but to adopt a discriminating protecting policy, and as I have said, this discrimination works not in favour of Indians, but it always and usually goes against them. Therefore, I think that it is high time that Government should review and find out whether what they had really in view when they adopted this policy of discriminating protection has been successfully achieved or not. As I have said, in my opinion at any rate, there is an overwhelming case to show that the manufacturing field in India is more and more captured by the Englishmen. It is not merely that the English capital has come, but the English capitalist also has come with his close control, with his patronage, and there are many other things in which by showing their patronage they can create trouble between caste and caste and communities and communities. Therefore, my submission to the House is that if the House agrees with me that there has been a set-back to Indian industries owned and controlled by Indians and progressive conquest of Indian industries by non-Indian capital and if the House is convinced that an overwhelming case has been made out, then it will be only logical if it accepts my Resolution. Sir, I move.

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

"That this Assembly recommends to the Governor General in Council that measures, legislative and otherwise, be taken immediately to prevent companies and concerns, the capital, membership, control or management of which is not predominantly Indian, from taking advantage of protective tariffs imposed to foster the industrial development of this country."

**Mr. H. A. Sathar H. Essak Sait** (West Coast and Nilgiris: Muhammadan): Sir, I move:

"That the following words be inserted between the words 'Indian' and 'from' in lines four and five of the Resolution:

'or which do not employ all Indian communities in due proportion in their services and labour'."

The Resolution, in the form I want it to be amended, would read as follows:

"That this Assembly recommends to the Governor General in Council that measures, legislative and otherwise, be taken immediately to prevent companies and concerns, the capital, membership, control or management of which is not predominantly Indian, or which do not employ all Indian communities in due proportion in their services and labour from taking advantage of protective tariffs imposed to foster the industrial development of this country."

Sir, I will confine my remarks only to the amendment that I have moved. On the 14th March this year, my Honourable friend, Mr. Nauman moved a cut motion to discuss the conditions to be imposed on subsidised or protected industries in India, and there he explained his object to be that of providing for a proper representation of all the communities in the services and labour of such concerns as are receiving benefits from the protection provided under various protective laws. My amendment today is a natural corollary to that cut motion which was moved, but which unfortunately, for want of time, could not be proceeded with. It is quite possible that it will be argued that these concerns are private managed concerns and, therefore, it will not be possible to impose such conditions on them, that conditions which are easily enforced in Government services may not be so easily impossible on those concerns—that may be the argument which may be brought forward against my amendment. But I have this much to say. Though these concerns and companies are said to be private concerns, they are being supported from public funds in this way that the consumer pays for the protection that these concerns receive. The consumer is, after all, the taxpayer, the ratepayer of this country, and, therefore, he can have the right to say how and in what manner these concerns should be managed. We, in this House, as the representatives of the consumers, that is to say, the taxpayers and ratepayers, certainly have a right to say what we think should be the conditions under which these concerns should be managed. That is how I justify my amendment. There is no exaggeration when I say that it is the heavy sacrifice made by the consumers that keeps some of these concerns in their present position today. So, the consumer can certainly have the right to say what he thinks should be the conditions under which he will continue to make that sacrifice. When we come to the consumer, we find in that term are included all the communities of this country. They all suffer and suffer alike, so that the industries of their country may progress. If they do suffer and if they are prepared to suffer, it is our duty to see that they all enjoy the benefits which come out of this protection which is given at the sacrifice of these consumers, and that is where my amendment comes in. It is found that so far as the profit from this great sacrifice of the

consumer is concerned, a great portion of it goes to one community only. Of course, I am not complaining against it, I am not blaming anybody for it but the fact remains . . . . . (Interruption.) I am only mentioning the fact. If it is a fact that all communities are not enjoying the benefits of protection, then it stands to reason that some arrangement should be made, so that the benefits accruing from protection may be shared by all alike, and that is why I have moved my amendment.

Now, I come to another objection that has been raised here; namely, after all, these enterprises have been started by private capitalists and, therefore, this House should have no say in this. I think the first argument that I adduced serves to reply to this objection also. That is to say, it is not private enterprise alone, it is not the capital of capitalists alone that is running these concerns and companies. It is really the contribution made by the consumers that is today responsible for keeping these industries and these concerns in their present position. (Interruption.) The capital was there, but the capitalist was not able to run these things successfully, and that is why the consumer has been asked to make sacrifice. I believe I have established the fact that today it is much more the consumer who is responsible for running these concerns in their present conditions than the original capital.

Now, I take up another objection that may be raised and raised vehemently in this House. It may be said that this is a cry of communalism. I know that derisive comments will be made that communalism is being carried too far—that even in private concerns the communalists want to have their finger . . . . .

**Mr. President** (The-Honourable Sir Abdur Rahim): Does the Honourable Member wish to conclude his speech now?

**Mr. H. A. Sathar H. Essak Sait:** No, I will take some time more.

The Assembly then adjourned till Eleven of the Clock on Friday, the 14th April, 1939.