

24th February 1943

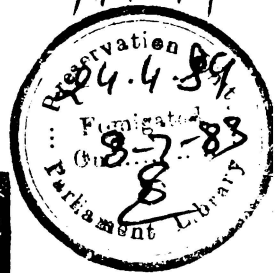
THE LEGISLATIVE ASSEMBLY DEBATES

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(10th February to 2nd April, 1943)

SEVENTEENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1943



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LEGISLATIVE ASSEMBLY.

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LEGISLATIVE ASSEMBLY

Wednesday, 24th February, 1943.

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.

EFFECT OF WITHDRAWAL OF WHEAT PRICE CONTROL.

†178. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Food Member be pleased to state if he is aware of the fact that in the markets of Karachi, Hapur, Cawnpore and Calcutta the price of wheat remained on the 14th February at the controlled rate level, viz., Rs. 6-4-4, Rs. 5-14-9, Rs. 7-4-5 and Rs. 6-8-0 per maund respectively, and after the control in the Punjab had been withdrawn, the price level at Lyallpur rose up to Rs. 11-9-0 per maund from Rs. 5, the controlled rate?

(b) If the answer to (a) above be in the affirmative, will the Honourable Member be pleased to state if the same continues and he insists on withdrawal of control?

(c) Is it a fact that the United Provinces and Sind Governments have refused to withdraw the control price of wheat in spite of the withdrawal of control by the Central Government? If so, what effect would this non-withdrawal of control in the two Provinces lead to? What is the price level of wheat in Delhi at present? Is it generally available to public?

Mr. K. G. Ambegaonkar: (a) As regards the first part of the question, the Government of India are aware that the controlled rates at the places stated remained at the levels mentioned but are unaware of any business being transacted at these rates. The answer to the second part of the question is 'yes'.

(b) As regards the first part of the question, the controlled rates still continue nominally so far as Government of India are aware. As regards the second part the Government of India see no reason to revise their present policy.

(c) The Governments of United Provinces and Sind have not withdrawn the control price on wheat in the primary wholesale markets. The non-withdrawal is likely to result in the present supply conditions continuing unchanged in these provinces. The present price level of wheat in Delhi is Rs. 11/14/- per maund wholesale. It is understood that the public have now no undue difficulty in obtaining wheat.

PAPER AND NEWSPRINT POSITION.

†179. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Commerce Member be pleased to state the total tonnage of paper produced in India by the paper mills and the total tonnage of paper manufactured by hand in India?

(b) What was the tonnage of paper in stock in India including imported paper with the stockists and mills on the 31st December, 1942?

(c) What tonnage of paper and news print had been imported to India during 1942 and what was the total consumption of paper in India during 1942?

(d) What was the total tonnage of paper consumed by the civil population and the newspapers during 1941 and 1942 and what was the tonnage of paper consumed by Government before the war and during the war, i.e., 1940, 1941 and 1942?

(e) What arrangements are being considered by the Honourable Member for easing the inconvenience caused to the civil population by releasing ten per cent.

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

only of the whole production of paper in India for the use of the civil population?

(f) What arrangements are being considered by the Honourable Member for giving licences for the purchase of "news reel" for newspapers (old, proposed and new ones)? Is there any arrangement for facilitating the imports of newsprint for the old and proposed newspapers who are waiting for permission?

Mr. T. S. Pillay: (a) The production of paper of all kinds excluding newsprint for 12 months ending December, 1943 by paper mills in India is estimated at about 96,000 tons. Definite information with regard to the production of hand-made paper is not available but it is believed that the productive capacity in this respect is about 2,200 tons per annum.

(b) I regret that the information asked for by the Honourable Member is not available.

(c) Imports during the first eleven months of 1942 amounted to 13,165 tons of newsprint and 11,460 tons of other paper including boards and old newspapers. It is difficult to give any accurate information about total consumption of paper. An estimate for 11 months of calendar year 1942 puts it at 112,416 tons. The requisite figures for the calendar year under the above headings are not available.

(d) I presume that the Honourable Member includes newsprint in the term "paper" used in the first part of the question. Estimates of the consumption of paper by the civil population and the newspapers can at best be very rough and according to the information available they may be put at about 161,000 tons for the year 1940-41 and 119,000 tons for the year 1941-42. As regards the second part of the question, I may explain that Government's accounts for consumption of paper are kept by financial years. Here again, I regret, I can only give rough figures of consumption. For the year 1938-39 the figures reported are to the order of 20,000 tons; for 1939-40, 20,400 tons; for 1940-41, 27,500 tons and for 1941-42, 36,000 tons.

(e) The order reserving 90 per cent. of Indian production of paper for Government applies only to the period ending March 1943 after which it is expected to release a much larger percentage of Indian production for civilian consumption.

(f) Newsprint in reels can be purchased by a newspaper on obtaining a Quota Allotment Certificate issued by the Chief Controller of Imports. For the import of newsprint from North America, the Government of India have accorded as high a priority as is consonant with the importance of this commodity in relation to other cargo offering for shipment. A copy of a Press Note on the subject recently issued is placed on the table.

PRESS NOTE.

Supply and Distribution of Newsprint.

The position in regard to the supply and distribution of newsprint was recently discussed with representatives of the Indian and Eastern Newspaper Society and the Indian Language and Newspaper Association. As a result the Government of India have promulgated orders on February 18, 1943, further restricting sales and purchases of newsprint and prohibiting the starting of new newspapers without the previous sanction of the Central Government.

Several other suggestions for economy in the consumption of newsprint as well as for an equitable distribution of newsprint among newspapers were also made during these discussions. These suggestions are now being considered by Government.

COMMERCE DEPARTMENT;

New Delhi, February 19, 1943.

TERMINATION OF SERVICES OF INDIANS EMPLOYED BY THE CEYLON GOVERNMENT DEPARTMENTS.

180. ***Mr. Govind V. Deshmukh:** Will the Honourable Member for Indians Overseas please state if it is a fact that notices were served on Indians in Ceylon employed in such departments as the Air Raid Precaution and Supply and holding temporary, acting and substitute appointments terminating their

services from August 31st last? Is it also a fact that while the services of Indians were terminated, the evacuees from Malaya and other places were allowed to continue in service?

Mr. A. V. Pai: The Chief Secretary to the Government of Ceylon has informed us that these statements are entirely incorrect. The answer to both parts of the question is therefore in the negative.

REPRESENTATIONS FOR SUSPENSION OF HAJ PILGRIMAGE.

181. *Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Indians Overseas please state if Government are aware of the fact that the *Daily Haqiqat* of Lucknow has published in its issue of January 21, 1943, on page 3 under the heading "*Haj ke mauke par His Majesty Sultan Ibn-Saood ki takrir*" a speech delivered by His Majesty Sultan Ibn-i-Saud at Mecca in which the Sultan is reported to have said that 'the Government of India have informed him that since the Associations of Indian Muslims apprehend danger of life on the way, the Government did not permit pilgrims to sail for Hedjaz. That the British Government had made arrangements to provide ships and convoys for the pilgrims, but the Muslim Associations felt that the Indian Ocean was not safe'?

(b) Is it a fact that Muslim Associations made representations to Government for stopping pilgrims from sailing this year?

(c) If the replies to parts (a) and (b) be in the affirmative, do Government propose to give the names of such Muslim Associations, and lay their representations on the table of the House or publish them for the knowledge of the general Muslim public? If not, why not?

Mr. A. V. Pai: (a) to (c). Government have seen the issue of the paper referred to. According to their information the translated report of the speech given by His Majesty King Ibn Saud is not accurate. As already stated in the Press Communiqué dated the 2nd October, 1942 Government consulted representatives of the Port Haj Committees, members of the Central Haj Committee who were available in Delhi and other representative Muslims.

Mr. Muhammad Azhar Ali: As the Honourable Member says that the translation of His Majesty King Ibn Saud's statement is not accurate, will the Government obtain an accurate statement and place it on the table of the House?

Mr. A. V. Pai: The Honourable Member will appreciate that it would not be proper for me to discuss in this House or comment on a speech delivered by a foreign sovereign on a public occasion.

Mr. Lalchand Navalrai: With reference to part (a) of the question, it is said that the Muslim Associations felt that the Indian Ocean was not safe. Was it a fact or was it only in imagination?

Mr. A. V. Pai: That again is a quotation from the speech which, as I have already said, I would not like to comment upon.

Mr. Muhammad Azhar Ali: Will the Government place the names of those gentlemen, who gave that opinion, on the table of the House?

Mr. A. V. Pai: I have already stated that they are representatives of the Port Haj Committees, members of the Central Haj Committee who were available in Delhi and other representative Muslims.

REPORT OF COMMITTEE FOR ENQUIRY INTO THE DEATH OF NAIMA BEGAM AT IRWIN HOSPITAL, NEW DELHI.

182. *Mr. H. A. Sathar H. Essak Sait: With reference to starred question No. 381, dated the 17th March, 1941, will the Honourable Member for Education, Health and Lands be pleased to lay on the table the report of the committee appointed to enquire into the death of one Naima Begam at the Irwin Hospital New Delhi?

Mr. J. D. Tyson: Government are not prepared to lay on the table the report of the committee appointed to enquire into the case referred to. I may however state, for the information of the Honourable Member, that the committee came to the conclusion that Dr. Sardari Lal had committed an error of judgment. Departmental proceedings were then instituted in accordance with the requirements of the Classification, Control and Appeal Rules and on the report of Major M. H. Shah, I.M.S., Additional Civil Surgeon, who largely exonerated Dr. Sardari Lal, orders of censure on him were passed by the Chief Medical Officer, Delhi, "because, while trying to persuade the father to leave his child in hospital for further observation, he failed to emphasize the dangers of the child's condition." The case was referred by Government to the Federal Public Service Commission for advice whether the punishment awarded was adequate. The Commission advised that the order passed was adequate.

Mr. H. A. Sathar H. Essak Salt: Having mentioned the findings of the Committee in short, what objection can Government have in placing the whole report on the table of the House?

Mr. J. D. Tyson: Because for one thing, the findings of the Committee were not really the last word in the case. Further material came out in the departmental proceedings against Dr. Sardari Lal.

Mr. H. A. Sathar H. Essak Salt: On a reference to the questions and answers on 17th March 1941, I find that this particular officer was reinstated as a result of departmental enquiry, even when the report of the other enquiry was before Government. What is the present position? Is he still continuing to be in office?

Mr. J. D. Tyson: He is no longer in the hospital, I think.

HELP TO DEPENDENTS OF ENEMY AIR RAID VICTIMS.

183. ***Mr. H. A. Sathar H. Essak Salt:** Will the Honourable Member for Labour be pleased to state:

- (a) the arrangements that have been made to succour the heirs and dependents of those who are killed or injured as a result of enemy bombing in India;
- (b) whether such arrangements for their succour will come into play immediately after the raids or the dependents are expected to go through the formalities of putting up applications and undergoing enquiries, etc., before help is rendered to them, and
- (c) the details of the help that was rendered to the citizens, especially the poorer section of Calcutta and other places in India, which were bombed by the enemy for:
 - (i) the disposal of their dead,
 - (ii) the treatment of the injured,
 - (iii) the loss of their means of livelihood, and
 - (iv) their rehabilitation generally?

The Honourable Dr. B. R. Ambedkar: (a) and (b). Provision for relief of persons injured by enemy bombing and of the dependents of those killed by such action has been made in the War Injuries Scheme prepared by Government under the War Injuries Ordinance.

Applications for relief have naturally to be made, but the procedure has been made as expeditious as possible. When the person concerned is incapable of making an application, provision has also been made to entertain applications on his behalf.

Provision has also been made for advances by employers of amounts up to Rs. 50 in each case against awards that may be made in respect of the injury or death.

A copy of the pamphlet containing the War Injuries Ordinance, Scheme and Regulations has been placed in the Library of the House.

(c). (i) and (ii). These are matters of Provincial responsibility and the Government of India are not in possession of details as to how they worked. Full advice has been given by the Government of India as to the formation of organisations for corpse disposal and the treatment of the injured and schemes on the lines recommended have in fact been put into operation. The Government of India have been informed by the Provincial Governments that the schemes worked satisfactorily. No complaints or criticisms as to their efficient working have come to the notice of the Government of India.

(iii) and (iv). The Government of India have no detailed information on these points. The scale of raiding has hitherto been light and as far as the information in the possession of the Government of India would indicate, no special problems in this connection have arisen in the case of any bombed area. It is understood that relief under the War Injuries Scheme has been granted in many cases and some cases are under investigation.

Mr. H. A. Sathar H. Essak Salt: With regard to part (b) has my Honourable friend satisfied himself that there was really no complaint of delays?

The Honourable Dr. B. R. Ambedkar: I am not aware of any.

SUPPLY OF FOOD AND RAW MATERIALS TO INDIA BY HIS MAJESTY'S GOVERNMENT.

184. *Mr. Govind V. Deshmukh: Will the Honourable the Food Member please state if His Majesty's Government have supplied food and raw materials to India? If so, were they for the Army or the civil population or for both? How much, if they were sent, were sent for the army and the civil population?

Mr. K. G. Ambegaonkar: His Majesty's Government have in the past supplied foodstuffs to the defence services in India. It is not possible to state the quantities supplied without knowing the period for which the information is required. As regards raw materials, it is suggested that the materials in respect of which information is required may be specified.

Mr. Govind V. Deshmukh: When the Honourable Member says that in the past foodstuffs were supplied by His Majesty's Government, may I know what is the period referred to?

Mr. K. G. Ambegaonkar: I am referring to the period from the beginning of the war up to the present time.

Mr. Lalchand Navalrai: How many times did the British Government supply food for the army in India?

Mr. K. G. Ambegaonkar: It is difficult to answer with regard to the number of transactions.

Mr. Lalchand Navalrai: When was the last one?

Mr. K. G. Ambegaonkar: I want notice.

Mr. Lalchand Navalrai: Have the Government made any attempt to get food further for the civil population?

Mr. K. G. Ambegaonkar: The Government have already requested His Majesty's Government to supply food for civilian population and His Majesty's Government have agreed to supply substantial quantities of wheat. Since no supplies have already so far reached India, that matter has not been referred to in the reply.

Mr. Lalchand Navalrai: May I know from the Honourable Member as to when it is expected?

Mr. K. G. Ambegaonkar: It is understood that large quantities are already on their way, and substantial quantities will reach before the end of March.

Mr. Govind V. Deshmukh: Are these quantities, which are referred to from Great Britain or from Australia?

Mr. K. G. Ambegaonkar: I understand that they are mostly from Australia.

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

FORMATION OF THE UTILITY CORPORATION IN EAST AFRICA.

†185. *Sir Abdul Halim Ghumavi: Will the Honourable Member for Commerce please state:

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

- (a) whether the Government of India have protested to the East African Government against the formation of a body called the Utility Corporation for controlling all imports into East Africa as detrimental to Indian trade and commerce, and if so, with what effect; and
- (b) whether he proposes to lay on the table the correspondence on this subject, if any, passed between him and the East African Government?

Mr. T. S. Pillay: (a) and (b). The Government of India have just received from the Government of British East Africa a communication setting forth the details of a proposal to canalise imports of certain varieties of textiles into British East Africa through an Association of established importers. This is under examination.

COMMODITIES PURCHASED FOR INDIAN AND BRITISH GOVERNMENTS AT CONTROLLED-PRICE RATES.

†186. ***Sir Abdul Halim Ghuznavi:** Will the Honourable Member for Commerce be pleased to state..

- (a) what commodities are purchased by the Government of India and His Majesty's Government in India at controlled rates of prices imposed by the Government of India;
- (b) the difference in prices between the controlled prices and the commercial prices ruling in the market in respect of each of such commodity; and
- (c) whether he proposes to lay on the table a complete statement of the volume and value of each commodity purchased at controlled rate in the Indian markets by the Supply Department of the Government of India?

Mr. T. S. Pillay: Sir, the question should be addressed to the Honourable the Supply Member.

UNITED KINGDOM COMMERCIAL CORPORATION.

†187. ***Sir Abdul Halim Ghuznavi:** Will the Honourable the Commerce Member be pleased to state:

- (a) if the information contained in a Press Note which appeared sometime back stating that the Government of India had addressed His Majesty's Government suggesting that the United Kingdom Commercial Corporation should be wound up immediately after the war and that for the duration of the war henceforth the Corporation should not be allowed to extend its activities in India any further, is correct; and if so, what was the reply, if any received from His Majesty's Government to this communication; and whether he proposes to lay the correspondence on the table; and
- (b) whether Government have already replied to the communications received from the Federation of Indian Chambers of Commerce and Industry on the activities of the United Kingdom Commercial Corporation as stated by Sir Allan Lloyd, the Ex-Commerce Secretary in the Council of State during the last September Session; if so, whether the Honourable Member proposes to lay the correspondence on the table?

Mr. T. S. Pillay: (a) The Government of India have had some correspondence with His Majesty's Government regarding the activities of the United Kingdom Commercial Corporation in India. It is not proposed to lay the correspondence on the table of the House.

(b) No, Sir. Information on certain points raised in the letter from the Federation of Indian Chambers of Commerce and Industry has just been

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

received and it is proposed to send a reply to the Federation shortly. Copies of the correspondence with Federation will be placed on the table of the House.

UNITED KINGDOM COMMERCIAL CORPORATION.

188. *Mr. Muhammad Azhar Ali: Will the Honourable the Commerce Member please state if it is a fact that the United Kingdom Corporation is monopolising the Indian market?

Mr. T. S. Pillay: No, Sir.

THE RAILWAY BUDGET—LIST OF DEMANDS—contd.

SECOND STAGE—contd.

Grievances of Railwaymen re conditions of Service—contd.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, when I was referring to delays in payments, the Honourable the Railway Member demanded instances. Here are some.

The guards stationed at Pathankot, who get their wages on or about the 10th of the month, were not paid their wages up to 18th in December, 1942.

In January too they received their wages late. They wired to the Divisional Superintendent that they were starving and be given advance from station earnings to enable them to carry on till their wages are paid.

The temporary staff when discharged are to be paid their wages within two days of the termination of their services. This is the provision of the law, Payment of Wages Act. In August last, however, about 400 gangmen were not paid their wages till the 6th day of the termination of their service. They were roaming about at Pathankot station, and were encamped in open plots in the railway colony waiting for the payment of their salary for five days.

Let me also refer the Honourable Member to a public document which also shows that these payments are not regularly made. The Honourable Member may peruse para. 9 of the Conciliation Officer (Railways) and Supervisor of Railway Labour's Report for the year 1940-41, wherein it is stated that there were 3,201 cases of delay in payment of wages in 1940-41 as against 2,000 such cases during the previous year 1939-40.

When I put a question the other day as to why no penal action authorized by the Payment of Wages Act is taken when the irregularities are on the increase, the Honourable the Labour Member replied that it was not considered necessary. The late payments will, therefore, go on multiplying instead of showing signs of decrease.

Sir, my point was to show that there was no regularity in the payment of salaries, and how can there be regularity in distributing foodstuffs to staff stationed far away at small stations on the Railways.

With regard to the payment of dearness allowance, it should be based on the increase in the cost of living, and according to the Rau Court recommendation the allowance should be Rs. 30.

One of the items in the terms of reference to the Rau Court was how the payment of dearness allowance should be regulated in case of rise or fall in the cost of living? The Court suggested a scheme of automatic increase or decrease. They recommended Rs. 1-8-0 increase for every 5 per cent. rise in the cost of living. When I asked the Honourable the Railway Member as to why no automatic system of increase in dearness has been put into effect, he replied that he had left the increase to be decided by negotiations. Negotiations with whom? The Railwaymen's Federation. The tragedy is that even the usual half-yearly meeting which was due in January this year has not been held in spite of persistent demand. Employees are restive. At several stations on the North Western Railway they have refused to accept their salaries for January payable in this month, as a protest against the Board's indifference in connection with their demand of dearness allowance.

[Mr. Lalchand Navalrai.]

Another vexing problem is the inclusion of the rental value of free quarters in the wages. At several places employees are deprived of the benefit of dearness allowance by this inclusion. In the Central Government Dearness Allowance Rules for other than railway servants, the value of rent-free quarters is not included in the wages for admissibility of dearness allowance. And why should it happen on Railways? No employee drawing Rs. 30 and over who has not enjoyed the concession before August, 1928, will get free quarters. Therefore, free quarters is a personal concession to some people of old scale, and is not a common concession. It was given for hard conditions of service. Therefore, the house-rent should not be included in the wages.

I submit in the end that it would be much better if the Honourable Member would take the question of this decision into his hands, and if he is to consult the Federation, it should be called at once and something should be done immediately as things are becoming worse. The Honourable Member may be knowing the situation—he also receives copies of telegrams—but we know that the employees are becoming very dissatisfied. I referred to a light strike at Karachi, and if these strikes are to be avoided, it is necessary that the matter should be decided soon. I personally think that food should not be given in kind. There are many difficulties in doing so. But the matter should be decided soon in consultation with the people concerned and to their satisfaction. It is no use forcing a decision on them. In taking a decision due regard should be paid to the difficulties which will arise if relief is to be given in kind. For instance, supposing an employee is living alone at a station; his family and children are at home. How is food to be given to him and his family? I personally think there should be the automatic system of increase in dearness allowance which I have already mentioned.

Finally, I will again request the Honourable Member not to include the value of rent for payment of the dearness allowance. Besides this the food supply question should not be delayed and a decision taken in the matter as early as possible.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): This question has been thoroughly discussed on the floor of this House but I would simply suggest one or two methods which have come to my knowledge. I am told, Sir, that the North Western Railway staff at Shahdara Station are not getting their dearness allowance at all. Now, Sir, I do not see why there should be any discrimination in this matter. Sir, I am told that all the departments there—the police, the Notified Area Committee, and the post offices, are getting their dearness allowance but not the railway staff at Shahdara Station.

Sir, it is a fact that a poor man cannot make two ends meet at the present day. I think that the Government ought to look more to the condition of the poor rather than to the condition of the rich. You may be ready to supply coal, materials and foodstuffs to the Members of the Assembly or of the Council here; but it is to the dearness allowance of the poor people that you should look more and more. I should say that it is not only the grain shops that do not supply fully. It is the cost of living which has risen daily. You do not revise the scale of dearness allowance, so it is a matter of grave concern to the poor people. It is a fact that the poor men in your factories and on military duty cannot act with good hearts in their work unless they are paid properly and unless they get their dearness allowance to feed themselves and their families. With these words, Sir, I resume my seat.

Mr. Frank R. Anthony (Nominated Non-Official): Sir, some of the Honourable Members have requested the railway administration to agree to the principle of giving a dearness allowance to railway employees drawing up to Rs. 250 p.m. In my speech on the Railway Budget, Sir, I made a special plea that a dearness

allowance should be granted to those drawing between Rs. 100 to Rs. 500. And I wish to endorse, and, if possible, to strengthen that plea.

In his reply, the Honourable the Member for War Transport, did not hold out any real hope in this matter. He suggested that the railways represented but one of the many departments of Government, and they were not, therefore, in a position to take any unilateral action in this matter. But I would venture to suggest that the railways can, they should, and they must, take unilateral action in this matter, because the railways occupy a unique position as a department of Government. I think I am right in saying that the railways represent the only department of Government which is earning such a tremendously increased income as the result of the efforts of its employees. And when I ask that this dearness allowance should be extended to cover those who earn between Rs. 100 to Rs. 500, I feel sure I am not making an exaggerated or extravagant claim. If the position of these persons drawing these salaries is really analysed, you will find that they are, comparatively speaking, worse off than the menial employees. A man, let us say, who was drawing Rs. 20 to 25 before the commencement of hostilities is, as the result of various allowances, drawing almost double that wage today. I do not in any way begrudge the menial staff their increased allowance and the doubling of their wages, but I do make a most emphatic plea on behalf of those in the lower wage brackets, who are not getting a single penny by way of allowances. It may be argued that where a man, if he is drawing Rs. 300 to 400 a month, cuts out his luxuries and conventional necessities, he is quite able to meet the increased cost of living. Analyse his budget, and then ask yourself whether he can really make both ends meet. These men are not getting a single penny extra by way of any allowance. They have to meet an increased cost of living. They have got to meet a surtax and surcharge. In some provinces they have to pay a professional tax. Most of these men have on an average a family of three or four children. Owing to the lack of educational facilities in the stations to which they are posted, they are required, if they want to educate their children, to send them to boarding establishments: and Sir, the average cost, per child, in a boarding establishment, for an Anglo-Indian employee, is Rs. 40 to Rs. 50 a child. How can you expect these employees to educate their children? How can you expect them to give their children the minimum that is required by way of clothing, food, and toilet requisites?

Sir, the railway administration cannot afford to adopt a policy of drift in this matter. It is not a question, as some railway officials make it out to be, of loyalty or of patriotism. There is a no more misguided and fatuous argument. Is the Britisher less loyal and less patriotic, because he is clamouring for an increase of wages? Take up a newspaper and you will read, almost every day, that Unions of Miners and Railwaymen in England are clamouring for an increase of wages. And I venture to suggest that the cost of living in England has not risen, comparatively speaking, as it has risen in this country. Is it necessary that before the railway administration accede to the elementary rights of its employees, these employees should hold a pistol to the head of the administration; that they should back up their requests for their elementary rights by holding out the threat of a strike? I cannot understand the perverse mentality of an administration which will only concede the rights of men when these rights are backed up with a certain sanction. You place a premium on bartering and strikes. I plead not for those who bargain or barter, but I plead for your most loyal workers, for those who refuse to bargain or to barter for their service, who refuse to descend to the bargaining methods of the market-place. I plead for their elementary rights. Believe me, when I say that today a man drawing Rs. 200 to Rs. 250, even if he keeps his expenditure to an irreducible minimum, cannot make both ends meet. As I mentioned in my Budget speech, in the last war, I believe, the railways did not earn, as

[Mr. Frank R. Anthony.]

much as they are earning today. Yet, in the last war the railway administration granted an all-round increase of wages, which covered the highest wage brackets. I am not pleading that the man drawing Rs. 800 to Rs. 1,000, or more, should be given a dearness allowance, but I do plead for those getting up to Rs. 500 a month. What do you propose to do with your increased earnings? Are you going to persist in treating your men in the present niggardly and step-motherly fashion that you are treating them? If you persist in this, then you will necessarily expose the railway administration to the charge that it is going to use its increased earnings to pay increased dividends to the shareholders. This is a matter of the most burning and, I submit, the most justifiable resentment. If the railways refuse to accept the plea, I am making, you will inevitably undermine the thoroughness and efficiency of the workers, who, today, form the mainstay and backbone of your administration. I am asking for a remedy which, I believe, the railways can make to meet this real need of the railwaymen. And I can assure the railway administration that it will inevitably lead to greater efficiency, greater keenness and greater enthusiasm on the part of your workers.

Then there is another point which I would like to advert to on this omnibus cut motion about grievances. I refer to the crying need of the employees on the Madras and Southern Mahratta and South Indian Railways in respect of an education subsidy. I believe that these two railways are the only railways that are backsliding in this matter. All the other railways give a per capita subsidy to the children of railwaymen to enable these railwaymen to educate their children when they do not have local educational facilities. And may I submit that usually the railwayman is posted to a station where he has either no educational facilities or facilities of a most inadequate and elementary nature? After the fourth standard he is obliged to send his children to a boarding establishment, and today in the face of the increased and increasing cost of living, he cannot, because you do not even choose to give him a paltry dearness allowance, continue to educate his children in the absence of a subsidy. I am grateful to those railways which are subsidising the education of the children of their employees. This subsidy is not a matter of favour or concession. I submit it is a matter of duty which the railways should fulfil; it is the ear-mark and characteristic of any enlightened administration to cater, if it can, for the educational needs of its employees' children. I do not say that the railways can afford to grant free education—free elementary or secondary or high school education—to all the children of its employees; but you can help them to reduce the cost of their education by granting this educational subsidy. And as I have submitted it is only the M. and S. M. and S. I. Railways which are backsliding in this matter. The other railways are granting it and I would be most grateful to the Honourable Member if he would give his early and favourable consideration to my request and bring these railways into line in the matter of this educational subsidy.

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Mr. President, I support the cut motion of my Honourable friend, Mr. Joshi—I want the administration to consider the question of revising the dearness allowance, the question of revising the classification of areas and the amount of dearness allowance given to workers on the basis of areas A, B and C. In the province from which I come, there is a considerable amount of agitation among the railway workers on the question of classification of areas. Any classification is bound to be arbitrary. Though there might have been some justification for it at the time when the classification was made. If the ruling prices of primary commodities are taken into account today, I see no justification for these classifications remaining now. In point of fact, the cost of living in up-country areas which are classed B and C is perhaps in some

instances greater than the cost of living in the cities. The enormous rise in the prices of primary commodities, which has taken place in the last six months, has neutralised any advantage that workers in up-country areas might have had; and it must also be said that there is a considerable amount of heart-burning amongst those workers who are in up-country areas who find that the cost of living has risen so much since the time when the areas were classified, and that their compatriots in the cities are getting more by way of dearness allowance, while they themselves are getting less. The question of classification has got to be re-examined, I think, in the light of the prices now ruling all over India. With the increase in the prices of commodities, there is little justification for three classes. I must say that in my province, the cost of living in up-country places like Bitragunta, about one hundred miles from Madras, is much greater than Madras itself, and I would suggest to the railway administration that there is an urgent case for removing the grievances of railway workers and, if necessary, for abolishing this classification.

The second point I want to refer to is that the amount of dearness allowance given is inadequate. The amount was fixed about seven months ago, and conditions today are not similar to conditions then. I might urge as an additional reason that in some European firms—and I would like to be corrected by my European Group friends if I am wrong—the dearness allowance is given on the basis of index figures given by the Calcutta Chamber of Commerce; and I believe that the amount they are giving now works out to a flat rate of Rs. 14—I am sure, the railway workers will not to be satisfied with this amount, but I think other organisations have shown the lead for computing the allowance for Government to follow. You might ask how is this to be achieved, how can you go on increasing the dearness allowance? There must really be a sort of moving equilibrium in order to fix the dearness allowance. It is true that the dearness allowance must bear some relation to the cost of living. The question of inflation because labourers are paid more, does not really come in. If the government have a moving equilibrium basis, based on the cost of living index, and increase the dearness allowance automatically, then the room for agitation will well-nigh disappear; though it is true that there will be hard cases even then, and some people might be dissatisfied; but what really has to be done is to remove the major cause for dissatisfaction; and unless this is done by means of a moving equilibrium and not a fixed amount—ten or seven rupees as the case may be—the grievances are bound to exist. I feel that there is a crying need for looking into these grievances of the railway workers, both as to the basis of the classification of areas and the amount of dearness allowance; and I commend to the Government the suggestions put forward by my friend, Mr. Joshi, and others in the matter.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Sir, there are just two comparatively minor points on which I should like to touch before turning to the major subject of the motion. The first concerns the point which was made by Mr. Anthony in respect of educational assistance. My information is that the subordinate staff, to whom I think he referred, are given on state railways an educational assistance up to Rs. 15 per child and Rs. 60 per family; but I have no information as to what is given on the company-managed railways, and I assure him that I will look into the matter.

The second point concerns the question of late payment of wages raised by my friend, Mr. Lalchand Navalrai. I will also look into that question, but I would point out, as I think he himself understood, that in fact there is a regular machinery for seeing that wages are paid up to date and there is in particular a Supervisor of Wages under the Payment of Wages Act, who is specially charged with seeing that the railways keep up to the mark. Nevertheless, of course, that does not absolve the railway administrations from keeping up to the mark themselves, and I will take steps to look into it.

[Sir Edward Benthall.]

On the major issue, I have already made two statements to the House since February the 15th, on the subject of dearness allowance for railway workers, and there is little more that I can add today. The Railway Department is determined to see justice done to the railwaymen and to ensure that the hardships of war and of high prices are as far as possible mitigated having regard to the treatment meted out to other Government servants, both central and provincial. When the General Council of All-India Railwaymen's Federation met in December last in Calcutta they asked in substance either that the cost of living of railwaymen should be stabilised by the sale to the workers of food, clothing and other necessities of life at stabilised rates and that stores should be opened and mobile vans provided in order to ensure that such necessities of life were readily available to them, or alternatively, that the dearness allowance should be revised in an upward direction modified in its form and extended to other classes of railway servants. Soon after the House met the Honourable Member who is the President of the Federation asked for an announcement of the policy of the Railway Department prior to the introduction of the Railway Budget. This seemed to indicate a natural desire that provision should be made in the Budget for 1943-44 for a sum necessary to carry out the policy of the Government in so far as it is possible to budget ahead, since the omission of any such sum in the Budget might be taken to prejudice the claims of the railwaymen. Sir Leonard Wilson and I were happy to make such an announcement in our Budget speeches. A budget allotment has been made for three crores of rupees for the provision of necessities of life at cheap rates which is Rs. 2½ crores more than the amount taken in the revised estimates of 1942-43 on this account. At the same time it was indicated that the total cost of dearness allowance on the basis agreed in August, 1942, was Rs. five crores per annum so that the additional sum provided offers benefits substantially in excess of the dearness allowance scheme now in operation.

The reasons for the delay in the matter of details and for our choosing the first of the railwaymen's alternative methods of doing justice to them, that is to say, the method of endeavouring to stabilise their cost of living, have been explained in my two previous speeches. Nor have we waited on the conclusion of negotiations before beginning to operate the policy, but we have for some time begun to extend the operation to grain shops. Mobile vans are in operation on some of the lines. I mention this point in response to the point made by Mr. Lalchand Navalrai.

But we recognise that there may be delay in implementing to the full the policy of stabilising the cost of living and we also recognise that some aspects of the present dearness allowance have come under criticism. We are anxious to meet the legitimate demands of the railway workers and have paid attention to the claims of the different sections of the staff. I have also taken note of the views expressed in this House. As a result I am in a position to inform the Honourable the Mover that certain modifications in the dearness allowance scheme in a favourable direction are under discussion although I am not in a position to announce them to-day. The reasons for this silence are twofold. Certain points are not finally settled and the Honourable Member would not expect me to make any piecemeal announcement. Secondly, and far more important, it has been the policy of the Railway Department ever since our Resolution of the 18th March, 1941, to endeavour to settle these matters by negotiation rather than by unilateral action. I am sure the Honourable the Mover and the majority of those who supported him will agree with this principle and I hope that the final stage of negotiations will be entered upon at a very early date. Sir, in view of this statement, I must oppose the motion.

Mr. N. M. Joshi (Nominated: Non-Official): May I ask for leave to withdraw the motion?

The motion was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Abdur Rahim): The next is the Muslim League's cut motion No. 49.

Mr. N. M. Joshi: There is still time for the Unattached Members. Mr. Anthony has got a motion.

Mr. President (The Honourable Sir Abdur Rahim): I do not find it here. Mr. Nauman, Motion No. 49.

Mr. N. M. Joshi: Mr. Anthony has a motion, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Mr. Anthony has no motion in my list. Was there any notice given of the motion by Mr. Anthony? I have not got it in my list. I understand it was not included in the Party arrangement. Then Mr. Anthony cannot move it.

The Honourable Sir Edward Benthall: On the paper which I have received there is a statement that Mr. Anthony will be free to move one of his motions, but I have no information as to what particular motion he is going to move.

Mr. Frank R. Anthony: I wish to move No. 12 on the List.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to have given notice of it.

Mr. Frank R. Anthony: I have given notice of it.

Mr. President (The Honourable Sir Abdur Rahim): No, no. The Honourable Member ought to have given notice to Government that he wanted to move a particular motion and he ought to have arranged with the other Parties. I do not know whether the Government is prepared to meet that motion.

The Honourable Sir Edward Benthall: I have no objection to the motion being discussed, but I would point out that it is already the subject of a Resolution which is before the House and which will be discussed again in the month of March.

Mr. N. M. Joshi: The Resolution deals with Secretariat staff, it does not deal with railwaymen.

Mr. President (The Honourable Sir Abdur Rahim): Have the Government any objection?

The Honourable Sir Edward Benthall: I have no objection.

Mr. President (The Honourable Sir Abdur Rahim): Mr. Anthony.

Inadequate and Illusory Provisions for Appeals from Railway Employees.

Mr. Frank R. Anthony: Sir, I move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

In his reply to the speeches on the Railway Budget the Honourable the Member for War Transport suggested that the picture I had drawn of conditions in the railways was inclined to be a little picturesque and even slightly exaggerated. But I can assure the Honourable Member that those conditions, though they may not be of universal application, do exist very largely on some of the railways. I am most grateful to those railways which are doing their best to satisfy the needs of the workers, but, though the conditions which I have described are not of universal application, on some of the railways they are of a most unsatisfactory nature. And any one who is conversant with these conditions cannot help but support this cut motion. I do not exaggerate when I say that on some of these railways, particularly on the G. I. P. Railway, some of the higher officers, though not all, do suppress any attempts on the part of their staff to secure redress, and suppress these attempts with gross ruthlessness. I do not doubt that they do it with the best of intentions, but they do it on the false notion that they are helping to maintain the discipline, prestige and authority of the administration. I do not exaggerate when I say—and I do not indulge in picturesque language when I emphasise—that on some of the railways men are being literally terrorised into accepting the most humiliating conditions of service. It is not necessary for me to stress not only the inadvisability but the sheer inhumanity of treating in this way men who are giving their most loyal, most selfless and most devoted service in the

[Mr. Frank R. Anthony.]

prosecution of the war. As I mentioned in my speech on the Railway Budget, I have made a most extensive tour of India and visited numerous railway centres. And when I speak on this subject, I speak with an intimate knowledge of the needs and requirements of the men. It is not necessary for me to emphasize the increasing and bitter sense of disillusionment which is spreading among the railway employees on some of the railways. All that the men ask for is not preferential or special treatment. All that they ask for is a square deal. They ask that they should get the promotions and the emoluments which they have earned and which it is the duty of the Railway Administrations to give them. They ask that no man's prospects and no man's career should be damned because of the whim or caprice of a single railway official—the whim or caprice which is almost invariably maintained throughout the different channels of appeals. And the only way to remedy this position is to supply the knowledge and the certainty not only that the men have technical and paper rights of appeal but to supply the knowledge and the certainty that every case will be really sifted and decided on its merits. Unfortunately, the subordinate staff on many of the railways today realise only too well that the provisions for appeal are nothing more than a matter of tiresome official routine in which one higher official, rather cynically and as a matter of mere routine, places his rubber seal on the opinion and the judgment of a lower official. In some cases, where the prospects and the career of a man are involved, there is not even the pretence of an appeal. For instance, many of the railways make their promotions on the principle of selection. There is nothing objectionable in this principle of selection. It is a very healthy and good principle but when you give to an official unfettered discretion in this matter, there is always not only the possibility but also the probability of a man—a highly placed official—being influenced not entirely by considerations of merit. He may be overborne either by the good looks or the pleasing manner of the recipient of his favour. I am talking about male employees. What happens to those who have been superseded. I can cite to the Honourable Member not on the floor of the House but privately cases of men who have been superseded and remain silent because they are afraid of that evil on the railways—victimisation. I can cite the cases where 10, 15, or 20 men, men with unblemished records of service, records of service equal to, if not better than, their more fortunate juniors, who have been superseded for no ostensible reason. And they are not allowed to question the reason for their supersession. They are not allowed to ask why in spite of their unblemished records of service they have been superseded and overlooked. Any attempt on their part to secure redress is scotched by that bogey of insubordination, which is the most abused weapon on the railways today. The moment a man tries to secure redress he is immediately branded as being insubordinate. Even where appeals are provided for, the course of justice can best be compared to an obstructed and fetid stream the first appellate authority is usually the Divisional Superintendent. After he has disposed of a case, a system of checks comes into operation which makes the possibility or probability of any redress not only remote but virtually impossible. After the Divisional Superintendent has dealt with appeals, the next higher appellate authority can only be approached when the lower appellate authority gives his sanction and approval. These different gradations of officials in this railway hierarchy of officialdom are vested with power which are suspiciously like those of a High Court of Judicature. Before an appeal can lie to the next higher authority, the first appellate authority has to give its sanction for the appeal. This is quite an unnecessary obstruction to the natural course of justice. The men should obviously have the right to appeal to every higher appellate authority, without the sanction or the approval of the lower appellate authority. Although the men have these paper rights of

appeal, as I emphasized in my speech on the Budget, the railway authorities—not all—but on some of the railways make it quite obvious by their attitude that they do not approve of these rights of appeal being exercised by the employees. I know of cases where men were afraid and have been afraid of putting up appeals and so long as your present system continues, they will continue to be afraid of submitting appeals and elaborating their cases before an appellate tribunal. They know that even if they succeed—because they have before them the example of men who have appealed and have succeeded—they will slowly but inevitably be ground between the wheels of official displeasure, because they dared to offend the unwritten code of the Railways that no employee should dare to question the discretion or the authority of his official superior. There is this tendency, this blind and unimaginative tendency, on the part of officials to endorse the action, right or wrong, of the lower officials. They believe in supporting—wrongly or rightly—the infallibility of the railway official. The result is inevitably not only injustice but terrible injustice. And that is why I feel that in addition to removing the present unnecessary obstruction to the rights of appeal, there should be a final appellate tribunal consisting of men with judicial knowledge and judicial experience. As far as I am aware, at present, it is the Agent or the General Manager who constitutes the final appellate authority for all appeals in railway matters. I have had cases brought before me and they are heart-breaking, because of the lack of knowledge of the most elementary rules of judicial procedure and evidence which is displayed by the average railway official. He is innocent of the most elementary principles of juridical procedure and you will find that even though the findings of the officials are wrong the higher appellate authorities blindly endorse and confirm the decision of the lower appellate authority. The only way to redress the situation is to establish tribunals consisting of men with judicial experience and judicial knowledge. I do not want to cast any aspersion on the railway official. It is not to his discredit, but he is not qualified either by training, by experience or by education to bring to bear on the cases which he is required to decide a judicial or quasi-judicial frame of mind. That is why, every day, you come across cases of the most flagrant violation of the most elementary principles of judicial procedure and evidence, which are confirmed from appellate authority to appellate authority. I would earnestly appeal to the Honourable Member for War Transport to provide a natural and absolute right of appeal, not only from railway authority to railway authority but to provide ultimately for a tribunal consisting of men with judicial experience, knowledge and training. If the Honourable Member does that, I assure him that he will remove not only this bogey of insubordination but this very real evil of victimisation. I ask the Honourable Member to accept my assertion that the curse of the railways today is victimisation. If a man attempts to proceed by way of an appeal, he is inevitably victimised. You will remove this evil of victimisation:

12 Noon. you will furnish a real tribunal where the men can hope to get real redress. I am not asking for anything unusual, extravagant or unnecessary. I am asking for elementary justice. You will assure the men that they can and will get justice and you will necessarily establish more satisfying conditions of service. You will make the men feel that the work they have given you is appreciated by you and that you will continue to appreciate the work which they are giving you and will continue to give you and that you are doing your best to meet their real needs.

Sir, I move.

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

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

Sardar Sant Singh (West Punjab: Sikh): Sir, similar motions have been discussed in the past and the attention of the Government of India has been drawn several times to improve the rules of appeals in such a manner as to make them real so that confidence may be created amongst the employees of

[Sardar Sant Singh.]

other departments of the Government. But so far nothing seems to have been done. Last year too, when speaking on this subject, I brought to the notice of the Government that the decisions given by the so-called appellate authority are nothing more than stereotyped orders for which a seal might as well have been prepared and put on every appeal which an employee makes to the department. This seal should have the words: "I do not see any reason to differ from the finding of the subordinate officer". This is not the right of appeal. I pointed out then what were the provisions of the Civil Procedure Code in such matters and how they were enforced by the appellate courts when the appeals are not disposed of according to certain known principles, laid down therein. I hope the new Member in charge of the Railways will look into the whole question and will ask his office to prepare a note based on the speeches made and the objections taken in this House about this right of appeal. At this time I only want to point out the illusory nature of appeals by referring to certain specific instances.

Lately, there was a case on the North Western Railway in which one Kartar Singh was promoted by the order of the General Manager from Stationmaster Grade V to Stationmaster Grade VI. Somehow or other, the Divisional Traffic Superintendent of the Rawalpindi Division in which he was serving did not like this order of the General Manager. So, what he did was that after the order had been communicated to the person who was promoted, he withheld the promotion. When this matter was brought to the notice of the General Manager, he asked his explanation, and then followed a series of charges made against him. First of all, it is inconceivable that a person who approaches the General Manager for the redress of a grievance when he feels charged with fancy charges of a vague nature, should lead to nothing. After all, he made an appeal and he succeeded in getting his appeal being accepted, and the General Manager asked the Divisional Traffic Superintendent to give him the Stationmaster Grade VI. What has been the result? The order was issued in November and he is to retire in May next and yet he has not been provided with the higher post. Instead of that, he has been degraded to the Stationmaster Grade IV although his appeal was accepted and he had been asked to be promoted to Grade VI. He has not been kept even in Grade V but has been degraded to Grade IV. What is the value of the acceptance of that appeal? This specific instance I brought to the notice of the General Manager and yet he is suffering simply because he happens to be a Sikh and the officer happens to be a Muslim. Communalism has gone so far that even when the appeal has been accepted, he has not been given his job. The papers have been retained so that he may retire and the whole thing should end in fiasco.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): The same thing is happening to the Muslim employees when the officers are of other communities.

Sardar Sant Singh: I won't claim that the others are not doing that.

Now, take the case of another man. His name is Jagjit Singh and he, too, was to be promoted to Stationmaster Grade VI and he was also working in the Rawalpindi Division. His career has been unblemished and he has been working at a place which is a military station. He has been given chits by the military officers that his work is very helpful to the Military Department. It was reported to the General Manager that he deserved promotion. The promotion has been given by the General Manager and yet it has been withheld. He has appealed and yet no orders have been passed. The orders will be issued at a time when he retires. These are specific instances which create discontent among the employees. Nobody can doubt that this discontent is due to the whims of the officers. What consolation can they derive from your Railway Budget speech in which you have paid them high compliments for their loyalty to the service in which they are? What sort of consolation can be derive from this compliment when he finds that in his individual

capacity, in spite of his approved service and in spite of his hard work, he receives such a treatment simply because he happens to belong to a minority community? Therefore, I draw the attention of the Railway Member to these two specific cases in the hope that he will look into them. If any Member of the Railway Board requires more definite information, I will be prepared to give it.

Similarly, is a case. . . .

Mr. President (The Honourable Sir Abdur Rahim): I understand that the Honourable Member is citing these cases only by way of illustration, otherwise he would not be in order as the Assembly is not a court of appeal.

Sardar Sant Singh: I am giving the general principles.

Mr. President (The Honourable Sir Abdur Rahim): I allowed him to mention those cases because I thought that if the facts alleged by him are correct that might be referred as a justification for the motion.

Sardar Sant Singh: Similarly, the discontent of the railway employees in the matter of appeals is so keen that the sooner the Railway Board takes the question into consideration the better it will be. They will be really complimenting their employees by ascertaining their grievances and not by mere words which sound very hollow to these employees when they know that in the service they are not treated as human beings. Therefore, I support the motion moved by my friend, Mr. Anthony.

Mr. Lalchand Navalrai: Sir, with regard to this question, this House has heard the complaints and the replies from time to time. Nothing has been done to revise the provisions with regard to appeals. Now, Sir, it is said in this cut motion moved by my friend, Mr. Anthony, that he wishes to discuss the question of inadequate and illusory provisions of the appeals from the railway employees. May I go so far as to say that virtually these subordinates have got no right of appeal at all? What happens is this. On every division; officers who are subordinate to the Divisional Superintendent are in charge of deciding these cases. Whenever any case comes up before the Divisional Officer for his decision, he knowing fully well that there is a right of appeal against his orders, and in order that there may not be any loophole left in his decision for appeal, takes the papers personally to the Divisional Superintendent who actually issues orders to the subordinate under his very signature. Now, I ask what kind of appeal should a subordinate make when he has already received orders passed in this manner. You say that the subordinate can make an appeal to the Divisional Superintendent. Well, when the Divisional Superintendent has already passed orders, how can you expect that he will decide these matters with a free mind or without any prejudice. He has already considered the case. He does not even call for any explanation from the subordinate to decide his appeal, because in that case there will be some semblance of consideration and objection to the decision of the Divisional Officer. Sir, this is not a new matter, it has been discussed on several occasions in this House. We got some replies from the Honourable Member's predecessor, Sir Andrew Clow, to which I will refer presently.

Now, Sir, I wish to point out that the Divisional Officer who decides such cases does not give any grounds for it. He simply says that the subordinate is dismissed or discharged or something of the kind. Even the Divisional Superintendent does not give any reasons for his decision on appeal. Now, on what grounds should the subordinate submit his appeal either for revision or some other relief? On this point Sir Andrew Clow said last year, that he had issued instructions that grounds of appeal and grounds of revision should be recorded and communicated to the appellant. That was very good and I thought that practice will be given effect to and something will be done. Now, I ask, has that practice been adopted? No. These instructions seem to be a mere dead letter. They must be lying somewhere, but I do not know where. We raised this question again and asked, if that practice was being

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followed, a copy of those instructions may be kept on the table of the House. What was the reply given to us? Oh! they are confidential. How are we going to know what those instructions are and whether whatever the Honourable Member in charge—I mean Sir Andrew Clow—said was carried out in effect or not? One does not know at all. I think these orders should be placed on the table of the House that grounds should be communicated to the appellant, or at any rate, the Honourable Member should see and the Railway Board should also see, that these grounds are very good and sound. Whatever I have said is a fact and I hope the Honourable Member will also see that the original decision as well as the decision on appeal is virtually by the same officer. I think that there should be two things. There should be a provision for revision of the orders of the Divisional Superintendent. Grounds should be recorded and communicated to the appellant. In that case the revision can be made to the General Manager and that would give some satisfaction to the employee. What now happens is this: if any representation is made against the decision of the Divisional Superintendent or if any application is made for being forwarded to the General Manager for revision, it is withheld and not sent up to the Divisional Superintendent. What is the remedy? Therefore, I say strictly speaking there is no right of appeal.

As the Honourable Members know Subordinate Public Services Commission has been started on the North-Western Railway and is actually working at Lahore. Is it not possible that appeals should go to that Tribunal—a Tribunal which is considered to be independent and disinterested? Why should not appeals be made to the Subordinate Public Service Commission? What is this Commission started for? Of course, it is for recruitment. I say apart from the work of recruitment it would be better if a Tribunal which is disinterested should be entrusted with the work connected with appeals, so that you are able to create some confidence in the employees that their appeals are decided by a body which is independent.

With regard to the point that grounds are not being given, I hope the Honourable the Railway Member will see whether the practice is being carried out or not and whether the deciding authority is giving grounds on which appeals are rejected as well as those on which the employee should proceed further. I submit that the procedure followed at present in connection with appeals is only futile and should, therefore, be reconsidered and certain provisions be made so that the work is entrusted to the Public Service Commission.

There are cases of hardship. I know of several cases in which people have been discharged by the Divisional Officer and appeals were not sent to the Divisional Superintendent. Further representations were not forwarded to the General Manager. Therefore, either these people had to sit quiet or they had to go to court. These subordinates are not allowed to go to court because they will have to incur so much cost, especially when they have got a right of appeal in the department. I say, if these people have got a right of appeal, it should be followed. Sir, I hope that this question of appeals, which has been agitating the mind of the employees since a very long time and has been brought before this House from time to time, will be considered seriously by the Honourable Member for Railways.

Mr. N. M. Joshi: Sir, I do not wish to speak at length on this motion. This question has been debated very often. Unfortunately, the discontent that prevails among the railway workers on this point remains the same. Sir, the railway workers do not feel that as regards dismissal and discharges and security of service, there is adequate provision made in their service rules for their protection. A railway worker is dismissed and discharged sometimes very lightly. That is the feeling. The same is the feeling as regards appeal. There are appeal rules existing in the service rules. But they feel that these

appeals are only nominal or, as my Honourable friend, Mr. Anthony, has said, illusory. People feel that these appeals are not looked into properly at all. These questions of dismissal and discharge or appeals and discipline were considered very seriously by the Royal Commission and they made certain recommendations. Some of these recommendations were accepted by the Railway Board. Still the feeling amongst the railwaymen is that there is not much improvement made, although the rules have been changed to some extent. I feel, Sir, that there must be greater care taken when people are dismissed or discharged. The root of the evil is there and, therefore, when a man is to be dismissed or discharged, proper precautions should be taken. On this, the Royal Commission had made some recommendations. The Railway Board has not yet accepted the recommendations completely. The Royal Commission recommended that if a man is to be discharged or dismissed, he should have the right of personally being seen by the officer who is to discharge or dismiss him and he should have the right to be accompanied by the representative of the trade union, if he belongs to a trade union. The Railway Board has not accepted this recommendation fully. In some cases, they permit a man to be accompanied by another railway employee. The point is if he is accompanied by another railwayman and if he is to be examined by an Officer of the Railway, the railwayman cannot be expected to be frank and independent. Therefore, the Royal Commission had recommended that the man to be discharged or dismissed should be accompanied by a representative of the union. I do not know why the Government of India should object to the representative of the union accompanying the man when he wants to appear before the Officer.

Mr. President (The Honourable Sir Abdur Rahim): At 12-40, the cut motion of the Muslim League Party begins. The Honourable Member should conclude his speech soon.

Mr. N. M. Joshi: I have not much to say. I should like the Honourable Member to consider this question very seriously, especially the suggestion as regards the establishment of some kind of independent authority to dispose of cases of appeal.

The Honourable Sir Edward Benthall: Sir, this motion is an attack on the impartiality of the senior railway staff. Now, Sir, on that general question Sardar Sant Singh asked that I, as a new Member, should look into the whole organisation. Naturally I came into the Department as a new broom looking to sweep away any cobwebs that might exist. I have looked among other things very carefully into the general attitude of the Railway Administration towards the staff. I have already recorded my opinion. I stated at a public meeting that I found in the senior staff of the Railway Administration not only justice but also humanity and I am convinced that that is a fair summing up of the position. The accusation made today is directed partly against the rules themselves, but mainly on their application by certain Divisional and other officers. I have examined these rules very carefully. Let me for instance, as an illustration, mention one or two points with regard to dismissal since there seem to be accusations in that respect. An Officer is charged with a crime for which the maximum penalty is dismissal. He has to have a charge sheet placed before him with seven days clear notice to study the charge. There is also provision for a departmental enquiry if that should prove necessary. To answer the point raised by Mr. Joshi, he can be accompanied by another railway servant.

Mr. N. M. Joshi: I should like a representative of the trade union to accompany him.

The Honourable Sir Edward Benthall: The railway servant may be a member of the union. Then, Sir, there are ample provisions laid down in the State Railway Establishment Code, Discipline and Appeal Rules, which cover various aspects of discipline and appeal. They provide that a record of the

[Sir Edward Benthall.]

penalties should be kept and they lay down very carefully in Rule 1721 what are the duties of the appellate authorities. In Rule 1720 it is provided that every appeal shall be addressed to the authority to whom the appeal is preferred through the authority from whose order the appeal is preferred. In answer to my Honourable friend, Mr. Anthony's point, I would point out that there is no discretion in the matter; it is simply an instruction as to the channel through which the appeal is to be made. I should perhaps make one other point in that connection and that is that strict instructions are laid down that the executive authority who deals with the cases should not consult his superior officer before passing orders on the case. That is to ensure that the officer who is charged with the appeal shall not be prejudiced before he sees the appeal. I think it is quite reasonable that the Railway Board should issue further instructions in that respect. I am not quite certain at this short notice what the rules are as regards the appellant employee being given the reason for his discharge. But I am certainly aware that in many cases that reason is given.

This question has come up before the House on many occasions and as I have said before the debate began, it is in fact before the House now in the form of a Resolution which has been adjourned till a day in March. It was certainly discussed in 1941 on a Resolution by Dr. Sir Zia Uddin Ahmad. He then asked that judicially minded officers should be appointed to look into appeals.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): What does "judicially minded" mean?

The Honourable Sir Edward Benthall: You will have to ask Dr. Sir Zia Uddin; I think those were his words. It may have been "officers with judicial experience". However, the intention is clear.

In the course of the debate, I think, it was amply proved that the safeguards for railway workers are in fact adequate, and that the appeal rules are adequate. They do provide that the railwaymen shall get a square deal, and as a result of that debate, orders were issued—I cannot give you the date off-hand—for the prompt disposal of appeals. Sir, from my examination of the situation I am satisfied that the system is sound. I do not believe—I do not propose to debate the point—but I do not believe that the provision for this purpose of officers with judicial experience is desirable in the railway administration. I think the proper way to carry on an administration of this sort is to make adequate regulations and to trust your officers to carry them out, but also to see that the officers have the right ideas. It is the business of the Railway Department to see that the officers have those right ideas and I will consider taking up the question of the withholding of appeals to satisfy myself that the orders are not being neglected.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): So far they have been ignored all along.

The Honourable Sir Edward Benthall: No, Sir. I do not believe that to be true.

Sir Muhammad Yamin Khan: If that were not the case, there would be no complaints here.

The Honourable Sir Edward Benthall: Sir, we hear complaints from time to time, but I should like very occasionally on the floor of the House to hear cases cited where men have been justly dismissed, because there are quite a number of them. Sir, I quite agree with the Honourable Member who is intervening that there may be occasions where officers do not fully carry out the instructions. So far as it is possible in such cases, I think it is the practice to move such officers who are bad with the staff to places where they have the least to do with the staff. But I was not in the least convinced by the cases cited by my Honourable friend, Sardar Sant Singh, because I feel that he has not heard the whole of the story. So I would suggest that there are, in fact,

dozens of officers who are conscientiously carrying out their duties, and I do not believe that there is much the matter with the administration of justice on the railways. I would like the House, if this motion is put to the vote, to express themselves strongly in favour of the view that on the whole the railway administration administers justice to its staff, but in view of the assurance which I have given to the Honourable the Mover I hope that he will withdraw the motion.

Mr. Lalchand Navalrai: May I know from the Honourable Member why it is not possible to give these appeals to the Subordinate Public Service Commission which is now working?

The Honourable Sir Edward Benthall: On the North-Western Railway?

Mr. Lalchand Navalrai: Yes.

The Honourable Sir Edward Benthall: Because that body is very fully occupied in taking up the enormous number of applications for new appointments.

Mr. Lalchand Navalrai: What I say. . .

Mr. President (The Honourable Sir Abdur Rahim): Order, Order. The Honourable Member has already made his speech.

Mr. Frank B. Anthony: I beg leave to withdraw the motion.

The motion, was, by leave of the Assembly, withdrawn.

Recognition of Railway Muslim Employees Unions and Associations.

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): Sir, I move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

Mr. President, Sir, there was a time when the whole idea of labour organization was repugnant to the powers that be. Fortunately we have outgrown that stage and the necessity of organized labour is universally accepted. What is the principle underlying the organization of Labour Unions? The labourers individually and in scattered manner would not have influenced their employers to give them humane treatment, and for this purpose a bargaining capacity had to be acquired by collective strength of a class of labour. There is, therefore, no question of recognizing or not recognizing labour unions as such. The only question which I am to urge before the House is whether the principle of recognition can be extended further to include recognition of Muslim Unions and Associations of Muslim Railway employees. I and my Party members—the Muslim League Members—have taken some pains over this matter and have been examining the whole issue for probably over ten years and the result of our pains have led us to believe, and we have come to the irresistible conclusion, that in the peculiar conditions obtaining in India such a development is not only desirable but absolutely necessary in the interest of the labour and in the interest of the administration. For, after all, what purpose do these unions serve? What do they stand for? The whole justification for the existence of a labour union is to ensure to the members the best working conditions which includes the looking after of individual members' grievances in special circumstances and to see that large masses of labour are not left to the mercy of the employers. Therefore, as leaders of Muslim public opinion, we have before us the immense mass of Muslim labour and railway employees organized under the name and style of "Railway Muslim Employees Welfare League" at Calcutta and under the name of "Railway Muslim Employees Association" at Delhi, Lucknow and Lahore, which represents most of the Muslim Railway employees and workers on different Railways in India.

We are only discussing here the question of recognition of particular unions organized denominationally under these names. Once, therefore, the question of recognition of labour unions has been accepted, can it be argued by any employer, much less by a Government, that Unions of thousands of employees should not be recognized because they consist of a particular nation or members of a particular religion—I mean the Mussalmans. I cannot imagine any

[Mr. Muhammad Nauman.]

force of argument whenever it has been advanced that while Government does not object to the representation or recognition of unions, they do object to the recognition of unions or a group of unions because the membership consists of Muslims. If the argument is that the membership of a particular union should not consist of a particular class of people professing a particular religion, then, I suppose, all the unions in Europe should be disaffiliated because they include Christians and Christians alone. If that argument had any force, international labour conventions should have established a rule that no labour union could be organized either by a certain class of people or a nationality or by members of a certain community, or religion. Now, Sir, what are the necessary conditions which a labour organization should satisfy? That is the only question which an employer should look into and which Government is entitled to see into. Certainly it is the membership and the organized working of the said union. These can be the only test and nothing else. Whether a labour union consists of people belonging to a particular religion, or of people belonging to a certain particular creed should not be a plea for refusal or denial of recognition. If it consists of a people of a particular religion, it cannot be said that they are doing something which is against any principle of a labour organization or is contrary to any International Labour Convention.

Another point which I have got to stress is this. Conceded that labour unions have been organized and recognized in India and are in full working order, securing to its members that pretence of advantage that it is possible for unions in this country to secure at the moment. I use the word "pretence" particularly, because I still believe that labour unions are not strong enough to be able to squeeze those advantages and those working conditions which they are capable of in other parts of the world.

Now, Sir, Muslim labour have not been able to secure even that much. Muslim labour and the employees are not represented on those unions, except only a few who have been included in the list to 'exploit the privilege of the Muslims. I need not go further into that argument. Probably it is no secret why and how it has not been possible to have one and the same union for the two nations in this country. The leadership of those unions which have been recognised has remained confined to the members of the other community, I mean the Hindus, and to those of the other political creed, I mean the Congress. Naturally, it has not been possible for members of the Muslim League or others to include themselves in that union and organization. That is the point which I particularly want to stress. On the one hand those unions are under the leadership of Hindus, and politically under Congress influence. On the other hand they are predominantly of those sections of religion with which unfortunately in this country, we have been having bitter relations. Whether we call it fortunate or unfortunate, the position remains where it is. The fact cannot be denied. At least Muslims are not represented. Muslims have held aloof. Now if Government refuses to recognise the Muslim organization, it follows that Government is denying to the Muslim employees and workers what they are giving to non-Muslim labour on the Railways not so in form of course, but in fact on a pretext and plea which can have no justification, because when you examine things, you have got to examine things under the conditions in which we are. You cannot bring in the plea of an analogy from Europe and say that because it is not happening there you have some justification for that sort of tradition. Unless the conditions are identical, the analogy can be of no importance. As a matter of fact we have been stressing this issue for many years. We moved that and have been insisting on that indirectly from 1935 onwards. I moved a cut motion in 1939; then in 1940-41 also; in 1941-42 we walked out as a protest for the treatment which the Muslims were receiving by the Railway Department of the Government. And one of our grievances, then also, was the refusal of recognition of Muslim.

employees' unions and organizations. It may be unfortunate in the opinion of the Honourable the Member for Transport or other Members of the Government, but we have to face facts. We cannot work under delusions for a very long time. You have got to know under what conditions you have to work and shape your administrative policies. We are not represented on those unions and Muslims who have taken a separatist position in all walks of life, for good or for worse, are not included in those unions of the other nations existing in this land. And if you still turn a stiff neck to the Muslim employees' unions' demands, you are particularly penalizing them for no fault of theirs but only on account of your own Utopian ideas which you have conceived for reasons better known to you and which defies all principles of equity and justice. From the purely labour standpoint, it should be immaterial whether the union consists of members of one religion or not, provided it is big enough and organized enough to be capable of recognition. If you find that all the other factors are there justifying recognition, I do not suppose there can be any force in the arguments for denial by the Government as employers of labour. We Muslims of India have decided upon a particular course of action and that course of action is certainly not before this House for approval; that course of action is known to every Member of this House. We are quite decided in our minds that Musalmans are a nation, a different nation from the Hindus, and we are determined that our national existence shall find expression in all the walks of life, whether it is in general politics, or in representations to the Assemblies, Councils, local bodies, in labour unions or anywhere else. We have taken a definite stand and as I said, it is not for the approval of the House or for the approval of the Government. . . .

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

Mr. Muhammad Nauman: We have taken up that stand on these lines, and I would say that when we have decided in our minds that we are a different nation from the Hindus, we are determined that our national existence cannot be suppressed in any walk of life and we must have a separate existence in all organisations, administrative or otherwise.

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

Mr. Muhammad Nauman: On these grounds we want that the Muslim unions and employees' associations should be recognised by the Government. With these words I move.

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

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

Sir Hugh Raper (Government of India: Nominated Official): Sir, I would explain that my intervention at this stage is to place before the House, in brief, the background to this question. I should here emphasise that we understand that we are dealing solely with labour organisations. In the motion which was moved, my Honourable friend, Mr. Nauman, referred to associations, and I think it should be clear at this stage that we are very definitely referring to labour organisations, as that is what unions or associations, whichever they may be called—which are recognised by railways—in fact are. The aims. . .

Mr. Muhammad Nauman: May I ask the Honourable Member—I could not follow him? Do you mean that the word "union" should be the only word, or do you object to the word "association" being there? Is that the idea?

Sir Hugh Raper: I was endeavouring to confine your case, as I understood should be so, to actual labour organisations. . . .

Mr. Muhammad Nauman: Yes.

Sir Hugh Raper: I merely wished to make that quite clear.

Mr. Muhammad Nauman: Railway employees' unions—that means labour unions.

Sir Hugh Raper: The aims of these labour unions or associations is to further the labour interests of railway employees as a whole and not of one particular community. The railway administrations and, naturally, the Railway Board also, are bound by the Government of India rules on this subject. They are contained, so far as the railways are concerned. . . . (Interruption)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should not interrupt.

Sir Hugh Raper: . . . in State 'Railways Code, Vol. 1. Those rules provide that recognition will not ordinarily be granted, or continued, to any association unless it complies with the following conditions: (1) it must consist of a distinct class of Government employees, (2) all Government employees of the same class must be eligible for membership, and (3) it must be registered under the Indian Trade Unions Act. These are the rules upon which railways are working. The question of the recognition of associations of Government servants formed on a communal basis has been under consideration many times. But one of the very important conditions regarding railway unions is that every government employee of the same class must be eligible for membership. That very definitely rules out the communal union. We believe that there is an excellent case for unions being organised for a particular class of workers, whose interests would be the same. So far as Government employees are concerned, railway workers have different interests than the Post and Telegraph Department workers. That would be one division into classes. There is the further division within these broad classes, one, a very suitable one, that has been adopted, is between line staff and workshop staff. There is another; the accounts staff have their own union; but each of these unions that exist must be open to membership to every member of the staff of that particular class. . . .

Mr. Muhammad Nauman: May I ask 'one question? Supposing the Muslim employees association make it a rule that they will not debar the people of another religion, will Government recognise that, in spite of that name—Railway Muslim Employees' Association and Railway Muslim Employees' Welfare League?

Sir Hugh Raper: I would reply to that firstly, that each case has to be treated on its merits, and secondly, that in the unions that have been recognised we are not aware of a single one that has refused admission to a member of any community. There is obviously a limit to the number of unions which an individual railway can recognise. It is a difficult matter for a railway administration to have dealings with a large number of unions, and likewise if there are a large number of unions, there might be conflict amongst them; and so it has been the policy hitherto to endeavour to keep to within reasonable limits the number of unions that are recognised. Furthermore, if the number of unions should multiply, the number of union officials would also multiply and I think our already very harassed district and divisional officers would have a very considerable amount of their time spent in trying to ensure level and fair treatment to one and all.

Another point that I would like to make is this; that although from our experience we have found that there is considerable difficulty in having a number of unions recognised by one administration, the difficulty that would be present if there were communal unions would be very greatly enhanced. The working of railways depends upon the *esprit de corps* of all, the closest co-operation of all. If all members are members of one union, we should—and we believe we do—secure that co-operation in full.

Mr. N. M. Joshi: Sir, this question was discussed, I think, in 1941 on a Resolution moved by one of the members of the Muslim League Party. I took part in that discussion and I have also listened to the speech of my Honourable friend, Mr. Nauman today. The Muslim League Party has not yet told us why separate unions are necessary. It is not enough to say that the

Muslims are a separate nation and, therefore, they should have separate unions

Mr. Muhammad Nauman: On a point of personal explanation, Sir

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has made his speech and should not interrupt.

Mr. N. M. Joshi: I have listened to the speeches in 1941 and I listened to the speech of my Honourable friend, Mr. Nauman, now. If they can say or

1 P.M. point out how the interests of the Muslim workers have suffered, then certainly it will be a matter for consideration whether for the protection of the interests of the Muslim workers there should be Muslim organisations or not. The only reason given is that the Muslims are a separate nation, therefore they must have a separate union. I think that is not convincing. My Honourable friend, Mr. Nauman, on this occasion and on previous occasions too had said that the trade union organisations are dominated by the Congress. I dispute that fact, I challenge that fact. It is not true to say that the trade union movement in this country is dominated by the Indian National Congress.

Mr. Muhammad Nauman: It is predominantly Congress.

Mr. N. M. Joshi: In the trade union organisation with which I am associated, namely, the All India Trade Union Congress, there are individuals who belong to the Indian National Congress, there are individuals who belong to the Muslim League, there are individuals who belong to the Hindu Mahasabha, and there are individuals who belong to the Liberal Party. There are also some individuals who belong to various other parties.

Mr. Muhammad Nauman: But it is predominantly Congress.

Mr. N. M. Joshi: The All India Trade Union Congress is not dominated by any one organisation. Let me also give some information to my Muslim friends here that one of the rules in the constitution of the All India Trade Union Congress is that no resolution on politics should be passed unless there is a three fourths majority (Interruption) and this rule prevents a controversial political resolution being passed. There was an attack made on the leadership of the trade union movement. I am not one of the leaders and so I do not think there was any attack on myself. But my friends of the Muslim League must remember that there are no Hindu interests or Muslim interests to be served in the trade union movement. The trade union movement is an economic movement it is a movement intended to protect the economic interests of the working classes in this country. So long as there is no discrimination made by the employer as regards wages and other conditions of service between Muslim workers and Hindu workers, there are really no interests served by the Hindu workers trying to dominate that organisation. As a matter of fact, it is in the interests of the labour movement that no section should dominate and our endeavour always is to make the organisation as universal and as representative as possible. Therefore, the demand made by the Muslim League that the Muslim organisation should be recognised is not a reasonable one. I repeat again, let them make out a case that the interests of the Muslim labourers have suffered. They have not suffered and if they can point out, then certainly I am prepared to consider the question whether there should be a separate organisation.

Mr. Muhammad Nauman: We have pointed out.

Mr. N. M. Joshi: My Honourable friend quoted the names of some organisations in Calcutta and in Delhi. I do not live in Calcutta nor always in Delhi, but I am fairly acquainted with the labour organisations in this country, and the organisations which have been referred to by my Honourable friend have not yet come under my notice except in the Legislative Assembly. I shall be glad to know as to the organisations which have got some strength, which have got a large membership. If they exist, I shall certainly have an opportunity of discussing with those members why they want a separate organisation, but I

[Mr. N. M. Joshi.]

have not yet come into contact with them. That is my experience of nearly 30 years in the case of labour. I feel that the Muslim workers themselves have not yet shown a desire to have a separate organisation. You have named one or two small organisations, but I can name any number of organisations in which there are a very large number of Muslim workers, for the very good reason that there is no clash of interest at all. You have given some example of an organisation which hardly exists. Nobody knows about it. (Interruption.) Give us some more information.

Mr. Muhammad Nauman: What more information do you want?

Mr. N. M. Joshi: I want you to give some information as to the membership, as to the class of members, what work they do—let us have some information. I am not against considering your case. If I find that the interests of the Muslim workers suffer, I shall be the first person to say that the Muslim organisation should be recognised, because workers' interests come first, and interests of the politicians must come afterwards if the politicians should have any separate interests from the workers. Last time I had made one suggestion to my friends of the Muslim League Party. They feel some amount of jealousy for the Congress or they feel that the Congress has got more support among the labourers.

Mr. Muhammad Nauman: Certainly not.

Mr. N. M. Joshi: I do not agree with that statement in the first place, that the Indian National Congress has got a dominating voice in the Trade Union Movement. We have got all sorts of politicians—there are communists, there are socialists

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): But please don't say that we are jealous of the Congress.

Mr. N. M. Joshi: I am glad to hear that you are not. I would suggest to my friends of the Muslim League Party to take a little more interest in the welfare of the working classes. I have watched the working of the Muslim League Party in this Assembly and I feel that excepting this question of recognition of Muslim Employees' Unions, they have not shown much interest in the labour movement. I would suggest to them to take some more interest in the welfare of the Muslim workers and then they will find that they cannot take a separate interest in the welfare of the Muslim workers because there is no separate Muslim welfare. I would suggest to them to make young men imbued with the spirit of service of the poorest class of people in this country. If more Muslims come forward, I am sure that the Muslim and Hindu workers will work in common in the interests of all the workers. I, therefore, feel that the case which is placed before the House is not a reasonable one, and so far as I can see, it cannot be supported because there is no need for separate organisations of Muslim workers.

Maulvi Muhammad Abdul Ghani: It has been pointed out by Mr. Joshi who professes to be the leader of labour all over India, that no case has been made out for recognition of the union called Muslim Union of Railway Employees. If my Honourable friend will care to see the object of these unions of the railway employees, he will realise that it is nothing except for representation or redress of their grievances so far as railway services of a particular class, say the lower services, are concerned. If Mr. Joshi will take the trouble of consulting the latest Administration Report on Railways, Volume I, it is given out there that in the railway services to-day the representation of Hindus has gone up from 25.47 to 34.42, that is a rise of 8.95 per cent., during the eight years commencing from the period 1934 to 1942.

Mr. N. M. Joshi: That is a political question. It has got nothing to do with the unions.

Maulvi Muhammad Abdul Ghani: During the same period the percentage of Mussalmans has gone up only by 1.98 per cent. See the difference. In

1934 the Resolution on communal composition of the services was passed. What is this position due to? It is entirely due to the Muslims being under the influence of the so called national Unions which are entirely or almost entirely composed of Hindus. The Mussalmans have no share there. The Mussalmans wanted to have a separate organisation of their own and they want to advance their cause from that platform. Now, you know the attitude of the people in this country. Take the case of the last Civil Disobedience Movement. My Honourable friend the Railway Member will come to realise the position when he knows that a grave situation was averted by the Mussalmans keeping themselves aloof from this movement. Otherwise he would have seen the consequences on the State-managed and Company-managed railways if the Mussalmans had joined the movement and damaged the communications. Then the Member of the Railway Board would have come to his senses. Rules are made by human beings. They are not Godly rules. Rules are ever changing and they are changed to suit the occasion. It is high time that the railway authorities listen to the voice of their Muslim employees. There is nobody to voice their grievances. My friend here has mentioned the names of several unions which are entirely composed of Mussalmans. My friend, Mr. Joshi, wants to know their number. It is 4,000 in Calcutta, two thousand in Lucknow and so on. It is not a union of a few persons. There are thousands at every place.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Sir Henry Richardson (one of the Panel of Chairmen) in the Chair.

Mr. P. J. Griffiths (Assam; European): On a point of order, Sir. Is there a quorum in the House?

(After a count was taken.)

Mr. Chairman (Sir Henry Richardson): Yes, there is a quorum in the House. Mr. Abdul Ghani

Maulvi Muhammad Abdul Ghani: Sir, just before the lunch I was speaking on the necessity of the recognition of the Muslim unions and among the reasons I adduced was the number of the Muslim employees at different places. For instance, the number of Muslim employees of railways at Calcutta is about 4,000, at Lucknow 2,000, at Lahore 3,000, at Delhi 1,000. These unions have the word "Muslim" before their names and I find that the word "Muslim" generally in these days is a very pricking one. Every effort is being made to frustrate the just claims of the Muslim nation. Whenever any voice is raised on the floor of this House on behalf of the Muslim nation, it is regarded as detrimental to the interests of other interested parties as if the Muslim nation has no claim over this country, and the authorities are generally guided by these notions. I think this is the right time to change such attitude. When the Parliament has time after time changed the constitution concerning India and when they have provided for the representation of various nations and communities residing in India, why are the officials sticking to their old ideas of prestige by saying that there is no such rule? They always take shelter behind this prestige, that there is no rule. The rules are of their own creation; they can amend them at any time they like. But it may be a fact that it does not suit them to do so because they are surrounded by the employees of the majority community and notes after notes are so managed and manipulated and prepared that the minds of even disinterested officials become vitiated and it so happens that the interests of a particular community suffer. If there was no necessity for looking after the interests of the various communities, then there

[Maulvi Muhammad Abdul Ghani.]

was no necessity for passing a Resolution like the one which the Home Department passed in 1934 reserving the rights of various minorities in India. Not only that, when the authorities found that that Resolution did not suit a particular group of people, say Anglo-Indians, they changed it and substituted it by reserving 40 per cent. of seats in the matter of railway and postal employments.

Mr. N. M. Joshi: That is for recruitment.

Maulvi Muhammad Abdul Ghani: It may be for recruitment but I am urging why such a principle was accepted not only once but it was repeated when it suited the interests of a particular community. So, there is no justification for the Railway Board or for any authority administering the railway affairs in India to take shelter under the plea that the rule is such and such and it does not allow the recognition of a particular class of people. In the very beginning I urged that the Mussalmans do not join the so-called national unions. They are national only in name, as, for instance, the Indian National Congress. It is not national at all; it is a Hindu organisation and nothing else. Because of this reason we do not like it and the world has seen it in its true colours and has realised that it is not national at all. It is a denominational political organisation. When you have recognised the Muslim League, heavens and earth will not fall if you give recognition to the union which is mostly composed of Muslim unions. The Muslim employees are not vocal at all and their interests suffer. Sir, these so-called national unions are sometimes run by Anglo-Indians and sometimes purely by Hindus. Therefore, the grievances of the Muslim employees regarding their conditions of service are not fully met with in those unions. It is for these reasons that they want the recognition of such a union in which their voice could have an effective place. I have in the very beginning said that it is due to that that it is not going on well, although there is reservation of 25 per cent. for them. The majority community is getting more and more as against the interests of the minority communities. Why? Because labourers of the minority communities, especially the Mussalmans are not vocal there. Therefore, they want an organisation of this character where they may be in a position to represent their case more effectively than they have hitherto done. With these few words I support the motion moved by my Honourable friend, Mr. Muhammad Nauman.

Sir Muhammad Yamin Khan: I confess that I have always been upto now of the opinion that a separate union for any community was not necessary. During all these years, I have been approached by somebody or the other with the request that I should support the formation and recognition of separate union for the Muslims. Whenever I was approached with such a demand I always argued against it. I was of the opinion that the unions are meant only for ventilating such grievances as are common to all people in that service and that unions should not be made to ventilate the grievances of any particular community, but for the service as a whole. This fact has been stressed and laid down here by the Government and that has always been Government's point of view. I find that my Honourable friend, Mr. Joshi, who is interested not only in labour but in other questions as well, was of the same opinion. The only reason for my conversion from that belief was that, since I became Secretary of the Muslim League Party, I began to receive lot of complaints—the volume of these complaints is tremendous. I have received so many complaints against the injustice done to individual persons in the matter of promotion and dismissal that it is not possible for any Member of this House to go through them and devote his time to all these individual cases. I think it will not be a right policy if I come here in this House and ask questions about every individual, because it is not right policy that the grievances of individuals should be ventilated here.

Mr. N. M. Joshi: President will rule the question out of order.

Sir Muhammad Yamin Khan: And very rightly too. But we have to deal with the question on a matter of principle. How are you going to ventilate

those grievances? Mr Joshi asked what is the reason for recognizing separate unions: and said that no case has been made out by the Party. As he said the Honourable the President will rule out of order questions relating to individual cases, they cannot be brought here. May I ask him, who is going to represent individual cases? An organisation. Will the general organisation as a whole take up individual cases? Well, from the complaints I have received I find that, that is not the case. I think if an injustice is done to any particular individual on the basis of his holding one religion or the other, he must have some place for representing his views.

Mr. N. M. Joshi: May I point out to my Honourable friend, even unions will not be allowed to take up such individual cases? Individuals make their own appeals.

Sir Muhammad Yamin Khan: Unfortunately, the circumstances in this country are such to which we cannot have any analogy. I would be very glad if the circumstances in this country were the same as those prevailing in England: then it will be a happy country. I shall be thinking that India has achieved her highest limit at that time. Unfortunately, we cannot ignore what India is today. I need not lay too much emphasis on this point. I would not like any Hindu Member to get up and say that members of his community were suffering because they are Hindu, or of an Anglo-Indian to be told that he could not get redress because he was an Anglo-Indian and an European member say that he could not be met with justice because he happened to be European. In the same manner, I would not like that any individual may have the feeling that he could not get justice simply because he happened to belong to the Muslim community. It is for this reason that I ask my friend, if he thinks that there are some individuals who have got grievances which are not meted out properly not on account of justice but on account of their being members of one community or the other, to consider this question. I have got a large volume of evidence, which I am ready to place before the Honourable Members. I will simply quote one or two instances out of the large number of complaints that have come to my notice. Up till now there has been a rule that the senior man must get promotion. Of course, every body knows that promotion depends entirely on the seniority in the service. But when the turn of a Mussalman comes, the rule is changed all of a sudden and he is told that promotion will not be given to the senior man but it will be made by selection and the man junior to him is selected. You have been quite good upto the last two years. The individual affected feels how is it that he has been doing good work and since the time of his promotion has come he has become bad. I do not want to take up this case. Muslim Members do not like to put questions to the effect that a man could not get promotion simply because the rule has been altered. I want an association that may approach the highest authority. It will not do any injustice to any individual. I would not mind if an Indian Association is made for the ventilation of this grievance, that a European has been promoted simply because he happened to be a European. That Indian Association can put a question on Indianisation and why so many Europeans were promoted. If we can allow the question of Indian *versus* European, I think the necessary corollary is if any branch of Indian society feels injustice, it should ventilate that grievance and there must be somebody to act as the mouthpiece. At present, if the man has any grievance and he puts in his appeal, it goes to the very person against whom he complains. It has come to my notice that in many cases if people want to put in appeals, their representations are withheld and they are not sent up to higher authorities. That is the final answer. If we are not allowed to go to higher authorities, what are we to do? We have found that a man who has been doing excellent work for, say, ten years, when the occasion comes for promoting him, all of a sudden he is given a bad name, bad remarks are made in his character roll and thus he is condemned as a bad fellow. Or it is said that it is only a temporary chance or that he

[Sir Muhammad Yamin Khan.]

was good as a subordinate but that he would not do well as an Officer and so on. Who is going to judge this? The matter is left entirely in the hands of one man. If you make any one man the sole judge, it is bound to cause a great deal of hardship to poor innocent men who have been serving loyally and sincerely for a number of years. I do not like to do injustice to any body to whatever community he might belong. If any European or Anglo-Indian or any Hindu or a Muslim feels some grievance, he should have the right to go on appeal. If I were the Officer-in-charge whose duty is to hear these appeals, I would certainly attend to every case.

The view and notion of Indian people is this. You might have seen the picture called *Pukar*. This means that you can go on appeal, if you have got any grievance, to the Emperor himself. If people could not get justice done by the officials, they could go and ring the Moghul Emperor's bell and as soon as the Emperor heard the bell, he came out and listened to the petition. Even the petition of a poor woman, a washerwoman, was heard by Emperor Jehangir and he condemned his favourite Queen to be beheaded. That is the sort of justice expected, that a *sher* and *bakra*, a lion and goat should drink from the same pool. You must do no injustice. Where is this *Pukar*? The final authority should see the petition if justice is to be done. Nobody should have the right to stop the petition from reaching the highest authority. If there is an organisation, and if they feel justified that a particular individual has really a grievance, then that organisation will put up that case. Their application must be heard. This individual will first of all have to justify his case before the organisation. The organisation must be satisfied about the justice of his cause. If this organisation behaves badly, if it takes up a case simply because it comes from a Muslim, whether it is right or wrong, of course, the organisation will lose all credit for all times. I have no doubt that this organisation will use its common sense and will devote proper time to enquire into the genuineness of the claim and then only put up his case before the higher authorities. They cannot obviously allow the case of a man who might have some fancied notion of injustice having been done to him, and to whom in fact no injustice has been done.

I have come across several cases of hardships, I have no time to narrate all of them before the House. Sometimes the post of a clerk is advertised calling for applications from Muslims. At the time of filling up the vacancy, a report is made that no Muslim candidate was forthcoming. Such kind of grievances are very numerous. I do not want to waste the time of the House by putting all these before the House. It is time that Government made an alteration in the rules to see that all cases of hardship and injustice to subordinates are put up before higher authorities without being held back. With these words I support the motion.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, I have heard my Honourable friends to my right the members of the Muslim League over this cut motion. They want recognition of Muslim unions. My Honourable friend, the Mover of this motion, will excuse me if I say so, . . .

Maulvi Muhammad Abdul Ghani: That he made out no case!

Mr. Govind V. Deshmukh: I am not going to say that he made out no case, but running through his whole speech, one finds only politics. He said, we are going to have our nation in every walk of life. That was his main contention. I will come to the other points also made in his speech. My Honourable friend insisted that they should have this nation theory in every walk of life. That was his case. Well, Sir, so far as unions are concerned, the case is quite clear. You cannot have your nation so far as the question of association or union is concerned. For yourself and for other communities also, you are entitled to certain percentages, certain rights and privileges to be protected as a minority, but you cannot have it that in every walk of life you must be recognised as a nation.

Maulvi Muhammad Abdul Ghani: You can. Oh! yes.

Mr. Govind V. Deshmukh: You say, yes, I say, no. That apart, I now come to some of the points raised in the speeches. My Honourable friends can have no complaint that they are suffering because of want of separate union of their own in the matter of recruitment. That was a question in which very likely injustice would have been done and very likely separate representation was necessary. So far as recruitment is concerned, it has been decided that they shall have so much percentage, i.e., 25 per cent. and 8 per cent. for other minorities. Having fixed a certain percentage for the Muslims, the rule says that if candidates from other minorities are not forthcoming, then the candidates from the Muslim community should be taken to fill those posts also. Thus the majority community is deprived of their share.

Sir Muhammad Yamin Khan: No, no.

Mr. Govind V. Deshmukh: Read De Souza report. There you will find that if candidates from other minorities do not come forward, they shall be taken from the Muslim community and in this way, the majority community's representation dwindles down.

Sir Muhammad Yamin Khan: For the information of my Honourable friend, I may state this, that the Muslim community gets 25 per cent., other minorities get 8 per cent., that is, the minorities on the whole get 33 per cent. and the majority community gets 67 per cent. So the majority can never be reduced to a minority.

Mr. Govind V. Deshmukh: So far as you are concerned, you not only get 25 per cent., you also get 8 per cent. which would have gone to other communities. You were not entitled to this eight per cent. However, that point has been settled. I do not complain against that rule. The rule is there. No injustice has been done to your community; if any extra favour is shown, in this particular instance, it is shown to your community. The point is that so far as the question of recruitment is concerned, where injustice may have been done, that point has been decided for you once for all in your favour.

My friend, Sir Muhammad Yamin, was on sounder basis. He pointed out so much to the nation theory as to the economic grounds. He gave us certain instances. He said supposing there is a member of the
 3 P.M. Muslim community, he is senior and according to the rules he should have been promoted but then all of a sudden the rules are changed. My Honourable friend forgets that at that time when these rules were changed there must be other Hindu members also who according to seniority should have been promoted but for these rules. So, whenever a rule is enforced it must affect persons in that particular rank without making any distinction. As a matter of fact, the grievances of unions generally are universal. Take, for instance, the dearness allowance from which members of both communities suffer. Does it make any difference whether a person belonging to this particular union is Hindu or Muslim. These unions are service unions; they are not political unions. Therefore, it is not reasonable for anybody to urge that there should be separate communal organizations. Then my Honourable friend will certainly not be able to point out that in other countries where there are other minorities, the labour organizations are run on sectional lines, that is to say, every community has different organization, on the grounds that its interest cannot be represented properly. In every country it has been found an advantage to have labour unions not in sections but as a whole.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): I do not want to interrupt, but may I point out that in South Africa, in the case of labour there are labour unions of Europeans and Labour unions of Indians.

Dr. P. N. Banerjee: Racial distinction.

Mr. Govind V. Deshmukh: I am prepared to admit what my friend says, but how has it improved matters. Instead, if there had been a union of

[Mr. Govind V. Deshmukh.]

Indians and Europeans then certainly Indian members would have got the same advantages as the Europeans. But the trouble is that there are two and you cannot reap the same advantages as the Europeans are enjoying. Therefore, I say it is better to have one union to represent both the communities. The fact referred to by my friend, Sir Raza Ali, is in my favour, and I think it is not reasonable to claim different organizations.

Sir, it was pointed out that in certain unions there are Hindu office bearers and, therefore, the Muslim interests are not looked after. I remember and I am told that in Lahore, for instance, there are certain unions of which office bearers are Muslims and it makes no difference there.

Maulvi Muhammad Abdul Ghani: Name them.

Mr. Govind V. Deshmukh: It all depends on what the grievances are and not who the office bearers are. If the union's grievances are genuine and reasonable, certainly they will get the redress, the office bearers make no difference. My Honourable friend, Mr. Lalchand Navalrai, says there are some unions in which the office bearers are Mussalmans. Under the circumstances, I submit that there is no necessity made out for the recognition of Muslim unions.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I listened with great interest the speech just delivered by my friend. We have been hearing speeches of this kind in connection with other political organizations. For many years it was held that Congress was the only authoritative body to speak on behalf of the Indians, and any organization which does not come in and does not line up with the Congress is really no organization, it does not represent any interests, or if it represents it represents only the interest of the minority concerned, and so on. But the minorities, on the other hand, always held that a political organization—may be Unions or anything else—once it is established by major community, it ceases to represent the interest of other people which they profess to represent.

Now, leaving out the political considerations altogether, I confine my attention to the recognition of unions. Let us see the history of these trade unions not in this country but in other countries because the trade unions are a very infant organization as far as India is concerned; it is not so powerful as in some other countries. It is the common experience of other countries that "a well-organized and sensible union of workers is a great asset to every industrial organization", but before that ideal stage is reached we have to pass through intermediary stages and through these intermediary stages we have all kinds of oppositions.

Mr. N. M. Joshi: What is that book from which you are quoting?

Dr. Sir Zia Uddin Ahmad: This book is written by me, but I have quoted from the International Labour Office publication, and a good deal from my friend, Mr. Joshi, himself.

Mr. N. M. Joshi: I have read that.

Sir Syed Raza Ali: You mean quotations from you, or the whole book.

Dr. Sir Zia Uddin Ahmad: We have to pass through the various stages. In the first instance, the opposition came from the employers themselves. They did not want union of these workers and they always put down strikes by any kind of organization as illegal. In the second instance, there was opposition from certain sections of labour themselves. I would request the Honourable Member to follow the history of the Labour Unions in Holland and there he will find all these things. I will read one paragraph and this is from the International Labour Office publication "Freedom of Association":

"There are at present seven principal Unions and the three most important of them are Netherlands' Federation of Trade Unions having 190,179 members, Roman Catholic Workers' Federation having 90,475 members and Netherlands' Federation of Christian Trade Unions having 48,327 members. The other Unions have also been established on political, religious and social principles."

So here we have got these unions not altogether on the lines of the work which they are doing, but also on the lines of religious principles. So, we

see that in the beginning these unions are formed on all kinds of principles and in the end, when these ideas are fully developed in the country, they gradually fuse themselves into one union. Therefore, it is impossible to start, by means of laws or by resolutions of the Executive Council, to order particular formations of unions at the earlier stages. They will have their growth. But in the later stages when they have developed, then the time will come to fuse all these unions into one common organisation, which should be acceptable to the employers as well. So what my friend has been advising us to do in the early stages will be ultimately achieved at a later stage:—

"In Holland there exists no distinction in the eyes of the law between a Trade Union and a society having for its object the provisions of recreation for its members, the advancement of art or science, political activities or charity. The recognition of associations by the State is only refused, if it is contrary to public peace which is defined in Section (3) of the Art. of 22nd April, 1885, i.e., if the objects of the association are :

- (i) disobedience to or breach of the law of the land or of regulations in accordance therewith;
- (ii) attacking or corrupting morals;
- (iii) interfering with the exercise of the rights of any person whatsoever."

If there be any union which is formed and is contrary to public peace, then that union, and that union alone, should be stopped by the Government of the day. But if the object of the union is simply to bring together socially or for some other purpose any class of persons, then there can be no disqualification in the recognition of the union. What right have you got to disqualify if I wish to form a union for persons of only six feet in height? Why then should the railways interfere? Or why should they interfere if I wish to form a union of people with special ways of thinking, because in such a case these people can mix together socially and work out the real object of their union. My friend cannot deny it, for it has been proved in questions and speeches in this Assembly that there does exist at present some difference of opinion among the Muslim employees who rightly or wrongly feel that their interests are not safeguarded. This feeling has been brought out from the questions, resolutions and representations made on the floor of the House. Then, will you deny them the right to express their grievances? Why should the Members of the Assembly interfere in these matters? I do not think it is the function of the Legislature to bring forward the case that 'X' was not properly treated in a small railway: that 'B' was passed over rather badly, and go on. These are the things that the union should look into. At the moment, we have to do it because there is no recognised union. Only matters of broad principles should come before the Legislature. So one of the defects which arises from the refusal to recognise unions is that those small cases which ought to have been settled by the union come before this House and we waste our time unnecessarily.

Now we want to have a union that works harmoniously, but to reach that stage we have to pass through the intermediary stages; and the more you stop them the more intense will become the position between the communities. The only thing is to permit the recognition of unions and ultimately you will find that the differences between the various communities will be minimized; they will become small, and this will lead to the harmonious relations between the various unions. You have a Christian Union with its headquarters at Bhusawal. I have had correspondence with its secretary. There also exists a Muslim union and an All-India Railwaymen's Union or Federation. There are thus three bodies. Their ideals are different. Suppose there is a question of a strike. Some of the unions will oppose it, but in the general body meeting they may be out-voted. It has been proved that one union will oppose a strike in the railways; another union will also oppose it; but the two unions taken together will be in a minority in a bigger union of the federation, and when it is taken by the vote of the house it will be accepted and it will be considered to be the voice of all railwaymen. The recognition of unions will give a platform to people with one way of thinking in various administrative

[Dr. Sir Zia Uddin Ahmad.]

matters. Let them ventilate their grievances, but if they do anything which may disturb the mutual relations between different communities, or the public peace, then it is the duty of the Government of India to intervene in this matter. But so long as they do not act against the economic interests and against the public peace, and they make representations in their own way and ventilate their particular grievances, I see no reason why these people should not be allowed to carry on in their own way. You are following the example of Government 20 years ago with regard to trade unions. But now the time has come when they should change their minds as regards the recognition of unions, and I can assure them that if they change their minds now, the people will themselves like to have a common union. They may have it on paper for a start, but they will have common objects.

Therefore, I do beseech the Government to study very carefully the history of unions in various countries and watch the stages through which they have gone. There is plenty of material in Delhi in the International Labour Office. Allow us to develop the unions in India and do not dictate that the union shall do this and shall do that. In that case there will be dissatisfaction among the employees and the work of the union will have to be handed over to the Legislature. Therefore, in the interests of our own time, I will appeal to you to permit these unions to be recognised, which will eventually relieve us much of our present work.

The Honourable Sir Edward Benthall: I appreciate the view point of my colleagues on the Muslim benches. Sir, it is, I think, the natural consequence of their present political policy, and I realize that they feel very strongly in this matter. But my Honourable friend, Sir Hugh Baper, has stated what is the policy of the Government. He has, however, I think, omitted to say that it has very recently been again under review. The question was considered only such a short time ago as 1941, when it was decided by Council that no change should be made in the present policy of non-recognition of communal unions.

Sir Syed Raza Ali: By what Council?

The Honourable Sir Edward Benthall: I beg your pardon. Decided by Government.

Sir, after listening carefully to today's debate, I think, there is substance in the view of Government that it is impossible to draw the line between communal and political unions, and Government does not allow its servants to take part in politics. Nor am I satisfied, even by Sir Muhammad Yamin Khan's conversion or his able speech, nor by any of the other speakers, that in fact the interests of Muslim employees have suffered.

As regards recruitment, one speaker mentioned the policy of Government and the rules that are laid down. I have before me here figures which show that the Muslim percentage in the subordinate services of the State and Company-managed railways is showing a very steady increase, nearing the proportion which is prescribed for the percentage of Muslims in the services. As regards the question of promotion, the House will recall better than I can myself, the occasion when serious accusations were made, as a result of which Mr. DeSouza was asked to carry out a special investigation. If I remember the circumstances aright, some of the Honourable Members said there were hundreds of cases in which Muslims had been wrongly passed over for promotion. Mr. DeSouza made an investigation of all the cases that were put to him, which, I think, turned out to be eleven in number: and he found—and I think you will agree that he was an officer with a judicial mind—that there was no such passing over at all.

Dr. Sir Zia Uddin Ahmad: But I had in my possession about 150 cases, which I put on the table here in connection with some motion; but the difficulty about Mr. DeSouza's investigation was that he wanted things to be done

in a certain manner and would not allow us to argue and would not see the other side of the question: he persisted in seeing only one side of the question.

The Honourable Sir Edward Benthall: I hesitate to contradict the Honourable Member; but as I was just saying, I think that Mr. DeSouza was essentially an officer possessing that sort of judicial mind to which the Honourable Member attached so much importance not so long ago, and I think. . .

Mr. Muhammad Nauman: May I inform the Honourable Member that as we did not approve of his appointment we never even tried to place the facts before him; we wanted a different sort of inquiry from the one the Railway Board instituted; we did not approve of it; in fact we non-co-operated from all he wanted to do.

The Honourable Sir Edward Benthall: Nevertheless I think that the majority of persons were satisfied with the impartiality of Mr. DeSouza's inquiry and report. On the question of appeals, we have had a long debate this morning, and I have given an undertaking to the Honourable Mover, that I would have that question thoroughly investigated; and so I feel that there is nothing for me to do but to reiterate the policy of Government and to say that we must oppose any unions on a communal basis, whether they be Hindu, Muslim, European or anything else. At the same time, while doing that I would like to assure my Honourable friends on the Muslim League Benches that so long, as I am in this seat, I will do my best to see that the settled policy of Government to secure a fair deal for Muslims is diligently and faithfully carried out.

I should perhaps just say something on the question of the representation of individual cases by unions to the railway authorities. The position is that all railways, I think, now allow individual cases to be represented to the General Manager, provided the normal channels of appeal have been used first. This does not apply to all cases, but it applies to important punishments, such as dismissals, removals from service and that class of cases. It is generally at the discretion of the General Manager whether he will enter into correspondence on the matter, but he will certainly receive representations; although I think there are some conditions laid down on some railways that representation shall be made by a responsible officer of the union, who shall have personally scrutinised the case. So far as one can see, therefore, there is adequate provision on the railways and recognised unions should be in a fair way to be able to present to the general managers individual cases on all important matters.

I was very glad to hear Honourable Members say that they will be glad to be relieved of the burden of putting individual cases to Government. I am also very glad to have that news. Honourable Members realise, I think, that when they do make representations to the Railway Department, they are all most carefully examined; but the representations which we receive are not entirely from the Muslim Benches; I think, in fact, that there are Honourable Hindu Members who perhaps hold a record in front of any Honourable Muslim Members. So, having made these remarks, I am afraid, that I must oppose the cut motion.

Mr. Chairman (Sir Henry Richardson): The question is:

"That the demand under the head 'Railway Board' be reduced by Rs. 100." The Assembly divided:

AYES—12.

Abdul Ghani, Maulvi Muhammad.
Azhar Ali, Mr. Muhammad.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Essak Sait, Mr. H. A. Sathar H.
Liaquat Ali Khan, Nawabzada Muhammad.
Nauman, Mr. Muhammad

Raza Ali, Sir Syed.
Shahban, Khan Bahadur Mian Ghulam
Kadir Muhammad.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

Abdul Hamid, Khan Bahadur Sir.
 Aiyar, Mr. T. S. Sankara.
 Ambedkar, The Honourable Dr. B. R.
 Ambegaonkar, Mr. K. G.
 Banerjee, Dr. P. N.
 Benthall, The Honourable Sir Edward.
 Bhansali, Mr. M. D.
 Caroe, Mr. O. K.
 Chapman-Mortimer, Mr. T.
 Chattopadhyaya, Mr. Amarendra Nath.
 Daga, Seth Sunder Lall.
 Dalal, Dr. Sir Ratanji Dinshaw.
 Dalpat Singh, Sardar Bahadur Captain.
 Dam, Mr. Ananga Mohan.
 Deshmukh, Mr. Govind V.
 Gray, Mr. B. L.
 Griffiths, Mr. P. J.
 Gwilt, Mr. E. L. C.
 Haidar, Khan Bahadur Shamsuddin.
 Imam, Mr. Saiyid Haider.
 Jawahar Singh, Sardar Bahadur Sardar Sir.

Ahmad Nawaz Khan, Major Nawab Sir.
 Joshi, Mr. N. M.
 Lalchand Navalrai, Mr.
 Lawson, Mr. C. P.
 Mackeown, Mr. J. A.
 Maitra, Pandit Lakshmi Kanta.
 Neogy, Mr. K. C.
 Noon, The Honourable Malik Sir Feroz Khan.
 Pai, Mr. A. V.
 Parma Nand, Bhai.
 Pillay, Mr. T. S.
 Raismán, The Honourable Sir Jeremy.
 Raper, Sir Hugh.
 Sahay, Mr. V.
 Spear, Dr. T. G. P.
 Spence, Sir George.
 Stokes, Mr. H. G.
 Sultan Ahmed, The Honourable Sir.
 Thakur Singh, Major.
 Trivedi, Mr. C. M.
 Tyson, Mr. J. D.

The motion was negatived.

Extensions given to Employees in Railway Services.

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): Sir, I move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

Sir, the House has expressed its dissatisfaction at the extensions which are being given in the railway services, and given in a very generous manner. The replies which have been given by the Honourable the War Transport Member have not satisfied any section of this House. Therefore, I want to move this cut motion in order to discuss one particular aspect of the question which affects the Muslims in particular.

In 1939-40 when the Supply Department was created as also many other new departments, services were lent from the Railway Department to these new departments. The Muslims apprehended from the very beginning that these transfers are going to affect them. They felt that it was a planned crusade against the Muslims.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): You are talking about the extensions given to the Muslim employees?

Seth Yusuf Abdoola Haroon: I am referring to the railwaymen's services lent to the Supply and other departments. When those services were lent, the Muslims felt that it was going to hit them and affect them. It did happen. What happened was that when the time came for some of the senior grade staff to retire extensions were given to them, on the plea that there was scarcity of well trained staff. It is not a fact. Trained staff are available and will be available. The Railway Department might have promoted people from the junior grade to the senior grade. They are competent staff, but this was not done because they said there was scarcity of trained staff, and because these extensions were given, the chief persons who were affected were Muslims. I will inform the Honourable Member that on the North Western Railway which runs through my constituency there were four senior non-Muslim members of the staff who are given extensions. Otherwise two of the junior staff who are at present working as A. T. Os. would have joined the senior scale. In all-India, I believe 72 extensions have been given. If these extensions were not given and people were allowed to retire, at least 18 Mussakmans would have joined the junior scale. The number of Muslim officers who would have been promoted from junior to senior scale can not be precisely assessed but to keep the figures of N. W. Railway for the purpose of ascertaining, it can positively be said that 30 of them at least would have gone on the senior scale but this was not done. Only a plea was made that there is scarcity of staff, although staff is being transferred from the Railway Department to other departments which have no direct or

indirect connection with this Branch. (An Honourable Member: "Was it technical staff?") No. It was executive and administrative staff. Mr. Joshi said that the Trade Union Congress looked to the betterment of all the classes. Why did not they raise a hue and cry about the extensions? They did not, because it was a question of Mussalmans.

Mr. N. M. Joshi: I shall support you in the matter of these extensions.

Seth Yusuf Abdoola Haroon: When the question of Mussalmans comes up, they do not want to have new unions because it is a political body but I wish to say that it is not so. We are economically hit and that is why we have to organise another Muslim union. I would ask why should not the War Transport Member cry a halt to these transfers. He should not allow any more transfer to be made. Otherwise what would happen. There will be no retirement. The only retirement will be when a person will be paralysed or when he will die, then only his place will be filled up. Otherwise there is no chance for the junior staff to come up. I would like to mention an example to the Railway Member. It is under the very nose of the Railway Board in Delhi Division. In the Delhi Division there are 22 senior officers in the senior grade and there is only one Muslim. There are 15 Head Clerks in the Delhi Division in which only one is a Muslim. In the Headquarter N. W. Railway office, there is the Deputy General Manager, Deputy Chief Engineer, the Deputy Chief Accountant, Deputy Rates officer, Senior Commercial officer and Senior Goods officer. They are all Hindus and there are two Muslims.

Where will be the chance for the Muslims? They will never come up to the higher grades. When the war will be over, there will be staff coming back from the other departments and the Muslims will have to stay in their jobs for years together. There will be depression and no other recruitment. Why should not this system be abolished now. The Transport Member should at once see that no more extensions are given and people in the junior scales should be given a chance. Therefore, I protest against the policy of giving extensions which indirectly hits my community. It is time for the Railway Board to see that the Muslims come up to the ratio of 25 per cent. With these words I move my motion.

Mr. Chairman (Sir Henry Richardson): Cut Motion moved:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

Mr. N. M. Joshi: I rise to support this motion. Some days ago, I had asked questions on this point, complaining that the Government of India is giving extensions to their superannuated employees, with the result, that the interests of the younger employees are suffering. The reason given by the Government of India is, that a large number of their present employees have gone on war work and, therefore, they must have sufficient number of experienced men and for that reason they are giving extensions to people who are on the verge of retirement. I feel that this argument is not a sound one. When a man comes to the stage of retirement, the next man who is likely to take his place is not a novice. When a man retires at the age of 55 or has put in 30 years service or at least 25 years service, his place will be taken up by a man who has reached the age of 53 or 54. His place is not likely to be filled by an inexperienced man. I, therefore, feel that this argument does not really hold water. What may be happening is that a large number of officers who have gone to war may be Europeans and Government fears that their places may be taken by Indians and that if the retiring officers are Europeans, the number of Europeans may be reduced. I have not examined the figures and I would like the Government of India to give figures. So far as I am concerned, I should like to see that no extensions are given and people who are juniors should be protected and should have a chance. This practice of extensions results in new entrants not getting a job at all. A number of people have been trained by Government as railway apprentices and they do not get a chance at all. If they want the help of these experienced men they may send them to other branches of temporary work, such as war work and not keep them in the department and reduce the chances

of the younger people. I support this motion.

Mr. Muhammad Nauman: Sir, I rise to support the motion before the House. This question has been discussed a number of times since I have been a Member of this House and on all occasions we have expressed our indignation at the policy of extensions being given to officers and employees of the Railways. In reply to questions which were put to the Honourable the Railway Member, the Honourable Member said that they could not afford to lose the services of those people who had been granted extensions. It appears to me that just as the Railways are feeling the dearth of rolling stock and wagons, they are also feeling the dearth of efficient officers and they want to conserve their energies by giving them extensions. I suppose this question of extensions is not the question which should be looked at from any communal point of view. This policy of extensions has affected the Hindu officers, it has touched the European officers and it has certainly affected the Muslim officers and Muslim employees. I do not know what was the basis on which the Railway Board decided to take this decision.

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

If I remember aright, the Honourable Member said that individually every particular case was examined on merit and they thought they could not afford to permit a particular officer to leave his office and retire. If that is a real fact, then, as I said, it reveals the failure of the Railway Board in having an adequate number of efficient officials and it indirectly means that those who would succeed them were inefficient. Just as they have got an inadequate number of rolling stock and wagons, so it appears they have also got an inadequate number of efficient officials and they are only trying to give them extensions and keep them in this way. How long this state of things can go on? If these so called officials cannot survive for a longer period, then are we to understand that the railways will come to a stop because they will not have efficient persons to take their places? So, we on this side of the House want to impress the Government that this policy of giving extensions is creating a feeling of discontent among their own officers and employees, who consider themselves efficient—and I believe they are efficient—and who have been suppressed because certain extensions have been given to certain individuals mostly on favouritism. I know many individuals who have been granted extensions but I do not want to point out a particular individual and say why A or B or C was given an extension. I will content myself by saying that the policy of giving extensions is bad in itself and the Railway Board should not continue it any longer. With these few remarks, I support the motion.

Sardar Sant Singh: Sir, I support this motion not on the ground that the Mover has mentioned that it hits one community but on general grounds of principle.

Nawabzada Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): That is only one of the effects of it.

Sardar Sant Singh: But he proceeded with his case by referring to that aspect of the matter. Mr. Nauman has now cleared up the position and given it more strength. May I ask the Honourable Member in charge whether he has analysed the reasons as to why the Government has fixed a certain limit beyond which a public servant was to be retired on pension? If there were certain sound reasons for that rule, have those reasons disappeared now because of the war? That is a question to be considered. At the same time, we cannot ignore the fact that an extension granted to some officers means the taking away of the rights of those who are coming up. What right have you, I ask a plain question, to take away the rights which the rules of service give to the subordinates to go up to the highest post if they fulfil all other conditions, by granting extensions to the present incumbents of posts? Then, again, I am entitled to know and the House is entitled to know, why these extensions have been granted during

the last two or three years in numbers that was not to be imagined in previous years. There must be some particular reasons for it and the Department, I hope, will make that clear to the House in its reply.

The Mover of the motion referred to certain instances and said that under the very eyes of the Railway Board extensions have been granted in the Dalhi province. I will go further and ask the Honourable Member how many Members of the Railway Board have been granted extensions? My information is that four Members of the Railway Board have been granted extensions but let us wait for an answer. If I am right that four Members of the Railway Board have been granted extensions, what about those next incumbents who are coming up? Have you compensated them in any way for the loss of their right which they had under the rules of service? Again, I will call the attention of the Honourable Member because he is a non-official and not a hardened bureaucrat as we used to call the members of the I. C. S. or of other services, that he should have more sympathy with those who are coming up than with those who are enjoying that position today. I will, therefore, bring it to the notice of the Government that this policy of granting extensions is a policy of showing favours to one at the expense of another. The others should not be made to suffer. No justice and no equity will sanction such a course. Therefore, I support this motion.

Sir Hugh Raper: Sir, the House, is, I submit, under somewhat of a misapprehension. Sardar Sant Singh referred to an unconscionable number of officers who have been given extensions of service. The war is now in its fourth year, and, since the war started, an extension of service has been given to 72 officers. Now, against them, 140 officers have been allowed either to join up with the fighting forces or to take up other war work in, for example, the Supply Department. In addition, owing to the very heavy work which the Railways are now having to perform and the new jobs of work that have come into being such as that in connection with Air Raid Precautions, war planning and so on, 130 temporary war posts have been created. The position, therefore, may be summarised thus: 140 officers have left, 130 posts have been created, which gives a total of 270. Against that number of 270, 72 officers have been given an extension of service. It seems to be the general impression that only those officers who are high up in position have been given extensions and it seems to me that speakers have assumed that only those officers who are low down in the cadres have been allowed to go. That is not correct. I would remind the

4 P.M. House that the highest Railway Officer, Sir Guthrie Russell, who was Chief Commissioner of Railways, was allowed to go before he attained the age of 55 to take up an appointment in the Supply Department. There is a considerable number of other officers of high rank who have been allowed to leave for war purposes, one for example was the head of a Department on the Eastern Bengal Railway, another was Chief Engineer of North Western Railway and another Chief Mechanical Engineer of the East Indian Railway. I am just mentioning a few that come to my mind, I have not exhausted the list.

Sardar Sant Singh: Will the Honourable Member please state whether all the Managers of all the State-owned Railways have been granted extension or not?

Sir Hugh Raper: No.

Mr. Muhammad Nauman: Then how many are due to retire?

Sir Hugh Raper: Those who have been given extensions are Mr. Misra of the Bengal and Assam Railway, Sir Robert Marriot of the East Indian Railway and Mr. Laughton of the Bombay, Baroda and Central India Railway. (*An Honourable Member:* "What about Mr. Griffin?") I believe that Sir Arthur Griffin has not yet reached the age of 55. Well, I have just given figures and would draw your attention to the fact that those who have left the Railway Department have taken up war work, many of them in the army itself. Now, we have had to make good the difference between 270 and 72 nearly 200 officers. That

[Sir Hugh Raper.]

has been an extremely difficult matter. It has, of course, sometimes afforded accelerated promotions. Whilst it must be recognised and admitted that where a senior officer has been retained, someone has been disappointed. On the other hand many others who never expected early promotion have got it. I would urge the House to believe that in considering whether an officer should be given extension or not there have been no communal considerations whatsoever. It is news to us, when the Mover himself said that the extensions given have affected Mussalmans particularly.

Seth Yusuf Abdoola Haroon: I referred to the North Western Railway and that also to two A. T. Os. in that Railway.

Sir Hugh Raper: Thank you for correcting me. I have evidently gained the wrong impression.

My Honourable friend, Mr. Joshi, said that the interest of young employees was suffering. I have shown by certain examples that he is not altogether correct. My Honourable friend, Mr. Nauman, objected very definitely to the policy of extension of service and apparently saw no good in it whatsoever. I think he felt that we should not have allowed young men to go and he may have felt that we did so only in order to keep older ones. There is, as the House is aware, a very considerable change in the circumstances since the beginning of the war. When a war starts many officers, enthusiastic young officers, put in their applications to be allowed to join up. Railway Administrations allow as many to go as circumstances appear to justify. In this war, as in the last war a large number of officers applied and some were allowed to go. But the brake has had to be put on and, in fact, some of those who have gone, may have to come back to us. It is not always possible to get them back, however. Mr. Nauman also said that the Mussalmans were particularly affected. I do not think he qualified his remark.

Mr. Muhammad Nauman: I said that all the Indians were affected including Europeans, Anglo-Indians, Hindus, Muslims and others.

Sir Hugh Raper: I have recorded that you have said that Muslims were particularly affected. If I am wrong I apologize. He also asked for how long would extensions of service be given. That raises the question, how long is the war going to last. It is obviously impossible for us to say. It would be of some interest to the House

Mr. Muhammad Nauman: Probably you may run short of men as you are getting short of wagons.

Sir Hugh Raper: It may interest the House to know that within the last month four fairly senior officers have definitely refused extension. It is not every one that wants it. When we feel that it is in the interest of an administration to keep a particular officer and that particular officer, if he is fit enough, agrees to stay to do the work, which he knows, we would grant an extension. But as I have said, every officer is not prepared to stay. We have also an instance of an officer, who had been in an administrative post asking, on being offered an extension, that he be given work carrying less responsibility and he was given a more junior position than he had had before. The question of an extension of service only arises if an officer is offered an extension. We do not admit application for an extension. It is a matter of careful selection.

Mr. Muhammad Nauman: It may not be an application on paper, it may be a canvassing.

Sir Hugh Raper: What I have said, I stand by.

My Honourable friend, Sardar Sant Singh, asked if the reasons that influenced the Railway Board to fix an age limit for retirement still hold good. I may suggest that the war has changed conditions very considerably and we are justified in saying that although those reasons still exist, present conditions make it impossible to accept them in every case. Sardar Sant Singh likewise said that promotions of the subordinate to the officers' rank have been very badly affected.

The number of officers' posts that have been rendered vacant and created, is 200 more than the number of officers to whom extensions have been given.

Sardar Sant Singh: May I know if the figures supplied by you are included in this increase of two hundred.

Sir Hugh Raper: The number of additional officers required was far greater than the number of officers to whom extensions have been given. There must, therefore, be many subordinates who have gained promotion to the superior grade. They would not have got it so soon but for war. Sardar Sant Singh made a statement that an officer who is expecting promotion has not been given a post which has been created because another officer received an extension. It is for him to prove this.

I regret I cannot tell you if there is any such case. If the Sardar has one in mind, perhaps he will let us know. I think the House will readily appreciate that giving extension of service to these relatively small number of officers is by no means filling our requirements in the officers' grade. We are still greatly short. Great care has been exercised in selecting those to whom extensions would be given. One of the conditions is that they are physically fit. Extension is given first for one year or for the duration of war, whichever is less. But there is nothing to prevent a second extension being given, if that is found to be justified and the officer concerned continues to be fit for the work.

Sardar Sant Singh: Meanwhile his subordinate who expects to go up may have to retire.

Sir Hugh Raper: That is one of the misfortunes that that particular officer would have to suffer as a result of the war.

Sardar Sant Singh: I was referring to such suffering.

Sir Hugh Raper: I admit the giving of extension to anybody is liable to lead to this result but I think you should keep in mind the fact that a large number of senior officers have gone to the war or gone to other services and to that extent the position of every one has improved; some additional posts, temporary posts have been created in the administrative grade, deputies and so on. That, therefore, has given to every one the opportunity of promotion that they would not otherwise have got. As I see the position personally, it appears as if the officers generally are likely to have benefited rather than to have been hurt by this process.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadian): Has any calculation been made regarding officials who have been benefited by higher officers going to war? Are they more in number or those who have suffered on account of extension more in number?

Sir Hugh Raper: I do not think that such a calculation has been made. Some reference was made to non-gazetted staff, and in regard to that, we do not know the actual position. The Honourable Member for War Transport has already referred to this and he has called for information.

Mr. Frank R. Anthony: Why should the Railway Administration insist on keeping these men by giving them extensions? Why should you not retire them first and re-employ them as additional staff on a temporary basis? Is it because they want more lucrative advantages that they get extension of service?

Sir Hugh Raper: The answer to that is very definitely, no. When an officer is retained in service, he must be fit enough for it and it is more proper that he should continue to be occupied in the work he has been doing. The creation of a temporary post for him would mean that he would have to take up some kind of work to which he has not been accustomed. I have already stated that there are instances of officers who have been given an extension and put to work carrying less responsibility at their own request. There are not many cases of that sort, but they exist. It does seem, as I have just said, the best course is to keep the officer who has experience, ability and knowledge at the work he has been doing. Thus you maintain continuity and on general grounds, and almost on every ground, that is the best procedure.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the demand under the head 'Railway Board' be reduced by Rs. 100." The motion was negatived.

Need for fixing quota for Muslims and other Minorities in the Selection grades in Railway Services.

Dr. Sir Zia Uddin Ahmad: Sir, I move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

Sir, I would like to remind the House about the Resolution of 1934 in which the quota for minorities was fixed. The weakness of that Resolution was that it fixed a quota only for fresh entrants and it left out altogether the case of promotion. As soon as this Resolution was adopted, the Railway Board tried to defeat the object of this Resolution by passing an internal Resolution, that is, that recruitment should be at the lowest grade. Before this Resolution came into existence, there used to be regular recruitment not only at the subordinate stage but also in the intermediate or what they call upper subordinate stage. But after this Resolution was passed, in most of the Railways recruitment in the upper subordinate grade was stopped altogether and everybody was employed on the salary varying from Rs. 20 to Rs. 30 a month. The result of this was that the standard of admission was lowered. When we had recruitment at the intermediary stage, then good men, graduates and men with good technical qualifications entered the service and they filled the upper subordinate grade, which is really the backbone of the administration in the railways. This thing was continued in order to defeat the purpose of the Resolution of 1934. As soon as everybody was allowed only to enter at the lowest stage, Rs. 25 to Rs. 30, then our friends, the Anglo-Indians got out of it. My friend, the late Col. Gidney, moved the Secretary of State and said that in the case of Anglo-Indians the lowest grade should be Rs. 55. On this scale, they could get some men all right, but in the case of Indians, the lowest pay was from Rs. 25 to Rs. 30. The standard of recruitment was thus definitely lowered. Now, with this class of people who man the railways, who are recruited in the lowest stage, most of them have been failures in other Departments who could not get service anywhere else; when such men get into the Railways, I do not know what would happen to the railways after 15 years when these persons come to occupy important key posts now included in the upper subordinate grade. The future of railways appears to me to be very dark; efficiency is bound to suffer when you recruit everybody on a salary of Rs. 20 to Rs. 30. You recruit matriculates and a majority of them are not good enough to reach the highest stage to carry on railway administration with efficiency later on. Therefore, I submit this device was adopted in order to defeat the object for which the Resolution was framed by the Government of India. In case the Government of India agree to have some communal consideration at the intermediary stage also, then I am sure that this Resolution which they had passed in the Railways will have to be dropped. The railway administrations themselves are feeling the necessity. And they are making experiments in certain ways: On the East Indian Railway they have appointed some persons in the intermediary stage during the last two years. Therefore, I say that this is absolutely wrong and ought to be dispensed with.

The other point to which I refer is the DeSouza report which is the gospel of my friends, Members of the Railway Board. Of course, to them it is a gospel, but to me it is waste paper. But referring to the gospel of the Railway Board, I just remind them that this is one of the recommendations of the De Souza Committee also. They have recommended at one place that there should be some kind of reservation of seats for the minorities in a particular grade which is to be recruited by promotion and that is the only recommendation which they entirely overlooked—everything else they quoted. We have never pressed on this side that a person who is not competent should be promoted. After all,

efficiency first; all other considerations afterwards. But, at the same time, we should like to point out as well that the way in which this question of efficiency is pressed in practice is not very satisfactory. We discussed on the floor of the House—I think in the time of your predecessors: Sir Andrew Clow and Sir Thomas Stewart—the principles. They said “promotion is considered on the principle of seniority”. But sometimes they would say “it is considered on the principle of efficiency”. And I said once, “Call spade a spade, and say it this way: we will adopt the principle of efficiency or the principle of seniority whichever happens to exclude the Muslim candidate altogether”. If a Muslim candidate can come in by seniority, then we put him down under the principle of efficiency and if he is efficient then we will put him down under the principle of seniority. So, this principle does not act very well, and, therefore, in order to avoid all this trouble, I do beseech you to fix ratio and say “provided they attain a certain standard, provided that their qualifications are good, provided that their service records are excellent”. If they satisfy these conditions, I think there is no reason why you should not promote them simply because they are Muslims.

Sardar Sant Singh: Does this cut motion relate only to Muslims?

Dr. Sir Zia Uddin Ahmad: It is for all minorities.

Sardar Sant Singh: Then you must say so and name other minorities also. You are ignoring them.

Dr. Sir Zia Uddin Ahmad: My Honourable friend, Sardar Sant Singh, who has been elected by my votes in this House must know that when I am talking of minorities, I include Sikhs as well.

Unless we fix a quota for these minorities—and in minorities I include depressed classes, Christians, and other minorities—this will not work satisfactorily.

Mr. N. M. Joshi: Where is the quota given to the depressed classes?

Dr. Sir Zia Uddin Ahmad: They come under “other minorities”, which includes depressed classes.

Mr. Muhammad Nauman: They will divide among the Hindus.

Dr. Sir Zia Uddin Ahmad: Unless this is done, I am afraid this will always be a burning question and will be very difficult to decide.

The other difficulty will be about the lower gazetted service. This is also a very difficult question which acts against the interests of the minorities. In this particular case it is against the interest of the majority also—the Hindus. It is only in the interest of one particular class of people in the country. It is very desirable that if we fix the quota, we should do it not at every stage but at one particular stage when the promotion is from the lower grade to upper subordinate grade. At this stage we should have a quota fixed. It is not possible to have a quota fixed from first division to second division, from second division to third division and so on—that is not possible—but when you come from lower subordinate to upper subordinate grade, at that stage it is desirable to have a quota fixed. When promotion is made from the upper subordinate to the officer grade, there also we should have a quota fixed. I pressed this point always before Sir Harry Haig when he was Home Member and I made it out very clearly that this is the gap which ought to be filled up. In that case suppose we fixed 33 per cent. for the minorities, and if 33 per cent. are not available then the balance should be made up by direct recruitment provided they satisfy certain conditions, and if these posts belong to a particular minority and they do not satisfy these conditions then this quota should be made up by direct recruitment again provided they satisfy certain conditions. I think if these two principles are accepted, the working of railways will be easier and the future running of the railways will be more efficient. Sir, I beg to move the motion.

Mr. President (The Honourable Sir Abdur Rahim): Cut motion moved: “That the demand under the head ‘Railway Board’ be reduced by Rs. 100.”

Mr. Muhammad Asghar Ali: Sir, I have heard from the Treasury Benches that we should quote instances where justice has not been done to any individual. If the question of appeals comes before the Railway Board or the Treasury Benches, especially the Railway Board, they say that we will apply the principle of justice, but so far as the Railway Board is concerned, they will not stick to this principle of justice, but they have got their own rules, they have got their own regulations and so forth. Sir, in the same manner I find that in the circulars which are issued by the Railway Board concerning minorities, especially the Muslim minority, there are such words as "As far as possible", "As far as practicable", "If they can be spared", and so on. Sir, I would refer to two of these today. In paras. 182 (III), and (VI) Constitution and Function of Selection Boards (paras. 50 and 115) it is stated:

"Every effort should be made to ensure that at least one member of a minority community is on each Board and a Muslim Officer should be included *whenever possible*."

In paragraph 182 (V), it is said:

"The Government of India. . . . but desires that Railways should continue to employ Muslim officers in establishment branches *as far as possible*. . . . They have further no objection to the posting of Muslim officers of the Accounts Department to the Establishment Branches in the Headquarters office of Railways *if they can be spared*."

Sir, I find that whenever there is a case of minority, or even when there is a special case of Muslims, there are these conditional words attached: "If possible; whenever practicable; if they can be spared." I refer these circulars to the Honourable Member who has said that we must have instances. I will mention two more cases about the Selection Board in my own place of Lucknow. It was a Selection Board in connection with Guards, Grade I, in the Divisional Superintendent's office, Lucknow. Fifty candidates were called for an interview, but out of these fifty only two or three were selected. And what happened? There were fifty candidates and the interview lasted only for thirty minutes. I put it to my Honourable friend, if thirty minutes is sufficient to interview fifty candidates! Does it stand to reason? Of course, you are masters of the situation and you can do what you like. But is it honest? Is it possible? I submit it is not. Now, Sir, the speed with which the interviews were conducted shows that it must have been a pre-arranged affair. Otherwise it was impossible to finish the fifty candidates in thirty minutes.

Now, Sir, I will refer to another case in Lucknow. The circular of the Railway Board is that every Selection Board should consist of at least three officers, and at least one of them must belong to a minority community. Now, Sir, in spite of this circular, what happened. Only two officers were sitting on the Selection Board. When I quote these cases before the Railway officials today, I submit that these cases ought to be inquired into. I submit that every circular, every order from the Railway Board is not adhered to, and the Selection Board do as they like. So I submit that it is the minority community, whether it be the Muslim or Sikh or the Depressed Classes, who suffer always owing to non-compliance of orders contained in circulars issued by the Railway Board. I have quoted facts and figures and I hope that these Selection Boards are directed to act at least according to the circulars and orders issued by the Railway Board. With these remarks, I support the motion.

Mr. N. M. Joshi: I do not think, Sir, that the proposal made by the Muslim League Party is a reasonable one, and it is not also in the interests of the efficiency of the railway service. Already there is direct recruitment in the railway service to the officers grade, and on account of that practice a large number of subordinates, who are very capable, do not get an opportunity of going to the upper grade or the officers grade. Now, Sir, the Muslim League Party wants, in order to get their quota, some direct recruitment in the subordinate service also. I would like my friends of the Muslim League Party to consider whether this proposal is not on behalf of the upper middle classes as against the poor classes. (Several voices: "No, no.") It may not be your intention but that is going to be the effect. But my Honourable friend, Dr. Zia Uddin, said: "Well, the present employees are matriculates

and not well educated. It is not in the interests of efficiency to promote them to higher grades". Dr. Zia Uddin Ahmad was not really thinking of the present generation. He may have been thinking of the past generation. At present the railway service consists of very intelligent young men. They may be matriculates or they may be graduates.

Dr. Sir Zia Uddin Ahmad: I was speaking of the future generation.

Mr. N. M. Joshi: I do not want these intelligent young men to be superseded by more educated people. Therefore, direct recruitment in the subordinate service is wrong. It is in the interests of the upper middle classes as against the interests of the lower middle classes.

Then there is another proposal, *viz.*, that there should be a quota in the upper subordinate grade, and this is to be effected either by direct recruitment—which I have said is in the interests of the upper classes as against the lower middle classes—or by a supersession of the majority community by the minority community. (Interruption by *Dr. Sir Zia Uddin Ahmad.*) I know you are interested in the Universities and not the lower middle classes. This proposal will involve a supersession of very competent men. They may belong to the Hindu community, but that they will be overridden by men who may not be as good as themselves and this step is bound to create very great discontent in the service. A man may belong to the majority community. It is not his fault that he belongs to that community. If he has a chance of going to the upper grade, and if he is the fittest person, then he must be promoted. If you don't, then there is certainly going to be great discontent. We have no objection to the fixing of proportions to safeguard the interests of the minorities at recruitment. Let them even be given more. I would like the majority community to have less people in the railway service and more people in the public work. Our public work requires a very large number of people. I would like the young men from the majority to avoid Government service and take up public work. There is much to be done in this country, and, therefore, we do not object to any proportion being fixed at the time of recruitment. But to make your promotion on the ground of community and not on the ground of merit, and not to give promotion to a very competent man when it is due to him and give it to another person who is not as competent as he is, is a wrong thing and will create great discontent in the service, and I would, therefore, like the Government not to accept this proposal.

The Honourable Sir Edward Benthall: Sir, this cut motion raises a major question of policy. It has always been the policy of Government that it is most undesirable to introduce communal considerations into promotions from grade to grade. For direct recruitment the usual communal proportion is observed. The position as regards selection grades is that lists of these posts have been drawn up and they are, I understand, in the Library of the House. As regards the principle of selection for selection posts, it is a case of merit combined with seniority. Honourable Members, I think, are inclined to feel that in considering these selection posts insufficient attention is paid to seniority. From what I have seen of the manner in which the selection is made, that is not the case. All the senior men who could possibly qualify for the post are considered and if two candidates are of equal merit, then the deciding factor is seniority. The selections to these posts are made by selection boards. The present provisions regarding them are laid down in Appendix 2 to the State Railway Establishment Code, and the question of the revision of those instructions is still under consideration. But in the meantime orders have been issued that selection boards, both for promotion and recruitment, shall consist of not less than three officers and every effort is to be made to ensure that at least one of these officers should come from a minority community, and that a Muslim officer should be among them, wherever this is possible. When a selection board consists of three officers, they should preferably be of the same rank so as to ensure that one senior man does not dominate the board, and if it is possible, no officer on

[Sir Edward Benthall.]

that board should be subordinate to another officer on the board for the same reason. Conditions on certain railways may not ensure that in every case these instructions are at present carried out entirely to the full; but instructions have been passed to ensure that where these rules are not being kept to, a record should be kept of the circumstances, and the reasons for superseding any senior employee should invariably be recorded by the selection boards in all cases of promotion to selection posts. I think Honourable Members will agree; therefore, that the procedure which has been laid down does, in fact, provide ample safeguards for the minority communities. The demand of the Honourable the Mover is for reservation in the case of promotions. Leaving aside all questions as to which class or community is going to benefit from such a course, I think, we must attempt to continue to run the railways as we have done in the past, as a commercial concern, and must make quite certain that the best men come to the top. The probability is that there ought to be not less selection but more selection if efficiency, to which Mr. Joshi paid homage, is to be maintained. I hope Mr. Joshi will apply the same tests to some of the other motions which come before the House.

I think that in the general interests of the railways it is desirable that promotion should continue to be made in the way that it has been done in the past, and that the best interests of the Muslims will be secured by ensuring that their promising young men are qualified for that selection. For these reasons, I must oppose the amendment.

Sir Muhammad Yamin Khan: May I ask whether the Honourable Member will take this step, that if his instructions are not carried out by any officer, then that officer should be taken to proper task, to use a mild word?

The Honourable Sir Edward Benthall: We always endeavour to see that our instructions are carried out.

Sir Muhammad Yamin Khan: If it is not carried out, will you give him punishment?

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

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

The motion was negatived.

Imperative Need of Allotment of Wagons for Transport of Rice to Deficit Areas of the Madras Presidency.

Mr. H. A. Sathar H. Essak Salt (West Coast and Nilgiris: Muhammadan): Sir, I move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

The question that I want to bring to the notice of the Government and the House is rather one limited by territorial considerations. Only Members from the Madras Presidency will have some interest in this—particularly persons from the west coast. I have, I am sorry, very little time and I just wish to bring to the notice of the Government the plight in which we on the west coast of India are placed due to the exigencies of war, and due also to the prior consideration that is always received by demands from any other part of the country except the west coast. Somehow it is unfortunate that we should be placed at the extreme south and west of India and, therefore, our needs receive very little attention. This is one example of that. The position on the west coast is as may be shown by the short notice questions that I asked in the last Session, that we depend wholly and completely on the import of rice from the eastern districts. Before losing Burma we were dependent on Burma. At present, because of want of wagons, I do not know, due to some restrictions or instructions from the Government of India or the Provincial Government, we get very little rice in our parts. The demand on the rice produced in the eastern districts comes from many many sides. The greatest priority is given to the demand from Ceylon, and, therefore, all the wagons that are available are transferred for carrying rice to Ceylon. Next in importance—because either of the Government of India or

the Provincial Government—come the Indian States of Travancore and Cochin. Then next in importance come the eastern districts. Last of all do we get our chance; and, therefore, this question has become very acute in our part of the country. I want the Honourable Member to be impressed with the great importance of seeing that in this arrangement we are not completely left out. My Honourable friend was kind enough to respond to my appeal some three or four months ago and he was able to do something to relieve a difficult situation in my part of the country; but that was a very temporary relief that he afforded to us; and what I request him, in my motion, and what I demand of the Government is that he should see that a sufficient number of wagons are detailed for the constant and continual transport of rice from the eastern districts to the deficit areas of the Madras Presidency such as the west coast. This in short is our demand and I hope my Honourable friend will see to it that a number of wagons are kept there for the constant supply of rice to the western districts and that those wagons are not transferred for any other purpose. Sir, I move.

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

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

The Honourable Sir Edward Benthall: I am very conscious indeed of the difficulties which my Honourable friend is experiencing in his part of the country. As my Honourable friend knows, I paid a visit to that part of the world in December and had visible evidence of the conditions which were prevailing there at that time. But I am not sure that my Honourable friend is not mixing up the question of the supply of foodstuffs and the transport of them. Sometimes, transport is blamed when it is not at all at fault, and I rather fancy that that is in fact the case in the west coast of Southern India. As regards internal movements in the Madras presidency, rice moves under permit and that permit has to come from the Grain Purchasing Officer. Unless there are permits to move that rice, railways, of course, cannot move it. My Honourable friend, I think, asked that the railways should stable wagons down there, in other words, they should keep wagons idle in case food were offered.

Mr. H. A. Sathar H. Essak Sait: They will never be kept idle.

The Honourable Sir Edward Benthall: So long as they are not kept idle I have no objection. I think the Honourable Member can rest assured not only that we will make available all the necessary wagons to move foodstuffs to the west coast but that, in fact, we have provided wagons for all the foodstuffs that have been offered. At the end of last month there was a report from the Regional Controller of Priorities not only that despatches were meeting the traffic offering but also that there had been instances in which wagons had been provided against registered permits for movement to that part of the world but the wagons had not been loaded. Rice comes not only from Madras but from as far afield as the Central Provinces and Orissa, involving a very long haul.

Mr. H. A. Sathar H. Essak Sait: For Malabar?

The Honourable Sir Edward Benthall: I believe so; if not for Malabar, for Cochin and Travancore. On occasion we have arranged block trains to carry rice to that part of the world. Quite recently too we have had the Chairman of the Madras Transport Board expressing his appreciation of the efforts which the M. & S. M. Railway have made to move rice to the west coast. Sir, I think I can safely assure my Honourable friend that this question which he wishes to ventilate by a cut motion is having the serious attention of the War Transport and Railway Departments and the priority authorities locally and I do not think that if foodstuffs are provided he need have any anxiety that they will not be moved. Sir, I oppose.

Mr. H. A. Sathar H. Essak Sait: In view of the statement made by the Honourable Member, I beg leave of the House to withdraw the motion.

The motion was, by leave of the Assembly, withdrawn.

* **Mr. President** (The Honourable Sir Abdur Rahim): The Muslim League Party have still five minutes more. Do they wish to move any other motion?

Sir Muhammad Yamin Khan: No, Sir. You may put the Demands.

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

DEMAND No. 1.—RAILWAY BOARD.

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

"That a sum not exceeding Rs. 13,26,900, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1944, in respect of 'Railway Board'."

The motion was adopted.

DEMAND No. 2.—AUDIT.

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

"That a sum not exceeding Rs. 14,16,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1944, in respect of 'Audit'."

The motion was adopted.

DEMAND No. 3.—MISCELLANEOUS EXPENDITURE.

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

"That a sum not exceeding Rs. 11,50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1944, in respect of 'Miscellaneous Expenditure'."

The motion was adopted.

DEMAND No. 5.—PAYMENTS TO INDIAN STATES AND COMPANIES.

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

"That a sum not exceeding Rs. 2,34,55,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1944, in respect of 'Payments to Indian States and Companies'."

The motion was adopted.

DEMAND No. 6-A.—WORKING EXPENSES—MAINTENANCE OF STRUCTURAL WORKS.

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

"That a sum not exceeding Rs. 10,38,27,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1944, in respect of 'Working Expenses—Maintenance of Structural Works'."

The motion was adopted.

DEMAND No. 6-B.—WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER.

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

"That a sum not exceeding Rs. 24,47,68,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1944, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

The motion was adopted.

DEMAND No. 6-C.—WORKING EXPENSES—MAINTENANCE OF CARRIAGE AND WAGON STOCK.

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

"That a sum not exceeding Rs. 7,10,84,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1944, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

The motion was adopted.

DEMAND No. 6-D.—WORKING EXPENSES—MAINTENANCE AND WORKING OF FERRY STEAMERS AND HARBOURS.

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

"That a sum not exceeding Rs. 36,92,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1944, in respect of 'Working Expenses—Maintenance and Working of Ferry Steamers and Harbours'."

The motion was adopted.

DEMAND No. 6-E.—WORKING EXPENSES—EXPENSES OF TRAFFIC DEPARTMENT.

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

"That a sum not exceeding Rs. 12,55,22,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending

the 31st day of March, 1944, in respect of 'Working Expenses—Expenses of Traffic Department'."

The motion was adopted.

DEMAND No. 6-F.—WORKING EXPENSES—EXPENSES OF GENERAL DEPARTMENTS.

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

"That a sum not exceeding Rs. 4,85,20,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1944, in respect of 'Working Expenses—Expenses of General Departments'."

The motion was adopted.

DEMAND No. 6-G.—WORKING EXPENSES—MISCELLANEOUS EXPENSES.

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

"That a sum not exceeding Rs. 9,57,19,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1944, in respect of 'Working Expenses—Miscellaneous Expenses'."

The motion was adopted.

DEMAND No. 6-H.—WORKING EXPENSES—EXPENSES OF ELECTRICAL DEPARTMENT.

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

5 P.M.

"That a sum not exceeding Rs. 3,82,34,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1944, in respect of 'Working Expenses—Expenses of Electrical Department'."

The motion was adopted.

DEMAND No. 7.—WORKING EXPENSES—APPROPRIATION TO DEPRECIATION FUND.

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

"That a sum not exceeding Rs. 12,84,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1944, in respect of 'Working Expenses—Appropriation to Depreciation Fund'."

The motion was adopted.

DEMAND No. 8.—INTEREST CHARGES.

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

"That a sum not exceeding Rs. 1,04,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1944, in respect of 'Interest charges'."

The motion was adopted.

DEMAND No. 10.—APPROPRIATION TO RESERVE.

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

"That a sum not exceeding Rs. 8,93,75,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1944, in respect of 'Appropriation to Reserve'."

The motion was adopted.

DEMAND No. 11.—NEW CONSTRUCTION.

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

"That a sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1944, in respect of 'New Construction'."

The motion was adopted.

DEMAND No. 12.—OPEN LINE WORKS.

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

"That a sum not exceeding Rs. 23,99,97,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1944, in respect of 'Open Line Works'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 25th February, 1945.

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager of Publications, Civil Lines, Delhi.
