

11th September 1939

THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume V, 1939

(30th August to 22nd September, 1939)

TENTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,
1939



NEW DELHI
GOVERNMENT OF INDIA PRESS
1940.

Legislative Assembly.

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Deputy President:

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MR. A. AIKMAN, C.I.E., M.L.A.

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MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistants of the Secretary:

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CAPTAIN HAJI SARDAR NUB AHMAD KHAN, M.C., I.O.M., I.A.

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

RAJA SIR VASUDEVA RAJAH, C.I.E., M.L.A.

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LEGISLATIVE ASSEMBLY.

Monday, 11th September, 1939.

SPEECH DELIVERED TO THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY BY HIS EXCELLENCY THE VICEROY.

His Excellency the Viceroy having arrived in procession with the Presidents of the Council of State and the Legislative Assembly took his seat on the Dais at Half Past Eleven of the Clock.

His Excellency the Viceroy : Gentlemen, I have in the first place to read to you a Gracious Message to India from His Imperial Majesty the King-Emperor which I have just received, and which I think can most appropriately first be announced in the presence of the Central Legislature :

(The Message was received by all standing.)

“ In these days, when the whole of civilisation is threatened, the widespread attachment of India to the cause in which we have taken up arms has been a source of deep satisfaction to Me. I also value most highly the many and generous offers of assistance made to Me by the Princes and people of India. I am confident that in the struggle upon which I and my peoples have now entered, we can count on sympathy and support from every quarter of the Indian Continent in the face of the common danger. Britain is fighting for no selfish ends but for the maintenance of a principle vital to the future of mankind—the principle that the relations between civilised States must be regulated, not by force, but by reason and law, so that men may live free from the terror of War, to pursue the happiness and the well-being which should be the destiny of mankind.
GEORGE R. I.’’

We are all of us by now only too familiar with the circumstances in which Germany has attacked her neighbour State. We have seen, even in the week that has elapsed since the outbreak of the war, the spirit in which that war is likely to be waged by Germany's Rulers. We have seen the ruthless onslaught upon Poland without a declaration of war ; the sinking without warning of the liner “ Athenia ”, and the loss of life that has followed ; the complete and cynical disregard by the Rulers of the German people of those principles the establishment and the maintenance of which has been the general object of civilised mankind in past years. It is clear beyond any question in the present circumstances that, hateful as the idea of war may be to us, we, and the nations associated with us, are left with no alternative. There is no means of replying to the unprovoked and wanton onslaught that has been made on a peaceful country but by resorting ourselves to force. But, in resorting to force, we can at least do so with confidence as to the purity of our motives, and as to the unselfishness of the considerations which have led us to our decision.

[His Excellency the Viceroy.]

I need not today enlarge on the importance of the issues. You are all of you familiar with them. But I would again emphasize the impossibility which confronts us in face of repeated breaches of faith, breaches of honourable understandings, over the past year and more, of trusting the word of the Rulers of the German people—a point which the Prime Minister forcibly brought out in his recent address to Germany. Nothing could be more damning than the plain recital of the facts. We have been assured time and again that Germany had no further territorial ambition in Europe, and that assurance has been repudiated on every occasion on which it has suited the Rulers of Germany to repudiate it. We have been assured that Germany would respect the Treaty of Locarno ; that she had no designs on the former Czechoslovakia ; that she was concerned only to restore to Germany the Sudeten fringes of Czechoslovakia, and had no designs on the true Czechoslovak centre of that country ; that she did not aim at the incorporation in her territories of the citizens of any non-German nation or race ; that she did not contemplate the annexation of Austria ; that she had no designs on Poland, for many years in the difficult post-war period a trusting friend bound to her by treaties of alliance. That long list does not exhaust the tale of German pledges, publicly given in the most binding and the most sacred fashion. No single one of those pledges has been honoured. Each one of them has been broken with entire disregard for those standards of truth and international morality on the basis of which alone the world can hold together, or hope to progress. And those breaches of faith have been not merely a breach of faith. They have represented a denial of justice ; a refusal to recognize any guiding principle save that of force ; a complete and cynical disregard for the principles that regulate the intercourse of nation with nation ; an anxiety to turn to the fullest advantage the absence of preparedness of those nations who had believed in the sanctity and in the sacredness of the undertakings given on behalf of a great nation by the Rulers of that nation.

Now that the decision is taken, now that it is clear that no course other than armed resistance will enable us, and the countries allied with us, to preserve the principles for which we fight, I would make only one appeal today. My appeal is one for unity. In the Message which I have just read His Imperial Majesty has told us of the deep satisfaction caused to him, by, in his own words, “ the widespread attachment of India to the cause in which we have taken up arms ”. Our task must be to vindicate the principles at stake, to work together in the closest unity for the furthering of our common object. Nothing could be more significant than the unanimity of approach of all in India—the Princes, the leaders of the great political parties, the ordinary man and woman ; or than the contributions, whether in offers of personal service, of men, of money, that have already reached me from the Princes and the people of India. There could be no more striking evidence of the depth of the appeal of the issues now before us. I am confident that however difficult may be the days that lie ahead of us (and the teaching of history shows us clearly the folly of assuming in a struggle of the magnitude of the present that victory will be easy, or that the course of the campaign, whatever it may be, will be unchequered) India will

speak and act as one, and that her contribution will be worthy of her ancient name.

Gentlemen, in circumstances such as those in which we are met together today you will not expect me to deal with the matters of more ordinary interest which in the normal course would have figured in my address to the Central Legislature. I am certain that I shall be voicing the wishes of all of you if I confine my remarks today to the war and to the issues that directly concern or arise out of war. But I feel that it is only proper that I should express my own confidence that, whatever may be the tasks that, as the campaign develops, may fall to the lot of our Defence Forces, whether by sea, by land, or in the air, the response will be one worthy of those glorious traditions the fame and renown of which are world-wide. They are already, as you know, represented overseas, and our fighting forces can claim to be assisting, at the very outset of the war, in holding posts of vast and critical importance.

To the civil population of the country, and to the civil services, whether at the centre or in the provinces, I would say that past experience has shown the spirit in which we may anticipate their answer to the new call which is being made upon them, and to the new tasks which they have to undertake. These are anxious and difficult times, in which heavy burdens, personal as well as general, must necessarily weigh upon all of us whoever and wherever we may be. I am certain that those burdens will be sustained in a manner worthy of our past.

Before I conclude my remarks to you today there are two matters, both of them arising out of the present situation, on which I would say a word. The first is the acceptance by His Majesty's Government and the Government of India of the conclusions of Lord Chatfield's Committee as expressed in the recently published Despatch. That decision marks an epoch in the history of Indian defence. The grave problems which confronted us in the matter of defence consequent on changes in the international situation and the development of modern armaments are now in a fair way to solution. They have been the constant concern of my advisers, and particularly of His Excellency the Commander-in-Chief, for many months past. The result of the deliberations which have taken place is, on a broad view, satisfactory in the highest degree. In particular I am glad to think not only that the improvements so essential at the present stage of the world's history should be so far advanced, but that, thanks to the most generous measure of help which has been extended to us, the necessity of laying heavy additional burdens on the Indian tax-payer has been avoided. The profound significance of the decisions that have been taken lies in the fact that India,—so largely an agricultural country, which could never, save at the cost of a complete disregard of other calls, have hoped to make available the vast sums of money necessary for re-equipment and modernization,—has, thanks to the gift which she has received from His Majesty's Government, been placed in the same position in relation to the modernization of her army as the great industrial nations of the world.

I will add only one word more, in regard to our federal preparations. Those preparations, as you are aware, are well advanced, and great labour has been lavished on them in the last three years. Federation remains as before the objective of His Majesty's Government : but you

[His Excellency the Viceroy.]

will understand, Gentlemen, without any elaborate exposition on my part, the compulsion of the present international situation, and the fact that, given the necessity for concentrating on the emergency that confronts us, we have no choice but to hold in suspense the work in connection with preparations for federation, while retaining federation as our objective.

Had we met in more normal times, there would have been many other matters to mention to you today,—the position of Indians overseas ; the various developments of interests and importance which are under consideration in civil administration ; the working of provincial autonomy and of the reformed constitution. But, as I have already suggested, I feel certain that at a time when the struggle which is raging elsewhere is uppermost in our thoughts, this is a moment in which that emergency, and matters directly associated with that emergency, must be of predominant and, in a sense, of almost exclusive importance. Our trust must be that, under Providence, the forces of right and of justice will triumph, and that we may be able to take up again those interrupted activities on which we have been engaged for the furtherance of the constructive work of peace, and of the progress and the prosperity of India. (Applause.)

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

MEMBERS SWORN.

Mr. Geoffrey Stephen Bozman, C.I.E., M.L.A. (Secretary, Department of Education, Health and Lands) ; and

Mr. Abbas Khaleeli, M.L.A. (Government of India : Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

FATALITIES BY ACCIDENTAL DROWNING IN THE NATIVE JETTY, KARACHI.

124. *Mr. Lalchand Navalrai : (a) Will the Honourable Member for Communications be pleased to state if Government are aware of the fact that fatalities by accidental drowning have been taking place almost every year at Native Jetty within the Karachi Port Trust area and that there have been two recent instances when a girl and a man met with accident and died helplessly at the Native Jetty, Karachi ?

(b) How did these two accidents take place and why was no help afforded to them ? Is it a fact that these accidents took place as there were no sufficient precautions provided for by the Port Trust ?

(c) What are the precautions at the Native Jetty against such accidents ?

(d) Were there any life belts or other safeguards provided at the Native Jetty for use at the time of such accidents ?

(e) Are Government aware that there are bathing ghats at the Native Jetty where several men, women and children take bath daily, and thousands of them gather for a holy dip during *Purushotam Mass* that is the month of July ?

(f) What steps do Government propose to take to avert such accidents and provide safety and security to the persons visiting the Native Jetty ?

The Honourable Sir Andrew Clow : (a) and (b). No cases of accidental drowning have occurred at the Native Jetty within recent years. The two recent fatalities in which a girl and a young man were drowned occurred at the road bridge over Chinna Creek and at the Hindu Bathing Ghat respectively. The girl fell over the railing of the road bridge into the Creek in which the current was very strong at the time. The man got out of his depth at the Hindu Bathing Ghat.

(c) and (d). The railing of the road bridge is over three feet high. After the accident, it has been raised another six inches. At each end of the Creek the Port Trust keeps two life belts, but they are frequently stolen, and no life belt was available at the time of the accident. Life belts have since been supplied. The site of the other accident, the Bathing Ghat, is under the control of the Hindu community whose duty it is to take precautions against accidents there.

(e) and (f). The facts stated by the Honourable Member are correct, not as regards the Native Jetty but as regards the Bathing Ghat controlled by the Hindu community. The Harbour Police and the Port Trust have arranged for special staff to be on duty near the Bathing Ghat and the bridge during the hours of bathing at the time of the annual festival.

Mr. Lalchand Navalrai : May I know if any boats are stationed there for the safety and to give them help when there is accident ?

The Honourable Sir Andrew Clow : I want notice of that question.

Mr. Lalchand Navalrai : May I ask the Honourable Member to advise the Port Trust to keep some boats of this character ?

The Honourable Sir Andrew Clow : I cannot advise them, because one of the areas at least is under the control of the Hindu community, that is the Bathing Ghat.

Mr. Lalchand Navalrai : People surely do not go there to get drowned. They get into the creek which is called the Native Jetty. Will the Honourable Member ask the Port Trust to make certain arrangements to see that no such accidents happen ?

The Honourable Sir Andrew Clow : I am not familiar with the geography ; but one of the accidents to which the Honourable Member had referred occurred at the Hindu Bathing Ghat.

MARKING OF SERVICE STAMPS IN RED INK.

125. ***Mr. Lalchand Navalrai :** (a) Will the Honourable the Communications Member be pleased to state if it is a fact that the service postage stamps used to bear ' service mark ' in black ink, and that the mark has now been changed into red which is the colour of the body of the stamps ? If so, what is the reason for this change ?

(b) Do Government propose to revert to the old system of marking the service stamps in black ? If not, why not ?

The Honourable Sir Andrew Clow : (a) All service stamps used to bear the word " SERVICE " overprinted in black. A special design for service stamps of denominations up to and including eight annas in value has been adopted, a feature of which is that the word " SERVICE " is embodied in the design and appears in bold white letters at the foot of the stamps. For these denominations overprinting has been discarded as the process was found to be more expensive than printing a distinctive stamp, and involved some disfigurement of the design.

(b) Members of the public cannot be misled as service stamps are not on sale at Post Offices and cannot be used for the prepayment of postage on private correspondence. Government do not propose to revert to the practice of overprinting service stamps of the smaller denominations.

Mr. Lalchand Navalrai : Is it not a fact that it is misleading to have the same colour as the colour of the word " service " ?

The Honourable Sir Andrew Clow : No, Sir. Misleading to whom ?

Mr. Lalchand Navalrai : Misleading to everybody.

The Honourable Sir Andrew Clow : I have already explained that the stamps are not on sale to the public. Government officers who use these stamps know the difference between service stamps and ordinary stamps. The colour is the same in order to make it easier for postal employees to make sure that the postage is correct.

Mr. Lalchand Navalrai : Is it not true that it is often mixed up ?

The Honourable Sir Andrew Clow : These stamps are only retained in Government offices which do not use private stamps for correspondence.

CONSTRUCTION OF WAITING ROOMS IN BARAMCHAL STATION ON THE ASSAM-BENGAL RAILWAY.

†126. ***Maulvi Abdur Rasheed Chaudhury :** Will the Honourable the Railway Member please state :

- (a) the number of representations the railway authorities received for constructing waiting rooms in the Baramchal railway station (Assam-Bengal Railway) ;
- (b) when they received the last representation ; and
- (c) whether they have decided to construct the waiting rooms ?

The Honourable Sir Andrew Clow : (a) Two since 1937.

(b) In May, 1939.

(c) The Company has decided to construct a combined intermediate and third class waiting room for ladies in 1941-42, if funds permit.

FEMALE WAITING SHED AT BARAMCHAL STATION ON THE ASSAM-BENGAL RAILWAY.

†127. ***Maulvi Abdur Rasheed Chaudhury :** Will the Honourable the Railway Member please state :

- (a) the length, breadth and height of the existing female waiting shed at Baramchal (Assam-Bengal Railway) ;
- (b) whether it is walled with corrugated sheets on three sides without any window ;
- (c) whether one side is without wall and door ;
- (d) whether there is any arrangement to prevent cattle entering and sleeping in this shed ; and
- (e) whether the roof of the shed is only 6 feet high from the plinth and that there is no ceiling beneath the roof ?

The Honourable Sir Andrew Clow : Enquires are being made from the Railway Administration and a reply will be laid on the table in due course.

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

VERANDAHS AT BARAMCHAL STATION ON THE ASSAM-BENGAL RAILWAY.

†128. ***Maulvi Abdur Rasheed Chaudhury** : Will the Honourable the Railway Member please state :

- (a) the height of the eastern and western verandahs of the station house at Baramchal (Assam-Bengal Railway) ;
- (b) whether there is no ceiling beneath the corrugated roofing of these verandahs ; and
- (c) the average temperature of these verandahs in June to September, when the middy trains pass through Baramchal, Assam-Bengal Railway ?

The Honourable Sir Andrew Clow : Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

OPENING OF THE BROADCASTING STATION AT DACCA.

†129. ***Choudhury Sikandar Ali** : Will the Honourable the Communications Member be pleased to state :

- (a) what the cause of delay is in opening the Broadcasting Station at Dacca and when Government propose to actually open it ;
- (b) what the estimated expenditure is and what has actually been spent up till now on account of the said station at Dacca ;
- (c) how many superior and clerical appointments are proposed to be made for this station and when and how this is intended to be notified for general information ; and
- (d) whether any importance is proposed to be given by the authorities concerned to the recommendations of the Members of the Legislative Assembly specially in making clerical appointments to this office ; and if not, why not ?

The Honourable Sir Andrew Clow : (a) The principal factors which have operated to prevent the opening of the Station within the period originally envisaged are :

- (i) the delay in the completion of the transmitter building owing to abnormal floods in Dacca during the monsoon of 1938,
- (ii) the difficulty experienced in finding and obtaining vacant possession of a suitable building for the studios and office of the Station, and
- (iii) the postponement for financial reasons of the purchase of studio equipment and stores. It is expected that the Station will begin broadcasting in December.

(b) The total estimated capital expenditure on the Station (excluding the cost of the Receiving Centre) is Rs. 2,38,000. Up to the 31st July, 1939, a sum of Rs. 1,35,000 has been spent.

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

(c) The sanctioned staff includes 19 superior appointments of which four are clerical. Most of the posts have already been advertised, and selection for some of them has been made through the Federal Public Service Commission or through Selection Boards.

(d) A candidate is at liberty to forward recommendations with his application. The weight to be attached to any such recommendations depends on the qualifications of the persons making them to speak with knowledge of the candidate's character and capacity.

NON-APPOINTMENT OF MUSLIM CLERKS IN KANCHRAPARA WORKSHOP, EASTERN BENGAL RAILWAY.

130. *Shaikh Rafiuddin Ahmad Siddiquee : Will the Honourable the Railway Member please state :

- (a) whether Government are aware of the fact that the Eastern Bengal Railway authorities have contravened the Recruitment Rules and neglected the Muslim quota in filling up vacancies of clerks in the Progress Section, Shop No. 2, Shop No. 3, Shop No. 4, Shop No. 5, Time and Gate Sergeant's office of Kanchrapara Workshop, Eastern Bengal Railway ;
- (b) if the reply to part (a), above be in the negative, why out of 43 vacancies in the said department 42 were given to Hindus and one to an Indian Christian, though about nine among them were only matriculates ; and
- (c) whether Government propose to take immediate action for making up the quota thus neglected in filling the said vacancies ?

The Honourable Sir Andrew Clow : (a) No.

(b) I have no information in regard to appointments to these posts.

(c) The communal percentages prescribed for direct recruitment apply to the total recruitment and not ordinarily to each category of staff. Returns of recruitment by communities on the Eastern Bengal Railway show that the percentage prescribed for Muslim recruitment is being adhered to.

Mr. Muhammad Nauman : May I know if the Eastern Bengal Railway has been sending monthly reports to the Railway Board ?

The Honourable Sir Andrew Clow : I was not aware if it is a fact that reports were received monthly.

Mr. Muhammad Nauman : What is the system that they have ? Is it monthly or quarterly or annual report that they send ?

The Honourable Sir Andrew Clow : It is annual, I think. I have not looked the matter up.

Mr. Muhammad Nauman : Will the Honourable Member see that monthly returns are supplied ?

The Honourable Sir Andrew Clow : We require for our purpose only annual returns. What does it matter if they are monthly or annual returns ?

Mr. Muhammad Nauman : The difference is this. Posts on Rs. 10 or Rs. 20 are given to Muslims, while posts above Rs. 50 are given to non-Muslims. We have been repeatedly pressing that the proportion of Muslims in the higher grades is much less.

The Honourable Sir Andrew Clow : I do not see how monthly returns instead of annual returns would make any difference.

Mr. Muhammad Nauman : The Railway Board will then be able to see whether in each grade the proportion of Muslims is kept up or not ?

The Honourable Sir Andrew Clow : The rules do not prescribe that in each grade promotion should be made on communal lines.

FILLING UP OF VACANCIES OF LABOURERS UNDER THE DISTRICT CONTROLLER OF STORES, HALISHAR, EASTERN BENGAL RAILWAY.

131. *Shaikh Rafiuddin Ahmad Siddiquee : Will the Honourable the Railway Member please state :

- (a) whether Government are aware of the fact that out of 500 labourers, Grade I and II, under the District Controller of Stores, Halishar, Eastern Bengal Railway, there are about 20 Muslims and 20 Christians ; if so, why ;
- (b) whether it is a fact that according to the order of the District Controller of Stores, Halishar, No. 23|P. of the 2nd December, 1938, 50 per cent. Muslims were required to be taken in the permanent and temporary vacancies of labourers under the District Controller of Stores, Halishar ; and
- (c) who has cancelled order No. 23|P. of the 2nd December, 1938, and framed the rule that whenever vacancies of labourers under the District Controller of Stores, Halishar, Eastern Bengal Railway, arise on account of retirement, death, leave or promotion, these should be filled up by members of the same community to which the incumbent or incumbents of the posts falling vacant belong ?

The Honourable Sir Andrew Clow : (a) No : Government have no record of the communal composition of these labourers.

(b) and (c). Government have no particulars of the orders issued by the railway administration, but the orders issued to the Agent in 1935 were that the percentage of each minority community then existing should be maintained on the inferior services of the railway.

Mr. Muhammad Nauman : With reference to part (c), does it not mean that for all times to come the Muslims on the Eastern Bengal Railway will be in a hopeless minority, because, if the quota is not increased, there is no hope of Muslims ever getting the required number ?

The Honourable Sir Andrew Clow : I do not think that necessarily follows. The order was not passed in my time, but I understand it was passed mainly with a view to protecting the rights of Muslims on the railways.

Mr. Muhammad Nauman : Will the Honourable Member see that they are maintained if they are not being maintained by the Railway ?

The Honourable Sir Andrew Clow : I understood that the complaint in (c) is that they were being maintained.

EMPLOYMENT OFFICERS IN WORKSHOPS OF CERTAIN RAILWAYS.

132. *Shaikh Rafuddin Ahmad Siddiquee : Will the Honourable the Railway Member be pleased to state :

(a) how many are the sanctioned posts of Employment Officers in the Workshops on the following Railways :

- (i) North Western Railway ;
- (ii) East Indian Railway ;
- (iii) Great Indian Peninsula Railway ;
- (iv) Bombay, Baroda and Central India Railway ;
- (v) South Indian Railway ;
- (vi) Madras and Southern Mahratta Railway ;
- (vii) Bengal Nagpur Railway ;
- (viii) Eastern Bengal Railway ;
- (ix) Assam Bengal Railway ; and
- (x) Bengal and North Western Railway ; and

(b) how many out of them are Hindus, Muslims, Europeans, Anglo-Indians and Christians ?

The Honourable Sir Andrew Clow : According to the distribution return of establishment which is submitted annually to the Railway Board at the close of each year, the designation " Employment Officer " is in use only on the East Indian Railway, where there are three such officers : two being Hindus and one Sikh.

ADVERTISEMENT OF VACANCIES IN WORKSHOPS OF CERTAIN RAILWAYS.

133. *Shaikh Rafuddin Ahmad Siddiquee : Will the Honourable the Railway Member be pleased to state :

- (a) whether Government are aware of the fact that vacant posts in the Cadres of Officers, Senior Subordinates, Subordinate and Skilled Labour in any workshop of the State-owned and State-managed and Company-owned and Company-managed Railways have never been advertised ; and
- (b) if the reply to part (a) above be in the negative, whether Government propose to give the following statement for the period from the 1st July, 1934, to the 1st April, 1939, for each State-owned and State-managed and Company-owned and Company-managed Railway, separately :
 - (i) vacancies advertised ;
 - (ii) newspapers in which advertised ;
 - (iii) dates for which advertisement appeared ;
 - (iv) total vacancies filled up ; and
 - (v) allotments of communities for these vacancies ?

The Honourable Sir Andrew Clow : (a) No.

(b) Government have no record of these advertisements and I regret that I cannot undertake to embark on an attempt to collect them. The particulars of recruitment by communities on the State and Company-managed Class I railways will be found in the Chapter on Staff and the appendices thereto in Volume I of the Reports of the Railway Board on Indian Railways. These do not, however, include figures for 1938-39 as these are not yet available.

Mr. Muhammad Nauman : Do Government realise that unless posts are advertised and sufficient publicity given, there may be undue manipulations and also sacrifice of efficiency ?

The Honourable Sir Andrew Clow : Some posts are advertised when the necessity arises, but it is not necessary to advertise all posts, and it is not the custom in any big business.

Mr. Muhammad Nauman : Should not there be a rule that in certain grades certain posts must be advertised ? Otherwise, what is the use of advertising posts on Rs. 20 or Rs. 25, and not advertising those on Rs. 80 or Rs. 100 ?

The Honourable Sir Andrew Clow : The Honourable Member is now expressing his own views.

FILLING UP OF VACANCIES IN THE SUBORDINATE CADRES IN WORKSHOPS OF CERTAIN RAILWAYS.

134. *Shaikh Rafiuddin Ahmad Siddiquee : Will the Honourable the Railway Member be pleased to state :

(a) why the vacancies in the subordinate cadres from 1934 to 1939 in the Workshops of

- (i) East Indian Railway ;
- (ii) Eastern Bengal Railway ;
- (iii) Bengal Nagpur Railway ;
- (iv) Great Indian Peninsula Railway ;
- (v) North Western Railway ;
- (vi) Bengal and North Western Railway ; and
- (vii) Assam Bengal Railway ;

have been filled up by menials through promotion ;

(b) whether this method of recruitment contravenes the policy laid down in the Home Department Resolution No. F. 14/17-B/33, dated the 4th July, 1934 ;

(c) whether the Government of India have issued separate rules for recruitment in Railway Workshops ; and

(d) whether the Resolution was enforced rigidly in recruitments in the Railway Workshops ?

The Honourable Sir Andrew Clow : (a) Vacancies in the subordinate cadres in railway workshops are filled by :

- (i) direct recruitment ;
- (ii) appointment of persons who have served a specified apprenticeship ; and
- (iii) promotion of inferior servants.

(b) No.

(c) Separate rules issued regulate only the recruitment of apprentices in workshops on State-managed Railways.

(d) The returns giving details of direct recruitment to subordinate services, published in the Railway Board's Annual Report have so far indicated that the orders are being adhered to.

EMPLOYEES ON THE EASTERN BENGAL AND THE EAST INDIAN RAILWAYS.

135. *Mr. Muhammad Nauman : Will the Honourable the Railway Member please state :

- (a) what is the total number of employees on the Eastern Bengal Railway and on the East Indian Railway ;
- (b) what is the total number of Muslim employees on the Eastern Bengal Railway and the East Indian Railway ;
- (c) what is the number of Muslims receiving pay of Rs. 125 per month on the 30th June, 1939, on the Eastern Bengal Railway and the East Indian Railway ;
- (d) whether it is a fact that the number of Muslim officers on the Eastern Bengal Railway is only seven, taking all departments on that Railway ; and
- (e) what is the number of employees on the Eastern Bengal Railway and the East Indian Railway who have been promoted from subordinate grades ?

The Honourable Sir Andrew Clow : (a) 53,337 on the Eastern Bengal Railway and 126,519 on the East Indian Railway on the 1st April, 1938.

(b) 16,667 on the Eastern Bengal Railway and 25,251 on the East Indian Railway on the 1st April, 1938.

(c) Such statistics as are available relating to the communal distribution of subordinates are published in Appendix F of Volume I and Appendix C of Volume II of the Railway Board's Reports on Indian Railways. The figures in Volume I show the distribution of subordinates drawing Rs. 250 per mensem and over, or on scales of pay rising to Rs. 250 per mensem, and those in Volume II cover all subordinates.

(d) The number on 1st April, 1939, was six.

(e) I would refer the Honourable Member to the Classified List of State Railway Establishment, a copy of which is in the Library of the House. Officers in the Lower Gazetted Service are practically all promoted from a subordinate grade. Other officers who have been promoted from a subordinate service have the letter " P " after their names.

Mr. Muhammad Nauman : With reference to part (c), have not Government got the exact figure of the employees who are drawing over Rs. 125 ?

The Honourable Sir Andrew Clow : I have explained that our division is at a different point.

INSOLVENT EMPLOYEES ON THE EASTERN BENGAL RAILWAY.

136. *Mr. Muhammad Nauman : Will the Honourable the Railway Member please state :

- (a) the names of the Eastern Bengal Railway employees who have gone into insolvency by the permission of the authorities ;
- (b) whether it is a fact that recently 14 employees, who were heavily in debt have been taken back and given two or three years' time for payment on the Eastern Bengal Railway ;
- (c) whether it is a fact that more than eight undischarged insolvents are working on the Eastern Bengal Railway ;
- (d) whether it is a fact that there are over fifty employees of the Eastern Bengal Railway against whom civil decrees are pending and against some of whom attachment of pay has been ordered ;
- (e) whether Government propose to state the rule under which employees are advanced loans on the Eastern Bengal Railway ; and
- (f) whether Government propose to state the exact percentage up to which an employee's pay attached is not looked with prejudice ?

The Honourable Sir Andrew Clow : (a) to (d). Government maintain no record of the indebtedness of employees working under the railway administration ; but I shall call the attention of the General Manager to the allegation made in part (c) with a view to the examination of the position.

(e) There is no such rule.

(f) Under the Government Servants' Conduct Rules a Government servant is liable to dismissal when he is declared or adjudged an insolvent, or when one moiety of the salary of such Government servant is constantly being attached, has been continuously under attachment for a period exceeding two years, or is attached for a sum which, in ordinary circumstances, cannot be repaid within a period of two years.

Mr. Muhammad Nauman : Are Government aware that undischarged insolvents are serving on the Eastern Bengal Railway ?

The Honourable Sir Andrew Clow : I have no information, but, as I have said, I will call the attention of the General Manager to the point.

Mr. Muhammad Nauman : In the event of these people being proved to be undischarged insolvents, will they be dismissed ?

The Honourable Sir Andrew Clow : They will be "liable to dismissal", but it does not follow that they will inevitably be dismissed. Regard will be had to the circumstances of the case.

Mr. Muhammad Nauman : In spite of their being undischarged insolvents, can they be retained for some reason or other ?

The Honourable Sir Andrew Clow : That has happened in some cases.

REPORT OF THE XB ENGINE COMMITTEE.

†137. *Maulvi Muhammad Abdul Ghani : Will the Honourable Member for Railways be pleased to state :

- (a) whether the XB Engine Enquiry Committee finished enquiry about the XB engines and submitted their report ; if so, when ; if not, when the report is expected to be submitted ; and
- (b) the amount of expenditure hitherto incurred for the said enquiry ?

The Honourable Sir Andrew Olow : (a) The report of the Pacific Locomotive Committee was received in the middle of April and a copy was sent to every Member of this House in June.

(b) The expenditure incurred to the end of August, 1939, is Rs. 1,61,400.

EXPERIMENTS MADE AT JAMALPUR TO FIND OUT THE CAUSES OF THE BIHTA RAILWAY DISASTER.

†138. *Maulvi Muhammad Abdul Ghani : Will the Honourable Member for Railways be pleased to state :

- (a) whether any departmental experiment was made at Jamalpur to find out the causes of the Bihta Railway Disaster ; if so, when and in what way ;
- (b) the number of goods wagon and passenger carriages and engines engaged in the operation ;
- (c) the number of engines and wagons damaged in the operation ;
- (d) the extent of the damages to engines and wagons ;
- (e) the number of persons killed or injured in the experimental operation ;
- (f) the type or class of engines used in the operation ;
- (g) the cost of engines and wagons and carriages so engaged ; and
- (h) whether any film company was asked by the East Indian Railway authority to take the films of the experimental operation ; if so, the name of the company and the amount of contribution or fee paid by the said film company ?

The Honourable Sir Andrew Olow : (a), (b), (c), (d), (f) and (g). The attention of the Honourable Member is invited to the statement laid on the table of the Council of State by the Honourable Sir Guthrie Russell on 15th November, 1937, in reply to question No. 211 asked by the Honourable Mr. Hossain Imam on 2nd October, 1937.

(e) No persons were killed or injured during the experiment.

(h) Kodak, Limited, provided three cameras and photographers free of charge for filming the experiment. The railway purchased the necessary projector, screen and films from the company.

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

IGNORING OF THE CLAIMS OF MUSLIMS FOR PROMOTION IN THE SAIDPORE WORKSHOP, EASTERN BENGAL RAILWAY.

139. *Mr. Muhammad Nauman : Will the Honourable the Railway Member be pleased to state :

- (a) whether the claims of senior Muslims in the Paint Shop and Machine Shop of the Saidpore Workshop, Eastern Bengal Railway, were ignored at the time of promotion, and whether Hindus were promoted on the plea of efficiency to the posts of Mistries in the years 1938 and 1939 ; and
- (b) if the reply to part (a) above be in the negative, whether Government propose to place on the table a statement showing the seniority of Muslims and Hindus in the said Shops and state what circumstances debarred Muslims from the said promotion ?

The Honourable Sir Andrew Clow : (a) I have no reason for supposing that promotions have been based on anything but the merits of the case.

(b) The answer to the first part is in the negative. As regards the last part, there is no bar to the promotion of competent officials of any community and if any official considers that his claims have not been properly considered, it is open to him to represent his case to the appropriate authority.

Mr. Muhammad Nauman : I have been given certain cases,—I do not say they are all correct,—on which I am satisfied that promotions have not been duly carried out. In view of that, will the Honourable Member be pleased to bring it to the notice of the Agent of the Railway ?

The Honourable Sir Andrew Clow : As I have said, if any employee feels aggrieved, he can represent his case.

REPRESENTATION OF MUSLIMS IN THE ESTABLISHMENT OFFICE OF THE WORKS MANAGER OF THE SAIDPORE WORKSHOP, EASTERN BENGAL RAILWAY.

140. *Mr. Muhammad Nauman : Will the Honourable the Railway Member be pleased to state :

- (a) whether Government are aware of the fact that the representation of Muslims in the Establishment Office of the Works Managers of the Saidpore Workshop, Eastern Bengal Railway, is unsatisfactory, as the following statement shows :

<i>Grade.</i>		<i>Hindus.</i>	<i>Muslims.</i>	<i>Total.</i>
<i>Rs.</i>				
150—200	1	..	1
100—140	5	..	5
85—100	13	..	13
28—80	29	8	32
30—60	1	2	3
		—	—	—
		49	5	54
		—	—	—

- (b) why out of two Muslims in the lowest grade one is still temporary and the Hindu clerk who does not possess the requisite qualifications for a clerk according to the recruitment rules has been made permanent ; and
- (c) how this Hindu clerk was promoted to the post of a clerk from the post of a khalasi against the recruitment rules which clearly lay down that no recruitment can be made unless the vacancies in the subordinate cadres are thrown open to communal quota ?

The Honourable Sir Andrew Olow : (a) Government are not aware of the communal composition of this office.

(b) and (c). I have no information in regard to the particular case to which the Honourable Member refers. There is, however, nothing in the recruitment rules to prevent an inferior servant being recruited against a subordinate post. The communal proportions prescribed apply to the railway as a whole.

Mr. Muhammad Nauman : With reference to part (a), will Government find out whether the facts stated are correct ?

The Honourable Sir Andrew Olow : From the details given by the Honourable Member, I take it he has himself ascertained the facts.

Mr. Muhammad Nauman : Will the Honourable Member take it up with the railway and see that the position is equitably improved ?

The Honourable Sir Andrew Olow : I recognise that in a great many grades Muslims have not got a proportion of posts corresponding to the strength of their community, but that is a matter that obviously can only be remedied by time as we are not displacing employees and are only applying the communal percentages to recruitment.

Mr. Muhammad Nauman : I thank the Honourable Member for finding out these things, but if he takes a little more interest things will be expedited.

The Honourable Sir Andrew Olow : No interest of mine can alter the percentages of recruitment.

FILLING UP OF VACANCIES IN THE SUBORDINATE CADRES IN CERTAIN WORKSHOP OF THE EASTERN BENGAL RAILWAY.

141. *Mr. Muhammad Nauman : Will the Honourable the Railway Member be pleased to state :

- (a) whether it is a fact that the vacancies in the Subordinate Cadres in the Saidpore and Kancharapara Workshops of the Eastern Bengal Railway from the period 1935 to 1939 have been filled up by the menial staff who do not possess the requisite qualifications for these posts according to the rules on the subject ; and
- (b) if the reply to part (a) above be in the negative, when the vacancies in the Subordinate Cadres were advertised and how ?

The Honourable Sir Andrew Olow : (a) I would refer the Honourable Member to the reply I have just given to Shaikh Rafiuddin Ahmad Siddique's question No. 134.

(b) Does not arise.

MUSLIM CLERKS IN THE OFFICES OF THE DISTRICT CONTROLLER OF STORES AND THE GENERAL STORES, SAIDPUR, EASTERN BENGAL RAILWAY.

†142. ***Mr. Muhammad Nauman :** Will the Honourable the Railway Member be pleased to state :

- (a) how out of eight Muslim clerks in the offices of the District Controller of Stores and the General Stores, Saidpore, Eastern Bengal Railway, only three are permanent and the rest are temporary, and out of nine Hindus seven are permanent, and the rest are temporary ;
- (b) whether Government are aware of the fact that in the leave vacancies of clerks in the District Controller of Stores Office and the General Stores only Hindus are recruited ignoring the quota of Muslims ; and
- (c) if the reply to part (a) above be in the negative, how many Muslims were employed in the leave vacancies during the period from 1935 to 1939, and how many Hindus taken in the leave vacancies have been made permanent ?

The Honourable Sir Andrew Olow : (a) I am not clear as to the meaning of the Honourable Member's question. The number of temporary men in any grade depends on the strength of the grade and the numbers who happen to be confirmed, and confirmation of candidates in a particular office is not subject to communal considerations provided that the rules governing the communal representation for the railway as a whole are observed.

(b) There is no quota for Muslims or any other community in these offices ; the quotas apply to the railway as a whole.

(c) This does not arise ; but I propose to forward the question to the General Manager of the Railway and call his attention to the allegation made in it.

DELAY IN THE DELIVERY OF MAILS AT BIJNOR.

143. ***Mr. Muhammad Azhar Ali :** Will the Honourable the Communications Member be pleased to state :

- (a) whether it is a fact that prior to 1930, the Mail for Bijnor used to go *via* Nagina and there was a Railway Mail Service office at Nagina ;
- (b) whether it is a fact that in those days the mail used to be carried from Nagina to Bijnor by motor lorries, and used to be delivered to public at about 8 A.M. ;

† Answer to this question laid on the table, the questioner having exhausted his quota.

- (c) whether it is a fact that since 1930 the Railway Mail Service office has been shifted from Nagina to Najibabad and now the mail is delivered at Bijnor from 12 A.M. to 3 P.M. ;
- (d) whether Government are aware that the delay in the delivery of post at Bijnor is causing great inconvenience to the public and is causing great damage to the trade and business of Bijnor ; and
- (e) whether Government have considered or propose to consider the desirability of removing the complaint of the public and the representation of the business and industry of Bijnor by shifting the Railway Mail Service office to Nagina and taking to lorry service for the carriage of mails from Nagina to Bijnor ?

Sir Gurnath Bewoor : (a) and (b). Yes. The mails used to be delivered at Bijnor at 8-30 A.M.

(c) The Sorting Mail Office was removed from Nagina to Najibabad in 1931. Prior to 1931 the whole mail was delivered at Bijnor only once in the day, namely at 8-30 A.M. At present mails from the Eastern United Provinces, Bengal and Bihar are issued for delivery at 8-00 A.M. and those from the rest of India are issued for delivery at 12-00 noon.

(d) Complaints have been received that the present arrangements cause some inconvenience to the public as compared with the arrangements which existed eight years ago.

(e) No. As Bijnor is now linked by railway with the main line and as Nagina is no longer a stopping place for East Indian Railway mail trains, no purpose would be served by re-establishing the Mail Sorting Office at Nagina.

ACCIDENTS ON THE RAILWAYS.

144. *Mr. Muhammad Azhar Ali : Will the Honourable the Railway Member be pleased to state :

- (a) whether in serious accidents on the railways during the recent years, which have caused serious damage to and loss of life of passengers, they have observed that the persons who suffer most are those travelling in the first two or three bogies ; and
- (b) if the answer to part (a) above be in the affirmative, whether Government have considered or propose to consider the advisability of replacing the first three bogies in all the fast trains by goods and luggage vans and thus in case of accidents avoid serious loss of life and damage to the railways ?

The Honourable Sir Andrew Clow : (a) This has not been observed to be always a fact.

(b) Does not arise.

ACQUISITION OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

145. *Mr. Muhammad Azhar Ali : Will the Honourable the Railway Member be pleased to state :

- (a) whether Government have arrived at any decision regarding the acquisition of the Shahdara-Saharanpur Railway in 1941 ;
- (b) whether Government have made an enquiry about it from a financial point of view ; if not, what are its conclusions ; and
- (c) whether Government have taken any steps to serve the Shahdara-Saharanpur Railway Company with a notice in April 1940, for terminating the contract in 1941 ?

The Honourable Sir Andrew Clow : (a) and (c). No.

(b) The financial aspect of the question has not yet been examined.

Mr. President (The Honourable Sir Abdur Rahim) : The answer to the next question of Mr. Nauman will be laid on the table.

APPOINTMENT OF TOOL KEEPERS IN THE SAIDPUR WORKSHOP, EASTERN BENGAL RAILWAY.

†146. *Mr. Muhammad Nauman : Will the Honourable the Railway Member be pleased to state how in January 1937 Hindu tool keepers were appointed on Rs. 22, while Muslim tool keepers were appointed on Rs. 16 per month in the Saidpore Workshop, Eastern Bengal Railway ?

The Honourable Sir Andrew Clow : The information has been called for and will be laid on the table in due course.

CASHING OF CROSSED INDIAN POSTAL ORDERS.

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

- (a) whether Government are aware that instructions appear on the reverse of the Indian Postal Order to the following effect :

“ If this order be crossed like a cheque, payment will only be made through a bank ” ;

- (b) with which banks in India, the Postal Department have made arrangements to cash the crossed-Postal Orders ;
- (c) whether it is a fact that in Karachi only Llyod's Bank of India, Limited, have entered into an arrangement with the Department to cash the Indian Postal Orders ; and
- (d) if the reply to part (c) above be in the affirmative, whether Government propose to make arrangements with other banks also to cash the Indian Postal Orders without any extra charge ; if not, why not ?

†Answer to this question laid on the table, the questioner having exhausted his quota.

The Honourable Sir Andrew Clow : (a) Yes.

(b) Crossed Indian Postal Orders are paid through any bank, provided that the name of the bank and the payee appears in the body of the Order and the Order is endorsed by the payee. The arrangements between the Post Office and banks relate to the payment of Postal Orders in other circumstances.

(c) No.

(d) Does not arise.

Mr. Lalchand Navalrai : May I know if this arrangement will not inconvenience people in the interior of the country ? There are banks in the urban areas, but in the interior there are no banks, and, if there are any, they are private banks. Will Government arrange that they also should take these crossed postal orders ?

The Honourable Sir Andrew Clow : I have explained already that crossed postal orders can, provided the name of the bank and the name of the payee are entered, be paid through any bank.

SEARCH LIGHT FIXED IN FRONT OF ENGINES.

148. *Mr. Muhammad Azhar Ali : Will the Honourable the Railway Member be pleased to state :

- (a) whether it is a fact that the search light fixed in front of railway engines is fixed and cannot be moved sideways ;
- (b) whether it is a fact that due to this fixity, the search light cannot be properly utilised on the corners of the track ; and
- (c) if the answer to part (b) above be in the affirmative, whether Government have considered or propose to consider the advisability of getting the search light on the engines movable instead of being fixed ?

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

(c) The matter has been considered but it is undesirable to introduce manual control and it is difficult to secure satisfactory automatic control. But the possibility of making an experiment will be reconsidered.

SELECTION OF ROUTINE CLERKS FOR PROMOTION IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

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

- (a) whether it is a fact that the selection of candidates for the clerical posts class II from among the routine clerks is an innovation in the Railway Clearing Accounts Office which has replaced the method of departmental promotions from the routine grade as well as from the other grades which have so far been made by seniority in service and qualifications of the incumbent ;
- (b) if the reply to part (a) above be in the affirmative, whether Government propose to explain the reasons why the practice so far followed has been given up in contravention of the usual procedure followed by Government ; and

- (c) whether Government propose to place on the table a list of the routine clerks selected for promotion to clerks, class II grade, by the Selection Committee in July, 1939, in the Railway Clearing Accounts Office, giving the lengths of service and qualifications, both departmental and academic, of the selected candidates ?

The Honourable Sir Andrew Clow : (a) No.

(b) Does not arise.

(c) No ; but if any Honourable Member wishes to inspect the list, facilities will be afforded by the Controller of Railway Accounts.

SELECTION OF ROUTINE CLERKS FOR PROMOTION IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

150. *Bhai Parma Nand : Will the Honourable Member for Railways please state whether it is a fact that routine clerks, who have actually worked and are working as clerks, class II, and also those who have passed Appendix 'C' Examination making them eligible for promotion to clerks class I grade, have been passed over, by the Selection Board in their selection, who has preferred non-matrices junior Routine clerks for promotion to clerks, class II grade, in the Railway Clearing Accounts Office ; if so, why ?

The Honourable Sir Andrew Clow : No routine clerk who had actually *officiated* and drawn pay as clerk, class II, at any time was passed over by the Selection Board. Two routine clerks who have passed the Appendix 'C' Examination were not selected as they were not regarded as reaching the requisite standard.

SELECTION OF ROUTINE CLERKS FOR PROMOTION IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

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

- (a) whether Government are aware that there is great dissatisfaction and resentment among the routine clerks and other staff in general with the result of the selection of routine clerks by the Selection Board ;
- (b) if the reply to part (a) above be in the affirmative, whether Government propose to make an enquiry as to the way in which selection was done and remove the cause of dissatisfaction ;
- (c) what is the method of promotion from the routine clerks to clerks, class II grade, in the Railway Clearing Accounts Office, and what it was up to 1938 ;
- (d) whether any representation was received in this connection from the Staff Association of the Railway Clearing Accounts Office, a recognised body, and what was the reply to it given by the administration and whether Government propose to place the correspondence on the table of the House ; and

- (e) whether it is a fact that the Staff Association of the Railway Clearing Accounts Office has been demanding from the very beginning that promotions to higher grades should be on the basis of seniority as shown in the printed seniority list of the office with due regard to efficiency ; if so, what are the reasons of the administration for not adopting this basis for promotion ?

The Honourable Sir Andrew Clow : (a) and (b). Government are not aware of any great dissatisfaction ; but certain representations have been received from the routine clerks which are being dealt with.

(c) Promotions both in 1939 and before that year were based on merit with due regard to seniority.

(d) Yes ; the matter is still under consideration. Government do not propose to place the relevant correspondence on the table.

(e) Yes. The reason is that selection is calculated to secure the most efficient men.

PROMOTION OF STENOGRAPHERS IN DIVISIONAL OFFICES OF THE NORTH WESTERN RAILWAY.

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

- (a) whether the stenographers in Divisional and inter-divisional offices of the North Western Railway, though considered as technical men are borne on one general seniority list, like other technical staff for the whole Railway, including Headquarters office where higher grades exist ; if not, what are their chances of promotion ;
- (b) whether these stenographers had been representing to the Administration through memorials since 1928 for a general seniority list like their other technical colleagues (draftsmen and sanitary inspectors) ; if so, what steps the administration have taken to redress their grievances ;
- (c) whether it is a fact that Sanitary Inspectors, being technical men and few in number, were placed on a general seniority list in 1930 to give them a fair chance of promotion ; if so, why the stenographers have not been treated in the same manner ;
- (d) whether it is a fact that in the absence of a general seniority list during these 11 years, junior stenographers in grades III and IV in Headquarters office have become senior to much more senior stenographers in the same grades in the Divisional and inter-divisional offices ;
- (e) whether it is a fact that stenographers, being considered as technical men, are debarred from going to other branches and thus have all the doors of promotion closed upon them ;
- (f) whether it is a fact that this category of stenographers was not included in the letter issued by the office last year laying down the channel for promotion for all staff in the Divisional offices of the North Western Railway ; and

- (g) whether the Administration propose to look into the matter and see what can be done to redress the grievances of these stenographers ?

The Honourable Sir Andrew Clow : (a) No : their opportunities for promotion are in the office to which they are attached.

(b) Memorials have been received from stenographers, but the Administration did not consider that there was any justification for a change in the existing arrangement.

(c) Yes : Sanitary Inspectors were placed on one seniority list in order to give them reasonably equal opportunities for promotion, as the number of posts of Sanitary Inspectors in the higher grades was appreciably fewer on some Divisions than on others. Stenographers have such opportunities of promotion on their own Divisions.

(d) I am prepared to accept this from the Honourable Member. Inequalities in promotion are inevitable with the maintenance of separate seniority lists.

(e) Normally, yes. In view of the nature of the work performed by stenographers, their selection for posts requiring knowledge and experience of other duties is generally impracticable.

(f) Yes.

(g) The matter has already been considered by the Administration and nothing has transpired since then to warrant its re-consideration.

Mr. President (The Honourable Sir Abdur Rahim) : The answers to the next two questions of Mr. Nauman will be laid on the table.

NON-APPOINTMENT OF MUSLIM CLERKS IN KANCHRAPARA WORKSHOP, EASTERN BENGAL RAILWAY.

†153. ***Mr. Muhammad Nauman :** Will the Honourable Member for Railways please state :

(a) whether Government are aware that the Eastern Bengal Railway authorities have contravened the recruitment rules and neglected the Muslim quota in filling vacancies of clerks in Progress Section, Shop No. 2, Shop No. 3, Shop No. 4 and Shop No. 5, Time and Gate Sergeant's office of Kanchrapara Workshop ;

(b) whether it is a fact that out of 43 vacancies in the said Department forty-two have gone to Hindus and one to a Christian ; and

(c) whether it is a fact that out of those 42 Hindus selected nine were non-Matric and three possessed very feeble health ?

The Honourable Sir Andrew Clow : I would refer the Honourable Member to the answer I have just given to Shaikh Rafiuddin Ahmad Siddiquee's question No. 130.

† Answer to this question laid on the table, the questioner having exhausted his quota.

SELECTION BOARDS FOR RECRUITMENTS ON THE EASTERN BENGAL RAILWAY

†154. ***Mr. Muhammad Nauman** : Will the Honourable Member for Railways be pleased to state :

- (a) the personnel with designations of the officers of the "Selection Boards" on the Eastern Bengal Railway who sat for the purpose of direct recruitment and recruitment by promotions during January, 1938 to June, 1939 ;
- (b) whether it is a fact that "majority of non-Muslims" is the outstanding feature of the "Selection Boards" formed on the Eastern Bengal Railway ; and
- (c) whether it is a fact that applications have been entertained even after the expiry of the period notified in the newspapers by the Eastern Bengal Railway ?

The Honourable Sir Andrew Clow : (a) As I informed the Honourable Member on 4th September, the Railway Board received no reports of the personnel of such committees and I do not feel that the compilation of the particulars would yield results commensurate with the labour involved.

(b) I am prepared to accept this from the Honourable Member. As selection boards are constituted from among officers, and there are only six Muslim officers on the railway, it would be unusual for a selection board to have a majority of Muslims.

(c) Government have no information, but will bring the Honourable Member's question to the notice of the General Manager.

TOLL COLLECTED ON RAMGANGA AND KOSI BRIDGES BETWEEN MORADABAD AND RAMPUR.

154A. ***Mr. Muhammad Azhar Ali** : Will the Honourable the Railway Member be pleased to state :

- (a) whether in the past toll used to be collected by railway authorities on the Ramganga and Kosi rivers between Moradabad and Rampur from private conveyances ;
- (b) whether the toll on the Ramganga bridge has been stopped but on the Kosi bridge still continues ; and
- (c) for how long the toll was realised on the Ramganga bridge and for what period it is being levied on the Kosi bridge ?

The Honourable Sir Andrew Clow : (a) and (b). A toll was levied by the late Oudh and Rohilkhand Railway authorities on the Ramganga and Kosi bridges between Moradabad and Rampur on private conveyances upto July, 1907, when the toll on the Ramganga bridge was discontinued. The toll on the Kosi bridge continues.

(c) The exact dates from which the toll began to be levied on these bridges are unknown but presumably the system was introduced with the opening of the bridges about 1894.

†Answer to this question laid on the table, the questioner having exhausted his quota.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to part (c) of starred question No. 416 asked by Mr. K. S. Gupta on the 23rd August, 1938.

GRIEVANCES OF EMPLOYEES OF THE VIZAGAPATAM PORT.

(c) Conditions of service in the Port are not completely uniform as some of the employees have been permitted to retain wholly or in part the conditions applicable to them before their transfer to the service of the Port. Generally speaking, the employees enjoy the same conditions of service as other Government servants in civil employ. They are not pensionable, but enjoy Provident Fund facilities.

Information promised in reply to starred questions Nos. 556A and 556B asked by Pandit Sri Krishna Dutta Paliwal on the 20th February, 1939.

TREATY WITH MUSCAT.

A copy of the Treaty of Commerce and Navigation between His Majesty and the Sultan of Muscat and Oman, dated the 5th February, 1939, is laid on the table of the House.

Treaty of Commerce and Navigation between His Majesty and the Sultan of Muscat and Oman.

Muscat, February 5, 1939.

[Ratifications exchanged at Muscat on February 7, 1939.]

His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and Sultan Saiyid Said bin Taimur bin Faisal, Sultan of Muscat and Oman and Dependencies,

Desiring to confirm and strengthen the friendly relations which now subsist between them and to promote and extend their commercial relations by the conclusion of a new treaty to replace the Treaty of Friendship, Commerce and Navigation signed at Muscat on the 19th March, 1891, which terminates on the 11th February, 1939,

Have accordingly appointed as their plenipotentiaries :—

His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (hereinafter referred to as His Majesty) :

For Great Britain and Northern Ireland :

Lieut.-Colonel Sir Trenchard Craven William Fowle, K.C.I.E., C.B.E., Political Resident in the Persian Gulf ;

For India :

Lieut.-Colonel Sir Trenchard Craven William Fowle, K.C.I.E., C.B.E., Political Resident in the Persian Gulf ;

The Sultan of Muscat and Oman and Dependencies (hereinafter referred to as the Sultan), in person ;

Who have agreed as follows :—

ARTICLE 1.

For the purposes of the present Treaty—

- (i) The term " territories of His Majesty " or " territories of the one (or the other) High Contracting Party " in relation to His Majesty shall mean the United Kingdom of Great Britain and Northern Ireland and India, and any territories to which the present Treaty applies by reason of extensions under Article 19 or accessions under Article 20 ; and the

- term "territories of the Sultan" or "territories of the one (or the other) High Contracting Party" in relation to the Sultan shall mean Oman and its Dependencies.
- (ii) The term "nationals of His Majesty" or "nationals of the one (or the other) High Contracting Party" in relation to His Majesty shall mean all subjects of His Majesty and all persons under his protection, wherever domiciled, except nationals of Koweit, Bahrein, Qatar, Abu Dhabi, Dibai, Sharjah, Ajman, Umm-al-Qaiwain, Ras-al-Khaimah and Kalba and, for the purposes of Articles 13, 14 and 15, nationals of the States of the Aden Protectorate and nationals of Zanzibar of Omani origin who own property in Oman; and the term "nationals of the Sultan" or "nationals of the one (or the other) High Contracting Party" in relation to the Sultan shall mean all the Sultan's subjects, wherever domiciled. For the purposes of Articles 2, 3, 4, 5, 6, 13, 14 and 15 the word "nationals" shall be deemed to include corporate bodies created under the law of the territories of the High Contracting Party concerned.
- (iii) The term "British vessels" or "vessels of one (or the other) High Contracting Party" in relation to His Majesty shall mean all ships registered under the law of any part of the British Commonwealth of Nations, including any territory under the sovereignty, protection, suzerainty or mandate of His Majesty except Koweit, Bahrein, Qatar, Abu Dhabi, Dibai, Sharjah, Ajman, Umm-al-Qaiwain, Ras-al-Khaimah and Kalba; and the term "Omani vessels" or "vessels of one (or the other) High Contracting Party" in relation to the Sultan shall mean all ships registered by the Omani Government and entitled to fly the flag of the Sultan.
- (iv) The term "British aircraft" or "aircraft of one (or the other) High Contracting Party" in relation to His Majesty shall mean all aircraft registered under the law of any part of the British Commonwealth of Nations, including any territory under the sovereignty, protection, suzerainty or mandate of His Majesty except Koweit, Bahrein, Qatar, Abu Dhabi, Dibai, Sharjah, Ajman, Umm-al-Qaiwain, Ras-al-Khaimah and Kalba; and the term "Omani aircraft" or "aircraft of one (or the other) High Contracting Party" in relation to the Sultan shall mean all aircraft registered by the Omani Government.
- (v) The term "foreign country" shall mean in relation to His Majesty any country or territory not under the sovereignty, protection, suzerainty or mandate of His Majesty, and, in relation to the Sultan, any country or territory not being a part of the territories of the Sultan.

ARTICLE 2.

(1) There shall be perfect freedom of commerce and navigation between the territories of the High Contracting Parties. Each High Contracting Party shall allow the nationals of the other to enter all ports, creeks and rivers with their vessels and cargoes, also to travel, reside and pursue commerce and trade, whether wholesale or retail, in his territories provided, as regards nationals of the Sultan, that they satisfy and observe the conditions and regulations applicable in the territory of His Majesty in question to the entry, travel, residence and departure of all foreigners, and provided that nationals of His Majesty satisfy and observe the conditions applicable in the territories of the Sultan in regard to the entry of foreigners and that, in proceeding from the place where they reside in the territories of the Sultan to another place in his territories where foreign subjects do not already reside, they shall, before doing so, notify in writing the local Omani authorities of the place where they reside, and such authorities shall inform them whether the intended destination is suitable for them to travel to or not: if the authorities in question notify the said nationals in writing that the intended destination is unsuitable, and if the said nationals persist in travelling to their destination, or if they should fail to notify the local authorities of their intended movements, they will proceed at their own risk. Further, subject to the provisions of Article 2, each High Contracting Party shall allow in his territories the nationals of the other, whether personally or by agent, freely to bargain for, buy, barter and sell goods, articles of import or local production, whether intended for local sale, use or consumption, or for export.

(2) Should the Sultan wish to establish any monopoly in any part of his territory such monopoly will be arranged in such a way that it will not be detrimental to the trade in which nationals of His Majesty are at the time occupied in that part of his territory.

ARTICLE 3.

(1) Nationals of His Majesty shall enjoy throughout the territories of the Sultan with respect to commerce, shipping and the exercise of trade all the rights, privileges, immunities, advantages and protection, of whatsoever nature, enjoyed by the nationals of the Sultan or the nationals of any other foreign country.

(2) They shall not be liable to taxes, duties, imposts, restrictions or obligations of any description whatever, other or more onerous than those to which the nationals of the Sultan or the nationals of any other foreign country are subjected.

(3) In all that relates to navigation and the treatment of shipping, the Sultan undertakes to treat British vessels not less favourably in any respect than Omani vessels or the vessels of any other foreign country. The provisions of this Article relating to vessels apply also to the passengers and cargoes carried therein.

ARTICLE 4.

Nationals of His Majesty shall be permitted in the territories of the Sultan to hire or to acquire, by gift, purchase, intestate succession, will, or any other legal manner, land, houses, and property of every description, whether movable or immovable, to possess the same, and freely to dispose thereof by sale, barter, donation or otherwise on the same conditions in respect of immovable property as are or may be established with regard to the nationals of the most favoured foreign country, and in respect of movable property as are or may be established with regard to the nationals of the Sultan or the nationals of the most favoured foreign country.

ARTICLE 5.

(1) Articles produced or manufactured in the territories of His Majesty imported into the territories of the Sultan, from whatever place arriving, shall not be subjected to duties or charges other or higher than those paid on the like articles produced or manufactured in any other foreign country.

(2) No other or higher duties or charges shall be imposed in the territories of the Sultan on the exportation of any article to the territories of His Majesty than such as are payable on the exportation of the like article to any other foreign country.

(3) The import duties leviable in the territories of the Sultan on goods produced or manufactured in the territories of His Majesty and on goods imported by nationals of His Majesty shall be paid at the port or other place in the Sultan's territories where the goods are first imported, and on payment thereof such goods shall thereafter be exempt within the said territories from all other customs duties.

(4) Customs duties shall not be levied in the territories of the Sultan on goods produced or manufactured in the territories of His Majesty or imported by nationals of His Majesty in the following cases, namely :—

- (a) On goods which, being destined and manifested for a foreign country, are transhipped from one vessel or aircraft to another in any of the ports or airports of the Sultan or which have been for this purpose provisionally landed and deposited in any of the Sultan's custom-houses to await the arrival of a vessel or aircraft in which to be reshipped abroad ; but goods so landed shall only be exempted if the consignee or his agent shall have, on the arrival of the vessel or aircraft, handed over the said goods to be kept under customs seal, and declared them as landed for transhipment, designating at the same time the foreign place of destination, and if within a period not exceeding three months after their first landing the said goods are actually shipped for the said foreign country as originally declared and without having in the interval changed owners, and if all customs charges are paid before they are reshipped.
- (b) On goods which, not being destined and manifested for the territories of the Sultan, have been inadvertently landed, provided that such goods are left in the custody of the customs authorities and are reshipped for a destination abroad within two months of being so landed, and that all customs charges are paid before the goods are reshipped.

- (c) On coal, fuel and oil, Naval and Air Force provisions and stores and fittings, the property of His Majesty's landed in the territories of the Sultan for the use of the ships of His Majesty's Naval Forces and the aircraft of his Air Forces ; duty shall, however, be payable if any of the goods thus exempted are sold or otherwise disposed of in the local markets.
- (d) On goods transhipped or landed pending the repair of damage caused to the vessel or aircraft by stresses of weather or disasters at sea or in the air, provided the cargo so discharged shall be left in the custody of the customs authorities and be reshipped abroad within a period of three months from the date of the original landing and that all customs charges have been paid.

(5) In the cases referred to in paragraph (4) above customs formalities in respect of landing, examination, clearance and shipment of goods are to be observed.

(6) All goods remaining uncleared in the Sultan's custom-houses after four months from the date of their original landing shall be disposed of by the Sultan's customs authorities by a public auction after notifying the steamer or aircraft agents concerned. Their sale proceeds, after payment of the auctioneering charges, customs duty and charges, shall be kept in deposit for a period of one year and refunded to the owner if the claim is established during this period, after which no claim shall be entertained.

(7) In this Article the words " customs charges " shall mean charges other than customs duties and may include landing, transit, weighing, wharfage or ground rent, supervision and overtime fees, it being understood that all such fees will be assessed on a reasonable scale.

ARTICLE 6.

(1) All customs duties leviable in the territories of the Sultan shall be paid in cash and not in kind.

(2) The value of the goods on which duty is to be levied shall be fixed according to their market price following the normal usage of trade in Muscat.

(3) The Sultan's Government shall have the right to fix the valuations for customs purposes of any descriptions of goods for any period, provided such valuations are fixed by a tariff board appointed by the Sultan, consisting of equal numbers of the Sultan's nationals and nationals of His Majesty representing the merchant community, and presided over by the Director of the Sultan's Customs.

(4) In the event of any dispute arising between a national of His Majesty and the Customs House authorities regarding the value of any goods, this shall be determined by reference to two experts, each party nominating one, and the value so ascertained shall be decisive. Should, however, these experts not be able to agree, they shall choose an umpire, whose decision is to be considered as final.

ARTICLE 7.

The Sultan's Government has the right to charge all vessels entering any of the ports in the Sultan's dominions with shipping, tonnage, or harbour dues, to be administered under the control of a special board appointed by the Sultan for the improvement of the harbour and construction and maintenance of lighthouses, etc.

ARTICLE 8.

Internal duties, taxes or fees levied within the territories of either High Contracting Party for the benefit of the State, or of organs of local or municipal government, on or in connection with goods produced or manufactured in the territories of the other Party, shall not be other or greater than the duties, taxes or fees levied in similar circumstances on or in connection with goods of national or any other origin.

ARTICLE 9.

(1) No prohibition or restriction shall be imposed or maintained on the importation into the territories of the Sultan of any article, from whatever place arriving, produced or manufactured in the territories of His Majesty which shall not equally extend to the importation of the like articles produced or manufactured in any other foreign country.

(2) No prohibition or restriction shall be imposed or maintained on the exportation of any article from the territories of the Sultan to the territories of His Majesty which shall not equally extend to the exportation of the like articles to any other foreign country.

(3) Exceptions to the general rule laid down in the foregoing paragraphs may be made only in the case of—

- (a) prohibitions or restrictions imposed in the interests of public security ;
- (b) prohibitions or restrictions regarding traffic in arms, ammunition and implements of war, or, in exceptional circumstances, all other military supplies ;
- (c) prohibitions or restrictions imposed for the protection of public health ;
- (d) prohibitions or restrictions imposed for the protection of animals or plants, including protection against diseases, degeneration or extinction, as well as measures taken against harmful seeds, plants and animals.

ARTICLE 10.

The Sultan engages by the present Treaty to provide and give orders to his officials that the movement of goods in transit shall not be obstructed or delayed in a vexatious manner by unnecessary customs formalities and regulations, and that every facility will be given for their transport.

ARTICLE 11.

Either of the two High Contracting Parties may appoint Consuls to reside in the territories of the other, subject to the consent and approval of the other as regards the persons so appointed and the places at which they reside. Such Consuls shall at all times be accorded in the country in which they reside treatment and privileges not less favourable than Consuls of the most favoured foreign country. Each of the High Contracting Parties further agrees to permit his own nationals to be appointed to Consular Offices by the other Contracting Party, provided always that the person so appointed shall not begin to act without the previous approbation of the High Contracting Party whose national he may be.

ARTICLE 12.

(1) British vessels or aircraft coming to the territories of the Sultan, in distress, shall receive from the local authorities all possible necessary aid to enable them to revictual and refit so as to proceed on their voyage or journey.

(2) Should a British vessel or aircraft be wrecked off the coast of or in the Sultan's territories, the authorities of the Sultan shall render all possible assistance to save the vessel or aircraft, its cargo and those on board ; they shall also give all possible aid and protection to persons saved, and shall assist them in reaching the nearest British Consulate ; they shall further take every possible care that such vessel and all parts thereof, and all furniture and appurtenances belonging thereto, and all goods and merchandise saved therefrom, including any which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked vessel, shall be given up to the owners of such vessel, goods, merchandise, etc., or to their agents when claimed by them or to the British Consul.

(3) The Sultan's authorities shall further see that the British Consulate is as soon as possible informed of such disaster having occurred.

(4) Should a British vessel or aircraft, wrecked off the coast of or in the Sultan's territories, be plundered, the authorities of the Sultan shall, as soon as they come to know thereof, render prompt assistance and take all possible measures to pursue and punish the robbers and recover the stolen property.

(5) Likewise, should a vessel or aircraft of the Sultan, or of one of his nationals, enter a port in His Majesty's territories in distress, or be wrecked off the coast of or in His Majesty's territories, the like help and assistance shall be rendered by the authorities of those territories.

ARTICLE 13.

(1) The Consular authorities of His Majesty in the territories of the Sultan shall, subject to any right of appeal which His Majesty may provide, try and determine—

- (i) all criminal charges against nationals of His Majesty ;
- (ii) all civil suits in which nationals of His Majesty are defendants ;
- (iii) all bankruptcy cases in which the bankrupt or the person whom it is sought to make bankrupt is a national of His Majesty ;
- (iv) all proceedings connected with administration of the estate of a deceased national of His Majesty ;
- (v) all questions of personal status where the person whose status is in question is a national of His Majesty, always provided that where such person is a Moslem the Consular authorities may remit the case for decision by a Moslem religious court of the Sultan on such conditions as they may determine and shall so remit the case if any other party to the proceedings is a national of the Sultan.

(2) All criminal or civil cases in which a national of His Majesty is complainant or plaintiff and the accused or defendant is a national of the Sultan or a national of a third country shall be tried and determined by the courts of the Sultan. The national of His Majesty shall have a right of appeal to the Sultan, in accordance with the procedure prescribed in the Omani courts, against any decision given against him in any such case if the Consul of His Majesty shall so request. If the Sultan should be absent the appellant may, if he so desires, ask that his appeal may be heard by the Sultan's representative.

(3) A national of His Majesty shall not be arrested nor his property seized, nor his house, office, warehouse or other premises occupied by him entered and searched without his consent, by an officer of the Sultan save under an order signed by the Consul of His Majesty, and any national of His Majesty arrested and any property of a national of His Majesty seized shall be placed in the custody of the Consul of His Majesty ; always provided that, in case of necessity for the prevention of breaches of the peace or a breach of a law or regulation of the Sultan which has been made applicable to nationals of His Majesty under Article 15, the authorities of the Sultan may without such an order arrest a national of His Majesty or take charge of his property or enter and search his house, office, warehouse or other premises occupied by him, but in this case the proceedings shall be at once reported, and the person arrested and any property seized handed over without delay, to the Consul of His Majesty.

ARTICLE 14.

In the exercise of their respective jurisdictions under paragraphs (1) and (2) of Article 13, the authorities of the Sultan and the Consular authorities of His Majesty shall afford every possible aid and facility for satisfaction of the rightful claims of the nationals of one High Contracting Party against nationals of the other.

ARTICLE 15.

The Consular authorities of His Majesty will, at the request of the Sultan, apply in the exercise of their jurisdiction under Article 13 all laws and regulations of the Sultan which it is desirable to apply to nationals of His Majesty in the territories of the Sultan, including, in particular, laws and regulations imposing taxation or duties and police and municipal regulations.

ARTICLE 16.

(1) The provisions of Articles 13, 14 and 15 shall apply to nationals of the Sultan or of another foreign country who are in the regular service of the Consul of His Majesty as if they were nationals of His Majesty, provided that, if any such person should be charged with a crime, the Consul will allow the charge to be tried by the authorities of the Sultan.

(2) No criminal or civil proceedings shall be taken before the Consular authorities of His Majesty against any national of His Majesty in the service of the Sultan unless notice of the proceedings has been previously given to the Sultan or his representative.

ARTICLE 17.

Nationals of the two High Contracting Parties shall, within the territories of each other, enjoy freedom of conscience and religious toleration, the free and public exercise of all forms of religion, provided that such exercise does not wound or outrage the religious susceptibilities of the country in which it is proposed to be practised, and the right to build edifices for religious worship in places specified for the purpose by local authorities. Nothing shall be done by either High Contracting Party that may disturb existing places of worship belonging to nationals of the other.

ARTICLE 18.

All the provisions of the present Treaty providing for the grant of the treatment accorded to the most favoured foreign country shall be interpreted as meaning that such treatment shall be accorded immediately and unconditionally.

ARTICLE 19.

(1) His Majesty may through his Consular Officer at Muscat give notice of his desire that the present Treaty shall extend to any of his colonies, overseas territories or protectorates, or to any mandated territory in respect of which the mandate is exercised by his Government in the United Kingdom, or to any of the States under his protection, except Koweit, Bahrein, Qatar, Abu Dhabi, Dibai, Sharjah, Ajman, Umm-al-Qaiwain, Ras-al-Khaimah and Kalba, and the Treaty shall be extended to any territory specified in such notice as from the date thereof.

(2) After the expiry of a period of two years from the coming into force of the present Treaty either High Contracting Party may, by giving twelve months' notice, terminate the application of the present Treaty to any territory to which it has been extended under the provisions of the preceding paragraph.

ARTICLE 20.

(1) The High Contracting Parties agree that His Majesty may by notification given through his Consular Officer at Muscat accede to the present Treaty in respect of any Member of the British Commonwealth of Nations whose Government may desire that such accession should be effected. Any such accession shall take effect as from the date of notification thereof.

(2) After the expiry of a period of two years from the coming into force of the present Treaty either High Contracting Party may, by giving twelve months' notice, terminate the Treaty as regards any country in respect of which notification of accession has been given under paragraph (1) of this Article.

(3) Any notification made under paragraph (1) of this Article may include any dependency or mandated territory administered by the Government of the country in respect of which notification of accession is given, and any notice given under paragraph (2) of this Article shall be applicable to any such dependency or mandated territory which was included in such notification of accession.

ARTICLE 21.

(1) So long as in any territory referred to in Articles 19 and 20 to which the provisions of the present Treaty are not applicable, either by virtue of accession under Article 20 or by notice of extension under Article 19, goods produced or manufactured in the territories of the Sultan are accorded treatment as favourable as that accorded to goods produced or manufactured in any other foreign country, goods produced or manufactured in such territory shall likewise enjoy in the territories of the Sultan treatment as favourable as that accorded to goods produced or manufactured in any other foreign country.

(2) Goods, the produce or manufacture of Palestine (including Transjordan), shall not be debarred from the benefits of this Article by reason only of any special customs privileges which may be accorded in Palestine to goods the produce or manufacture of any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

ARTICLE 22.

(1) The present Treaty has been executed in quadruplicate, two copies being written in English and two in Arabic. These are understood to be of similar import and signification; in the event, however, of doubt hereafter arising as to the proper interpretation of the English or Arabic text of one or other of the Treaty stipulations, the English text shall be considered decisive.

(2) The present Treaty shall be ratified, and ratifications shall be exchanged at Muscat. It shall come into force on the 11th day of February, 1939, if ratifications have been exchanged before that date, or if they have not then been exchanged on the date of exchange of ratifications.

ARTICLE 23.

(1) The present Treaty shall remain in force for a period of 12 years from the date of its entry into force. Unless one of the High Contracting Parties shall have given to the other notice of termination one year before the expiry of this period, the present Treaty shall remain in force until the expiry of one year from the date on which such notice shall have been given.

(2) A notice given under this Article shall not affect the operation of the Treaty as between the territories of the Sultan and any country or territory in respect of which notification of accession has been given under Article 20. It shall, however, apply to any territory to which notification of extension has been given under Article 19.

In witness whereof Lieut. Colonel Sir Trenchard Craven William Fowle, K.C.I.E., C.B.E., on behalf of His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and Sultan Saiyid Said bin Taimur bin Faisal, Sultan of Muscat and Oman and Dependencies, on his own behalf, have signed the same and affixed thereto their respective seals.

Done at Muscat, this fifth day of February, 1939, corresponding to the fifteenth Zilhajjah of the year 1357 Hejira.

For Great Britain and Northern Ireland :

(L.S.) T. C. FOWLE.

For Muscat and Oman and Dependencies :

(L.S.) [Signature in Arabic of the Sultan of Muscat.]

For India :

(L.S.) T. C. FOWLE.

Information promised in reply to starred question No. 1492 asked by Mr. T. S. Arinashilingam Chettiar on the 4th April, 1939.

PERSONS IN GOVERNMENT SERVICE OF COUNTRIES PROHIBITING THE ENTRY OF INDIANS IN THEIR SERVICES.

(a) to (c). The employment under the Crown in India of subjects of foreign countries is regulated by section 262 of the Government of India Act, 1935. So far as the Government of India are aware, there is no statutory bar to the appointment of lawfully resident Indians in the Civil Services of the Dominions and Colonies in the British Empire, except in Ceylon and Malaya. The numbers of Ceylonese and Malaysians in civil employment of the Government of India are fourteen and one, respectively.

DECLARATION OF EXEMPTION UNDER THE REGISTRATION OF FOREIGNERS ACT.

The Honourable Mr. J. A. Thorne (Home Member) : Sir, I lay on the table a copy of the Home Department declaration of exemption, No. 21/32/39-Political, dated the 28th July, 1939.

No. 21/32/39-Political.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

Simla, the 28th July, 1939.

Registration of Foreigners Act, 1939.

Declaration of Exemption.

In exercise of the power conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, shall not apply to, or in relation to, His Royal Highness Prince Peter of Greece.

(Sd.) H. J. FRAMPTON,

Deputy Secretary to the Government of India.

THE INDIAN OATHS (AMENDMENT) BILL.

The Honourable Mr. J. A. Thorne (Home Member) : Sir, I move :

“ That Mr. J. N. Talukdar, Mr. A. Khaleeli and Mr. C. C. Miller be appointed to the Select Committee on the Bill further to amend the Indian Oaths Act, 1873, for a certain purpose, in place of Mr. C. J. W. Lillie, Mr. P. A. Menon and Mr. P. J. Griffiths who have ceased to be Members of the Assembly.”

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

“ That Mr. J. N. Talukdar, Mr. A. Khaleeli and Mr. C. C. Miller be appointed to the Select Committee on the Bill further to amend the Indian Oaths Act, 1873, for a certain purpose, in place of Mr. C. J. W. Lillie, Mr. P. A. Menon and Mr. P. J. Griffiths who have ceased to be Members of the Assembly.”

The motion was adopted.

MOTION RE REPORT OF THE PACIFIC LOCOMOTIVE COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume discussion of the following motion
3 P.M.
moved by the Honourable Sir Andrew Clow, on
Wednesday, the 30th August, 1939 :

“ That the Report of the Pacific Locomotive Committee be taken into consideration.”

Maulvi Muhammad Abdul Ghani (Tirhut Division : Muhammadan) : Sir, I have given notice of an amendment.

Mr. President (The Honourable Sir Abdur Rahim) : Does the Honourable Member want to move it ?

Maulvi Muhammad Abdul Ghani : Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): What is the amendment?

Maulvi Muhammad Abdul Ghani: I beg to move, Sir:

"That at the end of the motion the following be added:

"and having considered the Report this Assembly is of opinion that the indent of 218X Class Pacific Engines during the period 1925-28 without trial being given, was unwarranted and a huge wastage of public money."

Sir, before I make a few observations on my motion, I must thank the Committee for the labour and pains which they have taken in coming to right conclusion. Sir, the Railway Board was always taking steps since 1903 to standardise the locomotives, and they continued in their efforts till 1923. In 1923, they appointed a Committee called the Locomotive Standardisation Committee. This Committee toured all over India from November, 1923, to February, 1924, and made certain suggestions. They prepared diagrams of XA, XB and XC Engines. They consulted all the various Railway Administrations and drew up their first Report. This Report was submitted to the Railway Board, and after consultation with the Consulting Engineer, this Committee drew up their second Report. This second Report was never sent to any Railway Administrations for comments, and orders were placed all of a sudden for a large number of Pacific Engines. In this connection I should say that there was regular correspondence between the builders and the Railway Board, and the drawings prepared by the builders were examined and approved by the Railway Board, before the order was placed for the three types of XA, XB and XC engines.

Now, Sir, before I mention a few defects in the said types of engines, I want to place before the House the exact dates on which the contracts were placed with the builders for these XA, XB and XC engines in order to show justification for placing subsequent orders. The dates of contracts placed with the builders are as follows:

28-7-26	for 44 engines.	}	46.
15-9-26	" 2 engines.		
14-7-27	" 2 engines.		2.
3-4-28	" 20 engines.	}	72.
1-6-28	" 12 engines.		
1-8-28	" 3 engines.		
23-8-28	" 9 engines.		
18-10-28	" 20 engines.	}	
22-10-28	" 8 engines.		
30-4-29	" 11 engines.	}	98.
3-5-29	" 12 engines.		
17-5-29	" 32 engines.		
8-6-29	" 39 engines.		
20-6-29	" 4 engines.	}	60.
14-7-30	" 27 engines.		
22-12-30	" 27 engines.		
19-12-30	" 6 engines.	}	6.
12-6-35	" 2 engines.		
on an unknown date.	" 4 engines.	}	

Altogether 284 engines.

[Maulvi Muhammad Abdul Ghani.]

Now, Sir, I have mentioned these dates merely to show that the Railway Board were quite aware of the orders which they had placed with the builders for these engines.

The first XB engines were despatched in October, 1927, and were placed on service in India on the 24th January, 1928, (i) in May, 1928, hunting was reported, and (ii) on the 26th June, 1928, track disturbance was reported over the East Indian Railway, (iii) in October, 1928, disturbances of tracks by XB engines were also noticed on the Great Indian Peninsula Railway, (iv) in February, 1929, there was derailment at Talonda on the East Indian Railway in Express trains which were hauled by XB engines. That very day a mail train was also running and that too was being hauled by an XB engine. First the driver felt a lurch, while the driver of the mail train noticed oscillation of track ahead and was consequently thrown down over footplate. Then, when the matter was reported to higher authorities, the Chief Engineer then imposed a 45 miles per hour limit and removed all XB engines from mail and express services, and since that time these XB engines were removed. But inquiries continued and, ultimately, the Railway Board considered that there was not sufficient evidence to show that XB engines were responsible for any trouble, although bad reports about these XB and XC engines continued. The Railway Board then started trials and experiments which continued till November, 1929, when it was discovered that XA and XB engines were liable to hunting; still they continued their experiments. In April 1930, an XA engine hunting the Grand Trunk Express was derailed near Wardha and Balharshah. A Chief Engineer while giving evidence before the Committee said that these engines hunted extremely badly from the very start, and after 10,000 to 15,000 miles run the defect became so bad that he had to impose a very severe speed restriction. Till 1933 while XA and XB engines were hauling passenger trains ten derailments occurred and 84 cases of distortions of tracks occurred over East Indian Railway by 38 XB and 30 XC engines between June, 1928 and September, 1937. Of these, 20 cases of track distortion were detected on enquiry later on. Other examples of extensive track distortion took the form of gauge spreading on the Bombay, Baroda and Central India Railway during 1930-32: In 1930 at 71 places, in 1931, at 28 places and in 1932, at 25 places, in all 124 places.

Now, in October and December, 1930, two more cases of derailment of XB engines over the Great Indian Peninsula Railway were reported. At Maijdia, Eastern Bengal Railway at the end of July the Darjeeling Mail derailed and that also was hauled by an XB engine. It had been in service for two years only. After citing all these instances I beg to submit that, although the Railway Board noticed the defects of these engines earlier yet they continued placing orders with the builders till 1935. The builders were not at fault, because whatever design and instructions were given to them they were complied with. At page 34 of the Committee's report, at the end you will find this: "By the end of this year, (*that is*, 1929) it had been established that XA and XB engines were liable to hunt". The Railway Board had sufficient data before them to find out that these types of engines were defective, but I fail to understand why they continued placing orders for such defective and dangerous engines. The average cost of an engine is said to be a lakh of rupees; so 284 engines

means 284 lakhs of rupees. If you take into consideration the damage done to the rails, to the public, and besides, the expenditure over alteration and changes in the machineries,—taking all these into account it will come to a huge sum. Our country is a very poor country, and if the Railway Board and the railway administrations go on treating the public finance like this, I think there will be no end. Before this Committee the Wedgwood Committee was appointed. From the report of that Committee I find that in the first forty years the railways had to lose about Rs. 58 crores.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair would warn Honourable Members that only this afternoon has been allotted for the debate on this motion. The Honourable Member may bear in mind that there are certainly others who may want to speak on this motion.

Maulvi Muhammad Abdul Ghani : I will be very brief, having regard to your observation. Afterwards an amount of Rs. 62½ crores had to be written off. When we were considering the report on the expenditure of the year 1937-38 we noticed to our great regret that the sum not recoverable amounted to Rs. 26,88,000 and odd over and above the amount written off. For the information of the House I may cite one instance. In that very year about 92,000 cast iron sleepers were indented for. They worked for six years and afterwards the Divisional Engineer reported that they were all unsuitable. Now, each sleeper had an average life of 40 years and the price of each sleeper was Rs. 7-4-3. If you take the average cost of the sleeper after a service of six years it will come to Rs. 6-3-0 and at this rate there was a loss of Rs. 6,69,000 and odd. There are any number of such instances, but on account of the shortness of time at my disposal I leave the matter here. How long is this state of affairs going to be allowed in a poor country like India ? I think the best course would be to hand over all the State-managed railways to companies. Take the Bengal and North Western Railway. They manage themselves and they give a dividend of 15 to 16 per cent. and here, we have to write off amount after amount and we have to pay interest, on the capital, amounting to Rs. 29½ crores every year. So, we are heavily indebted and if this state of things goes on there will be no end and it will have a very bad effect on the financial condition of a poor country like India. With these words I move my amendment.

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

“ That at the end of the motion the following be added :

‘ and having considered the Report this Assembly is of opinion that the indent of 218X Class Pacific Engines during the period 1925-28 without trial being given, was unwarranted and a huge wastage of public money ’.”

Mr. C. C. Miller (Bengal : European) : Sir, When the Honourable Member for Communications moved the consideration of the Report of the Pacific Locomotive Committee, he concluded his speech on a note of mild optimism. His summing up of the situation was that of the three types of locomotive in question the XA class was definitely successful ; the XC class had given trouble at first but no adverse reports had been received about it for a number of years ; and XB class had given constant trouble and in that case a speed limit was still necessary. I think the Honourable Member led us to believe, however, that with time and with

[Mr. C. C. Miller.]

the access of knowledge which had been brought to bear on the subject these defects might also be eliminated. But taking a broad view of the position the conclusion was that the Indian railway systems were now probably better off with the Pacific locomotives than they would have been with the old B. E. S. A. type. In other words the risk which the Railway Board took in ordering the Pacific Locomotives in quantity without extended trials was justified in the upshot.

Now that conclusion, I think, Sir, calls for examination.

It is unfortunately the case that one of the most outstanding findings in this report is that the Railway Board were responsible for the purchase in quantity and without extended trial of a type of locomotive of which one class at least has proved unsuitable for Indian conditions—especially Indian track conditions—and very dangerous indeed when running at high speed.

In this finding the Committee are explicit. They realise, as this House must in all fairness realise, that the Railway Board was faced with a dilemma. First there came the urgent call to rehabilitate India's railway systems after the strain of the last war; from all sides there was an outcry for more rolling stock and greater haulage power. Subsequently there followed the need for reducing the fuel bill by the extended use of second class coal.

It is quite wrong to avoid these facts which are vital to the issue and to pour blame wholesale on the Railway Board without considering the dilemma with which they were confronted.

Nevertheless, one cannot overlook these words in the report. "The Railway Board, by their decision to purchase large numbers of engines of a new type took the risk that the new designs would fulfil requirements on the many differing conditions of track in India", and moreover, as the report points out, that risk was taken against the strongly expressed advice of their consulting engineer. Thus it seems that under circumstances of great difficulty the Board did not adhere continuously to the cardinal principle of "safety first".

It may well be that the Railway systems of this country are in a better position today—when past history is being repeated, than they would have been with the B. E. S. A. type of engine, but one devoutly hopes nevertheless that the principle of "safety first" will always be adhered to rigidly in the future.

That, Sir, is all I have to say with regard to past history and I would make it plain that we do not support the very sweeping motion of my Honourable friend, Maulvi Muhammad Abdul Ghani.

I now turn to what is happening in the present—that is to say to the action which is being taken on the basis of this most valuable report.

I do not wish to deal in technicalities—indeed I am not competent to do so—and from the statement issued with the report I think the House may assume that all the technical recommendations of the Committee are being put into force so far as it is humanly possible to do so.

There are, however, two recommendations in the report which refer to Railway organisation, and against each of these in the statement appears the perhaps rather ominous words "Under consideration".

The first recommendation is expounded at some length in paragraph 20 of the report. The Committee considered that there was too often a weak link—perhaps even a missing link—between the Chief Mechanical Engineer and the shed staff and running staff. They therefore recommended that this link should be strengthened, or forged, as the case may be, by “the appointment of young practical officers as mechanical inspectors directly responsible to the Chief Mechanical Engineers”. Surely this is a practical step and should not be difficult of fulfilment.

Again the Committee's recommendation for the establishment of a “Research and Development Bureau” is also under consideration. The Committee attach so much importance to this question that they devote the whole of chapter VII of their report to it, and at the beginning of that chapter appear these pregnant words. “Research will *not* produce fruitful results if crowded in as a secondary consideration among the other duties of a busy executive”.

Moreover, the limitations of research in India are thrown into somewhat high relief by paragraph 151 of this same chapter VII of the report.

From this it appears that when the Committee arrived in India the Railway Board were under the impression that the problem of engine oscillation had been solved by various structural alterations to the engines, a great number of which had been reconstructed with these alterations.

The Committee, whose knowledge of research went deeper, came, however, to a different conclusion. The modifications introduced were effective on a straight track—it was on a straight track of course that the Bihta Railway disaster occurred—but there was inadequate knowledge of flange forces, with the result that the modified engines were every whit as dangerous on a curved track, as the original and unmodified engines were dangerous on a straight track.

This fact alone, and in itself, seems to justify the enormous importance which the Committee obviously attach to Railway research work, and we must express very strongly the hope that the Railway systems of India may be able to fall into line with those of Europe—I should say of Europe in happier times—and America, and establish research and development bureaux working as self-contained entities, but in constant liaison with other similar institutions on railway systems throughout the world.

Sir Abdul Halim Ghuznavi (*Dacca cum Mymensingh : Muhammadan Rural*) : Mr. President, after the Bihta disaster, it was Sir Ziauddin Ahmad and myself who insisted on a judicial inquiry. The then Communications Member was Sir Sultan Ahmad and we insisted and persisted till at last he agreed that there was to be a judicial inquiry. But for that judicial inquiry, we would have been in the dark today as to what was really the matter with these XB engines and how all these troubles and accidents were to be accounted for. Sir John Thom made his sensational report. The result of that judicial enquiry opened our eyes as to happenings behind the scenes. There were many who suggested that Sir John Thom's report would have been different if he had the assistance of two expert assessors who knew more about the rails, the locomotives and the track. We have now had the benefit of an enquiry and report

[Sir Abdul Halim Ghuznavi.]

by experts eminent in their line and it has to be admitted that their Report, if correctly read and interpreted, is a condemnation of the policy underlying the acquisition of the Pacific Engines. Sir, we are now under the shadow of a war, everyone of us has to think how to assist in the carrying on of this war to a successful termination, and I will not take much time of this House today by explaining in detail the difficulties which I feel about this report. I shall merely confine myself very briefly to three salient points which are, firstly, the design, secondly, the initial purchase, and thirdly, the continued purchase of these Pacific Engines.

Now, Sir, regarding the first point, the design, what do we find in the Report? The Pacific Committee's Report says:

"The task of the designer and the builder is not only to provide an engine which can pull a train but also reduce to the lowest possible point the effects of the external disturbing agencies due to defects in the track which can never be perfectly level or smooth."

It goes on to say:

"It is not enough to obtain sufficient boiler horse power with a large fire-box to burn inferior coal, the design of the engine as a vehicle capable of high speed over track as normally maintained is an equally important matter." (Paragraph 7, page 4.)

This was the test of a successful design as laid down by the Committee. Applying that test to the present case the Committee have come to the conclusion that from the point of view of the riding qualities of the engines as a vehicle, we consider that the *original designs* were not suitable for high-speed service. In our opinion, the selected type of bogie, hind-truck and coupling between engine and tender were unsuitable and the amount of side control provided was inadequate (Paragraph 162, page 128).

That is the finding of the report, viz., that the original design of the engine as a vehicle for high speed service was unsuitable. Then as regards the suitability of engines as modified from time to time, the finding of the Committee is that "the engines could not be said to be satisfactory as carriages for high speed". The Committee state that "between March, 1929 and March, 1938, twenty-eight major modifications were tried" (Paragraph 168, page 131.) "These modifications had little effect, and some were in the right direction but were not co-ordinated. The proper combination of the different alterations was not understood and in consequence no clear indication emerged as to what was to be done". (Paragraph 168, page 131.)

So much for the design which was so faulty from the very start that even after numerous modifications carried over a period of eleven years, the Committee had to pronounce the engines unsatisfactory.

Now, Sir, I come to the next point, the initial purchase and the reasons therefor. The first ground was the anticipation of a greatly increased traffic. That was the idea of the Railway Board. The second was the need for curtailing the fuel bill, and the third, standardization as a measure of economy. Sir, as regards the first, the report points out that "it is clear that optimistic views were held as to the trend of trade and traffic (page 171, paragraph 229). Reading between the lines, I find that it was the severest condemnation of the Railway Board by the Committee that there was no justification for their coming to that attitude of optimism with which they hurried on buying engine

after engine in spite of the warnings that they received, not only warnings but serious warnings. As regards the main consideration of economy, in the opinion of the expert committee, it was false economy. They say :

" We feel, therefore, that it is our duty to draw the attention of the Government of India to the comparative ease with which false economy can be effected, with perhaps misleading creditable results, and to the serious economic and psychological consequences of *persistent financial pressure* in this respect. High speed operation of heavy modern engines, even of perfect design and upkeep, will cause inestimable damage to unsuitable track within a very short period. Deterioration can only be made good over an extended period and at considerable expense, far in excess of that incurred by appropriate systematic maintenance." (Page 173, paragraph 223.)

They further say that :

" A large amount of business could be more economically undertaken with improved and modernised B. E. S. A. (British Engineering Standards Association) type engines. We draw attention on financial and traffic grounds to the desirability of reducing the weight of trains and of individual rolling stock. We feel that serious consideration should be given to this subject." (Page 172, paragraph 231.)

That shows, Sir, that there was hardly any ground whatsoever for supposing that the introduction of Pacific engines into India was justified as a whole.

I now come, Sir, to the third point, that of continued purchase. Sir, it is unthinkable. I have not yet been able to understand what was in it, what was behind it, why was this, that in spite of warning after warning, repeated serious warnings, without any examination as to how these engines were running, hurried orders, continued orders went on without a stop. If my remarks are considered strong, I shall allow the Report speak. The Committee have said the thing in a milder form. How could they condemn the Railway Board wholesale ? Surely, they had to bear in mind so many things and they had to show some consideration to them. But what is it they have said ? The Railway Board have admitted that they were responsible for these large orders without justification. The Railway Board allowed the introduction of six preliminary Pacific engines for trial purposes only. They refused to permit the Railways concerned more than two engines pending their trial for at least a year, although the proper trial period should have been two years. That is what I find from the report. (Page 15, paragraph 20.) What is the result ? Everything was wiped out and overlooked. That wise policy of trial before purchase was soon discarded and orders were placed in quick succession in the face of repeated protests from the consulting engineers. I fail to understand why no attention was given to the letters of the consulting engineers. They were serious warnings to the Railway Board not to continue the purchase of these engines before thorough trial. But no heed was given to these letters. The relevant portions of these letters are reproduced in the Report. There are a number of letters of protest there. (Pages 140 and 141, paragraph 184.) As a matter of fact, out of 284 engines, 218 of this class were authorised and bought in less than three years, that is, between 1925 and 1928. What was the reason for this change of policy of the Railway Board in buying such a huge number of engines post haste ? Let me quote from the report. They say :

" So marked a change in policy requires explanation and we have been at pains to ascertain the reasons. There appears, however, to be little recorded on the subject." (Page 142, paragraph 185.)

[Sir Abdul Halim Ghuznavi.]

There is no record why the policy was so quickly changed and why this continuous buying continued. Then, of course, they must give a little whitewashing to the Railway Board which they did. They said :

“ While we cannot say that the Board had no justification, we feel that in view of the warnings conveyed by the consulting engineers, the wiser course would certainly have been to have continued purchasing a further number of well-tried B. E. S. A. type engines pending thorough trial of the new Pacific classes.”

That is the whitewash. To continue the quotation : “ In our view, the Board's action in the matter was regrettable.” (Page 142, paragraph 185.) They had said enough to make us understand what they had felt about this matter. If this is not absolute condemnation and exposure of the policy of continuous purchase of these Pacific engines, then I do not know what it is. Therefore, on all these three points we find that they have condemned the policy and action of the Railway Board.

But, Sir, the past is past and we have now to think of the future. I have to congratulate the Communications Member because he has taken up immediately the recommendations that have been made by the Pacific Locomotive Committee.

Mr. N. M. Joshi (Nominated Non-Official) : Which recommendation you are referring to ?

Sir Abdul Halim Ghuznavi : I am referring to all the recommendations made by the Committee and the Honourable the Communications Member supplied us with a statement on the very first day of the opening of this Honourable House showing the action taken or proposed to be taken on the recommendations of the Committee. We have read that statement and we feel that he deserves our congratulations in taking up the matter so quickly and taking action on all the recommendations of the Committee. But there are some very important recommendations which, as my Honourable friend, Mr. Miller, said, are still under consideration. I hope the result of the consideration will be in favour of the Committee's recommendations. Dealing with that part of the recommendations, I would like to bring to the notice of the Honourable the Communications Member the following recommendations which, I think, should be kept in mind, namely, (1) An enlarged organisation for Research and Standards providing facilities for trains designers : and (2) the building of Broad Gauge Locomotives in India. I must here admit that in the Railway Finance Committee, year after year, the Congress Members of the committee insisted upon building locomotives in India. We were told that it was impossible. There was a meeting at Bangalore in 1935. The Congress Members of the Standing Finance Committee insisted that if the Bombay, Baroda and Central India Railway could make metre gauge engines at Ajmer, why could not broad gauge engines be built somewhere in India. The then Financial Commissioner, Sir Raghavendra Rau, explained that it was impossible. What was the reason ? He said that the type of engines which would be made in one year would become obsolete next year. The engine manufacturers outside India had to cater for India as well as other portions of the world. Therefore, they could make a large number of engines the prices of which would be much cheaper than those produced

in India. So the engines made in India would be a losing proposition. This was the sort of reply given on the floor of this Honourable House also. What does the Report say? India should be self-sufficient as regards her locomotives and in that event her Engineers would know exactly what was required for the railway tracks in India and other necessary limitations. What was considered impossible is now a practical proposition: (3) The committee also recommended improvement in the means of collaboration between the Administrations, the Railway Board and the Consulting Engineers. Speaking again about the XB engines, my information is—it may be right or may be wrong—the Agents of the various Railways were against buying these XB Engines. But the Railway Board was the final authority. The Agents had simply to carry out the orders of the Railway Board. The Agents are responsible for carrying passengers. They should also have a voice in the matter of what they required: (4) The need for rapidity in the adoption of preventive measures on Indian Railways. Sir, we must express our appreciation of the services and the Report of the Pacific Locomotive Committee. I am sure the Report has been found satisfactory by all those who have taken the trouble to read it and in so far as portions thereof may be intelligible to layman. It will be a fingerpost and a guide for all those who may be engaged in India as designers and manufacturers of locomotives and those who had the duty of making and laying down tracks and controlling traffic so that human life and property may not be endangered and railway accidents may be eliminated as much as possible.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, those who have read this report will agree with me that this committee was very necessary. The setting up of this committee was rather late. We could have avoided all the accidents if their report had been available for the use of railways in India earlier. This is a fair report and it discloses a number of defects. I, however, find that in one or two places there is an attempt to whitewash some of the defects. But on the whole it is quite a useful report. Instead of Pacific Locomotives, I would say they are unpacific locomotives. They are so violent. They are dangerous machines. If these machines had to be purchased, they should have done so under instructions from engineers of experience.

Now, Sir, before completely laying the blame on the railways, the Railway Board, the House should know some of the history and the facts which they have found out. Then, this House will be in a position to decide for themselves whether they are really correct in throwing the blame upon the railways and the Railway Board. Now, Sir, to start with, the facts show that in 1923 an attempt was made for the purchase of engines by the railways. A reference was made to the Railway Board and the Railway Board entered into correspondence with these railways. In the meantime, in 1926, six engines were purchased. Communications went on between the Railway Board and the administrations and they appointed the Locomotive Standard Committee. That committee laid down the features and the designs of the engines that they should purchase. Thereafter what happened? The Consulting Engineers in London were consulted. They also instructed the Railway Board to get a few engines of different type built for trial

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purposes only. This was very important. Then a Consulting Engineer from England visited India and discussed the matter not with the Locomotive Standard Committee but some individual railways. At this time all that was intended by the Railway Board as well as by the authorities here was to purchase only two engines for trial. These instructions were not followed and the Railway Board authorised the purchase of as many as 284 engines. The consulting engineer advised caution in purchase until the new engines had proved themselves well in service but that caution was also disregarded. The question arises why no test was made before such a big order was given. In my opinion the railways should have started factories here in India in which case they could have tested engines and found such defects, and remedied them according to requirements. What happened was that they had a demand for engines and in disregard of the Consulting Engineer's advice the Railway Board recklessly and callously ordered 284 engines, which is far beyond any conception of fairness. India is already a field for foreign exploitation and here they saw another chance of exploitation and ordered these engines. This does not speak well of the authorities who are responsible for running the railways.

After these engines were purchased it came to light that they were no good at all and, according to the report, experience showed that they were too sensitive to the existing track and caused pivoting, oscillation and hunting movements. The complications of the track in India were not taken into account, namely, as the report says, that black cotton soil exists. I say this is culpable negligence. Then, owing to the economy campaign the tracks were not strengthened. That was also criminal because they were playing with the lives of the people and playing with fire. The result has been these accidents which would have been avoided if at the very start they had tested these engines before purchasing them. It was false economy to allow these dangerous engines to be worked on these tracks with such deplorable and disastrous results. It may be true that the track on the North Western Railway is better and, therefore, as the report says, XC engines have done well on that line. But the other two have not done well and what they did was to renew or repair some component parts of the track only. But was that sufficient? If there was trouble in one part of the engine they would do some patch-work and then there was trouble at another place. That is how they were dealing with these dangerous things and the result has been the purchase of so many engines which was wrong and has caused these fatal accidents. My Honourable friend said, let the past be passed. But we should not allow things to pass; some punishment should be meted out to those guilty of negligence. It is only in India that we plead helplessness with regard to past actions and look to the future, but this should not be. I submit, Sir, that for the future some precautions should be taken and I suggest that if possible the use of XA and XB engines should be avoided on Indian railways; because the tracks are not strong enough for these engines. Of course, it is all right to speak of sabotage but that is only taking shelter behind a vain plea.

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : I may tell my Honourable friend that XC engines are the heaviest engines and they have been running successfully from Karachi to Lahore without accidents.

Mr. Lalchand Navalrai : I said that ; my Honourable friend was not probably listening. I did say that XC engines proved well because the track is good. The Committee also say that. But my point is with regard to XA and XB engines : XB specially has been condemned. And it is dangerous to patch it up here and there and work it. There is no knowing when accidents may take place. The Committee's suggestion in this direction is in the nature of tinkering with the business and merely patch-work. They suggest extra-powerful bogie control springs and the stiffening of the main frames of the engine to reduce flexibility, and the regulation of speed in a particular manner. But the point is this : The Railway Board knowing of all these happenings since 1928 began some research work but this was done in such dilatory fashion that until 1935 they did not come to any conclusion : and in 1937, this Bihta accident happened. The Committee have now referred to the fact that India has not been building locomotives and they have now advised that factories should be started in India. In paragraph 221 at page 167 they have stated that there is a probability of engines being made in India—not only parts, but the whole engines. The Government and the Railway Board should start factories, as under present war conditions we may not be able to import the engines which we may require. It will, therefore, be an act of foresight and also complying with the wishes of the Committee if engines are built in India.

On this matter, I looked into this pamphlet which has been given to us to show what Government have done on this report and I do not find any reference to this recommendation in it. I only find that on these questions of organisation, research and development contained in paragraphs 156, 157, 221 to 226, the reply is 'Under consideration'. I say that a particular decision has been given by this Committee and you have said nothing about what you are going to do about it. The last speaker said that they were going to start this business. It may be true but we do not find anything from this pamphlet that the Honourable the Communications Member has given us. I should say in fairness that I have gone through the Public Accounts Committee's report supplied to us recently, and there I find that they have said that they expect to start two factories in India. I hope that that is true and is made in all seriousness. I say that all other economies should be set aside in favour of this important recommendation as it is very important for the safety of the travelling public. I say the Railway Board should not exist if there is no such safety or security. The Railway Board are the supervisors and protectors of the people in this matter. This demand has been made for a very very long time and the Government have done nothing so far and there is every justification for us to say that things are being done only for exploitation by those who deal in these engines. The report says in one place that if certain alterations had been made in these engines and they had been mended in a particular way, these accidents might not have happened. But I do not agree there. The Committee themselves say these engines are not suitable for India.

[Mr. Lalchand Navalrai.]

I, therefore, submit the Railway Board should realise their responsibility. They should also realise why the East Indian Railway were so very anxious to purchase these engines one after another without any foresight and they should see that these engines, hereafter, are not worked at all, or if they are worked that they are worked after they have been put to trial properly and after the engineers have seen that there is no defect in them.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, the problem of Pacific Engines no doubt was very important when the subject was first introduced in the Legislative Assembly, but the war conditions have changed the aspect of the whole question. We do not know whether in future we shall be able to import freely from foreign countries engines as before, and we cannot say what would happen to our Railways. Therefore, Sir, it is very desirable, whatever may have been the history in the past, whatever may have been the implications in the discussions in Select Committees or in the Finance Committees, it cannot be denied that India should now be self-supporting in regard to the supply of railway engines. If, unfortunately, the war continues for a considerable length of time, we may not be able to get fresh supplies of engines for our Railways, and, therefore, I think it is the duty of the Railway Board to concert measures to start the manufacture of railway engines in this country so that our railways may not come to a standstill. When we have to make engines in this country, the aspect of the question will be entirely changed. We will have to manufacture such type of engines which will suit the existing conditions in this country. It may be a Pacific type or it may be some older type, but I think we will have to be satisfied with lower efficiency in the beginning, that is to say, we should be satisfied with engines running at a lower speed than at a greater speed. Therefore, I think the problem to which the Government should at once pay attention is to start the manufacture of meter gauge engines at Ajmer and also broad gauge engines at Jamalpur. When we construct all these engines at one particular place, then standardisation of engines will be achieved as a matter of course because we will have only one type of engine to supply all the Railways. Therefore, we should apply our mind now as to what type of engine we can immediately manufacture in this country. No doubt, safety comes first, and speed should not be of great importance just at present. I think we should not discuss what type of engines can best be made in foreign countries to suit our conditions, but we ought to apply our minds to what kind of engines we can make in this country to keep our railways going.

Now, Sir, coming to the past history, I think I will just say a few words. The Standardisation Office had never been popular. The Railway Retrenchment Committee which met in 1931 did not favour this. They discussed, no doubt informally, these heavy engines, but there was no specific recommendation by the Retrenchment Committee on this point. In 1931, I said before the Retrenchment Committee, which I will repeat now, that our Railway Department is behaving in the same manner as a person who first purchased a saddle and then went about to purchase a horse to suit the saddle. Instead of buying the horse first and then going about to purchase a saddle to suit the

horse, he first purchased a saddle and then went about looking for a horse to suit the saddle. Similar is the case with our Railways. They first purchased heavy engines for speed consideration and then they tried to find out whether these engines which they had imported will suit the tract, bridges and engine sheds. The example is as true in 1939 as it was in 1931. The Retrenchment Committee was not very much enamoured of the work done by the Standardisation Committee. Of course, they could not foresee whether any accidents would happen in the coming years. I do not want to go into greater details of this particular problem, but I think the Railway Board should accept one important recommendation about these engines. You cannot throw away the engines, because we require more engines, and I think you should follow the sound advice.

Speed limit of 45 miles per hour should be imposed, the safety of the public can be ensured. I quite admit the very great advantage which was claimed for the Pacific type of engines, namely, that they would have greater speed. That of course is very desirable, but we have now discovered that our track cannot stand that high speed, and therefore, we have to be satisfied with only a speed of 45 miles per hour. Therefore, we should, as practical men, continue to use these engines, and try to improve them as much as possible, with this condition that they should not be run at more than 45 miles per hour. We should at the same time apply our minds to manufacturing engines in this country so that, should unfortunately the war continue, the Railways should not come to a standstill.

Maulana Zafar Ali Khan : Sir, the Railway Board is responsible for ordering out a large number of XA, XB and XC engines of the Pacific type, without trial, although they were repeatedly warned by the Consulting Engineers against their rash action, and against their own better judgment at an earlier stage which they over-ruled later on without assigning any cogent reasons for such action. In the Committee's view this action of the Railway Board is regrettable and open to criticism, and the Railway Board must accept their full share of responsibility for the accidents that took place later on owing to the importation of these untried Pacific type of engines. The responsibility, however, has not been brought home to any individual or individuals of the Railway Board, and no action has so far been taken against the guilty, though the matter is really very serious. The public will never be satisfied until the responsibility for the purchase of these engines is traced to its source and action taken against those who played ducks and drakes with public money. It ought to be very easy for the Railway Board to take such action. Temperamentally they are unforgiving, and are very strict disciplinarians. I remember the case of one gentleman whose name is Brijlal Pindidas Kapur. He was a Divisional Traffic Manager on the Great Indian Peninsula Railway, with five years' service, a very brilliant man, having excellent testimonials from everybody, but, unfortunately, he had the hardihood to issue eleven passes on his own authority, which converted into rupees would mean Rs. 15 or 20 or 30. These high and mighty Members of the Railway Board, who roll in millions, promptly found fault with him and said : " Look here, you have not shown a proper sense of responsibility and, therefore, we dispense with your services ". Poor Kapur, for a

[Maulana Zafar Ali Khan.]

small matter, is chucked out, his services are dispensed with ! He was earning Rs. 1,000 a month, that has gone and he is going on with memorials and memorials and nobody would listen to him. Here are Members of the Railway Board who invest Rs. 150 crores in purchasing engines of a type known all over the world as Pacific, but without giving them a trial in India. Their Consulting Engineers, honest fellows, say, "We advise you in the name of all that is reasonable and sound and sane, do not go and make purchases in bulk before giving a trial to one or two engines". Earlier they reply, "You are right", but later on, some consideration intervenes and they go on purchasing and purchasing crores and crores of rupees worth of engines. What was this consideration ? As I pointed out earlier in the House this was the worst sort of nepotism. If these engines were built in England the benefit would accrue to Britishers and Indians would be deprived of the benefit, that was the reason. But perhaps I may be wrong. Nepotism there may be in the case of Mr. Kapur, but what about the case of a gentleman who signs himself as X Y Z and who contributed an article to the *Civil and Military Gazette* of Lahore, dated the 6th July, 1939, in which he declares in so many words :

"The so-called hunting is not a terror on all railways. There is no need to search for the remedy blindly in the control springs, bogie springs and wheel flanges. Hunting can be stopped *ek dum*."

He then goes on to show how it can be done, and says :

"It is naturally the pivoting that sets up the hunting movements. Adjust the engine on her springs and give each axle the prescribed load and the pivoting will disappear and with it the hunting movement."

This was the time when Sir John Thom's enquiry into the Bihta disaster had closed and later on the Pacific Locomotive Committee was holding its enquiry. It is very very unfortunate that very valuable evidence was suppressed, it was withheld, and this gentleman who signs himself under the pseudonym X Y Z in the *Civil and Military Gazette* of the 6th July, was not produced as witness before these tribunals. The question of questions in India is how hunting arises in engines. There are two schools of thought. Some say that hunting is due to certain inherent defects in the track, that there is some weakness or defect in the track which causes it. There is another school of thought which says that hunting is due to some inherent defect in the make of the engines. Our Communications Member is on the side of those who think that hunting is not due to defect in the design but is due to some defect in track, but what that defect is remains to be pointed out. But here is a man whose articles appear in a paper of the standing of the *Civil and Military Gazette*.

The Honourable Sir Andrew Olow (Member for Railways and Communications) : Who is the man ?

Maulana Zafar Ali Khan : He has signed himself X Y Z ; it must have come to the notice of the Honourable the Communications Member ; it must have caught his eye. And here he makes an astounding declaration which goes unnoticed. This Committee and our Communications Member have not up to this time told us whether hunting is curable or not. At one place they say it is curable, and at another place they say, "Whether we can absolutely cure it we cannot say". But X Y Z claims that he can cure "hunting".

He adds a wealth of valuable information on this subject but it is a matter of surprise that he was never called upon to give evidence either before Sir John Thom's enquiry or the Pacific Locomotive Enquiry Committee. Why did not the Communications Member put himself in communication with X Y Z ? I can tell him that X Y Z exists in this world in flesh and blood. He is a junior member of the railway staff and if he comes forward and openly declares his name I think he would be sent to the Andamans. But he is there. He has practical knowledge of railway working, he has practical knowledge of X class engines, he is on the North Western Railway. He is not the Indian Mr. Kapur, he is a Scotchman. Through the Editor of the *Civil and Military Gazette*, they might have asked who this gentleman was who could place such valuable evidence before the Enquiry Committee and the Editor might have told them, this is his name. Now, I call upon the Communications Member to give us an assurance that he will put himself in communication with this gentleman and do him the justice which has hitherto been denied him. You do not know why hunting arises ? He says, " I know the cause and can place before you a device which will cure hunting, I can explain everything ". He is an expert in mechanics, he knows everything, better than you do. Speaking on this Report which is a mass of highly technical information, very valuable—and I appreciate the labour and skill that has been spent on it.

An Honourable Member : Which only X Y Z knows.

Maulana Zafar Ali Khan : I can only speak on the broad features of the Report. For such small mercies that the Honourable the Communications Member has been pleased to extend to us in the matter of giving us about a week to study this Report, I thank him. But I admit that, though he acknowledged when he made his speech on the first day, that he was tutored by some of the mechanical experts—I admit that this tutoring though extended to us for 50 years would not make us understand it ; the study of a lifetime is required to appreciate it.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair wants to bring to the notice of the Honourable Member that perhaps the Honourable Member for Communications might like to reply to the debate.

Maulana Zafar Ali Khan : Then, I will finish. With these words, I support the motion of my friend, Mr. Abdul Ghani.

The Honourable Sir Andrew Clow : Sir, we have had an interesting debate. There was only one suggestion in it that I resented and that was made by the last speaker who threw out a hint that the Railway Board in purchasing these engines had designed to benefit some people in England. I can say that there is not the slightest foundation for that statement and I was sorry that an Honourable Member should have made it on the floor of the House.

I shall try and deal briefly with the remarks made by Honourable Members in the reverse order in which they spoke. Dealing with Maulana Zafar Ali first, I am afraid I cannot give him an assurance that I will consult Mr. X. Y. Z. who, he said, " knows everything ".

Maulana Zafar Ali Khan : Supposing I tell you his name privately ?

The Honourable Sir Andrew Clow : I receive in the course of my duties a good many anonymous petitions and it is my constant practice to drop them into the waste paper basket. If there are railway officers

[Sir Andrew Clow.]

who have useful advice to give to the Railway Board and if instead of sending it direct they choose to shelter under anonymity in the newspaper, I do not think they deserve much more consideration than that. Nor am I prepared to believe that Mr. X. Y. Z.'s advice would be much more valuable than that of a committee which, bringing many long years of experience to this question, devoted the better part of a year to its special consideration.

Maulana Zafar Ali Khan : I am sending an extract to you.

The Honourable Sir Andrew Clow : Several speakers referred to the question of the construction of engines, including Sir Ziauddin Ahmad whom we are glad to see restored to health and Mr. Lalchand Navalrai. There seems to be an impression that we are now taking up a project which we could have taken up many years ago. But I would point out that circumstances have changed very greatly since these proposals were first put forward and, particularly, the cost of building engines abroad. But, this is not really a recommendation of the Committee. Mr. Lalchand Navalrai asked why we had not printed it. Actually we reproduced the Committee's recommendations as they set them out themselves in Appendix I. And I think if my Honourable friend will read paragraph 221 of the Committee's report again, and that is the paragraph in which they allude to the subject, he will come to my conclusion that it is not exactly a recommendation.

Mr. Lalchand Navalrai : If it is not a recommendation, then what is it ?

The Honourable Sir Andrew Clow : They offer certain observations on the making of locomotives.

Mr. Lalchand Navalrai :and very necessary observations.

The Honourable Sir Andrew Clow : I do not propose to go into that subject here. I would only say that unfortunately there have been big changes since I moved this motion in this House last week ; what effect these will have on the possible building of locomotives now, I am not prepared to predict.

Mr. Lalchand Navalrai. I think, it was, who took the most wholesale view—don't put these engines on the track or build your track sufficiently strong to resist any pressure which they might exert. That would be a most expensive way of proceeding—not to use them at all.

Mr. Lalchand Navalrai : More expensive than the lives that are lost ?

The Honourable Sir Andrew Clow : It would be an immense waste of money. To build your track capable of resisting any force, without making the attempt to reduce that force to manageable limits, would be obviously gross extravagance.

Mr. Lalchand Navalrai : Refer to the lives which were lost.

The Honourable Sir Andrew Clow : We are, I hope, not taking any unnecessary risks. We have speed restrictions not merely on the X.B.s, as Mr. Miller suggested but in some other places on the X.A.s and X.C.s as well and I entirely agree that we should pursue a policy of safety first.

Sir Abdul Halim Ghuznavi, in an interesting speech, attributed to the Committee some statements which I think must have astonished the only member of it who was able to hear them. He attributed to the Committee the view that the whole design was unsuitable—a very strange remark, because the Committee appear to have approved the design of the engines as power units, and as vehicles they suggest alterations which only affect certain parts of the vehicle. If the whole design was unsuitable, I should have thought their advice would have been to scrap the lot and start a new design. He went on to say, and I think he attributed it to the Committee, that there was hardly any ground for holding that the introduction of Pacific engines into India was justified as a whole. That is, as I read it, quite contrary to what the Committee say. They found that the Pacific design was on the whole justified.

Sir Abdul Halim Ghuznavi : That is my opinion.

The Honourable Sir Andrew Clow : That is not mine. And then he went on, I think unfairly, to accuse the Committee of applying 'white-wash'. It is a very strange thing that when the Committee, in a very judicial summary, make remarks reflecting on the Railway Board, these are received as careful and accurate statements, but when they point out the extenuating circumstances or circumstances that tell the other way, these must inevitably be 'whitewash'. Really I do not think you can approach a report of this kind in that fashion.

Mr. Miller, I think, attributed to me a little more than I ever said. I did not say that these engines were "justified in the upshot". What I actually said was, in concluding my speech, that "I did not put that forward as a complete justification for action taken between 1928 and 1930". I shall try to return later to the question of how far the action was justified but it is not a matter on which I feel disposed to differ in any particular degree from the Committee.

Now we come to the actual amendment on the paper which was moved by Maulvi Abdul Ghani. I am sorry I cannot accept this. I find it difficult to follow. It refers to 218 out of the 284 Pacific engines, but I am not clear which 218 are intended. It refers to the period 1925—1928 but he seemed to be dealing in his speech with the continued purchase, which, of course, was subsequent to these dates. These, however, are minor details. What I must strongly contest is that there was "a huge wastage of public money". I think he said that the engines cost about a lakh each and that the wastage was 284 lakhs, in other words, that the engines are worth nothing at all. I believe myself honestly, that if you look into the question from the financial point of view, the Railway Board could hardly choose stronger ground. So far as the finances are concerned, a very strong justification could be put forward for these engines. Actually I gave some details, in one instance, of the saving they had effected. But the main point is this.

Those engines were not, as the Honourable Member appears to suppose, an enormous addition, an unnecessary addition, to the locomotive stock in India. When I saw the Honourable Member's amendment I tried to get particulars of the extent to which they represented replacements and the extent to which they represented additions to the number of locomotives. Unfortunately there was not time to complete

[Sir Andrew Clow.]

the investigation, but the Chief Commissioner tells me that probably to the extent of about 90 per cent. they replaced obsolete engines. It is not a case here of a lot of engines which need not have been purchased. The issue is whether these engines should have been purchased or whether engines of another type should have been purchased, and I would point out to the House the very relevant consideration that if you were going in for the more obsolete type, you would have had to pursue the purchase of those engines over a period of five or six years. For you require about two years to build a locomotive and you require another two to try it out and then you have to place your larger order, on the assumption that the try-out has been completely successful. So that on any reckoning, the policy of purchasing B. E. S. A. engines in place of these Pacifics would have involved the presence today of a very large number of locomotives of a more obsolete type than the type which was actually purchased. It is not a case of the engines not being needed.

It may be charged against the Railway Board of the day, and I think it can be, that they were unduly optimistic in their expectations of traffic. But as the Pacific Locomotive Committee pointed out, if they erred in that respect, they erred in extraordinarily good company. I can think of a large number of projects, some non-official, some unfortunately official, of those expensive years which later on proved to be very far from gold mines, and of course neither the Railway Board nor, I think, anyone else anticipated that by the time those engines had been delivered we would be in the middle of the worst economic blizzard that has overtaken the world. Actually, the Railway Board erred in the very best company, the company of this House; for if Honourable Members will turn to page 9 of the report they will see that "On the 27th March, 1922, the Legislative Assembly recommended to the Governor General in Council to accept these proposals"—certain proposals arising out of the Acworth Committee's Report—"which have been based on the following estimate of minimum requirements framed by the Railway Board: 1—Engines, 30 crores". That represents, I am told, an estimate of about two thousand locomotives. Actually, I believe, the number of orders, both broad-gauge and metre-gauge, was rather less than half of that, so that the estimates accepted by the Assembly were very substantially cut down as time went on, and actually on one of the very last orders for XB engines the Railway Board cut down the demand originally put forward by the railway concerned.

Mr. Lalchand Navalrai : So that the whole burden is upon the Assembly ?

The Honourable Sir Andrew Clow : Not at all. We must share the burden in these matters. I do not suppose there is anyone here who was a Member of the Assembly then just as no official here now was there, then.....

Some Honourable Members : Mr. Joshi was here.

The Honourable Sir Andrew Clow : Well, except Mr. Joshi, who should perhaps take some share of that responsibility. So that I do not think it is reasonable or fair to say, as Maulana Zafar Ali Khan said, that the Railway Board have been "playing ducks and drakes with the

public money". But it seemed to be his impression that one hundred and fifty crores of rupees have been spent on those engines so that I am not surprised at his conclusion.

To sum up on the question of responsibility, it is always a very difficult thing to judge one's predecessors. It is proverbial that every man is a fool to his successor. The sensible things that we do call for no notice in future years, but the mistakes that we all make become very evident to those who have to repair them. And for that reason I have always tried to be a little tender myself in forming opinions about those who are past and gone and who have dealt with problems similar to those with which we have to deal today. But the Committee themselves make it clear that, in their opinion, there was an error of judgment in neglecting the warnings of the Consulting Engineers and in proceeding with the purchase, before trial, of so many engines at one time. I feel that in matters of this kind the Committee, with their great knowledge and the close attention they have given to this task, are perhaps in a better position to judge than I or any other Member of this House and I am prepared to leave it at that. I have not framed my motion in terms which commit any Members of this House to approving or disapproving of the action that has been taken. That, as I said, I would leave where the Committee left it.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair will now put the amendment to the Resolution moved by Maulvi Muhammad Abdul Ghani. The Resolution as thus sought to be amended would then read :

" That the Report of the Pacific Locomotive Committee be taken into consideration, and having considered the Report this Assembly is of opinion that the indent of 218 X Class Pacific Engines during the period 1925-28 without trial being given, was unwarranted and a huge wastage of public money."

The question is that that amendment be made.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 12th September, 1932.