

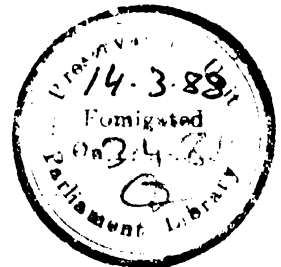
Thursday, 14th March, 1940

THE COUNCIL OF STATE DEBATES

VOLUME I, 1940

(16th February to 10th April, 1940)

SEVENTH SESSION OF THE FOURTH COUNCIL OF STATE, 1940



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COUNCIL OF STATE.

Thursday, 14th March, 1940.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

CONDEMNATION OF THE OUTRAGE COMMITTED AT THE EAST INDIA ASSOCIATION MEETING RESULTING IN THE DEATH OF SIR MICHAEL O'DWYER, AND THE WOUNDING OF LORD ZETLAND, LORD LAMINGTON AND SIR LOUIS DANE.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab Non-Mahammadan) : Sir, before we begin the business today, I ask your permission to give expression to our feelings of strong condemnation at the dastardly outrage which was made upon the life of Lord Zetland, Lord Lamington, Sir Louis Dane and Sir Michael O'Dwyer. Sir, it was a dastardly crime and I wish that our congratulations be conveyed to the Secretary of State on his providential escape, and also that our expressions of sympathy and condolence be conveyed to Lady O'Dwyer and our feelings of sympathy to the other injured dignitaries.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Mr. President, it is no exaggeration to say that we were staggered to see the news in today's papers of the dastardly attack made on innocent persons in a most cowardly manner. The whole of India will, no doubt, express its profound sorrow and great regret on this action of the misguided man who did it. It is most unfortunate, Sir, that at a time when important developments are taking place, and sympathy between the Britishers and Indians was most required, an outrage of this nature should have happened. I associate myself with the sentiments expressed by the Leader of the Opposition.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Non-Official) : Sir, we cannot too strongly condemn the insensate action of a misguided man in committing this outrage. Sir, without any reason or any provocation he murdered an old man and injured three other persons. I do not want to say more than this. I was reminded, when I saw the news this morning, of the dastardly murder that was committed about the end of June, 1909, of Sir Curzon Wylie. I am afraid that this act will put the hand of the clock back by 25 years at least. I ask you, Sir, to convey our sympathies to the family of the late Sir Michael O'Dwyer and our congratulations to Lord Lamington, Sir Louis Dane and Lord Zetland, our Secretary of State, for the providential escape they have had.

THE HONOURABLE LT.-COL. SIR HISSAMUDDIN BAHADUR (Nominated Non-Official) : I associate myself, Sir, with all that the previous speakers have said.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce) : I would like to associate myself with everything that has been said except with one remark of Sir David Devadoss. I do not think that a single, misguided

[Mr. R. H. Parker.]

act, wicked and cruel though it may be, should upset the political aspect of the nation's position.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. President, I am sure there is no one in India who will not view with detestation and abhorrence the outrage that has taken us all by surprise. I can conceive of no circumstances in which so dastardly an outrage could be justified. I entirely agree with the previous speaker that this outrage can have no effect on the future political development of this country. But I cannot help feeling that this senseless act will render the position of the Indian students in England extremely difficult. I hope, however, that British public opinion will not visit the sins of one criminal on the innocent members of our community in England who have associated themselves with Englishmen in offering their services for checking Nazi aggression.

THE HONOURABLE MR. B. N. BIYANI (Berar : General) : Sir, I associate myself and the Congress Party with the sentiments expressed in this House.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House) : Sir, it is only right that the Council of State should take the earliest opportunity to show its abhorrence and indignation at the dastardly crime that was committed last evening in London. I am certain, Sir, that the sentiments which have been expressed by Honourable Members in this House this morning reflect the true and sincere sentiments of the whole country. Crimes of this nature blacken the fair name of the Indian people and do the most grievous harm to the progress of our country. Sir, I would request you to communicate to Lord Zetland our profound grief and indignation at the murder which was committed last evening and our sense of relief that he, Lord Lamington and Sir Louis Dane escaped with their lives, though injured. We wish to convey our deep sympathies to Lady O'Dwyer and her son in their bereavement and we earnestly pray that those who have been injured may speedily recover. I also earnestly hope that this insensate crime will not estrange the feelings of English men and women from Indians living in England and elsewhere, and I am sure that we have heard with profound relief and gratitude the sentiments which have been expressed by my Honourable friend Mr. Parker a few moments ago.

THE HONOURABLE THE PRESIDENT : Honourable Members, I desire with profound sorrow to associate myself wholeheartedly with the expression of indignation and sympathy which has been expressed by the elder statesmen of India in this Council. It is perfectly clear from what has been said this morning, and I am very glad to see a Congress representative has also joined in expressing his indignation and profound sorrow over this occurrence, I am able to state that the whole country will view with deep sorrow and indignation this incident in England. As all the other Members have said, it is a dastardly crime and there are no extenuating circumstances about it. Not only was one ex-Governor killed but two other ex-Governors have been wounded. One of them is Lord Lamington who has rendered valuable service to India and to the Bombay Presidency and who ever since his retirement has been pleading for the cause of Indians in England. We are also profoundly grieved that the Marquis of Zetland who was presiding on the occasion has also received injuries. I am sure every Party in India, every sect and every community will condemn this dastardly crime. The Indian traditional discouragement of violence will reassert itself in condemning the action of this misguided individual who has brought disgrace to this ancient and famous country. I shall

very gladly convey your profound sympathy to Lady O'Dwyer and her son in their bereavement. I shall also convey our Council's congratulations to the Marquis of Zetland and the two other ex-Governors on their miraculous escape from serious injury and I will assure them that the whole of India is profoundly unhappy over this tragic event.

QUESTIONS AND ANSWERS.

TERMS OF OFFICE OF THE DIRECTOR GENERAL AND DEPUTY DIRECTOR GENERAL OF ARCHAEOLOGY.

50. THE HONOURABLE MR. HOSSAIN IMAM : (a) Will Government state when the tenure of the present holders of the posts of Director General and Deputy Director General of Archaeology will expire ?

(b) Whom do they propose to appoint to these posts after the termination of the present holders' tenure.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) The post of Director General is not a tenure appointment. The tenure of the present Deputy Director General of Archaeology will expire on the 21st September, 1940.

(b) No final decision has been made regarding the appointment to the vacancy in the post of Deputy Director General.

THE HONOURABLE MR. HOSSAIN IMAM : May we know whether the post of Deputy Director General is a tenure post and what is the duration of the tenure ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : I am not sure, Sir, I would like to have notice of that question. As far as I know I do not think it is a tenure post.

THE HONOURABLE MR. HOSSAIN IMAM : From this report I find he was appointed on the 22nd March, 1937.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : I find I am mistaken, Sir. It is a tenure post and the tenure is three years.

THE HONOURABLE MR. HOSSAIN IMAM : He was appointed on the 22nd March, 1937 according to the Civil List. How is he carrying on till the 21st September, 1940 ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : He was given an extension.

THE HONOURABLE MR. HOSSAIN IMAM : When was it given ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : My Honourable friend could have easily put down these details in the main question instead of trying to cross-examine me on them. It was open to him to put all this down.

FILLING UP OF CERTAIN APPOINTMENTS IN THE ARCHAEOLOGICAL DEPARTMENT BY MUSLIMS.

51. THE HONOURABLE MR. HOSSAIN IMAM : (a) Will Government state whether Dr. Sir Ziauddin Ahmad wrote them a letter in summer last regarding certain appointments in the Archaeological Department ?

(b) If so, will they place on the table a copy of his letter and of Government's reply to it.

(c) If no reply was sent, will they say what have they done in regard to those appointments? Have the posts been filled or are proposed to be filled by the appointment of Muslims. If not, why?

(d) What is the criterion for filling these appointments; and in what respect do Muslim servants in the Department fail to fulfil those tests?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) Yes.

(b) Government regret that they are unable to lay semi-official correspondence on the table.

(c) The first part of the question does not arise; in regard to the second part, no decision regarding the selection of a successor to the present Deputy Director General has been arrived at. The vacant post of Assistant Superintendent will shortly be filled by the appointment of a Muslim and Mr. G. C. Majumdar has been confirmed in the post of Superintendent of the Office of the Director General of Archaeology.

(d) The posts of Deputy Director General and Office Superintendent are filled by selection of the most suitable person available.

THE HONOURABLE MR. HOSSAIN IMAM : Regarding part (c) of the question, if a reply was sent the question would not arise. Does it mean then that a reply was sent?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Oh yes, Sir, a reply was sent.

DISCRIMINATION AGAINST MUSLIM EMPLOYEES IN THE EDUCATION, HEALTH AND LANDS AND ARCHAEOLOGICAL DEPARTMENT.

52. THE HONOURABLE MR. HOSSAIN IMAM : (a) Will Government state whether they received a representation from the Muslim Rights Protection Board, Lahore, regarding discrimination against Muslim employees in the Department of Education, Health and Lands and Archaeological Department? If so, will they place a copy of it on the table of the House.

(b) Will they state whether the allegations made in the representation are correct; if not, in what particular respect are these wrong? Will Government state which of the instances quoted therein are wrong?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) and (b). I would refer the Honourable Member to the reply given by Sir Girja Shankar Bajpai to Mr. Ghiasuddin's starred question No. 968 in the Legislative Assembly on the 10th March, 1939.

APPOINTMENT OF SIR LEONARD WOOLLEY TO INQUIRE INTO WORKING OF ARCHAEOLOGICAL DEPARTMENT.

53. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state :—

(a) On whose advice they appointed Sir Leonard Woolley to investigate into the Archaeological Department?

(b) What were his special qualifications for this work?

(c) What was the honorarium paid to him and the total cost of the inquiry?

(d) Was he verbally assured that he could adjudicate on the capacity of the staff of the Department? If so, who gave this assurance?

(e) Have Government considered the report? If so, what are their conclusions?

(f) What are the names and qualifications of the persons appointed and of those rejected whose cases are referred to in paragraph 36 of the Woolley Report?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) It is not the practice of Government to disclose the nature or source of confidential advice they may receive in matters of this nature.

(b) I would invite the Honourable Member's attention to the Press Communique, dated the 16th June, 1938, a copy of which was laid on the table of the Legislative Assembly on the 7th March, 1939 in reply to Mr. K. S. Gupta's starred question No. 815.

(c) As regards the honorarium paid to Sir Leonard Woolley, I would refer the Honourable Member to the statement laid on the table of this House on the 20th September, 1938, in reply to the Honourable Raja Yuveraj Datta Singh's question No. 146. The cost of inquiry was indicated in part (d) of the reply to Mr. K. Santhanam's starred question No. 63 in the Legislative Assembly on the 9th August, 1938 to which the Honourable Member's attention is invited.

(d) Sir Leonard Woolley was asked by Government to make such investigations as he considered necessary for the purpose of making a complete report.

(e) The report is under consideration.

(f) A statement showing the names and qualifications of persons appointed during the past five years is laid on the table. In regard to the second part of the question Government do not receive the details of candidates not recommended by the Federal Public Service Commission and are not therefore in a position to supply the information required.

THE HONOURABLE MR. HOSSAIN IMAM : On page 1 of the Woolley Report it is stated that he was verbally assured that the more complete the report the more it would be welcomed. Who gave this assurance?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : I think my Honourable friend has got a Resolution today on this subject and if he raises that point then I shall probably by that time be able to secure the information he requires.

THE HONOURABLE MR. HOSSAIN IMAM : And regarding part (f), there is also in the report a great condemnation for rejection of some particular person.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : As my Honourable friend is discussing the report I think he might postpone these points till then.

Statement laid on the table in reply to part (f) of question No. 53 by the Honourable Mr. Hossain Imam.

Persons appointed to the Archaeological Department after consultation with the Public Service Commission during the past five years.

1. Dr. B. C. Chhabra, M. A. First class of the Punjab University; M. O. L. Studied Indian and Indo-Japanese Archaeology, Pali and old Javanese and Epigraphy at the University of Leiden and awarded Ph. D.

2. Mr. T. N. Ramachandran, M.A. Second class of Madras University. University Gold Medallist for proficiency in Sanskrit language and literature. Worked for ten years as Archaeological Assistant in the Government Museum, Madras.

3. Mr. A. Ghosh, B.A. 1st class, M.A. 2nd class of Allahabad University. University Research Scholar and United Provinces Government Research Scholar. Training in archaeological excavation under Mr. N. G. Mazumdar, Superintendent, Archaeological Survey, and in Indian Museum, Calcutta.

4. Mr. C. C. Das Gupta, M.A. of Calcutta University. Held Khaira Research Scholarship and Premchand Roychand Scholarship. University Gold Medal and Prize for M. A. examination in Ancient Indian History and Culture.

VALUE OF ORDERS RECEIVED BY THE SUPPLY DEPARTMENT FROM VARIOUS GOVERNMENTS.

54. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Has the Supply Department received orders from various governments amounting in value to over Rs. 14 crores ?

(b) What is the value of orders placed for each of the following articles :—

- (i) Sandbags and hessian,
- (ii) Tea,
- (iii) Munitions, and
- (iv) Steel ?

THE HONOURABLE MR. H. DOW : (a) Yes. This figure excludes munitions and military equipment supplied by the Master General of Ordnance.

(b) (i) About Rs. 10 crores 11 lakhs.

(ii) About Rs. 2 lakhs 35 thousand.

(iii) It is not in the public interest to reply to this part of the question.

(iv) About Rs. 48 lakhs and 57 thousand.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : With regard to the answer given by the Honourable Member to item No. (iii) of part (b) of the question, am I to understand that munitions are not included in the total of Rs. 14 crores referred to in part (a) of the question ?

THE HONOURABLE MR. H. DOW : Yes, Sir.

FUNCTIONS OF THE DEFENCE SUPPLY COUNCIL.

55. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) What are the functions of the Defence Supply Council and who are its members ?

(b) How often has it met since its constitution ?

THE HONOURABLE MR. H. DOW : (a) The Defence Council of Supply consists of His Excellency the Commander-in-Chief and Defence Member as Chairman and the Honourable Supply, Commerce and Finance Members as members. Its functions are to deal with matters of war supplies, either of its own initiative or on reference from the War Supply Board.

(b) Twice.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Can the Honourable Member mention the dates when this Council met ?

THE HONOURABLE MR. H. DOW : I am afraid I should require notice of that. I have not got the dates ready.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Could the Honourable Member tell me whether the Council was consulted with regard to the appointment of the gazetted staff or the Liaison Officers and Controllers?

THE HONOURABLE MR. H. DOW : Sir, the War Supply Board is vested with the powers of Government. The War Supply Council is kept informed by a daily statement of everything of importance which is done in the Department of Supply, and of every important reference that is either received or goes out. At the end of every week a weekly statement of the more important action is given to all the members. It is open to any member of the War Supply Board who finds himself unable to accept a decision to refer the decision to the Defence Council, and the Defence Council can itself take up any matter of its own initiative.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May I take it that the Defence Supply Council has the power to alter a decision already arrived at by the War Supply Board Department?

THE HONOURABLE MR. H. DOW : Yes, Sir, certainly.

INTRODUCTION OF LEGISLATION TO PROVIDE FOR APPEALS IN CIVIL CASES FROM HIGH COURTS TO THE FEDERAL COURT.

56. THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : (a) Are Government taking any steps to introduce legislation for the appeal to the Federal Court of India from the High Courts in civil cases?

(b) If the answer to the above question is in the affirmative, what are the steps taken and whether it is likely to introduce legislation in the next session?

THE HONOURABLE MR. E. CONRAN-SMITH : (a) The Government of India have the matter under consideration.

(b) The Government of India addressed Provincial Governments on the 8th February, 1940, asking for their views on the question of enlarging the appellate jurisdiction of the Federal Court in the manner provided by section 206 of the Government of India Act. The question of legislation cannot be considered until the replies are received.

RESOLUTION *RE* CONTRACTS FOR SUPPLIES OF FOOD, ETC., ON RAILWAYS.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern Non-Muhammadan) : Mr. President, I beg to move the following Resolution:—

"That this Council recommends to the Governor General in Council to instruct the authorities of all the railways to adhere to the following principles in giving contracts of foods, eatables and drinks :—

- (a) the contract should be given, where possible, preferably to local contractors and in no case should any monopoly of contract be permitted ;
- (b) the railway administration should not attempt to derive monetary profit from contractors ;
- (c) the articles should be sold at market rates ; and
- (d) no contractor should be allowed to sublet in any case."

[Mr. P. N. Sapru.]

Sir, the question of food supplies on railways is an important one. Healthy food cleanly served at moderate rates is something which passengers value, is something which passengers travelling on railways have a right to expect. Further, Sir, we have today rail-road competition and if the food supplied is not satisfactory, traffic may be diverted from the railways to the lorries and buses. Good food, Sir, is something which we all value—even Members of this House value it. Sir, I have in my Resolution enunciated certain principles and I am not interested in any contractor or in attacking any particular contractor. I am not here to plead the cause of one contractor or the other or to condemn any contractor. Further, Sir, in order to avoid any misunderstanding, I should like to say that personally I have no grievance against the refreshment rooms. I have some experience of the Delhi refreshment room and I am free to confess that I have personally found the food at the Delhi Hindu refreshment room and the Muslim refreshment room fairly satisfactory. I want to make it clear that I am not attacking any individual or any individual firm in this Resolution. I am raising a question of principle. Sir, I am suggesting that the contract should be given according to certain principles because I think that in the public interest it is desirable that the various Railway Administrations should follow a uniform policy in regard to the matter of food supply, that the principles to be observed by the Railway Administrations should be as far as possible uniform in regard to this matter. Today one Agent has one policy, one General Manager has one policy and another Agent has another. This is what I wish to avoid and this can be done by co-ordinated effort and direction from the Central Railway Authority, namely, the Railway Board. Now, Sir, I will invite, with these preliminary remarks, attention to the principles which are found embodied in the Resolution and I would say that on a close examination it will be found that these principles are sound. The first principle I enunciate is that the contract should be given—I have qualified this by the words “where possible”—“preferably”—that again is a qualifying word—to local contractors and in no case should any monopoly of contract be permitted. Now, Sir, I say local contractors preferably, because as we know tastes in different parts of the country differ. The food which is to the taste of the Bengali in Calcutta is not the same which is to the taste of the Punjabi in Delhi. There is no standardised food in India. English food is much the same all over, but there are local variations so far as Indian food is concerned. The type of food which people in Calcutta like is not the type of food which exactly the people in Delhi like. Therefore local contractors are in a better position to deal with the requirements of their particular railway stations.

THE HONOURABLE LT.-COL. SIR HISSAMUDDIN BAHADUR: The contractor can keep a cook, Sir, a Punjabi cook, easily.

THE HONOURABLE MR. P. N. SAPRU: Yes, it is quite true that he can keep a cook but the supervision is his, the direction is his, the brain is his. The cook will cook according to the directions given by the contractor. Also, I think, Sir, local talent should have some patronage from the Government. In my own town of Allahabad I find that a large number of sweetmeat vendors and betel sellers have been given notices. They are not going to be allowed to supply any food at Allahabad railway station. So far as Indian food is concerned, Sir, we know there is a distinction between *kutchra* food and *pukka* food. That is to say the *pukka* food is *puris*, *kutchauris* and *metais*. All that is classed as *pukka* food. These used to be supplied at railway stations by local vendors. So far as *kutchra* food is concerned, that includes meat,

rice and vegetables and *chappattis*; all that is classed as *kutch*a food. Now the contractor for the *kutch*a food, for refreshments proper, has also been given the contract for the *pukka* food, with the result that a large number of people who were dependent for their living upon supplying food to passengers at railway stations have been thrown out of work. Now, it cannot be said that, as a result of this arrangement, efficiency has increased. I do not think that the quality of the food has gone up. I do not say necessarily that the quality of the food has gone down. I have no experience so far as this is concerned. But if a man gets a monopoly, then the incentive to effort is lost. He knows he can charge what prices he likes. He knows he has no other competitor in the field. He becomes careless. Only competition we find, if we are working a system of individual economy, is essential for efficiency. Therefore, Sir, I say that this system of giving a contract to one contractor *on a whole line* is wrong and it should be reconsidered. That is the first point that I raise in my Resolution.

Then, Sir, the second point which I raise in my Resolution is that the Railway Administration should not attempt to derive monetary profit from contractors. I understand that a licence fee is charged from contractors, from those who are allowed to sell things at railway stations. Now, Sir, railways are a public utility concern and for the convenience of the passengers it is necessary that there should be proper food supplies and it is not desirable that you should use this necessity to make a profit out of those who cater on railways.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Non-Official): Then how would you propose to limit the number of caterers?

THE HONOURABLE MR. P. N. SAPRU: Well, Sir, you must devise other methods for limiting the number of caterers. Select the man who you think will cater properly. Because a man is prepared to pay a good licence fee, it does not follow that he is necessarily a good caterer, and the criterion you must have is the fitness of the man for catering, not the fitness of the man for paying a particular licence fee. If a man has got to pay a licence fee, necessarily he must pass it on to others and charges at railway stations have necessarily to be higher. If I have got to pay say a heavy sum to the railways, I would like that sum to be passed on to the consumer. And it is not, therefore, in the interest of the travelling public that the railways should make any substantial profit out of these contractors. It may be necessary for you to have a small licence fee. The words that I have used are "derive any monetary profit" and therefore Sir David Devadoss's objection has been anticipated in the Resolution as I have framed it.

Then, Sir, the third point that I emphasise in the Resolution is that the articles should be sold at market rates. Now, Sir, I may say frankly that I am not myself quite satisfied with this clause. Its wording needs a little revision. I should have said and I have failed to say that they should be sold "as far as possible" at market rates.

THE HONOURABLE THE PRESIDENT: What do you mean by market rates?—the rates at which the articles are selling outside?

THE HONOURABLE MR. P. N. SAPRU: In the bazaar.

THE HONOURABLE MR. SHANTIDAS ASKURAN: Then what about the fees they have to pay?

THE HONOURABLE MR. P. N. SAPRU: That is exactly why I say I am not quite satisfied with my wording here. The articles should be sold as far as possible at market rates.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: You might say "at a reasonable price."

THE HONOURABLE MR. P. N. SAPRU: Yes, Sir. The point is that the price must not be exorbitant, must not be excessive. Of course, if I am selling my goods in the market, I have a larger public to cater for. But there are times when I cannot sell anything on the platform, and then I have got to bring my goods to the railway station. If necessary, I should be allowed for this reason to charge higher rates but the charges should not be unreasonable, should not be exorbitant, should not be much more than the charges in the open market. That is really what the Resolution intends to convey though I am free to confess that the wording is not as happy as it might well have been.

THE HONOURABLE THE PRESIDENT: Who is to decide what the market rate is?

THE HONOURABLE MR. P. N. SAPRU: Everybody knows what the market price is.

THE HONOURABLE MR. HOSSAIN IMAM: Especially now that we have market controllers.

THE HONOURABLE MR. P. N. SAPRU: Now, Sir, I am told that the prices in Tundla are fairly high. Milk is sold at 3 to 4 annas a seer, *sundaish* at one rupee a seer, *puris* at 12 annas a seer, and so on. Therefore, the prices at which these articles are sold at the railway stations should be looked into and we should try, as far as possible, to see that the prices charged are not exorbitant having regard to all the considerations involved.

Then, Sir, the last point that I urge in this Resolution is that no contractor should be allowed to sublet in any case. I certainly object to this subletting business. This means the addition of other middlemen. If a contractor is allowed to sublet, then he begins to share his profits with other middlemen. This results in the lowering of the quality of the foodstuff and the raising of the price of food. If a contractor takes up a contract, then there should be personal supervision on his part. We know as zemindars what the *theka* system is. The *thekedar* tries to make as much profit out of the zemindari which is leased to him as he can, and what is true of zemindars is also true of the contractor and the sub-contractor—

THE HONOURABLE SARDAR BUTA SINGH (Punjab: Sikh): You are talking of zemindars in the United Provinces?

THE HONOURABLE MR. P. N. SAPRU: We have got a different zemindari system from that of the Punjab. Therefore, this principle is a right principle. I know that this question has been under the consideration of the Central Advisory Council on many occasions. There have been discussions in the local Advisory Councils also. I do not wish to go into the history of this question. I have tried to put the case on general and impersonal grounds, and I think I have made out a case for investigation, on the lines recommended in this Resolution, by the railway authorities.

Sir, with these words, I commend my Resolution to the acceptance of the House.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to support the Resolution which has been moved by my Honourable friend Mr. Sapru. I might explain that by monopoly, the intention of the Mover is that monopoly means exclusive right of sale of foodstuffs at stations more than one. He has himself explained what he means by bazaar rates. As the Honourable the President asked a question how to adjudge the bazaar rates, I might inform the House as well as our Honourable the President that in every tahsil, in every district, a rate list is kept giving the rates of everything. However, Sir, to ask that the bazaar rate should apply to the station vendors dealing with foodstuffs is not right. They have to pay their ordinary *dastur* to the station staff, which of course will prevail all through. As long as it is normal, it is what we call a *dastur*. But, over and above that, he has to pay a licence fee, and that licence fee sometimes is Rs. 2,000.

THE HONOURABLE MR. SHANTIDAS ASKURAN : Sometimes more At Ahmedabad station, he pays about Rs. 5,000, if I am not wrong.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : My information is, Sir,—I cannot say how far it is right or wrong,—that at certain stations something like Rs. 7,000 and Rs. 10,000 are paid every year. I did put a question to one of the contractors who came to see me—of course those contractors concerned, I may say, have been canvassing us—and I was told that on the E. I. R. the total amount paid as licence fee and other fees was over Rs. 50,000 a year by Vallabhdas Isherdas. When Government accepts half a lakh or more from one contractor, that money has to come out of the pockets of the travelling public. When there is absence of competition, the poor people suffer. I know, because I am one of those who prefer Indian food, and I take Indian food while I am travelling. I can say with personal knowledge where the service and quality is the best. I must say, Sir, that giving the monopoly to one firm is not in the interests of the travelling public. The Honourable the Communications Member observed in the other House while speaking on a similar Resolution that the Central Advisory Council has been asked to give fresh opinion on this subject. I have experience of the Central as well as the local Advisory Committees and my impression is that sometimes the authorities accept the recommendation and at other times they simply throw it away. As illustration I will give one instance. When I was on the N. W. R. Advisory Committee, and when the metal venetians were introduced, the Committee strongly objected to them because in the summer the metal got very hot and in the winter it got very cold, and the result was inconvenience to the public. The then Agent of the Railway accepted that recommendation. But what do we find in practice ? That recommendation should be somewhere, but nobody cares for it, and the venetians are still going on in all the new coaches that have been built. However, Sir, in this House there are persons who travel a lot and who know where good and bad food is served, and I can say with my personal experience that wherever you give a monopoly of a number of stations to one man, the quality of the food deteriorates and it is not in the interests of the travelling public that one firm should have a monopoly in vending foodstuffs, replacing hundreds of poor but efficient vendors of old standing.

[Rai Bahadur Lala Ram Saran Das.]

Sir, reference was made regarding the catering of European food. My Honourable friend the Mover has already observed that as far as European food is concerned, it is of one type throughout India and therefore the necessity of dividing it does not arise. My own information, while I was on these Advisory Committees, was that some of the restaurant cars did not pay and the result was that the Railway was inclined to give them refreshment rooms at the various places to enable them to make their way. If I am wrong, the Honourable the Chief Commissioner will put me right. But what do we find here ? As far as the Delhi station is concerned, my information is that the contractor pays about Rs. 7,000 a year as licence fee, and if I mistake not, tenders of over Rs. 12,000 a year were received, though not accepted. Still, Sir, to charge heavy licensing fees from these refreshment rooms and other vendors of food-stuffs is putting the public to inconvenience and loss. They are instrumental in raising the prices and for the deterioration of food. I can say from my personal experience that generally speaking such contractors and food vendors do not use pure ghee. Instead they use vegetable product which produces a suffocating sensation in your throat. (Laughter.) It is a fact, as those who have experienced it know. It produces sore throat and so on, and the food is not tasty at all. I must say that the supervision of the railways as far as this matter is concerned is most inefficient. But these poor fellows have to do so in order to meet their heavy overhead and miscellaneous expenses in meeting the demands of the staff in the shape of *dastur* in addition to licensing fees. They have to raise the prices and the travelling public suffers. Therefore I strongly support what the Honourable Mr. Sapru has said.

THE HONOURABLE MR. SHANTIDAS ASKURAN (Bombay : Non-Muham-madan) : Sir, I have no doubt my Honourable Friend Mr. Sapru, the Mover of the Resolution, will be very much liked by the public for taking an interest in travellers in the country. Sir, he wants to give good food at cheap competitive rates. Cheap competitive rates mean the rates obtaining in hotels and food vendors in the market. And he wants the best quality. That is very easy to expect but how can these people afford to do it ? They buy these licences at the highest price. It is an open auction and generally the highest bidder secures the contract. It is for this reason that they have to charge high rates and also supply in return the poorest quality of food. Therefore, if the public expects, and rightly, to get better food, this system must be abolished. And the question of the continuance of this system should be considered, not necessarily by a committee, but by the authorities concerned.

As regards subletting of parts of these contracts, I agree with my Honourable friend Mr. Sapru that it should not be allowed.

Thirdly, I think that although we the Members of this House understand this question well, the Passengers and Traffic Relief Association which also takes a great interest in the matter is more qualified to express an opinion on this question. Yesterday I received some information from the Chairman of that Association about this question. The Passengers and Traffic Relief Association has given a good deal of consideration to this question and they believe that the giving of contracts for tea and food stalls on different railway stations to small local men often leads to deficiency in service, as the man has to depend solely upon the earnings of that particular station ; whilst if the contracts were given to a big contractor he can invest sufficient to ensure good and efficient service and also satisfy the travelling public, because even if he loses on certain stations he can make up his loss on others. This is the information supplied to me by the Chairman of that Association, and I would rather

rely on that than on my own superficial knowledge. At the same time about the other two points, the abolition of the high licence fees and subletting, I entirely agree with the Honourable Mr. Sapru.

THE HONOURABLE LT.-COL. SIR HISSAMUDDIN BAHADUR (Nominated Non-Official) : Sir, just a few words for the information of the House. I am on the Central Advisory Council, and this matter was settled last year, and I think the question should not be reopened from time to time. Let an opportunity be given to the working of the settlement arrived at by the Council, which we will discuss, the question of monopoly, etc., again tomorrow.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : Sir, as a member of the Central Advisory Council, for Railways I was rather surprised to find this question raised again in the other House as well as in this House. I do not challenge the right of this House to give us directions in this matter and I am bound to follow such directions if given by this House, especially in this matter. If the House desires to lay down certain principles we shall abide by them and we shall bring influence to bear on the railway authorities in the Central Advisory Council to act up to them. Well, Sir, in the last meeting at Simla this question was discussed by the Council and the report of the Council says :—

“ Should the contract be given to local professional men or would more satisfactory results be obtained by giving contracts by areas or sections. The Council unanimously agrees that this thing could best be left to the various railway administrations to decide subject to their consulting the local Advisory Committees ”.

Sir, it is rather surprising to me in view of the discussion of this question at Simla in the Central Advisory Council what reasons led those Members who actually took part in the deliberations and who came to a decisive conclusion on this matter to raise it again. I cannot understand myself.

THE HONOURABLE THE PRESIDENT : Was Mr. Sapru there ? If not, why should he not move ?

THE HONOURABLE MR. V. V. KALIKAR : No, he was not there. I said at the beginning that if he thinks there are causes for complaint the House has a right to voice them, and we shall abide by its decision.

Sir, I find that in the other House the Members who unanimously agreed
 12 NOON. made again complaints about this matter. Now, let us
 take the question one by one. The first point raised by
 my Honourable friend Mr. Sapru is about monopoly. Sir, I also do not like monopoly, but there are merits as well as demerits of monopoly. If by monopoly my friend means that a station platform should be turned into a bazaar and that for a certain article there ought to be a large number of contractors, then certainly there would not be any monopoly. If you give a contract for a certain article on a certain station to one man or even to two men, then, Sir, monopoly arises there. I do not think that my Honourable friend Mr. Sapru has in view this sort of situation. I do not think he agrees—

THE HONOURABLE MR. P. N. SAPRU : Competition should not be eliminated.

THE HONOURABLE MR. V. V. KALIKAR : Does my friend mean to say that on the station platform there ought to be so many contractors, that for

[Mr. V. V. Kalikar.]

one or two articles there ought to be 10 or 15 contractors and that the platform should be turned into a bazaar? Sir, the only principle according to me that ought to be followed in giving these contracts is that the travelling public must get good and wholesome food at a reasonable cost.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Pure.

THE HONOURABLE MR. V. V. KALIKAR : I have said good and wholesome food at a reasonable cost. If a petty contractor can afford to give the travelling public good and wholesome food at a reasonable cost, I do not like a big contractor to come in, but if the petty contractor is not in a position to give good and wholesome food at a reasonable cost to the travelling public, certainly the Railway Administration must look into the matter and if they find a big contractor who can finance this properly, who can give good service to the travelling public and who can sell his articles at a reasonable cost, I think the Railway Administration should not in any way shut out those big contractors. It is after all a question in the interest of the travelling public and not in the interest of a particular contractor—a big or a small contractor. I am not interested in any one contractor, a big contractor or a small contractor. I look to the interest of the travelling public and if the travelling public is satisfied with a petty contractor or if the travelling public is not satisfied with a big contractor, it is the duty of the Railway Administration to look to the interest of the travelling public and see that catering is managed efficiently and at a reasonable cost. There are various difficulties in the way and therefore, Sir, at the last meeting of the Advisory Council we decided that this matter should be left to the discretion of the Railway Administration. Then, about the rates, my friend has changed his position. I am very glad to find that my Honourable friend himself admits that this clause is not properly worded. That is my experience of purchasing food at the railway station, that you cannot afford to get good food at the railway station at the same cost as in the bazaar. There the contractor has to incur certain additional expenditure; there the contractor, whether he is a big contractor or a small contractor, has to pay reasonable fees as licence or rent fees to the Railway Administration; he has to engage certain servants and his catering is limited to a very limited number of customers and therefore he has to charge something more. I am glad that my Honourable friend appreciates the position and has admitted that the railway contractor has to charge more for the articles he has to sell to the travelling public on the station. Then, the last question is about subletting of contracts. If my information is correct—I do not know whether it is correct or not—but if my information is correct, I think the Railway Administration do not allow the contractor to sublet the contract. If I am wrong my Honourable friend the Chief Commissioner for Railways will correct me. This question does not arise at all. As regards clause (b), that the Railway Administration should not attempt to derive monetary profit from contractors, we decided that the railways should not make a profit out of catering business and this decision was accepted by the Railway Administration and it was decided, I believe, that they would charge only reasonable license fees or rents for the rooms occupied by contractors. For instance, they charge certain fee for electricity; they charge certain fee for occupying the rooms on the station; and it is also my view that it ought not to be made a profiteering concern by the railway, so that the contractors, whether big or small, should not ultimately be required to pay more, and therefore charge the travelling public more for that purpose. Lastly, Sir, I have to state one thing and that is the point referred to by Sir

Hissamuddin Bahadur. This matter is again going to be considered tomorrow. Therefore, I would request my Honourable friend not to press the Resolution now, but to wait till the decision of the Central Advisory Council for Railways.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner for Railways): Sir, I can think of no question which has received more consideration than that of catering on railways, in this House, in the Legislative Assembly and in the Central Advisory Council for railways. Speaking from memory during my 10 years' experience of attending the Central Advisory Council meetings I think this subject has occupied the full time at about six meetings. During the past few days I have been inundated with literature on the subject—

THE HONOURABLE SIR DAVID DEVALOSS: Not only you, but others as well.

THE HONOURABLE SIR GUTHRIE RUSSELL—including a letter from our old friend "A public servant", one of those gentlemen who prefers not to disclose his identity. I may say that this morning at 7.30 a letter was brought into my bedroom with a red label marked "Express delivery". I do not know if other Members of the House had the same privilege. Last year on the 16th September at the last meeting this question was discussed by the Central Advisory Council. We came to decisions—at least we thought we had come to decisions—on all the main points, all the main points of Mr. Sapru's Resolution. But apparently my Honourable friend wishes to reopen the whole question. To those Members of the House who are not aware of the decisions which were arrived at by the Central Advisory Council, I shall detail these very shortly. Now, with regard to part (a) of the Resolution, the Central Advisory Council unanimously agreed that the question whether the contract should be given to local professional men or whether more satisfactory service could be obtained by giving contracts by areas or sections should be left to the various Railway Administrations to decide subject to their consulting their local Advisory Committees. Now, Sir, this question was also raised in the debate on the Railway Budget in the other House and the Honourable the Member for Communications promised that this question of monopolies should be once again discussed by the Central Advisory Council. There was a meeting yesterday but unfortunately we did not manage to reach that item in the agenda, but the question is going to be discussed tomorrow and that being the position I do not think Members of this House can expect me to say anything more about it.

THE HONOURABLE MR. HOSSAIN IMAM: On a point of explanation, Sir, was that promise honoured by the E. I. R.?

THE HONOURABLE SIR GUTHRIE RUSSELL: Any orders issued by the Railway Board have, so far as I am aware, been honoured by the E. I. R.

Now, we come to item (b) of Mr. Sapru's Resolution. The proposition which was accepted by the Central Advisory Council was as follows:—

"Charges should be levied by railways at refreshment rooms and a licence fee should be recovered from vendors. The amount of such charges and the methods by which they should be levied should be left to the Railway Administrations acting in consultation with their local Advisory Committees, bearing in mind the paramount importance of adequate supplies at reasonable rates to the travelling public".

[Sir Guthrie Russell.]

Now part (c) then follows directly on part (b). "The articles should be sold at market rates". I was very glad to hear that the Honourable the Mover admitted that he was not quite sure about the wording of his own Resolution. What was agreed were that the conditions under which articles were sold in railway premises precluded any regulations which would strictly limit the prices charged to those prevailing in the locality and it was agreed that in the fixing of prices the nearest local authorities should be consulted and that a revision should be made whenever there was substantial variation in the prices of the commodities mainly used.

I think it was my Honourable friend Mr. Kalikar who said it was quite impossible to ensure that the prices charged to the travelling public on station platforms should be exactly the same as outside rates and that, I think, is correct. The station refreshment room caterer does not know how many people are coming each day. He has got to keep supplies. One day 50 people may come along, another day 10. He has got to safeguard himself. Further, station refreshment rooms are subjected to very much more vigorous supervision than the village shops. That also leads to an increase in prices. So I do not think it can be justifiably argued that the prices charged must be exactly the same as in a neighbouring village. But with the machinery we have in operation, we do our best to limit these prices to what we consider reasonable.

Now, I think it was my Honourable friend Lala Ram Saran Das who complained that the Railway Board and the railways did not do what the Advisory Committee told them to do.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, what I said was that, even when the Agent of the general line now accepts the recommendation, even then that is not followed.

THE HONOURABLE SIR GUTHRIE RUSSELL : Well, I misunderstood my Honourable friend. I thought his complaint was that we did not always accept their advice. But this is a case in which we have accepted their advice and issued orders to railways on that advice.

Finally, we come to (d). "No contractor should be allowed to sublet in any case". Well, subletting is forbidden. There is a clause in the contracts forbidding subletting. On certain railways the clause reads "No contract shall be sublet without the permission of the administration" so even in this respect we do our best to safeguard everybody.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : But they are sublet.

THE HONOURABLE SIR GUTHRIE RUSSELL : Well, my Honourable friend says they are. Can he produce any proof that they are ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I can.

THE HONOURABLE SIR GUTHRIE RUSSELL : Sir, I would ask my Honourable friend Mr. Sapru to reconsider his Resolution. The ink is hardly dry in the orders we have issued to railways, and there is already a demand for further consideration. Surely it shows scant respect for the Members of this House who have been elected as Members of the Central Advisory Council. I think if my Honourable friend considers what I have said, he will see that what

the Central Advisory Council have advised goes a very long way to meet his points and I would suggest for his consideration that the Resolution be withdrawn.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, may I ask the Honourable Member one question, on a point of information? With regard to monetary profit made by the railways out of these contracts, did the Central Advisory Council resolve that the railway authorities could charge as large a sum as they liked?

THE HONOURABLE SIR GUTHRIE RUSSELL : They said that we could levy fees but that they should be reasonable.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muham-madan): Mr. President, ordinarily I would not have intervened in this debate, had it not been for the fact that certain essentials have been left out and the matter has been restricted too far. The Honourable the Mover, Mr. P. N. Sapru, was dealing with catering and an essential part of it consisting of drinks like soda, etc., was not touched upon by any person. I am glad, Sir, that he in the very beginning made it clear that he had neither a grouse against any particular person, nor any axe to grind for any individual. We are discussing this matter from a broad outlook of principles and we have to see whether the principles enunciated in his Resolution are sound or not. The word "monopoly" has been twisted somewhat by the people who are against this Resolution into meaning that if you do not have a monopoly it would mean having a crowd of vendors at the stations. But there can be competition without a crowd too, if you have different persons supplying goods at different stations. Then a passenger has the choice of buying his goods at one station or at another, say, 40 miles further up the line, where there is another vendor. Now, if you give the contract to one person throughout the length of the line, you not only eliminate competition at one station but throughout the line. You make it impossible for a passenger to have goods supplied by alternative vendors. I think something of this kind was working in the mind of the Honourable the Railway Member when he discussed this question in the other House—I am very glad, Sir, to find him present here today. In his speech there, he referred, Sir, with some approval to the suggestion of Mr. Nauman that 200 miles would be the right limit for which to give a catering contract to a person. Further, Sir, the Honourable the Chief Commissioner for Railways stated that after a settlement had been finally made by the Railway Central Advisory Council, it was not quite all right for us to reopen the question. But perhaps he forgot that a provocation was given by the Howrah people and that has been fully dealt with in the Assembly debate which I am not going to recite. I will only cite the speech of Sir Abdul Ghuznavi which dealt with the manner in which the General Manager flouted the decision of the Central Advisory Council. The Honourable the Railway Member was a little bit apologetic and said in the other place that the action of the General Manager was due to the fact that the Railway Board had not up till then intimated the decision of the Central Advisory Council. The decision of the Central Advisory Council was taken as far back as September and the matter came up in January. For four months the Railway Board sat upon the decision, and yet they accuse that we reopen questions after they have been finally settled. Politically I am rather against all big business. I cannot endorse any effort which the business might make to eliminate the small firms and to accumulate wealth

[Mr. Hossain Imam.]

in the hands of a few. Democracy, Sir, is supposed to be an institution for the greatest good of the greatest number as opposed to autocracy which tries to enrich a few at the cost of the rest. But we must also remember that this big business is a bye-product of the present day civilisation. You cannot get out of it. It is too big. It can control governments; it can control the Press; it can control even politicians. It can buy up the things which it would not be possible for others to do.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Not Bihar!

THE HONOURABLE MR. HOSSAIN IMAM: Sir, we haven't got big business except the Tatas who are out in Bombay. So, it would be idle for me to try and lay down that big business should not come in. It would be as futile as trying to stop flood waters with cardboard. So, I would suggest to the Railway Administration to find a *via media* if they cannot stop this monopoly in the hands of the big contractors for the refreshment rooms and other eatables. They can at least make a sort of compromise by giving contracts for certain articles like *pan*, cigarettes, fruits and tea to the local men. By this means you can satisfy both the sides. The railway refreshment rooms are only situated at big junction stations, and there is some sense and a good deal of reason to support the view that it should be concentrated in the hands of experts and people who have experience of big business, because, thereby they can cheapen the cost. But these refreshment rooms do not serve the majority of railway passengers who travel third class and who want everything at the lowest possible cost. It serves the needs of the upper middle class and the upper class. Therefore, it should be possible for Government to do something on that line. Similarly, Sir, as far as the contract for the supply of aerated waters is concerned, it is more scandalous than anything else, because the aerated waters are sold at double the price that prevails outside.

Much has been made by some of my Honourable colleagues, and the Chief Commissioner also has trotted out the argument, that the railway contractor is at a disadvantage compared to the outsider, because he does not know the number of passengers who will be coming. That is quite correct. But, does the shopkeeper know exactly the number of people who are going to buy his goods?

Then the argument was advanced that the railway contractor is in difficulties because he pays something to the Railway Administration and, therefore, it was said that he was justified in making a higher charge. But it is forgotten that every shopkeeper has to pay a rent for his shop and in certain places like Howrah and other big towns, the rent is not a small item and is comparably much higher than what the railway charges. There is no reason why there should not be a greater uniformity between the outside market rates and the rates inside the stations.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What about the station staff?

THE HONOURABLE MR. HOSSAIN IMAM: The station staff? I am not able to follow the Honourable the Leader of the Opposition—whether he means that the station staff gets gratuities or whether he means that they are possible customers? If they are possible customers, so much the better for the contractor.

THE HONOURABLE MR. SHANTIDAS ASKURAN: I mentioned regarding the terms of contracts to Messrs. Brandon and Spencer.

THE HONOURABLE MR. HOSSAIN IMAM: Mr. President, the Honourable Member has brought in the question of Spencer. That is exactly the line of demarcation which should prevail. Just as these people are the contractors for European catering, I have no objection that there should be a separate contractor for Hindus and a contractor for Muhammadans on the same lines.

THE HONOURABLE SIR DAVID DEVADOSS: What about the Jains and others?

THE HONOURABLE MR. HOSSAIN IMAM: If they are anxious and if they can get any man to sell for them, so much the better. If they cannot, I am sorry for them. I cannot help it. Sir, as the Honourable Mr. Shantidas Askuran has just said, the example of Brandon is a very good example and that should be the guiding principle of the railways. But, in view of the fact that the matter was discussed very thoroughly on the 8th February and the reply of the Honourable the Railway Member was very conciliatory, I had suggested that it was not quite necessary for the Honourable Mr. Sapru to move this Resolution, and now that he has ventilated the question, I think he would be well advised to withdraw it.

THE HONOURABLE SIR ANDREW CLOW (Communications Member) I have very little to add, Sir, to what the Chief Commissioner has said. But I am afraid the last speaker attributed to me one or two dicta of which I was not guilty. He suggested—and apparently that was his own view too—that I had indicated 200 miles as the proper range for a contract.

THE HONOURABLE MR. HOSSAIN IMAM: “I was rather impressed.” were your words.

THE HONOURABLE SIR ANDREW CLOW: I am afraid it was not a very lasting impression.

THE HONOURABLE MR. HOSSAIN IMAM: I am sorry this impression faded.

THE HONOURABLE SIR ANDREW CLOW: What we were discussing at that time were the variations in tastes in Indian food and the suggestion had been made that every two or three hundred miles you were apt to come across a variation in taste. But I would remind my Honourable friend that if he adopted that principle, he might find it rather difficult to pursue the method he suggested of waiting until one came further on in the train to a different contractor's area and getting more suitable food. Two hundred miles might be quite a long wait, and in view of the stress which he laid on drinks, he might find himself very thirsty before he reached the end of his journey.

But, as regards this difficult question of price, I agree entirely with the Chief Commissioner. I think my Honourable friend Mr. Sapru did recognise that point. You cannot insist on identity of prices between the station and the markets outside. It is not merely a question of not knowing how many passengers might come. It is a question of the custom offering at the station being very intermittent. You may have to send a man to meet a train, and then you will have no train for a long time afterwards and you may have to

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send him again to meet another train. The man with the shop outside knows that he is going to have fairly regular custom throughout the day and can provide accordingly. Then of course certain foods—this does not apply to aerated waters—are perishable and there is apt to be a greater loss in meeting the requirements of railway passengers than there is in meeting the requirements of the bazaar.

As regards fees, the principle that we have accepted is that we are not going to be guided in this matter by the desire to make profits. We recognise that if we were to throw our catering contracts open to tenders we should in many cases get large sums. In fact from experiments made in the past we are satisfied that we could get very substantial sums. But that is not the principle we are working on now. The principle we have adopted is that we charge amounts which shall be reasonable and will not involve any risk of passengers having to suffer in consequence. As Mr. Hossain Imam himself recognised, the railway contractor is normally relieved from some charges that he would have to meet outside. He is also provided with facilities which he does not get outside, and I think it is not unreasonable that he should be asked to pay a limited amount for them. I do not think myself of course that even a contractor who had to pay a larger sum would necessarily inflict injury on passengers. It has been suggested that the interest of the contractor lies in providing the poorest food he can. But a contractor inside a railway is in much the same position as the person outside, he depends for his custom on the quality of his service, and if a contractor provides insufficient or unsuitable food he will soon find his receipts going down.

The only other thing I would say is that I think this debate has served a useful purpose, if only because it has helped us and others who are on the Central Advisory Council perhaps to clear our minds on certain points, and will thus contribute to a more useful discussion when that matter comes before the Council tomorrow morning. I would suggest that the Resolution might be withdrawn.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadian) : Will the Honourable Member tell us how it was that the E. I. R. arrived at a decision affecting the means of livelihood of a large number of persons without consulting the local Advisory Committee ? My Honourable friend the Chief Commissioner said that the orders of the Railway Board were carried out. How was it that in this particular matter, if Sir Abdul Halim Ghaznavi's statement in the Assembly is correct, the Agent not merely ignored the Committee but almost treated anybody who differed from his opinion as an opponent and said he would fight him with his back to the wall ?

THE HONOURABLE SIR ANDREW CLOW : I think that is not quite a correct statement.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The Honourable Member did not dispute it in the other place.

THE HONOURABLE SIR ANDREW CLOW : Surely no such allegation was made in the other place.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The Honourable Member has to read the speech of Sir Abdul Halim Ghaznavi to see whether what I am saying is correct or not.

THE HONOURABLE SIR ANDREW CLOW : I do not think he will find the allegations that the General Manager made any such statements as the Honourable Member is now attributing to him.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I am debarred from reading the proceedings but may I ask the Honourable Member to read the paragraph at the top of page 181 of the proceedings of the Legislative Assembly for the 8th February, 1940.

THE HONOURABLE SIR ANDREW CLOW : I am sorry, Sir, I see that statement was made, but the actual position is not as actually stated, that the General Manager flouted the decision of the Central Advisory Council. Owing to preoccupation with other matters the consideration of the discussions in the Central Advisory Council by the Railway Board was, as the Honourable Mr. Hossain Imam pointed out, somewhat delayed, and the General Manager, as I explained in the Assembly and as the Honourable Member will find if he reads also what I said, on this point reached his conclusions before the orders of the Railway Board had been conveyed to him.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will the local Advisory Committee at Cawnpore be consulted along with the Advisory Committee in Calcutta? These orders affect the whole of the United Provinces, but will the Advisory Committee for the United Provinces be consulted?

THE HONOURABLE SIR ANDREW CLOW : We shall have to reconsider the matter in the light of any conclusions reached by the Central Advisory Council at its meeting tomorrow; but I am not at all sure that it is desirable that the local Advisory Committee should be consulted on the matters of individual contractors.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I am speaking about the question of principle. If that matter is going to be discussed with the Advisory Committee in Calcutta, may I ask whether it will be discussed also with the local Advisory Committee at Cawnpore which represents the United Provinces?

THE HONOURABLE SIR ANDREW CLOW : Quite clearly, Sir, that must depend on the conclusions reached by the Central Advisory Council. If they reach definite conclusions on the question of principle, then I should regard it as undesirable for the local Advisory Committees to discuss those same questions of principle and possibly reach different conclusions.

THE HONOURABLE MR. P. N. SAPRU : Sir, the first speaker on my Resolution was the Honourable Lala Ram Saran Das. He gave his powerful support to it and then he pointed out that the Railway Administration had been attempting to derive monetary profit. There is just one question I should like to ask as to this. In the other place I find that Mr. Lalchand Navalrai said that the contract for the refreshment room at Delhi was given to a contractor for the sum of Rs. 7,000. It is at page 192 of the proceedings.

THE HONOURABLE SIR GUTHRIE RUSSELL : That is correct, but I understand that the contract has been cancelled; so it is no longer so.

THE HONOURABLE MR. P. N. SAPRU : Well, I find that the Central Advisory Council has come to the conclusion that the Railway Administration should not attempt to derive any substantial monetary profit from the contractors. That is satisfactory so far as it goes.

THE HONOURABLE THE PRESIDENT : The Honourable the Chief Commissioner, may I ask you what is the principle prevailing in England so far as these railway contracts are concerned ?

THE HONOURABLE SIR GUTHRIE RUSSELL : I am speaking without the book, but I believe it differs on the different railways. Some railways charge a certain amount and others don't.

THE HONOURABLE THE PRESIDENT : And the contractors are allowed to make a certain amount of profit ?

THE HONOURABLE SIR GUTHRIE RUSSELL : Yes, but in England most railways run their own catering. In the case of bookstalls, I believe there are contracts and the contractors pay railways a certain amount for the privilege of running them.

THE HONOURABLE MR. P. N. SAPRU : So far as these monopolies are concerned, I had the monopoly of a whole line in mind. The Honourable Mr. Hossain Imam referred to the statement of Mr. Nauman that the limit of the contract should be 200 miles. I think that is a reasonable suggestion, and in any case I have no objection to your having a single contractor for one station, but he must have rival contractors in opposition at other stations. That is the answer that I would give to the question which was asked by the Honourable Sir David Devadoss. His question was, how are you going to see that the railway station is not converted into a bazaar ? Now, I was glad to hear the Honourable Sir Guthrie Russell say that no subletting is allowed. The Honourable Mr. Kalikar and the Honourable Sir Guthrie Russell have pointed out that the matter is under the consideration of the Central Advisory Council and that a meeting of the Central Advisory Council will be held tomorrow. I think, Sir, the discussion has done some good. We have been able to ventilate our points of view and there are members of the Central Advisory Council here in this Council who know what our respective points of view are—I would wait till the Central Advisory Council comes to a final decision one way or the other. In view of the fact that the matter is going to be taken up by the Central Advisory Council tomorrow I beg leave of the Council to withdraw the Resolution.

The Resolution was, by leave of the Council, withdrawn.

RESOLUTION *RE* RAISING OF INDIA TO THE STATUS OF A SELF-GOVERNING DOMINION.

THE HONOURABLE SARDAR BUTA SINGH (Punjab : Sikh) : Sir, I move :—

"That this Council recommends to the Governor General in Council to convey to His Majesty's Government this Council's satisfaction on the pronouncement of His Excellency the Viceroy definitely declaring the policy of His Majesty's Government to raise India to the status of a Self-governing Dominion under the Statute of Westminster, and its whole-hearted support in the prosecution of the war and readiness to co-operate in making India self-governing."

I feel I am voicing the views of all the responsible classes and even of the dumb millions in welcoming the pledge which His Excellency the Viceroy has given in the name of His Majesty's Government to raise India to the status of a Self-governing Dominion under the Statute of Westminster.

Those who love peace and progress and accept the creed of non-violence, if they are true to themselves know that all right-thinking men are now seeking to secure inter-dependence of all nations in a new world order. The independence which the Dominions enjoy is insured by being members of a Commonwealth which, in the unity of all its members, can guarantee security.

The Dominions under the Statute of Westminster enjoy perfect freedom to assert their independence if they so desire. Hitherto not a single Dominion has sought to shake off the hand that gives protection and ask nothing in return. They have found in inter-dependence the largest measure of independence. They have found in the membership of the Commonwealth the strongest bulwark of freedom and self-realisation, what the Dominions value after long experience. Why should India discard it without even giving a trial. Those who have any vision of the future hold that the only possibility of saving civilisation and democracy is in working for a federation of all the civilised countries of the world. India would be going against the stored wisdom of many generations if it decides to go against these new life currents, set in motion, to save the world from disaster. What miracle they propose to perform who wish to transform India into an independence, which is not her's at present. Have they secured the willing consent and co-operation of the majority of all right-thinking men. What are the sanctions behind their demand, what guarantees they can give that unity of India would be maintained that provinces and States, classes and communities would not fall apart. What are the grounds of their hopes that they could protect life and property and stem the tide of marauding hosts that may gather strength in the country itself or swoop down from outside. What new magic they possess to exorcise the demon of disunity which is already aiming at dismemberment. The realities are always distant from ideals. It is impossible to ignore them. Realities require recognition and expect from leaders of Indian opinion to work within the limits set by the conditions that govern life and labour.

THE HONOURABLE THE PRESIDENT (to the Secretary) : Will you ring the bell ? I find there is no quorum.

(The bell rang and several Honourable Members came in.)

THE HONOURABLE SARDAR BUTA SINGH : Congress undoubtedly enjoys popular confidence by its constant advocacy of our national aspirations. They who devoted their lives to make it what it is today never dreamed of asking what it is asking today. The confidence that it enjoys was built up by a joint effort of both Englishmen and Indians. It is by being true to the founders that it can serve India and the world by following constitutional ways to achieve its high aims. If the Congress were in a position to realise independence, it would not be waiting at the doors of His Majesty's Government. If the Muslim League were in a position to partition India, it would not expect others to do the carving. The truth is, that this world is not a Law Court in which clever advocacy tells. The leaders of the Congress and Muslim League are to act their parts which they have assigned to themselves. They have occupied the stage so long that they feel it is theirs for ever. There are others however, majority of princes, classes and communities perfectly satisfied with the

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declaration and who firmly believe that if immediate steps are taken to implement the pledge all the people of India would be satisfied, and be ready to support the new order.

It is my considered opinion that by immediate action His Excellency the Viceroy can mobilize all the goodwill and intelligence in favour of working the Constitution as provided in Government of India Act, 1935. If India is made self-governing at earliest possible moment people will find what they are asking has already been given. I realise it is not possible to revise the Constitution during the war. But the need of the moment is to secure whole-hearted co-operation of those who are satisfied with the Dominion status.

We are in the midst of a terrible war, forced on the Allies, as the Honourable Members are aware, due to the high-handedness of Nazi aggression. I am sure the House will agree with me that Britain should be given whole-hearted support in the prosecution of the war.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Sir, I think the Honourable Member will himself admit that the question raised is one which cannot be settled on the floor of the House, but Government readily agree to forward to the Secretary of State a full record of the proceedings in order that he may be aware of the opinions expressed. I wish to express the appreciation of Government on the assurances of support and help in the prosecution of the war conveyed in the Resolution.

THE HONOURABLE THE PRESIDENT (to the Honourable Sardar Buta Singh): Do you wish to reply?

THE HONOURABLE SARDAR BUTA SINGH: There is nothing to reply to, Sir. Nobody has opposed the Resolution.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Sir, when I said that this question could not be settled on the floor of the House I had hoped that the Honourable Member should withdraw the Resolution.

THE HONOURABLE SARDAR BUTA SINGH: I have no objection to withdraw my Resolution on the assurance given by the Honourable the Leader of the House.

The Resolution was, by leave of the Council, withdrawn.

(The Honourable Mr. Hossain Imam, when called on to move his Resolution, was not in the Chamber.)

STATEMENT OF BUSINESS.

THE HONOURABLE THE PRESIDENT: Has the Leader of the House any statement to make?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Sir, as Honourable Members are doubtless aware, we are meeting on Monday the 18th March for non-official business and I suggest that the Council be adjourned to that date. I also propose that the following Bills which have

already been laid on the table may be taken up for consideration on Thursday, the 21st March :—

- (1) The Income-tax Law Amendment Bill.
- (2) The Reserve Bank of India (Second Amendment) Bill.
- (3) The Coal Mines Safety (Stowing) Amendment Bill.

THE HONOURABLE MR. HOSSAIN IMAM : I am very sorry, Sir, that I was not in my seat when you called on me to move my Resolution.

THE HONOURABLE THE PRESIDENT : I am very sorry too, but a Member ought to be present in the House when his Resolution is to be taken up.

THE HONOURABLE MR. HOSSAIN IMAM : I saw Sardar Buta Singh's Resolution taken up, Sir, and I thought that would take some time.

The Council then adjourned till Eleven of the Clock on Monday, the 18th March, 1940.
